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Not Quite Treatment, Not Quite Punishment: A Case Study of American Juvenile Justice in the Get-Tough Era (1987-2009)

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NOT QUITE TREATMENT, NOT QUITE PUNISHMENT: A CASE STUDY OF AMERICAN JUVENILE JUSTICE IN THE GET-TOUGH ERA (1987-2009)

Michael B. Schlossman

A DISSERTATION

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Adviser: Devah Pager

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Abstract

In spite of the proliferation of punitive legislation in the 1990s and 2000s, the increase in youth incarceration during the "get tough" era was of much lower magnitude and was not as long lasting as the incarceration trends in the adult system. Through an in-depth study of discretionary decision-making in the Allegheny County Juvenile Court (Pittsburgh, PA), I analyze how juvenile justice officials responded to the increase in youth violence and greater fear of crime in a way that did not simply reflect the polarizing politics of this era and managed to keep the majority of delinquent youth living in the community.

In the 1990s and 2000s, Pennsylvania and Allegheny County were at the epicenter of the Balanced and Restorative Justice (BARJ) movement, which adapted the juvenile court's historic focus on rehabilitation to a more public-safety conscious era. Drawing on a wide range of archival, interview, and observational evidence obtained over the course of three years studying the Allegheny County Juvenile Probation Department and the Community Intensive Supervision Program (CISP), I examine both the ideals and on-the-ground realities of the BARJ juvenile court.

I contend that BARJ brought into practice a novel methodology for achieving the goals of treatment and punishment for a more public-safety conscious era, which I call the "new interventionism." Court officials increasingly invested in intensifying community supervision and treatment, finding that community-based programs could be utilized to incapacitate as well as to offer therapeutic services. The new interventionism, thus, reoriented the juvenile justice system around getting youth to experience short-term behavior change in a community setting. Unlike the adult system during the get-tough era and the pre-BARJ juvenile court, the new juvenile justice model exemplified how an intrusive state might be in the best interest of offenders and society. Through a case study approach, this work explores the inner workings of the new interventionism.

Acknowledgments

Writing this dissertation would have been considerably less fulfilling without the support, guidance, and patience of a number of important people. I owe a tremendous amount of gratitude to the officials working in the Allegheny County Juvenile Court, and particularly to the probation department's Administration Department, who accepted me as part of their organization for the past several years and allowed me to come in and out of the field and pursue an evolving research agenda. It was a time of personal and professional growth for me, and without your openness and interest in my research, this project would not have come to fruition. While I can't thank many of you by name in order to maintain anonymity, I hope I returned the favor, to a small degree, by sharing my main findings with you and describing the BARJ system in the great complexity that it clearly merits.

There is probably nobody who was more central to the development of my research than former Chief Probation Officer Jim Rieland, who first provided me access to key documents and databases and later sat down to do several in-depth interviews. As my role in the field expanded and changed, Jim's continuing support and willingness to go back and forth with me on the inner workings of the court during his tenure as Chief PO was vital. Thank you as well to Pennsylvania State Supreme Court Justice Max Baer, also neighbor and family friend, who paved the way for my initial conversations and interviews with probation officials.

Just as importantly, Chief Probation Officer Russell Carlino and Administrative (Head) Judge Hens-Greco both personally assisted with my inquiry through having numerous informal conversations and conducting several formal interviews on how the

court's mission of Balanced and Restorative Justice works in practice. They also granted me continuing access to the Allegheny County juvenile court on the assumption that I would share my research findings and this could lead to a productive conversation on how to improve court policy, as well as offer academics a better understanding of the contemporary juvenile court. Although this dissertation has moved more in the direction of the latter goal than the former, I hope that I have lived up to your expectations of doing research that is relevant to court policy.

In addition, the second part of my research, which focused on the Community Intensive Supervision Program (CISP), was only possible because of the willingness of CISP officials to share how their program worked to a researcher who may have seemed overly curious and at times dense. With your support, I was able to grow as a scholar as well as a person. I hope that I have presented your program in a way that accurately describes both the CISP mission and the realities of how the system functions. In particular, I want to thank Kim Booth for inviting me in to learn more about CISP, and for her openness to my evolving research agenda. For reasons of anonymity, I will not thank by name the CISP officials whose interest and effort made possible Chapters 3, 5 and 6, though you know who you are and I can't thank you enough.

This dissertation could also not have been written without the intellectual support of faculty and fellow graduate students in the Princeton Department of Sociology. My advisor, Devah Pager, has been an important influence, pushing me to take on a research topic that was relevant to public policy debates on crime and punishment. She has also been a devoted and close reader of my work, providing guidance for how to transform my fieldwork findings into something generalizable. Devah has pushed me hard to fulfill my

potential as a scholar and a writer, and I hope this work reflects those high expectations. For the last several years, Paul Starr has also been an important influence on my career both in the classroom and more generally as someone who shares my interest in historical sociology. His close reading of my writing and constructive criticism of some of my early ideas helped me realize my vision both in the field and on paper. For the past three years, Patricia Fernandez-Kelly provided much-needed mentoring and guidance. Our numerous discussions helped me to more fully articulate my main dissertation findings and to express my research agenda in clearer language, which benefited my work and helped me on the job market.

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Katherine Newman also deserves to be acknowledged for helping me navigate my first couple of years at Princeton and for giving me the opportunity to get much-needed research experience. Her advice has always been on-point and she also helped push me in the direction of doing work that is relevant to public policy. Brandon Welsh, criminologist at Northeastern University, long-time friend, colleague and fellow conference attendee, also

deserves to be thanked. He seemed to immediately grasp my contribution to the field of criminology and my conversations with him helped me see how my dissertation might expand into a full-fledged research agenda going forward.

In addition, I'd like to thank the graduate students at Princeton who I saw at conferences and for coffee. You provided a nice intellectual community with whom to share ideas and commiserate. These people include: Michelle Phelps, Naomi Sugie, Sarah Brayne, Jeff Lane, Danny Schneider, Amir Goldberg, LaTonya Trotter, Hana Shepherd, Emily Marshall, René Flores, Joanne Golann, Mahesh Somashekhar, and Cary Beckwith. Michelle Phelps, Sarah Brayne, and Jeff Lane were particularly helpful in agreeing to read chapters, and all gave insightful feedback on my writing.

I had the opportunity to present sections of this dissertation to sociologists and non-sociologists alike at several conferences, which provided much-needed feedback and shaped the development of this work. In particular, I presented parts of my work at the Law and Society Association (LSA) Conference in 2011, the American Sociological Association (ASA) in 2012, and the American Society of Criminology (ASC) in 2011 and 2012. Thank you as well to APGA and the Center for African American Studies at Princeton for generously funding my conference presentations and fieldwork trips to Pittsburgh.

I'd especially like to thank my family, who happily housed me (and with delicious home-cooked meals!) during my numerous research trips and encouraged me to keep going with it and not to be thrown off by minor disappointments and bumps along the way. Mom and Dad, you are amazing parents and I love you. Finally, my partner Rachel Rubinstein has been an important support in my life ever since we met at the end of my second year in graduate school. From listening to me talk endlessly about my research to

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Preface

A little background on the origins of this project will hopefully help the reader understand the research process that produced this dissertation. My interest in the juvenile justice system began as an undergraduate at Amherst College, where I did an internship at a nearby juvenile court as a requirement for a Legal Anthropology course. This initial experience spawned more research on the juvenile justice system and my senior thesis, which examined a juvenile drug court's response to marijuana use. I was dissatisfied with the work on a number of levels and believed that the core problem stemmed from the tension I experienced ensconcing my findings in a sociological literature that viewed court officials with great skepticism as perpetuating various forms of inequality, and the on-the-ground realities of a system that seemed quite rationally organized to deal with real problems faced by youth and society—even if the coercive tools employed often seemed inappropriate and unnecessary. Disappointed with my initial efforts, I resolved that if I could explain what was going on in juvenile court in sociological terms that actually also did justice to the on-the-ground situation I was observing and the officials I interacted with, then that would be an important accomplishment.

As a graduate student in sociology, I became increasingly convinced that there was a unique reality at the street-level of juvenile court decision-making that was not fully understood and had implications for the study of punishment (Lipsky, 1980). My initial foray into this issue involved historical inquiry into how racial discrimination played out in the decision-making of a juvenile court at a time when there was greater confidence in the rehabilitative ideal. I found that, contrary to the expectations of the sociological literature on discrimination in the courts, officials in the Los Angeles juvenile court were less likely to sentence a stigmatized minority

group (in this case, Mexican Americans) to residential placement, reserving what they viewed as a beneficial intervention for white boys (Schlossman, 2012). This experience reinforced my view that the social inequalities that sociologists study play out somewhat differently in a juvenile court setting, and that doing empirical research on this process of translation between macro-societal and inner-organizational realities would help explain these counter-intuitive findings. The contemporary juvenile justice system's relatively mild response to the get-tough movement in comparison to the mass incarceration of the adult system, thus, presented an interesting opportunity to explore the relationship between the societal reaction to crime at the macro and micro-levels—and in a way that also possibly had public policy implications (Pfohl, 1985).

One of the advantages of participant-observation is that the open-ended nature of fieldwork means that research can develop in unexpected ways. When I first came to study this subject, the main thing I knew was that I wanted to engage with a multiplicity of perspectives from actors in the juvenile justice system, following the methodological approach advocated by Lofland et al. (2006). I wanted to understand the organizational constraints court officials were under and how they developed solutions to the difficult problems that confronted them. I started with the assumption that, aside from a few high-quality ethnographies, juvenile court officials were somewhat misunderstood and mischaracterized by academics (Emerson, 1969; Bortner, 1982; Jacobs, 1990). This was indicated by the juvenile court's relatively mild response to the get-tough movement when compared to the mass incarceration of the adult system, and the fact that this had only rarely been mentioned in the sociological and criminological literature (Ruth & Reitz, 2003; Zimring, 2002, 2005).

I, therefore, went into the field prepared to talk openly with court officials about how they responded to the get-tough movement compared to what I had read in the academic literature on this subject. I hoped that my willingness to declare that there was something more productive happening in juvenile justice than in adult criminal justice, which I wanted to learn more about, would lead to an openness on their part to share information on their policies and decision-making. I believe this combination of curiosity and openness regarding my somewhat-controversial research interests, as well as my knowledge of and interest in the BARJ reforms, permitted me to obtain steadily greater levels of access to key informants and data sources. Importantly, being from Pittsburgh and the neighbor of a State Supreme Court Justice and former Allegheny County juvenile court judge, I was able to get my foot in the door, which enabled me to establish personal connections with high-level administrative juvenile court officials.

Through informal conversations and formal interviews with these officials and other contacts I developed in the court system, I was able to get a bird's eye view into the administrative vision of Balanced and Restorative Justice (BARJ) and the new interventionism. Likewise, I eventually gained access to electronic databases and archival sources that allowed me to compare the rhetoric of reform with actual trends in court decision-making. As my research progressed, my plan to focus on the Community Intensive Supervision Program (CISP) as a case study of the dual treatment and monitoring functions of the BARJ probation system came to fruition, and I was able to combine analysis of archival evidence with interviews with a range of CISP officials, youth, and parents.

My informants generously agreed to share private data with me on how the juvenile court works in practice. Nevertheless, as an outsider to an organization that generally did not open up its books to outside scrutiny, I found myself, like it or not, playing an outside monitoring

function by reporting information that in some ways contradicted the dominant BARJ narrative of doing good "for all parties" (Garland, 2001). As my role in the field evolved, I found it beneficial to issue reports that clarified some of my main quantitative findings (see Chapters 3 and 4) and shared my initial perceptions of their system. I often incorporated the feedback I received on these reports into my field notes, and they became an important part of the study. Court officials were interested in my findings as they affected their court system and wanted to know, above all, if I had policy recommendations for them. My continuing access to the inner workings of this juvenile court and the unprecedented level of assistance officials provided is suggestive of how proud BARJ and CISP officials are of their system, in spite of its flaws, and their desire to make it function better.

In the end, my positioning in the field and desire to get a wide range of perspectives on BARJ and CISP may have limited my analysis in certain ways. I was unable to go in-depth on certain topics that interested me or to fully get at the nuances of particular issues. Because of this limitation, for example, and my study's focus on juvenile justice officials, I was not able to delve as deeply as I wanted into the lives of the CISP youth who I interviewed. Nor was I able to observe the court in action as much as I would have liked. Using a variety of sources, my goal was to put together an overall account of the BARJ juvenile justice system that speaks to core issues in the sociological study of punishment and crime and may have some small positive effect on the policies of the Allegheny County juvenile court.

Introduction[1]

The American Juvenile Court: Not Quite Treatment, Not Quite Punishment

Introduction

Up until the late 1960s and early 1970s, the American criminal justice system revolved around the "rehabilitative ideal," or the idea that judges and corrections officials would make decisions that balanced the need for public safety with that of offender rehabilitation (Garland, 2001). In the context of elevated crime rates and the cultural and economic changes in this era, the rehabilitative ideal seemed woefully inadequate and almost besides the point, as numerous studies showed that "nothing worked" to rehabilitate criminals and crime rates seemed unaffected by public policies (*ibid.*). Greater media coverage of crime created a feeling of widespread insecurity and reinforced the relative impotence of the state. In the political sphere, these conditions unleashed a rash of expressive legislation that sought to dramatize society's disapproval of particularly heinous violent crimes and drug offenses. Victims rights groups made the case for laws that took retribution and public safety as the only purpose of punishment and ignored the interests of offenders and the potential negative effects of these policies (Gottschalk, 2006). Politicians pushed through legislation such as "truth-in-sentencing laws" and mandatory minimum sentences that took discretion away from judges and corrections

[1] This introduction features my review of the literature on the juvenile justice system as a whole, only focusing on Balanced and Restorative Justice and my research contribution at the end. Chapter 1 essentially functions as a second introduction, in which I develop a new theoretical concept, the "new interventionism," and describe my contribution to the field and the chapters to come.

officials and placed it in the hands of legislatures and prosecutors, who were more responsive to the public's supposedly punitive attitudes.[2]

The result of these policies was a quadrupling of the imprisonment rate between 1980 and 2006, giving the U.S. the dubious distinction of having the largest number of adult prisoners per capita, renowned across the world for its harshness (Whitman, 2005). Scholars have dubbed the current punitive system "mass incarceration" or "hyper incarceration." The former gets at the immense scale of the "penal state," while the latter expresses the degree to which prison has become a normal part of the life course for many young, black men living in deprived, racially segregated ghettos (Wacquant, 2001; Western, 2006).

As the debate ensues about how to reduce the prison population in a way that is responsive to public safety and victims, academics and policy makers are in search of models of more reasonable criminal justice system responses to the moral panic of the last thirty years. This search has led scholars to look at how other developed countries with a different political system responded to popular punitiveness without seeing as large an increase in imprisonment (Tonry, 2004; Gottschalk, 2006). Other research has looked at state variation in penal policies in the U.S. and at the political environments and policies that led some states to have a relatively low imprisonment rate (Barker, 2009). There have also been many examples of successful prison diversionary probation and parole programs such as drug courts, which many believe should provide the basis for the reorganization of the criminal justice system (Kleiman, 2009; Belenko, 2001; Freiberg, 2010).

[2] There is a large body of research that suggests that politicians and the media activated and shaped the public's punitive attitudes, rather than simply responding to them (Beckett, 1997; Heath & Gilbert, 1996).

Yet, there has been almost no discussion about how the juvenile justice system responded to the politicization of crime, and why there was a much smaller increase in youth incarceration than adult incarceration (exceptions include Ruth & Reitz, 2003; Zimring, 2002, 2005). By studying how the juvenile court continued to manage the majority of youth in the community in a punitive era, I hope to contribute to the debate over how to reduce our reliance on imprisonment while still being responsive to our society's continuing intolerance of crime. By examining how the juvenile justice system has used its wealth of community-based programs to accomplish surveillance and incapacitation without greater resort to imprisonment, I hope to provide a new perspective on the relationship between treatment and punishment.

Diverging Trends in the Juvenile and Adult Systems

The major accounts of mass incarceration all agree on the basic elements of the story and the patterns that need to be explained (Western, 2006; Tonry, 1995; Gottschalk, 2006; Mauer, 2006). There has been far less agreement over how to characterize and explain the recent trends that occurred in the juvenile justice system. In some ways, the juvenile system's response to the "culture of control" mirrored the movement in the adult system toward greater punitiveness (Garland, 2001). In the late 1980s and early 90s, America's urban, largely African-American neighborhoods experienced a large rise in drug-related violent crime and homicides (Snyder & Sickmund, 2006). These trends led to a greater focus on the problem of youth crime by politicians and the media, and for one well-known academic to project that a new generation of "superpredators" threatened to take over our society (Dilulio, 1995). Increasingly, politicians talked about "getting tough" on youth crime, using slogans such as "adult time for adult crime,"

which suggested that the juvenile justice system had been punishing serious offenses too leniently (Fagan, 2008).

While politicians' rhetoric for solving the youth crime problem partially resembled the inflammatory language that politicians used to tout tougher policies for adults, the "culture of control" did not lead to the same policies for juveniles as for adults (Garland, 2001). The mandatory minimum sentencing laws and repeat offender laws that had large impacts on adult prison populations were not adopted by most states in their response to youth crime (Feld, 1999). Instead, responding to the perception that the juvenile court was overly lenient, virtually all states adopted laws making it easier for youth to be tried in adult criminal courts, either through legislatively mandating that certain serious offenders be tried as adults or by giving prosecutors the discretion to charge certain categories of youth offenders as adults (*ibid.*). As a result of these laws, state jail inmates under the age of 18 more than quadrupled between 1990 and 1999 before declining in the 2000s to levels still over three times their 1990 level (Hartney, 2006). Transfer policies disproportionately affected minority youth; blacks constituted 55% of youth defendants in criminal court and 58% of youth admitted to state prisons under the age of 18 (*ibid.*; Fagan, 2008). Given the research evidence showing that adult jails and prisons are much more dangerous places than youth prisons, there is reason to be concerned about the move towards punishing more juveniles as adults (*ibid.*).

The transfer movement is not the only way in which the juvenile justice system has become more punitive. At least twenty states have passed "blended sentencing" statutes, which allow juvenile court judges to impose a combination of adult and juvenile punishments. Similarly, as a result of many state legislatures' crackdown on violent youth crime in the 1980s and 90s, the U.S. had the ignominious distinction of being the only developed country with a

substantial number of youth (2,225 in 2006) serving a life term in prison without the possibility of parole, though the recent Supreme Court decision, *Miller v. Alabama*, ended this practice (Hartney, 2006).[3] In addition, up until 2005, when the Supreme Court ruled in *Roper v. Simmons* (2005) that the death penalty for youth under the age of 18 was unconstitutional, the U.S. was the only developed nation (and one of six countries) that executed juveniles (Ruth & Reitz, 2003).

Discretionary decision-making within the juvenile justice system was also affected by the "get tough" mindset in the late 1980s and early 1990s. Judicial waiver of youth to criminal court increased 80% between 1988 and 1994 before declining 51% between 1994 and 2001 (Puzzanchera, 2008). The absolute number of residential placements[4] for youth processed in juvenile court increased 69% between 1985 and 1997, driven primarily by a growing number of referrals due to increasingly aggressive policing. There is also descriptive evidence that the system "got tough" on certain groups of offenders. The out-of-home placement rate for drug offense cases increased from 26% in 1985 to 38% in 1991 before declining through 2005. Likewise, the percentage of drug offenders placed in pre-trial detention and judicially transferred to adult court increased substantially in the late 1980s and early 90s (*ibid.*).

For many, these trends epitomize how popular punitiveness and politicization have overwhelmed our belief that children should be rehabilitated, not punished (Fagan, 2008; Benekos & Merlo, 2008). Others, however, emphasize the relative insulation of the juvenile

[3] It is unclear though whether the decision will apply retroactively to the youth who have been imprisoned under these laws (http://www.pewstates.org/projects/stateline/headlines/states-reconsider-juvenile-life-sentences-85899407729).

[4] I use the terms residential placement, out-of-home placement, placement, and incarceration interchangeably throughout this work unless otherwise noted. All describe the act of forcibly removing a youth from his home or residence and placing him in another location operated or managed by the juvenile court.

justice system from the politicization of crime, as indicated by the much smaller increase in youth incarceration than adult incarceration in the last thirty years (Ruth & Reitz, 2003; Zimring, 2002). For these scholars, this more fundamental trend suggests that the juvenile justice system continues to serve an important role in protecting juveniles from the harshness of the adult criminal court and needs to be preserved. Their argument goes against those of law professor Barry Feld, who argues for abolishing the juvenile court on the premise that the juvenile justice system is a "second-class criminal court," where children are punished just as harshly as adults but without due process protections. The evidence suggests that while children may not receive the same due process protections as adults (Feld & Schaefer, 2010), they also have been relatively protected from the harshest effects of societal punitiveness.

Automatic transfer and direct-file laws, the key policy change that took away discretion from juvenile justice officials, appears to have affected a small number of cases in most states. Compared to the impact of mandatory minimum sentences and other punitive reforms on the adult prison population, transfer laws affected a relatively small portion of delinquency cases, less than 1 percent in states such as Pennsylvania (NCJJ[5], 2000).[6] Judicial, prosecutorial, and legislative transfer cases constituted only 1 percent of felony cases heard in adult court in the 1990s (Ruth & Reitz, 2003). While there were growing numbers of youth serving time in adult jails in the 1990s compared to in the 80s, youth under 18 actually represent a declining percentage of state jail and prison populations, because of the much larger increases in adult imprisonment (Fagan, 2008). In sum, the great majority of youth offenders continue to be

[5] NCJJ stands for the National Center for Juvenile Justice.

[6] In Florida, whose direct-file law is the broadest and is thought to affect the most youth, the percentage of delinquency petitions resulting in transfer increased from 1.29% to 7.35% from 1979 through 1987 after the passage of the law (Feld, 1999: 228). In Pennsylvania, on the other hand, there was virtually no change in the number of youth sentenced in adult criminal court after the passage of an automatic transfer law targeting serious offenders in 1996.

processed in juvenile court, where they are subject to the discretionary decisions of judges, lawyers, and probation officers.

Within the juvenile justice system, the increase in youth incarceration was much smaller than the imprisonment trends in the adult system in the last twenty-five years. As the number of adult prisoners increased 150% between 1985 and 1997 (BJS[7], 2010a), the number of juveniles in prison increased by 75% between 1985 and 1997, despite the fact that the lethal violence spike in the late 1980s and early 90s was more pronounced for youth than for adults (Snyder, 2006; OJJDP, 2013). While juvenile justice officials appear to have cracked down on drug and violent offenders in the late 1980s and early 90s, this trend was short-lived. In the past ten years, the adult prison population continued to grow at a rate of 1.8% per year in spite of the dramatic crime drop during this period (BJS, 2010b). By contrast, the number of youth given out-of-home placements declined 23% between 1997 and 2005 and cannot be explained by more youths being incarcerated as adults, since youth jail and prison populations declined during this time (Puzzanchera, 2008; Hartney, 2006).

The main cause of mass incarceration was an increase in the likelihood that a conviction would lead to prison, especially in the 1980s and an increase in sentence length in the 1990s among those imprisoned (Pager, 2007). By contrast, in the juvenile justice system, the growth in the number of out-of-home placements in this period was driven by a 46% growth in the number of court referrals, due in large part to aggressive policing, and a trend towards greater formal processing of referrals (i.e., youth are officially charged with a crime and petitioned to court) (Shelden & Macalair, 2008). While, as a result of these trends, a greater number of youth were being adjudicated delinquent, the percentage of these adolescents that were given out-of-home

[7] BJS stands for the Bureau of Justice Statistics.

placements actually declined from 32% in 1985 to approximately[8] 28% in 1997 and then to 22% in 2005 (Puzzanchera, 2008). While the number of out-of-home placements increased 30% between 1985 and 2005, the number of youth on probation increased 90% during this period. In sum, officials in the juvenile justice system were making decisions that increased the number of youth being supervised by the court, but that kept the majority of adjudicated youth on probation in the community.

Some scholars have long recognized that the juvenile justice system's response to the politicization of crime was much more constrained than that of the adult system. Law professor Franklin Zimring (2002) argues that the main purpose of the juvenile court, independent of the fluctuating societal confidence in rehabilitation, has always been and continues to be to protect juveniles from the harshness of the adult criminal court and prison systems, and, in the last thirty years, from mass incarceration. Likewise, Ruth and Reitz argue that liberal critics of the court have overstated the amount of change occurring in the juvenile justice system when compared to the adult system and that "the two spheres are not 'converging,' as some have suggested" (2003: 262). While these authors insist that "liberal crime response policy, while embattled, has held onto much of its dominance through the conservative era," there has been almost no empirical research on how the juvenile justice system has continued to manage the great majority of youth offenders in the community in a more punitive era (*ibid.*).

While it is tempting to conclude that the passage of automatic transfer laws simply insulated officials from popular punitiveness, and that officials continued their historic practice of rehabilitation, this interpretation overlooks well-documented changes in the rhetoric and

[8] When I reviewed Puzzanchera (2008), I could not find the exact percentage for 1997 unlike for the years. Based on the graph presented, and the exact figures included for particular subgroups (e.g., older and younger youth), approximately 28% of juveniles adjudicated delinquent were given out-of-home placement in 1997.

practice of juvenile justice. Concerns about the increasingly violent nature of juvenile crime led 47 states and the District of Columbia to revise their juvenile court laws between 1992 and 1996 to target serious and violent offenders. Twenty-two states also enacted laws that increased the role of victims of juvenile crime in the system, and many reduced the confidentiality restrictions on juvenile records and proceedings (Torbet et al., 1996). It does not appear that officials have simply continued the "rehabilitative ideal" as is, but instead have adapted it to new political realities (Sanborn, 1994; Applegate et al., 2000).

This research is a case study of how the "get tough" movement affected discretionary decision-making in the juvenile justice system, and how juvenile justice officials addressed the public's greater concern with safety while keeping the majority of youth in the community. In investigating this question, I focus on the case of Pennsylvania and Pittsburgh (Allegheny County) from 1985 through the present. Nationally and particularly in the largest counties in Pennsylvania, the juvenile probation system was substantially reworked in the 1980s and 1990s to achieve greater surveillance over violent and repeat offenders (Armstrong, 1991; Allegheny County Juvenile Probation Annual Report, 2008). In 1995, the state adopted a major legislative reform, Balanced and Restorative Justice, which shifted the official orientation of the juvenile justice system away from a one-dimensional focus on rehabilitation towards incorporating the goals of community protection, accountability, and a greater concern with the individual victims and communities affected by crime. This research examines how officials in Pennsylvania have incorporated public safety concerns and victims' interests into the justice system, as well as a greater capacity for surveillance, without seeing a larger increase in youth imprisonment. Through an in-depth study of discretionary decision-making in the Allegheny County Juvenile Court (Pittsburgh, PA), I analyze how the "street-level" practices of juvenile justice officials

have shifted due to the movement to "get tough" on crime and how officials manage the majority of youth on probation in a punitive era (Lipsky, 1980).

My study therefore seeks to connect two levels of analysis: on the one hand, a large body of legislation partly motivated by political pragmatism and by real changes in the character and scale of juvenile crime; and, on the other hand, decisions made by administrative policy makers and ground level practitioners enacting policies that depend on local traditions and resources. In other words, this research examines the relationship between the societal reaction to crime at the macro-and-micro-levels of decision-making (Pfohl, 1985).

Scholars in organizational sociology have written extensively at the micro-level about how "street-level bureaucrats" make everyday decisions about how to allocate resources (Lipsky, 1980; Dum & Fader, 2011; Brodkin, 1997). While much research examines the legal and extralegal factors that explain ground-level decision-making in court settings (Emerson, 1969; Sudnow, 1965; Paik, 2011), there has been less written on how organizational decision-making is affected by macro-level shifts in society (Lipsky, 1980). Scholars agree that there is often a "loose coupling" between the politics of crime and the organizational reality of court officials implementing policies according to historic traditions and using local resources (McCorkle & Crank, 1996). But the process of how criminal justice organizations respond to macro-level trends has not been adequately investigated and has only recently been receiving increased attention (*ibid.*; Simon, 1993; Phelps, 2011; Hannah-Moffat & Maurutto, 2012).

In general, qualitative research on criminal justice organizations has focused on understanding the worlds of micro-level actors (Emerson, 1969; Sudnow, 1965; Paik, 2006, 2011); there has been less investigation of how meso-level administrative officials make conscious policy decisions that mediate between the realm of legislators and street-level

bureaucrats. I argue that only through investigating all three levels of decision-making—macro, meso, and micro (ground)—can we make sense of the juvenile justice system's response to the get-tough movement.

American Juvenile Justice: A Brief History

The juvenile court was a creation of Progressive Era reformers bent on saving wayward and delinquent youth and protecting children from the harshness of the adult criminal court system. Whereas punishment in the adult system was based primarily on the severity of the offense, and proof of culpability, the juvenile court, which originated in Chicago in 1899 and spread throughout the country in the next twenty years, was oriented around the unique needs of adolescents. Officials' individualized evaluations of youths' personal characteristics and environmental influences rather than their offense per se would determine how cases were handled (Rothman, 1980; Bortner, 1982).

In theory, probation officers would meticulously investigate youth and their families in their pre-sentencing investigations, diagnose them, and come up with an appropriate plan of supervision that they would recommend to judges. Juvenile court judges, through their persuasive and coercive influence, would make individualized decisions based on the overall circumstances and character of a youth, using court resources to both improve the child's wellbeing while also protecting society. When unable to manage a youth in the community, the court would commit a youth to a state institution based on the legal doctrine of *parens patriae,* or the state acting as parent for a child's own good. The court's inventors and promoters had a strong faith in the state's ability to do good, and believed that individualized decision-making by

probation officers and judges could both improve the lives of poor, immigrant youths and their families, while protecting society from crime (Ryerson, 1978; Rothman, 1980).

In the 1960s and 70s, reformers contended that treatment and punishment could not be combined so seamlessly, at least not through the court's traditional means of accomplishing these goals: probation and large reform schools. The "conscience" of the Progressives gave way to the "convenience" of the particular organizational resources at the disposal of state actors. In practice, the juvenile justice system continued the state's reliance on confinement in large institutions for youth. Probation, instead of serving as an alternative to incarceration, actually expanded the state's capacity to monitor and restrict the freedom of poor immigrants and minority groups (*ibid*; Platt, 1969). Beneath the cloak of benign state intervention for the supposed good of poor youth, many children, even some status offenders who hadn't committed a crime, were housed in large state training schools where the goal of rehabilitation was subsumed by the necessity of maintaining order and where widespread abuse and violence occurred (Miller, 1991). After repeatedly observing the abuses of children in reform schools, Jerome Miller, the head of the Department of Youth Services in Massachusetts, closed down all of the state's reform schools. Many states (including Pennsylvania) followed suit and developed more community-based programming, meant to both rehabilitate youth and monitor them and protect the community without exposing the majority of youths to the harsh realities of life in large institutions. As a result of the deinstitutionalization and due process reforms[9], there was declining confidence that large institutions could be used to rehabilitate youth or protect the

[9] The Supreme Court also questioned the system's unfettered discretion and judicial arbitrariness and instituted rules authorizing greater procedural and constitutional protections from the coercive powers of the state.

public, and a greater emphasis on and funding of privately run, community-based services to accomplish the goals of rehabilitation and public safety (Krisberg, 2005).

Following the decline of the rehabilitative ideal and the rise of serious crime and fear of crime in the 1980s, both liberals (Feld, 1999) and conservatives questioned the purpose of the juvenile court (Regnery, 1985; Wilson, 1985). Liberals such as Feld (1999) believed that, in contemporary times, the juvenile court had become almost as punitive as the adult criminal justice system, but that juveniles were not bestowed the full procedural protections given to adults. This led him to conclude that the post-Gault juvenile court had turned into a "second-class criminal court." On the other side, conservatives railed against what they viewed as a lenient court that still practiced the outmoded idea of rehabilitation even though what youth needed, they argued, was to be punished severely so that they took responsibility for their actions (Wilson, 1985; Regnery, 1985). In sum, in the 1980s, the role that the juvenile court would play in society or, indeed, whether there was still a need for a separate juvenile court, was increasingly in question.

This mindset was captured by the Reagan Administration's decision to defund many of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) programs, which had gone into treating and preventing crime and protecting children's' rights (Krisberg, 2005; http://www.youthtodayexchange.org/?p=395). Alfred Regnery, the director of OJJDP during this time, told the National Conference on Juvenile Justice before his confirmation hearing: "The dream that existed when the juvenile justice system was created has largely been shattered. Indeed, many believe that dream has turned into a nightmare . . . I don't advocate abolition of the juvenile justice system. There is, I believe, still a place for that system, if perhaps more limited than it now is." This statement captures the spirit of the times: even the director of the agency

that supposedly would fund many of the programs and provide national leadership only begrudgingly admitted the need for a separate juvenile court. In this polarized political climate, Balanced and Restorative Justice emerged as a response to adapt the traditional practices of the juvenile court to the then more pessimistic and conservative political climate of the 1980s.

Balanced and Restorative Justice

In 1988, Dennis Maloney, a chief probation officer, and several academics, including Troy Armstrong, an anthropologist, started promoting the "Balanced" approach to juvenile probation. In many ways a response to the "get tough" climate of the 1980s, Maloney, Romig, and Armstrong (1988) argued that neither the punitive approach nor rehabilitation was an effective response to the negative effect that crime has on victims, families, and communities. Rehabilitation, they argued, was a nebulous concept that ignored the major reality of crime: the harm that youth crime inflicted on victims and communities and the reality that juveniles needed to actively participate in their reintegration into the community by making amends to the victim when possible, rather than being the passive recipients of treatment. They argued that the system had at one time veered too far in the direction of rehabilitation and now threatened to veer the other direction toward a punishment and public safety oriented system. What was needed was a middle-ground system that balanced the needs of offenders, victims, and communities. The system they promoted would balance offender accountability to victims with the protection of the public and a more pragmatic version of rehabilitation, which they called, "Building Youth Competencies" (*ibid.*).

In spite of the system's growing focus on public safety and accountability, the 1990s and 2000s also saw an expansion in community-based alternatives to incarceration and a growing

consensus in many states that large institutions should be a last resort reserved for only the most serious offenders (Guarino-Ghezzi & Loughran, 1996). Under BARJ, the greater concern with community protection fused with the greater availability of community-based treatment resources for youth on probation to create a system that uses primarily non-residential treatment programs to accomplish the goal of community protection (see Chapter 3). BARJ reformers pioneered the idea that, with a more intensive supervision system that drew on greater integration between the court and the community, it was possible to protect the public, hold youth accountable to the victims of crime, and also build youth competencies with the same interventions.

Balanced and Restorative Justice (BARJ), along with the Comprehensive Strategy for Serious, Violent, and Chronic Offenders were the two main initiatives that the Office of Juvenile Justice and Delinquency Planning funded in the 1990s and early 2000s as ways to increase the juvenile justice system's responsiveness to public safety concerns while keeping focused on rehabilitation (Krisberg, 2005).[10] Aside from the 18 states[11] that formally adopted a version of the BARJ mission statement, at least 35 states and 50 jurisdictions received training and technical assistance from Florida Atlantic University on how to implement aspects of BARJ (Illinois Criminal Justice Authority, 2006). Thus, while the BARJ movement affected some states and jurisdictions more than others, it was a wide-ranging effort that was affecting the rhetoric and, to some extent, the practice of juvenile justice in the get-tough era.

[10] Up until the early 2000s, the Office of Juvenile Justice and Delinquency Planning encouraged the financing and implementation of BARJ related programs and put out materials and provided training to many counties, after which federal funding of delinquency programs decreased (Krisberg, 2005).

[11] These states include: Alabama, Alaska, California, District of Columbia, Florida, Idaho, Illinois, Indiana, Kansas, Maryland, Minnesota, Montana, New Jersey, Oregon, Pennsylvania, Washington, Wisconsin, and Vermont.

Pennsylvania is considered to be the state and Pittsburgh, the city that most fully implemented BARJ and invested in community-based treatment resources that allowed for the realization of this new relationship between treatment and punishment (Griffin, 2006). Dennis Maloney, the founder of BARJ, intended Pennsylvania and Pittsburgh in particular to be for the juvenile justice system in the 21st century what Chicago was to the juvenile court movement for the 20th century (interview with Allegheny County probation administrator, Kris Phillips). My aim in studying BARJ in Allegheny County and Pennsylvania is, thus, to explore how at the administrative and ground-levels of programming and decision-making, juvenile court officials responded to the heightened concern with serious and violent crime in a way that did not simply reflect the polarizing politics of this era and managed to keep the majority of youth in the community.

Chapter 1

The "New Interventionism": A Framework for Analyzing the Contemporary Juvenile Justice System

My dissertation develops a new theoretical concept based on fieldwork I conducted in Allegheny County (Pittsburgh, PA), where I saw first-hand how the juvenile justice system adapted itself to the contemporary era of high rates of violent crime and greater fear of crime (Garland, 2001). This experience convinced me that something new was going on in the juvenile justice system that had implications for the system of community supervision as a whole. As I illustrate in greater depth in the forthcoming chapters (see Chapter 3 in particular), this shift in thinking and practice was precipitated by the evolution of the juvenile justice system in the direction of community-based treatment services and away from custodial confinement. The continuation of this trend during the get-tough era is one of the most understudied social "facts" of contemporary punishment (Durkheim, 1951; Guarino-Ghezzi & Loughran, 1996; Justice Policy Institute, 2013). Community-based treatment resources acted as the vehicle through which a new set of penological strategies—which I call the new interventionism—were applied.

As the name suggests, the interventionist aspect of the new system differed from the "do the least harm" mindset of the deinstitutionalization reformers who championed community-based treatment alternatives (Krisberg, 2011). The new interventionism is characterized by the use of community-based treatment and supervision resources to achieve the goal of immediate behavior control (see Appendix A). It is based around using a combination of therapeutic and coercive techniques to foster immediate "behavior change" in the community in order to provide short-term community protection as well as improve youths' lives and reduce recidivism in the long-term. I argue that this concept best accounts for the discourse and patterns of decision-

making operating in a juvenile justice system that moved in the direction of intensifying community-based treatment and supervision during the 1990s and 2000s (Krisberg, 2010; Griffin, 2003; Clouser, 1996).

As shown in Appendix A, the new interventionism (NI) exists in relation to two academic concepts: the "old interventionism" (OI) and the "new penology" (NP) (Feeley & Simon, 1992). The "old interventionism" is a phrase I use to describe the original juvenile court movement. The early 20th century juvenile court reformers focused on substituting a set of more productive punishments involving probation and age-appropriate custodial confinement for delinquent youth instead of punishing children in the adult criminal justice system (Rothman, 1980; Ward, 2012; Ryerson, 1978; Schlossman, 1977). The goal of this once innovative system was to treat and rehabilitate rather than to punish. Importantly though, reformers were also not simply taking a lenient approach to crime. Rather, their concern with rooting out the causes of urban disorder and crime combined with their confidence in new state resources to promote an expansion of state power and the greater use of forceful intervention with delinquent and pre-delinquent youth (Rothman, 1980).

Not unlike the old interventionism, the new interventionism reflected growing confidence in the resources of the state to intervene in the lives of delinquent youth. As the custodial institutions that the Progressives supported were shown to be purely punitive rather than rehabilitative (Miller, 1991), the post-deinstitutionalization era juvenile court substituted new treatment resources—intensive supervision and treatment programs—insulating youth from the adult system and prison-like juvenile custodial institutions. Similar to the aggressive use of state resources supported by Progressive reforms, the community-based treatment and supervision programs were used proactively with delinquent youth rather than simply as a way to protect

them from the possible harms of court intervention. Thus, in many ways, the new approach to juvenile justice under BARJ is a tailoring of past efforts at forceful intervention for new circumstances.

What then made the new interventionism "new"? How did it differ from the rehabilitative spirit and programming that the old interventionism legitimated? The juvenile justice system was not immune from the greater societal focus on punishment in the last three decades, and this is reflected in the BARJ mission statement's incorporation of community protection and accountability to the victims of crime as core system goals on par with helping youth build competencies.

BARJ and the new interventionism grew out of juvenile court officials' attempts to respond to the conditions of "late modernity" and the decline of the rehabilitative ideal (Garland, 2001). As sociologist David Garland argues, a combination of high crime rates, economic and cultural changes, and a lack of confidence in the state's ability to rehabilitate ushered in a wave of societal shifts in punishment over the past three decades. The politicization of crime and the "acting out" of politicians supporting policies based on purely retributive considerations is the most dramatic of these shifts. This is indicated by the four-fold increase in adult incarceration in the United States over the last thirty years and similar, though less dramatic, responses in England (Western, 2006). Yet, in the less politicized sphere inhabited by criminal justice organizations, there were also significant changes in rhetoric and practice.

The new interventionism can be compared and contrasted to the "new penology," a term Malcolm Feeley and Jonathan Simon (1992) use to describe trends in the adult parole system during the last thirty years. Responding to the lack of confidence in rehabilitation, especially in light of the inability of low-skill, urban African-American men to find stable employment in the

post-industrial era, the parole organization responded by "turning inward" (Simon, 1993). Officials became increasingly oriented toward incapacitating risky groups rather than trying to transform individuals. The focus of the "new penology" was on becoming more effective as an organization, and particularly in terms of the system's ability to provide short-term surveillance, regardless of the effects of new instruments of social control (e.g., drug testing) on the lives of the individuals they supervised. Simon (1993) and Feeley and Simon (1992) show that there is a fundamental disconnect between the internal objectives of administrators and the historic organizational goal of rehabilitation. There is "power without narrative," or the increased capacity to provide surveillance and, relatedly, increased resort to the prison system when this intervention predictably fails, without a plausible "account" of how such policies help reduce crime in the long-term (Simon, 1993: 201). Simon's metaphor of "waste management" captures this fundamental disconnect between the organizational techniques pursued and the historic mission of recidivism reduction.

The new interventionist juvenile justice system mainly did not move in this direction but, importantly, it did adopt the goal of short-term community protection and incapacitation as a fundamental objective; this was in contrast to the long-term oriented rehabilitative policies of the old interventionism, which generally ignored the issue of public safety. BARJ and the new interventionism redefined the mission of the juvenile justice system around satisfying the needs of a new set of clients—victims and communities—as well as delinquent youth. The focus of juvenile justice became ensuring that each of these groups gained something "measurable" in their interaction with the system and not just about reducing youth recidivism. This assumption is reflected by BARJ officials' avoidance of the term rehabilitation and substitution of "competency development," which promised only that youth would have gained some skills and

behavior strategies in the short-term that might help them later in the lives and reduce recidivism at the margins (Maloney, Romig, and Armstrong, 1988).

By retaining youth as core clients of the system, the BARJ mission statement specifically prescribed that the greater focus on achieving community protection and victim restoration would have to implemented in a way that was "in balance" with the goal of helping juveniles (interview with former Chief Probation Officer Jim Rieland; conversation with Susie Blackburn, Pennsylvania BARJ Coordinator). "Accountability" was therefore defined in a way that "gives priority to repairing the harm done to victims and communities, and . . . assuming responsibility and taking action to repair harm." Likewise, community protection was viewed in terms of "structuring" offenders' time "in productive activities that benefit the community and/or provide opportunities for competency development" (JCJC, 1997). Thus, there was at least a working theory in place explaining how policies geared toward immediate community protection and victims achieved the core objective of improving the lives of delinquent youth (Feeley & Simon, 1992).

In sum, unlike the old interventionism, the new model acknowledged the system's coercive powers, and authorized immediate community protection as a legitimate goal of juvenile justice. In contrast to the new penology, however, community protection was seen as a legitimate goal of the system to the extent that punishment was "productive" for "all parties" and also contributed to the goal of "building youth competencies." This focus on short-term public safety, but with the goal of having long-term recidivism-reducing effects, which I call "productive punishment," is one of the main characteristics of the new interventionism (see Appendix A).

In practice, the on-the-ground focus of the new interventionism's "productive punishment" efforts became getting youth to "change"[1] their behavior immediately in a community setting. This goal and the methodology for achieving it are what distinguish the new interventionism from the old interventionism and the new penology. I define "behavior change" as justice system-induced conformity. It is to be distinguished from whatever naturally occurring behavior improvement may occur and also from the effect the justice system may have on long-term behavior patterns. The focus on techniques of "change," sites of change, and forms (coercive vs. non-coercive) of change (see Appendix A) helps show how the new interventionism works in comparison to other punishment systems and highlights its unique approach to the social control of delinquent behavior.

The old interventionist juvenile court, in theory if not to some extent in practice, did not specifically try to induce behavior change. Rather, through individualized assessments of the causes of delinquency and youths' "moral character" (Emerson, 1969), officials would try to figure out which non-custodial or custodial interventions were required to get youth to "adjust" to society and become law-abiding citizens—long-term rather than short-term goals. As most scholars agree, in part because of high caseloads and a lack of adequate resource investment, the old interventionist juvenile probation system generally did not achieve its goal of having a major crime-reductive effect (Bortner, 1982; Ryerson, 1978); nor was the level of supervision intensive enough to induce temporary behavior conformity. Thus, under the old interventionism, behavior change largely took place in an institutional environment. While custodial programs were viewed as providing much-needed "training" rather than generating behavior change per se, they were, in fact, highly coercive. In practice, their main effect on delinquent youth was to induce

[1] I borrow this phrasing from officials in the Community Intensive Supervision Program (CISP), who describe their program as producing "change" in their clients.

short-term conformity (change) to artificial institutional rules through punishments for small behavior infractions, whatever positive or harmful influence these techniques may have had on long-term behavior patterns (Miller, 1991; Ohlin et al., 1973).

The new penology, by contrast, focusing primarily on the issue of immediate community protection, increasingly used formal risk assessment tools to decide who deserved different levels of contact and surveillance among probationers. The great majority of probationers/parolees received a very lax version of supervision often meeting with their officers once a month or less (McCorkle & Crank, 1996; Phelps, 2013). In recent years though, there was greater investment in a growing range of surveillance measures including electronic monitoring, drug testing, and intensive supervision programs (ISPs) with higher contacts standards. Unlike the corresponding investment in intensive supervision in the juvenile probation system, these measures were not geared towards community-based behavior change per se. Rather, they were primarily used to provide information about who needed to be incapacitated in prison.[2] In sum, as was the case with the old interventionism, under the new penology, the main site of system-induced behavior change was the prison not the probation system. The raw materials of "change" were the NP's surveillance powers, which predictably produced revocation of parole/probation and then incarceration.

In order to understand the new interventionism and how it differs from these other systems, it is necessary to grasp the dual treatment and punishment role of intensive community-based treatment resources. From an outsider's perspective, community-based alternatives to incarceration are often considered to be therapeutic as opposed to the inherent punishment of

[2] For example, ISP programs were generally underfunded and, as a result, generally only offered enhanced surveillance without an equal investment in treatment services. As a result, these programs became proficient at detecting failure, leading to increased use of prison for technical violations (Petersilia, 1998b).

imprisonment (Milton, 2011). While not incorrect, this understanding does not get at how these new resources fit into the organizational reality of criminal justice officials. I show throughout this work how community-based alternatives were useful to juvenile justice officials in the get-tough era because of the multiplicity of treatment and punishment goals that they help accomplish (Miller, 1991; Lerner, 1990). One of the core assumptions of BARJ reformers was that if youth were engaged in high-intensity treatment programs, had regular contact with their probation officers, and did a substantial amount of community service, their time would be filled with productive activities and they would effectively be incapacitated at the same time that they were provided treatment services.

In order to pursue the goal of immediate behavior change in the community, the contemporary juvenile system invested in an expanding network of community partnerships to provide a greater intensity of in-person supervision than could be achieved under the regular, office-based probation system that characterized the OI and the NP. In an office-based model of supervision, probation officers might only see their clients once a month due to high caseloads, leaving the community unprotected and youth relatively unaffected. Integration with the community, by contrast, provided the ability to provide greater amounts of in-person supervision for youth. By placing probation officers in the schools, for example, court administrators were able to engineer much more contact between youth and their POs than what existed in the adult ISPs or the old interventionist juvenile probation system (Petersilia, 1998b; Torbet et al., 2001).

In intensive supervision programs such as School-Based Probation, through having more frequent interaction with youth, POs might develop stronger relationships and, therefore, be in a better position to identify their individualized needs and to broker the right kinds of treatment, educational, and employment services (interview with probation administrator, Jona Sanders).

These services could in turn induce both short-term and possibly long-term change. Youth who knew they were going to see their POs on an everyday basis might be deterred by their constant presence, leading to at least short-term conformity and behavior improvement. POs would also be better able to identify noncompliant behavior and punish it immediately.

If the new interventionism was based on the philosophy that community-based treatment could be used to protect the public, it also reflected the idea that coercive measures reinforced the treatment goals of these programs. The deliberate and measured use of coercion to support the goal of behavior conformity in the community is a crucial part of the new interventionism. An array of graduated sanctions provides the ability to respond to program violations, which are frequently encountered given the intensity of the treatment and supervision, with measured responses that convey the "negative consequences" of noncompliant behavior to youth to "hold them accountable" for their behavior (Rieland, 2000). In theory, this could be done without simply abandoning the project of keeping youth in the community and could also be aligned with the therapeutic goals of intensive supervision programs. Thus, extra community service, having to stay late after school, as well as 3-day stints in detention, or a 7-day sanction to a Wilderness Program, would be part of the continuum of "consequences" supporting behavior change in the community and preventing long-term confinement.[3] "Structure" through the intensification of supervision and "accountability" through targeted coercive responses to misbehavior, along with

[3] This wealth of graduated sanctions stands in contrast to the adult system's lack of intermediate responses to violation-behavior, forcing probation and parole officers to choose between letting behavior go and resorting to revocation of probation/parole and imprisonment. In the last few years though, in an effort to reduce admissions to prison for technical violations, some states (e.g., Kansas, Michigan, and Arizona) have invested in a greater variety of sanctioning resources, giving probation and parole officers greater flexibility and reducing the number of revocations and imprisonments (Phelps, 2013; Grattet et al., 2009; Simon, 1993).

enhanced treatment service provision (see above), thus, became the primary on-the-ground techniques that produced "change" under the new interventionism.

Under the old interventionism, probation and out-of-home placement were distinct interventions that officials had to choose from and there was little interconnection between these competing dispositional options. In contrast, the "new penology" forged greater connection between the probation and the prison systems, with the former assuming the role of instigating the behavior change-generating process that, as mentioned, would largely occur behind bars. The new interventionism also created greater connection between the community supervision and custodial confinement systems, but the content of this link differed greatly from that of the new penology.

The new interventionism reconfigured the role of out-of-home placement in the juvenile justice system's evolving continuum of care (Guarino-Ghezzi & Loughran, 1996). Placement currently functions more as a sanction that supports community-based treatment than as a freestanding intervention. BARJ administrators in Allegheny County have reduced the average length of stay in out-of-home placement with the idea that the "shock" of the punishment experienced in placement can be conveyed in a shorter period of time in order to prepare youth for the main treatment that now is thought to occur in the community. Likewise, they specifically developed 30, 60, and 90-day placement programs meant to "stabilize behavior" so that youth were in better position to "change" in intensive treatment programs. By contrast, the typical out-of-home placement in the pre-BARJ era generally lasted six months (interview with probation administrator, Ted Kairys). These placements are used both as a direct commitment for more serious offenders and as a sanction for youth being supervised in the community for

repeated and serious violations in order to convey "the consequences of negative behavior"; the goal in both cases is to mold youth into being more receptive to community-based services.

As a whole, the new interventionism's focus on intensifying community supervision served the purposes of both treatment and monitoring. Public safety would be accomplished mainly not through the surveillance measures of the NP or the custodial institutions of the OI, but through various forms of in-person supervision (Maloney, Romig, and Armstrong, 1988; Bazemore & Umbreit, 1997). Similarly, behavior change would occur in a way that, while consistent with the goal of immediate community protection, unlike custodial interventions, wasn't fully a result of coercion. Even if youth improved their behavior purely because of the coerciveness of the therapeutic programming, an assumption of the new interventionism was that "fake it to make it" in the community was better than the totally coerced and artificial change of custodial confinement or the no change at all that characterized regular office-based probation. At the very least, in order to complete the requirements of a more intensive supervision system, youth would have to figure out how to alter their behavior in a real-world environment—and in the process, might learn something to prevent them from recidivating once they were no longer under the supervision of the court.

The New Interventionism in the Lives of Inner-City Minority Youth

Juxtaposing the essential qualities of the new interventionism, the old interventionism, and the new penology in relation to the goal of behavior change brings to the forefront some of the core differences between these systems of formal social control. This should not distract from the main similarity among the three models: they all brought about an expansion in the state's power to control crime. In particular, they were all responses to the perceived crime

problem of lower-class racial or ethnic minority groups, and in each case legitimated more intrusive intervention into the lives of minority youth.

The original juvenile court movement was simultaneously an attempt to avoid the pure punishment approach of the adult criminal justice system and a proactive attempt to target pre-delinquent and delinquent youth with forceful state intervention (Zimring, 2002). Progressive Era reformers' strong belief that their approach was treatment as opposed to punishment led to them to expand the scale of state intervention on the assumption this was in the best interest of youth as well as the community (Rothman, 1980). In particular, reformers quite blatantly viewed the growing immigrant population living in an urbanizing America with supposedly "backwards" cultural standards and a vacuum of traditional institutions of informal social control as the primary target of the court's rehabilitative efforts (Schlossman, 1977; Platt, 1969). The old interventionists' concern with rooting out the causes of urban disorder and crime combined with their confidence in new state resources to promote an expansion of state power and the greater use of forceful intervention with delinquent and pre-delinquent immigrant youth (Rothman, 1980).

Unlike the "inclusionary" efforts of the old interventionism, the new penology's goals and punitive methods were "exclusionary"[4] (Cohen, 1985; Ferdinand, 1989). The NP was geared toward expanding the role of the state in the lives of urban African American populations that were suffering the effects of deindustrialization and turned to crime and drugs as a result of a lack of legitimate work opportunities (Wilson, 1987). In the aftermath of the decline of the rehabilitative ideal and the perception that these populations' needs were beyond the scope of

[4] I borrow the language of "inclusionary" and "exclusionary" systems of social control from Stanley Cohen (1985).

traditional helping efforts, the system developed narrowly punitive techniques bent on managing and controlling this "risky" "underclass" population (Simon, 1993).

The new interventionism was a response to the same disadvantaged African-American population that was targeted by the new penology; many of the same macro-societal factors produced the serious and violent youth crime plaguing urban black neighborhoods in the early 1990s, which was the more proximate cause of the BARJ reforms. In scope and character though, the expansion in state-sanctioned social control efforts in the lives of racial minority youth was more in line with the old interventionism. The NI was simultaneously an attempt to protect youth from the pure punishment approach of the adult system's new penology and the culture of control while also substituting more forceful efforts at generating immediate behavior change (Garland, 2001). The emphasis of community partnerships, contrary to the goals of the deinstitutionalization reformers who promoted these resources, was increased and possibly more effective forms of social control, rather than less state intervention into the lives of delinquent youth (Bazemore, 1992).

Partnering with members of disadvantaged communities gave the new interventionist juvenile court a possibly effective and relatively cheap way to increase the system's power to exert behavior change over urban African-American youth in a community setting. As with the old interventionism, there was an attempt to include minority youth and communities in the "citizen-building ideals" of the state, and to treat these juveniles as salvageable, rather than inherent risks to be managed punitively (Ward, 2012). But, unlike the OI, there was less of an overt effort to forcibly incorporate minority youth into the dominant white culture. Partnerships with disadvantaged neighborhoods such as Pittsburgh's Community Intensive Supervision Program (CISP) gave urban minority communities resources and tools to enforce their own law-

abiding behavior standards. Through hiring community members from the same neighborhoods as many youth clients, the new model also promised to achieve greater legitimacy in the eyes of urban minority youth and, therefore, function more effectively to reduce recidivism than the top-down model of the old interventionism.

Investigating the New Interventionism

How should we think about BARJ and the new interventionism? Should the new interventionism be seen as part of the general trend toward the expansion of more punitive forms of social control in inner-city African-American communities (Western, 2006; Pager, 2007)? While such an interpretation should not be ruled out, on the face of it, the new interventionism was very different from the new penology because the primary site of behavior change was the community, rather than a custodial institution. The juvenile justice system's greater focus on achieving short-term community protection and efforts to make punishment "productive" should be viewed in the context of the system's insulation from the pure surveillance and prison-based approach of the adult system (*ibid.*). To the extent that the BARJ community protection and victims' clauses could be accomplished while keeping the majority of youth residing in their home communities, this could be considered an important achievement regardless of whether these policies were effective in reducing later recidivism.

Certainly though, the similarities between the new interventionism and the new penology are notable in their shared focus on achieving immediate community protection and their targeting of minority populations for increased state intervention. In general, the possible overlap and tension between the new interventionism's coercive and intrusive approach and the more purely punitive goals and methods of adult criminal justice is worth keeping in mind as an

analytical frame. That the new interventionism aspired to be more than this should not distract from understanding underlying realities that may, in practice, produce exclusionary and stigmatizing practices.

Another approach would be to view the new interventionism as resurrecting many of the historic problems that the old interventionism's aggressive use of state resources made salient. As the previous section made clear, there was a fair amount of overlap between the overall rehabilitative philosophy of the old and the new interventionists in their desire to substitute something more productive for youth than the pure punishment approach of adult criminal justice, and the resulting expansion of the role of the state in fighting delinquency. Yet, while the old interventionists aggressively expanded the state for the purposes of rehabilitation, under the view that there was nothing coercive about institutionalizing greater numbers of youth in custodial institutions, the new interventionists were under no such delusion. They were explicitly trying to make the inherent punitiveness of the justice system work to achieve a combination of community protection and treatment objectives. Likewise, according to the new model, custodial interventions were correctly viewed as punitive and were reconfigured as a way to support the main treatment intervention that would occur in the community.

In light of these differences, it is worth considering the relevance of historian David Rothman's (1980) strident critique of the old interventionism to analysis of the new model:

> . . . they [the Progressives] were convinced that their innovations could satisfy *all* goals, that the same person and the same institution could at once guard and help, protect and rehabilitate, maintain custody and deliver treatment . . . The study of the past does not give license to predict the future, but it is more than a little tempting to argue that such goals can never be satisfied together, that they are too diametrically opposed, at least in this society, to be joined. More modestly it can be said that the Progressive effort to link them failed. In the end, when conscience and convenience met, convenience won. When treatment and coercion met, coercion won (10).

The tension Rothman describes between treatment and punishment and how officials try to combine these goals in theory compared to in practice is an important starting point for analyzing the new interventionism. It is an open question today though whether treatment and punishment can be productively combined using intensive community-based treatment resources. At the very least, with these new resources and a growing array of research evidence showing that certain therapeutic programs "work," there is a possibility of linking these goals (Welsh & Farrington, 2006; National Research Council, 2012; Simon, 1993).

In sum, the new interventionism does not clearly fit into the analytical framework researchers have used to study the adult criminal justice system or the old juvenile court model. There was something new going on in the juvenile justice system that needed to be analyzed on its own terms and also required a different methodological approach.

Methodological Approach

A wide range of scholars have documented how in the adult criminal justice system, political self-interest in combination with socioeconomic changes and shifts in public opinion were responsible for the passage of legislation that circumvented the authority of criminal justice officials and drastically increased the number of adults held in prison over the last thirty years (Beckett, 1997; Barker, 2009; Garland, 2001). Thus, in the adult criminal justice system, where politics trumped reason in criminal justice policy and reduced the authority of criminal justice officials, it might have made sense for scholars to not seek out officials' perspective as the main target of inquiry. By contrast, in the "get-tough" era juvenile justice system, court officials were relatively insulated from the politicization of crime and legislative reforms and maintained their discretion. Therefore, in order to understand recent core trends in juvenile justice, what was

needed was an effort to engage with the perspective of court officials in order to understand their response to the get-tough era crime trends and politics.

With this rough idea in mind, I secured an internship at the Allegheny County (Pittsburgh, PA) juvenile court (see Preface for additional details). Allegheny County was a good place to investigate the new approach to juvenile justice because of its wealth of community-based treatment and supervision programming and leadership role in a new reform movement, Balanced and Restorative Justice, which sought to find "balance" between treatment and punishment through greater reliance on a range of community-based services (Maloney, Romig, and Armstrong, 1988). Studying this system, I thought, might shed light on how the juvenile court was able to "get tough" in a more productive way than the adult system's mass incarceration. Not knowing exactly what I would find, I put myself in position to be an insider to the situation of juvenile court officials responding to the get-tough movement with primarily community-based resources.

Initially, I was lucky to be given access to a computer in the juvenile court's Administration Department as a student intern. In the past, I was told there had been several interns who had worked at this station, some of whom were master's students who were also getting experience gathering and analyzing data. I was granted access to the same court databases and other electronic records that regular staff could access and was told that I would be able to interview officials who were interested in and agreed to participate in my study. Having a regular presence at this station for one summer and then returning every month or two for a week or two at a time over the last three years served as a jumping board that gave me access to a wide variety of data and perspectives.

I conducted more than 35 formal interviews with a range of court officials (e.g., judges, administrative officials, community-based probation officers, CISP officials and staff), 10 interviews with CISP youth and parents, observed court approximately 10 times, analyzed CISP case files and other documents, and had numerous informal conversations with administrative and ground-level workers of various positions and ranks. While the first portion of my research focused on spending time with and getting to know the perspective of administrative court officials, the second part revolved more around meeting formally with CISP officials as well as observing several Family Support Nights, trainings, and Narcotics Anonymous meetings run by the program.

This combination of having data on how the system worked in practice and informal conversations and interviews with the officials making key decisions proved important because the court's electronic, archival, and case file data rarely conveyed information in itself and required interpretation based on officials' particular knowledge of the system.[5] More generally, I began connecting my data on decision-making trends and patterns with the conversations I was having with officials regarding what they were trying accomplish with BARJ and CISP, and how they viewed the relationship between their treatment and punishment goals. As I wrote my results up—while continuing to return to field for repeat exposure to the perspective of officials as well as for additional data—I found that this combination of archival, interview, and observational sources was well-suited to a historical framework of analysis and narrative.

I do not intend for this to be an evaluation of the effectiveness of the new interventionism in reducing recidivism; my findings and data sources are suggestive, though certainly not conclusive, in this regard (see the Conclusion). Instead of looking at whether or not intensive

[5] Sometimes, I learned through these conversations that the patterns I charted were completely inaccurate and based on changes in record-keeping rather than court decision-making.

supervision programs or the BARJ mission in general "worked," I have been more concerned with examining the ideals and philosophies of juvenile justice officials attempting to orchestrate organizational change, and assessing the realities of how the system works in relation to their goals. In this regard, I follow in the tradition of historian of education, Lawrence Cremin, who argues that policy reform takes place on three distinct levels: the "stated intentions" of reformers, their "revealed preferences," and the on-the-ground realities of how the system works in practice (1976: 50). These are the three levels of analysis that form the basis for the comparisons listed in Appendix A between the old interventionism, the new penology, and the new interventionism. My characterization of the new interventionism as focused on "behavior change," for example, is specifically my analysis of a revealed preference I observed throughout my fieldwork.

These distinctions also provide a useful framework for thinking about the nuts and bolts of the specific issues I explore in my analysis of the new interventionism. What, for example, did BARJ reformers believe was the relationship between community protection, victim restoration, and youth competency development? In practice, which of these goals received the most focus? How did the goals of the BARJ mission interact with the system's growing use of community-based treatment resources? What combination of therapeutic and coercive techniques were viewed as tools for accomplishing "change" and how in practice did they work? Was there "balance" in the use of coercive and persuasive approaches to accomplishing behavior improvement or did coercion push out other concerns as other scholars have found (Rothman, 1980)?

Was it in fact officials' preference for "change" to occur in the community or was this emphasis simply rhetorical? Indeed, was it even possible for behavior change to occur largely in a community setting as the new interventionists hoped, or did the way the system actually

worked prevent the realization of this goal? How did reformers attempt to involve urban minority communities in the "change" process in programs such as CISP and how did this partnership with "the community" affect the ground-level functioning of the new model? In addition, how did CISP officials attempt to make the new interventionism "productive" and inclusionary for inner-city minority youth? And was it possible to have a system that consciously widened the net and increased the intensity of social control in the lives of African-American youth in a way that improved lives and reduced long-term recidivism?

In the following chapters, I investigate these issues through in-depth study of the inner workings of the Allegheny County juvenile court. Relying on a mix of archival, interview-based, and observational sources, I examine the "stated intentions, revealed preferences, and actual outcomes" of BARJ juvenile court officials implementing their vision of reform, while comparing and contrasting the new interventionism with the old juvenile court model and the mass surveillance and incarceration approach of the adult criminal justice system operating under the new penology (Cremin, 1976: 50).

Chapter 2 describes the implementation of Balanced and Restorative Justice in Allegheny County as a case study of how the juvenile court responded to increases in violent youth crime and the politicization of crime and punishment. I argue that, because of the juvenile court's relative insulation from "penal populism," it is necessary to understand the perspectives of office-level bureaucrats, who maintained great discretion over how to respond to crime trends and legislative changes in the get-tough era (Garland, 2001; Lipsky, 1980). In 1995, Pennsylvania passed Act 33, which mandated that certain serious offenders be automatically tried as adults, but in practice, maintained the juvenile court's jurisdiction over the great majority of youth. Act 33 also adopted Balanced and Restorative Justice as the new mission statement of

the Pennsylvania juvenile court, officially adding community protection and victim restoration to the goals of the get-tough era justice system. I briefly examine the national BARJ movement and Pennsylvania's aggressive implementation of the new mission statement before launching into an in-depth analysis of the meaning of BARJ at the local level in Allegheny County.

Allegheny County implemented BARJ with great zeal, I argue, because it articulated a more accurate description of and vision for the juvenile court than rehabilitation for an era of serious youth crime. BARJ solidified the court's greater focus on achieving the short-term goals of immediate community protection and victim restoration through a growing array of intensive community-based treatment and supervision resources. BARJ's focus on achieving immediate behavior change "for the benefit of all parties" raises the question of whether the modern juvenile justice system has become like the new penology in emphasizing short-term public safety as the main goal of punishment. I conclude that the new interventionist juvenile justice system did not become like the adult criminal justice system, as officials formulated a new methodology articulating how to make the court's now-acknowledged coercive function "productive" for youth and society in the short-term and the long-term (Simon, 1993).

Chapter 3 delves into how court administrators expanded community-based treatment and supervision for the purpose of protecting the public and instigating immediate behavior change in delinquent youth. The new interventionism emerged out of deinstitutionalization-era reforms in the 1970s and 80s that forged what I call the "community-based consensus," a strong preference among juvenile court officials for placing youth in community-based residential and non-residential treatment programs in order to avoid the financial and human cost of incarcerating juveniles in large custodial facilities. The deinstitutionalization movement in Pennsylvania left a legacy of philosophical traditions, community-based treatment resources, and

financial incentives supporting the intensification of community supervision as a substitute for mass incarceration during the get-tough era. Even as the goals of incapacitation and deterrence became more important to court administrators during the get-tough era (as is reflected in the BARJ mission statement), the community-based consensus continued to shape decision-making.

In Allegheny County, officials responded to the increase in serious and violent youth crime by investing in School-Based Probation and day treatment programs such as the Community Intensive Supervision Program, which intensified probation. Partnerships with community residents and institutions provided court administrators the ability to achieve much higher levels of monitoring and offer a greater variety of treatment services than in regular, office-based probation. The juvenile court's efforts to intensify probation, thus, revolved around providing youth greater amounts of in-person supervision through offering them more treatment services, mandating more contact between POs and youth, and requiring youth to complete more community service and pay more restitution. At the same time, officials developed a wide range of graduated sanctions (e.g., community service, 3-day detention sanctions) that aided their attempts at fostering immediate behavior change and were somewhat successful in avoiding increases in incarceration due to the greater detection powers of this more intensive system of behavior control (Simon, 1993; Grattet et al., 2009). Court administrators' investment in intensive supervision and treatment resources rather than surveillance per se, allowed the new interventionist juvenile court to accomplish short-term treatment and punishment goals together in a way that wasn't possible at a system-wide level in the adult probation and parole system or under the old juvenile court model.

Chapter 4 analyzes trends in the use of youth prison, community-based out-of-home placement programs, and non-residential intensive supervision resources in the 1990s and 2000s,

drawing on a mix of archival and electronic database evidence, supplemented by interviews with high-ranking administrative officials whose policies influenced these patterns of decision-making. Qualitative and quantitative evidence suggests that patterns of out-of-home placement changed over time along with the policy preferences of court officials. Initially, in the early 1990s, during the height of the increase in violent youth crime, officials followed in the "diversionary" tradition of American juvenile justice (Zimring, 2005): rather than investing in the large-scale incarceration of youth in secure facilities that were acknowledged to be purely punitive, they utilized community-based intensive supervision as an alternative sanctions that avoided the possible harms of incarceration while also saving administrators money.

From the mid-1990s through mid-2000s, however, as BARJ and the new interventionism started to influence decision-making, officials began to use their intensive supervision resources more proactively to achieve the goals of immediate community protection and behavior change, and less as a way of avoiding the financial and human cost of out-of-home placement. As a consequence of these decisions, from the mid-1990s through the late 2000s (roughly 2008), there was a large decrease in the average amount of time youth spent incarcerated at the same time that there was a substantial increase in the number of youth who were removed from their homes and "placed." Importantly, at a time when serious crime was falling from the abnormally high levels of the early 1990s, a greater number of youth, including less serious offenders, were being exposed to both intensive supervision and out-of-home placement, and this trend was consistent with the new interventionism's focus on using system resources to foster short-term behavior control.

In many ways, recent trends in out-of-home placement trends in Allegheny County are a product of the consensus that the community rather, rather than an institutional setting, is where

to focus the juvenile justice system's "change"-making resources. Rather than responding to the increased societal concern with public safety by remaking community supervision as a surveillance-oriented supplement to incarceration, the new interventionism did the opposite—effectively turning custodial confinement into an appendage of an increasingly intensive community supervision system. Specifically, court administrators developed a strategy to use short periods of out-of-home placement to "shock" youth into accepting intensive treatment and supervision services in the community. As officials grew confident in their ability to intervene intensively in the community in a way that would both protect the public and rehabilitate youth, they became less shy about expanding this short-term placement/day treatment aftercare combination to less serious youth offenders. As long as out-of-home placement contributed to immediate behavior change in the community, officials were less concerned about the possible harms of widening the net of social control since these trends were part of a well-thought-out plan for reducing delinquency.

Chapter 5 examines this plan in greater detail from the perspective of the administrative and ground-level officials who founded the Community Intensive Supervision Program (CISP), the BARJ initiative that epitomizes the new interventionism. This chapter explores how the partnership between the court and inner-city African-American communities adapted and transformed the new interventionism. Partnering with "the community" served both the treatment and punishment goals of the BARJ officials. It enabled the court to expand its effectiveness and efficiency in achieving short-term "change" in a community setting for youth from the most deprived neighborhoods who were most at-risk for escalating involvement in the most serious forms of delinquency. Just as importantly, hiring community members from the same inner-city neighborhoods as many delinquent youth promised to be more effective than

traditional methods. Especially in the context of the increasingly hostile relationship between criminal justice officials and urban, African-American youth, who were the main targets of aggressive crime control policies, CISP gave the juvenile court's efforts at "change" potentially greater perceived legitimacy in the eyes of the juveniles they were trying to help.

At the ground-level, CISP represented an effort to use juvenile justice resources to create a sympathetic and supportive community that was protected from the violence of the streets. In the context of the persistent violence of inner-city neighborhoods and the necessity of "acting street" as a method of survival, the goal of short-term "change" in CISP was never to transform youth, but to give them the "toolkit" necessary to "code-switch" so that they could function more effectively in a better environment (Milton, 2011; Anderson, 1999). The juvenile justice system's ability to control behavior in the community was envisioned to compel and persuade youth to "taste success" in their schools, jobs, and homes so that they would be motivated to achieve this goal once outside of court supervision. Competency development and victim restoration programming were implemented in a way that forced youth to deal with the "reality" of the bad choices that they had made and sought to get youth to adjust to high-crime neighborhoods, negative peer influences, and a lack of legitimate job opportunities in a more productive way than through delinquent behavior.

Thus, in response to the same complex of deindustrialization and a lack of work opportunities that spawned the mass incarceration of young black men in the adult system, CISP instead tried to make the criminal justice system inclusionary. If the new interventionism changed the focus of the juvenile court from long-term rehabilitation to immediate community protection and short-term "change," in CISP, there was also a new methodology for making this more intrusive probation system productive for minority youth. Drawing on interviews with

CISP officials, observational evidence, and analysis of archival materials, this chapter examines CISP's attempt to make forceful intervention in the community work to the benefit of inner-city African-American youth.

Chapter 6 examines how the new interventionism works in practice, drawing on archival evidence, participant-observation, and interviews with CISP clients and parents. My evidence suggests that CISP is, in fact, a potent intervention that largely achieves the new interventionist project of generating immediate behavior change and community protection while keeping most youth residing in their home neighborhoods. The combination of "rules and relationships" offered in CISP exposes youth to a combination of persuasive and coercive influences, which are generally effective in achieving short-term behavior improvement. Many youth come out of CISP having improved their attendance, behavior, and performance in school, and others have gotten job experience and thought more clearly about their career paths. Likewise, the program's efforts to cultivate relationships with parents appears to result in clients leaving the program having better relationships with their family members. In general, many youth come out of the program having better relationships with authority figures, having learned how to behave around CISP staff with respect and control their emotions even when they believe they are treated unfairly. In addition, youth leave the program equipped with strategies for managing conflict with peers without resorting to violence and have been taught more effective strategies for resisting peer pressure. As a whole, the role-modeling efforts of CISP officials and locally-tailored therapeutic program are often successful in teaching youth strategies to "code-switch" and function more effectively in their immediate peer and neighborhood groups as well as outside of these environments (Anderson, 1999).

On the other hand, in certain ways, CISP's efforts to make forceful state intervention work as an inclusionary measure for the benefit of urban minority youth may have partly failed. In order to create a safe and "decent" program environment in neighborhoods characterized by frequent violence and residents' fearfulness of crime, CISP officials depend heavily on coercive as well as persuasive strategies of controlling behavior (*ibid.*). With varying degrees of success, CISP attempts to integrate these sanctions into the therapeutic curriculum as part of the effort to teach youth the consequences of negative behavior and to get them to respond better to authority figures so that they can more effectively avoid conflict with teachers, police, and bosses. However, because of the overall context of Disproportionate Minority Contact and aggressive policing of CISP neighborhoods, efforts to make punishment "productive" sometimes fail. As my interviews with CISP staff and clients indicate, some youth, who perceive the criminal justice system as inexorably "against them" and a lack of options in conventional society, leave the program relatively unchanged.

CISP and the new interventionism revolved around using whatever combination of persuasive and coercive measures worked to get youth to experience behavior change in their home communities. From the perspective of rehabilitation and transforming youths' lives, CISP was largely a failure. But in terms of leaving youth marginally "better off" than they were before the system intervened, CISP and the new interventionism were more consistently a success at producing short-term and possibly long-term behavior change than either the old interventionism or the new penology. Unlike these other models, CISP and the new interventionism offered a plausible argument—supported by the everyday realities of how the system worked in practice—for how a more intrusive juvenile court might do more good than harm for inner-city minority youth and communities.

Chapter 2

Balanced and Restorative Justice (BARJ) and The Evolving Relationship Between Treatment and Punishment

Introduction

In 1995, Pennsylvania passed Act 33, which mandated that certain serious youth offenders be automatically tried as adults. More importantly though, this same piece of legislation adopted Balanced and Restorative Justice (BARJ) as the new mission statement of the Pennsylvania juvenile court—adding community protection and victim restoration to the goals of the modern juvenile justice system. These legislative reforms insulated the juvenile court from "penal populism," leaving control over how to respond to the increase in serious and violent forms of delinquency and greater fear of crime in the hands of largely unregulated county court officials (Garland, 2001). Through a combination of archival analysis and interviews with juvenile court administrators in Allegheny County (Pittsburgh, PA), this chapter examines the philosophical framework and policy decisions of office-level bureaucrats who implemented the BARJ reforms during the get-tough era (*ibid.*; Lipsky, 1980).

While in many courts and other public service organizations, mission statements are routinely ignored and are, at best, redundant, in Allegheny County (Pittsburgh), BARJ is the backbone of the court, inspiring the everyday routines and practices of officials while also providing them a language to talk about their work. BARJ, I argue, was implemented with so much energy because it articulated how the court's policies and practices would achieve the general good in an era defined by widespread pessimism about the juvenile court's ability to reduce recidivism (Martinson, 1974; Feld, 1999). Specifically, the BARJ administrative

categories of Community Protection, Victim Restoration, and Competency Development provided greater clarity of purpose in the face of unknowns about how effective the juvenile court was in responding to the more serious and violent offenders coming into the system in the 1990s. By focusing on what the system could do for communities, victims, and youth *in the short-term*, officials were able to justify their work as doing good regardless of whether their policies had a lasting effect on youth. The new mission statement also provided officials a more accurate description of the juvenile court's role in society than the old interventionism: the court specialized in punishment, not treatment. Acknowledging the system's small effect on recidivism and punitive qualities allowed officials to explain their work to "an increasingly disbelieving public" while paving the way for policies geared specifically for "victims" and "communities" (Garland, 2001).

I argue that the certainty and passion that characterized officials' adoption of BARJ in Pittsburgh belied a fundamental insecurity about the proper role of the juvenile justice system in the post-rehabilitative ideal era. Historically, the juvenile court was founded on the idea that societal intervention into the lives of delinquent youth should be geared toward having a beneficial effect on youths' futures (Breckinridge and Abbott, 1912; Dohrn, 2002). This compared to the backward-looking adult system, which most recently under the new penology, has been geared toward surveillance and incapacitation rather than the greater good of society in the long-term (Western, 2006; Zimring, 2002). From an outsider's perspective, BARJ's focus on achieving short-term administrative goals—and especially Community Protection and Victim Restoration—raises the question of whether the modern juvenile justice system has become like the contemporary adult system in adopting a short-term mindset geared toward achieving only a temporary solution to the problem of crime. In the end, I conclude that the new interventionist

juvenile justice system did not become like the adult criminal justice system, as officials formulated a new methodology articulating how to make the court's now-acknowledged punishment role "productive" for youth and society in the short-term and the long-term (Simon, 1993).

"Getting Tough" But Retaining Discretion in the Hands of State and County Officials

Act 33 was the public face of the Pennsylvania Juvenile Justice System's response to the outbreak of youth violence in the early 1990s and calls from the right to "get tough" on what was supposedly a new generation of "superpredators" (Dilulio, 1995). This bill was debated by legislators in the Special Legislative Session on Crime convened by Governor Ridge in 1995 and was the focus of the news media's coverage of the juvenile justice system's reforms (Griffin, 2006). Act 33 is an example of statutory exclusion legislation, in which the legislature, as opposed to court officials, decide that youth committing certain serious offenses and having certain prior record profiles should bypass the juvenile justice system and be automatically tried in adult criminal court. Specifically, the law mandated that youth who were 15 and over and committed a violent crime with a firearm would now be tried as adults (http://www.ncjj.org/Publication/State-Juvenile-Justice-Profile-Pennsylvania.aspx).[1]

Before the passage of Act 33, the law permitted judges to "waive" to criminal court cases of fourteen-year-olds and older who were charged with felonies and who officials determined on an individual basis were unamenable to treatment or had exhausted the resources of the juvenile justice system. In response to the increase in serious youth crime in the late 1980s and early 90s,

[1]In addition, Act 33 covered those who were 14 and over and charged with a serious and violent crime who also had a prior adjudication for a serious, violent crime. However, in practice, there were very few cases that met these criteria (conversations with NCJJ researchers and court officials).

juvenile court judges in Pennsylvania were already waiving an increasing number of youth to adult criminal court by the time Act 33 went into effect in 1996 (Snyder, Sickmund, and Poe-Yamagata, 2000).[2] Surprisingly, Act 33 seems to have led judges to scale back their use of discretionary waiver. Between 1995 and 1996, the number of waivers declined from 277 to 157. One possible explanation for this counter-intuitive finding is that judges were anticipating a greater number of youth being transferred as a result of the new legislation and figured that the law would cover more offenses than it did in practice. Act 33, however, did not affect nearly as many youth as judges may have expected. Pennsylvania, in line with almost half of the states with legislative transfer mechanisms in place (22/45), permits adult court judges with original jurisdiction over Act 33 cases to "decertify" youth to be tried in juvenile court (OJJDP, 2011). In 1996, for every 100 cases prosecuted under Act 33 in the three largest counties in Pennsylvania, 30% were decertified to juvenile court and, likewise, in 36% of cases, the charges were dismissed (Snyder, Sickmund, and Poe-Yamagata, 2000).[3] As a result of these decisions, " . . . the ultimate impact of Pennsylvania's exclusion legislation in 1996 was to retain in criminal court those cases that the juvenile court would have judicially waived had it been given the opportunity" (*ibid.*: 38).

[2] Between 1986 and 1994, there was an 84% increase in judges' use of waiver to criminal court. While this trend was partially due to an increase in violent crime, it was also a result of judges becoming more likely to waive cases to the adult system in response to those crime trends. Research by NCJJ found that in 1994, 33% of youth waived had not committed serious offenses (either for their instant offense or prior record) compared to 20% of youth waived in 1986.

[3] Because of dismissals and waivers, of the 473 cases that were excluded from juvenile court on Act 33 charges in 1996, only approximately 135 resulted in conviction and sentencing in criminal court (Snyder, Sickmund, and Poe-Yamagata, 2000).

In Allegheny County[4], Act 33 had a similarly small effect. Between 1997 and 2005, between 77 and 160 cases were originally prosecuted under Act 33, making up between 10% and 17% of juvenile referrals to court for person and firearm offenses (Juvenile Probation Annual Reports, 1998, 2000, and 2005). Had Act 33 been strictly implemented, it could have affected a substantial number of cases in certain years. In 1997, the year in which the transfer law affected the largest number of cases, 25% of robbery referrals and 15% of aggravated assault referrals to court fell under the law.[5] Yet, as a result of the discretionary decisions of officials, only 27% of those cases (and only 4% of total robbery and aggravated assault referrals) led to hearings that could have resulted in adult sentences. Some of these cases (23%) resulted in dismissed or withdrawn charges, or re-filings in juvenile court before ever being heard in adult court. Similar to the statewide pattern, 60% of the remaining cases were decertified to juvenile court. While, I do not presently have data on what happened to youth who were convicted of Act 33 charges and had sentencing hearings in Allegheny County, the results statewide suggest that less than half of these youth were sentenced to prison or jail (Snyder, Sickmund, and Poe-Yamagata, 2000: 36).

Allegheny County officials first responded to Act 33 by making a family court judge, Nicholas Diulius, responsible for solely hearing all cases falling under its boundaries in a court session designed specifically for these cases. However, in the early 2000s, a decision was made that having a family court judge hear these cases in the family court building contradicted the intention of the law. Following that decision, a special judge in Criminal Court across the street--who had also spent much of his time as a juvenile court judge--would hear all of these cases. While this may have given the Act 33 process greater legitimacy in the public eye, it did not

[4] Allegheny County is one of three counties included in the above analysis of transfer in Pennsylvania.

[5] Act 33 in practice, at least in its early years, affected primarily robberies and aggravated assaults committed with firearms.

result in more cases being given sentencing hearings (and one might assume sentences as well) in adult court. While there is no good data tracking the impact of Act 33 in Allegheny County past 2005, it appears that a similarly small number of youth are being sentenced as adults (especially emphasized in conversations with probation administrators, John Stevenson[6] and David Woodhurt).

Underlying these patterns, in Allegheny County as well as in many counties in Pennsylvania, most judges and probation officers believe that juveniles receive more age-appropriate and productive punishment in the juvenile justice system rather than in the adult system. There is a consensus among the officials I interviewed that adolescents are different than adults and require a different kind of treatment (especially emphasized by Judge Hauting and Chief Probation Officer, Russell Carlino). Illustrative of officials' preference for treating youth differently from adults, even some of the more community-protection oriented probation officers believe that the juvenile system can handle many of the cases that are originally heard in adult court (interview with probation administrator, Raymond Bauer).

Balanced and Restorative Justice in Pennsylvania

While the new transfer provisions of Act 33 were what received the most media attention, more importantly, the law mandated that Balanced and Restorative Justice (BARJ) would be the new mission statement of the juvenile court. The Juvenile Act, which had emphasized the child's "treatment, supervision, rehabilitation and welfare"[7] was now to be interpreted in ways

[6] I used fictitious names for all officials except for those who volunteered to have their names included.

[7] The language of the old Juvenile Court Act also mentioned that this treatment would be "consistent with the protection of the public interest." However, unlike BARJ, community

that would further "the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become productive and responsible members of the community" (JCJC, 2008; Griffin, 2006). Because of the automatic transfer law's relatively small and diluted impact on courts' handling of delinquency cases and Pennsylvania's aggressive implementation of BARJ, the end result of Act 33 was to maintain discretion over delinquency matters in the hands of state and county officials, who were increasingly confident in their ability to do good for their three clients: communities, victims, and youth. Interestingly, this appears to have been the purposeful design of some of the judges and probation officials who sculpted the reform legislation. As one prominent state official notes, BARJ gave officials "cover to do something productive" (interview with Delores Evans, Juvenile Court Judges' Commission).

Among county probation officials, the "Balanced" approach to probation was gaining support and influence. In Allegheny County, for example, the court's 1993 Court of Common Pleas Annual Report uses this language in describing the mission of the juvenile court. Likewise, Susi Blackburn, a Chief Probation Officer from Somerset County, saw an article on this subject by Dennis Maloney in the Juvenile & Family Court Journal (1988) and fully embraced this approach. Her county even sponsored a statewide conference on the topic of how to incorporate the balanced approach principles into their system.

At the same time, Governor Ridge, a staunch Republican who was elected on a tough-on-crime platform, did not politicize the juvenile crime issue in the same way that he and other state politicians did for the adult system (Kramer, 2009). He left the sculpting of the reform legislation almost fully up to the Juvenile Court Judges' Commission (JCJC), a legislative

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protection wasn't formally defined as an objective in and of itself but flowed from the goal of rehabilitation (JCJC, 2008).

agency run by juvenile court judges, the Pennsylvania Council for Crime and Delinquency (PCCD), another advisory organization in charge of allocating federal and state funds to the counties, and the Pennsylvania Council of Chief Probation Officers (PACJO). These main groups then sought the input of county probation officials and other professional associations such as the Public Defenders' and District Attorneys' associations (Griffin, 2006). Making community protection and accountability to victims part of the new mission statement was viewed by these actors as a compromise measure for responding to the get-tough on crime movement, but in a way that furthered the mission of helping youth, or in the new language of BARJ, building competencies. While some county probation officials initially viewed BARJ as being too "tough on crime," these professional lobbies were able to persuade the great majority to support their efforts by arguing that the new reforms were about improving the probation system.

The key to gaining the support of both politicians and juvenile court officials was the "accountability to victims" part of the mission statement (interview with Delores Evans, Juvenile Court Judges' Commission). This language of "accountability" sounded like punishment and appealed to conservatives who were responding to the lobbying efforts of crime victims. At the same time, shielded from the political pressures that politicians like Ridge faced, the state officials who implemented BARJ were free to define accountability according to restorative justice principles as having youth "make amends to victims" through programs such as family-group conference, victim-offender mediation, community service and paying restitution (Bazemore & Umbreit, 1997). "While retributive justice responds to crime as an act against the government, through proceedings in which offender accountability is defined through the imposition of punishment, and in which victims are passive participants, restorative justice gives

priority to repairing the harm done to victims and communities, and offender accountability is defined in terms of assuming responsibility and taking action to repair harm" (JCJC, 1997). In the state's publications explaining BARJ, "accountability to victims" was increasingly referred to as "victim restoration," an acknowledgment of this new definition (Torbet, King, and Bender, 2006; JCJC, 1997, 2005).

Governor Ridge was very pro-victim and supported BARJ as part of a larger reform effort that responded to their interests. For example, following the passage of BARJ, he appointed the first victim advocate and extended the Crime Victims Act to juvenile court, requiring judges to give crime victims the opportunity to make a statement in court. Importantly though, Ridge and his wife, Michele, the former director of the Erie County Library System for sixteen years, were strong supporters of evidence-based crime prevention efforts. She worked to spread the Communities that Care initiative, which sought to bring together local community organizations to prevent crime and has since become a well-regarded program backed up with social science evidence demonstrating its beneficial effects (http://www.mylifetime.com/my-lifetime-commitment/remarkable-women/michele-ridge; Hawkins et al., 2012). Ridge appeared to view the juvenile justice system as part of a larger crime prevention program. For this reason, he not only voiced his support for BARJ but also offered JCJC $5 million in the three years following its passage for state officials to implement these reforms. According to a JCJC official, "he loved us." She remembers hearing him say in a speech that BARJ was great because it was kind of "get tough" but that they were also getting "smarter" on crime prevention (interview with Delores Evans, JCJC).

Pennsylvania aggressively implemented the Balanced and Restorative Justice mission statement probably more fully than any other state. Pennsylvania operates a decentralized

system in which each of the 67 counties operates separately, with little direct influence from the state (http://www.ncjj.org/Publication/State-Juvenile-Justice-Profile-Pennsylvania.aspx). For example, while the state operates a limited number of secure youth prisons, these are used for only a small number of youth when compared to other states. Counties instead maintain independent relationships with private and non-profit-run placement providers, though they are governed by state financial reimbursement incentives. When counties send a youth to out-of-home placement, the same judge that committed him to that institution retains control of the case and makes decisions regarding when to release him. By contrast, in most states, there are a greater number of publicly financed youth prisons and local judges commit placed youth to a central parole authority, which manages these decisions. At the same time, in other respects, Pennsylvania was not atypical. The National Center for Juvenile Justice (NCJJ) characterized the juvenile justice systems of 17 states, Pennsylvania included, as being "decentralized," while only 12 were "centralized," and 20 had combinations of decentralized and centralized elements. No doubt, the generally decentralized nature of juvenile justice decision-making (especially when compared to the adult system) shaped the evolution of BARJ in states such as Pennsylvania. Because of this situation, BARJ was not implemented "from above" by legislators or state-level bureaucrats. Rather, it evolved as a result of the efforts of local county officials who took on leadership roles in state-run organizations.

In this decentralized system, there was also the potential for BARJ to be implemented in a way that had no meaningful effect on court programming or decision-making or led to vastly different effects in different counties. The support and leadership for BARJ in state associations such as JCJC, PCCD, the PACJO, and NCJJ were, therefore, key in explaining and spreading the new mission statement to the counties. Through running trainings, conducting research,

administering technical assistance for counties, and disbursing BARJ-related funding, these organizations were able to orchestrate a paradigm shift in the language and rhetoric of juvenile justice[8] that, in certain counties also led to core programming innovations as well (JCJC, 1997, 2005). In 1998 and 1999, for example, JCJC and PCCD funded Balanced and Restorative Justice implementation positions for both the state and county levels. Through issuing a variety of publications clarifying the meaning of the community protection, victim restoration, and competency development clauses of BARJ, these groups were able to spread the word about their new mission statement to ensure that, with a few counties excluded[9], everybody was basically on the same page. Likewise, in 1996, JCJC sponsored 8 regional training sections on BARJ, getting all 67 counties to participate. In 1998, PCCD began funding the BARJ Implementation Grant, for which counties could apply. As state officials recognize though, encouraged by the statewide reform effort, "the most important implementation efforts are taking place at the local level" (Anderson & Blackburn, 2003).

BARJ in Allegheny County

In her presentation before a group of court officials and staff in 2010, former Allegheny County Administrative Judge Kimberly Berkeley Clark relayed the story of how a Chicago

[8] Almost all of the Pennsylvania county juvenile court websites that I've seen display the BARJ mission statement prominently. McKean County's home page, for example, has a link to "Balanced and Restorative Justice?" which explains the mission statement and gives examples of county programs that fall under community protection, victim restoration, and competency development.

[9] Luzerne County juvenile court judge, Mark Ciavarella, who orchestrated the infamous "cash for kids" scandal that led large numbers of youth to be incarcerated for minor offenses without having legal representation, disliked BARJ. According to journalist William Ecenbarger, who studied the scandal, "when Ciavarella received a video presentation on balanced and restorative justice that had been prepared for juvenile judges, he tossed it in the trash after reading the title" (2012: 41).

Juvenile Court judge told a Philippine official who wanted to learn more about Balanced and Restorative Justice that he should call up officials in Pittsburgh because that was where the new movement was centered. Indeed, Dennis Maloney, the founder of the "Balanced" approach to probation, believed that Pittsburgh and Pennsylvania would be a leader for the BARJ juvenile justice system in the 21st century just as Chicago and Illinois were for the juvenile court movement in the early 20th century (interview with former Chief Probation Officer, Jim Rieland).

The BARJ reforms were adopted with such intensity in Pittsburgh because of the support of high-ranking county officials who promoted and aggressively sought to implement the new mission statement. Jim Rieland, Chief Probation Officer in Allegheny County from 1998 to 2009, who one staff aptly called "Mr. BARJ," was appointed the head of the Pennsylvania Chief Probation Officers' Balanced and Restorative Justice Implementation Committee in 1997 and retained that position until his retirement in 2009. During his tenure on that committee, he had numerous accomplishments, including the creation of the Case Closings reports, a set of intermediate outcomes that are utilized to quantify and evaluate the state's and individual counties' implementation of BARJ. Because of Rieland's leadership efforts, Allegheny County has taken the lead with the state's implementation of Balanced and Restorative Justice. Likewise, because of the location of the National Center for Juvenile Justice (NCJJ)[10] in Pittsburgh, Allegheny County officials have also played a major role in discussions on how to implement BARJ across the nation (*ibid.*).

Part of Allegheny County's appeal in particular to BARJ reformers stems from its status as a "well-resourced" juvenile justice system. Some observers believe it has the most

[10] The National Center for Juvenile Justice (NCJJ) is the research wing of the National Council of Juvenile and Family Court Judges, a non-profit group.

community-based resources of any juvenile court in the country, which provided the basis on which reformers could initiate further partnership with communities under BARJ (conversation with staff at NCJJ). For example, six years before the formal adoption of the new mission statement, Pittsburgh started the Community Intensive Supervision Program (CISP), an alternative to placement program staffed with members of the same communities from which a high portion of youth offenders originated. One high-ranking CISP official quite accurately characterized the program as "BARJ before BARJ was BARJ." Largely because of community-based programs such as CISP, Allegheny County has implemented BARJ, and especially the "balanced" part of the mission statement, more fully than anywhere else in the country (*ibid.*; interview with Jim Rieland).

The Allegheny County Juvenile Probation administrative staff believes strongly in Balanced and Restorative Justice. Walking past the cubicles of staff and administrative officials, one sees numerous displays of Steelers signs and logos and black and gold colors, which dominate the office; yet, blue, white, and yellow, the colors of Balanced and Restorative Justice come in a close second place. For example, one high-level administrator's outer-cubicle is covered in Steelers' gear, but, inspecting closer inside his cubicle, there is a large clock on the wall etched with the BARJ scales of justice logo. This piece of BARJ memorabilia and others are designed by Connie Pryzbyla, assistant to Jim Rieland and the Director of Public Relations at the court; she also has a blue ruler on her desk that says, "Juvenile Probation. We measure everything." These pieces are indicative of a larger effort by the court to get out the word about their system during Juvenile Justice Week (JJW), commonly referred to as "Holy Week" by staff, which occurs every year in the first week of October.[11]

[11] Juvenile Justice Week began in 2000.

During this week, the court is decorated with BARJ paraphernalia; a probation officer sits with BARJ pins at the entrance to the Family Court, which he distributes to anybody and everybody willing to "take the BARJ pledge." Ever year, middle and high school children come to learn from officials about how the juvenile justice system works and the types of programming that they would be compelled to participate in if they were to be placed under court supervision. One of the sessions students attended in 2011 was entitled, "What does a probation officer do?" In this workshop, a School-Based Probation Officer invited a youth on her caseload to talk about his experiences on probation, allowing the students to ask him questions. Then, she had youth audience members categorize a list of activities performed by POs as falling under the Community Protection, Victim Restoration, or Competency Development clauses of BARJ.

The court also holds an annual Awards Ceremony, in which juveniles and staff are recognized for their accomplishments. Every year, youth from the Community Intensive Supervision Program (CISP) are honored for the money they raise through holding an annual car wash, which is part of their mandatory community service obligations; at the ceremony, the youth present this money to a representative from the Center for Victims of Violent Crime (CVVC), the local victims rights group. In 2011, the court also honored youth and an art instructor from YDC New Castle—the court's most-used locked prison facility—for the completion of a piece of artwork that will now be displayed in the court's waiting area for youth and families. A teen involved in the project was given a chance to speak during the ceremony about what the art meant to him and how he felt about being honored. The court also holds an essay-writing contest in which they give out awards to ten youth. Staff believe that awards such as these are important because they may be the only recognition for positive, law-abiding

accomplishments that youth clients have received (conversation with John Tynes, probation official).

During JJW, officials also hold a "Renewing Oath and Celebration Ceremony," in which they honor long-time employees and formally induct new court employees. Despite the low pay that POs receive and the often irregular hours they are required to work, the Allegheny County Probation Department has been able to keep many long-time employees. In 2010, for example, the court honored seven probation officers who had served at least 25 years, including two that served over 40 years. In 2006, they recognized twelve employees, the majority of whom were probation officers, who had been employed by the court for at least 30 years, and who were still with the court. Brian Dawkins is a School-Based Probation Supervisor who has worked as a PO for approximately ten years. Like many POs, he had previously worked as a social worker in the Department of Children, Youth, and Families (CYF). He quit that job because, due to the adversarial nature of the role of social worker in court, he felt like he was being put on trial; one attorney even told him that he shouldn't do his job so well because the court would look down on his efforts. He then quit CYF and became a probation officer, where he says he can confidently take pride in doing his job well.

Besides the ceremonial aspects of BARJ, the mission statement also infuses the mental processes and conversations that take place in court. The three judges whose courts I observed claimed that they thought about BARJ all the time when they made decisions. Judge Hens-Greco, the current Administrative Judge, explained the relevance of BARJ to her work:

> . . . how do I create an order that presents the possibility that this child will do better than they are doing right now . . . I have to sort of decide on balance, this kid, this moment, given what everyone says, how do I make it better? What's the potential for that kid and how do I help them realize that potential as well as the flipside, which is the consequence for their behavior, and community protection.

Likewise, the court's out-of-home placement providers, most of which are privately run, have aggressively integrated BARJ principles into their curriculum. Jim Rieland would go out and meet with each provider and ask them what they were doing to implement BARJ. Many of them responded by saying that they now have a BARJ therapy group and Rieland would say, "what the hell is that?" Because of their wholehearted efforts to implement BARJ, Rieland had to clarify with them that it is a mission statement, not a therapy program per se.[12]

Throughout the course of my fieldwork, every staff member I talked to knew about Balanced and Restorative Justice. Recently, I was telling a new CISP employee about my research and I used the term Balanced and Restorative Justice rather than the abbreviation, BARJ, which staff commonly use. She initially didn't know what I meant but then she said, "Oh, BARJ. I knew that sounded familiar. You mean BARJ." In describing my research, I found that the easiest way to communicate with court officials was to tell them I was interested in learning what BARJ meant in practice. This description of my study communicated my interest in understanding their perspective on the system, what BARJ meant to them and how it shaped their jobs, as well as how the system worked in practice. At no point did any official I talked to about my study ask me what BARJ meant or question why I was taking it so seriously in my work.

Of course, BARJ is not warmly embraced by all Allegheny County court employees. John Farmer, for example, who has worked as a probation officer for 33 years, claims that he was doing everything embodied in BARJ before BARJ went into effect. Yet, even he admits that, "it's a nice way to categorize where things need to be done with young men and young

[12] However, placement providers, with the approval of probation administrators, continue to hold BARJ therapy groups, which are oriented towards having youth grapple with the victim's perspective.

ladies." Likewise, the Director of Shuman Center, which does not employ BARJ curricula ostensibly because it is a pre-adjudication facility, believes it is a good mental framework. The one official I encountered who strongly disliked BARJ was a Public Defender who believed BARJ in Allegheny County had led to an unfair, "draconian" system, especially when compared to another Pennsylvania county in which he worked. "Think of BARJ as a strain of bacteria. This is the most virulent strain," referring to the Allegheny County Court's strong efforts to implement their mission statement and the resulting effects on the system. While not always beloved, BARJ is respected as a serious reform because of the changes it brought about in the mental framework and policies of the Allegheny County Juvenile Court.

The Clarity of BARJ

The Balanced and Restorative Justice movement emerged in the late 1980s after the decline of the rehabilitative ideal a decade earlier. Rehabilitation was largely discredited in the 1960s and 70s as numerous studies seemed to demonstrate that "nothing worked" (Martinson, 1974). Deinstitutionalization and due process reforms highlighted the enormous harm that was done in rehabilitation's name by locking up often minor delinquent and status offenders in physically brutal institutions supposedly for their own good (Miller, 1991). At least in terms of the public debate being had on juvenile justice issues, treatment, it was concluded, was actually punishment (1967 Crime Commission Report; Forst et al., 1992). The decision-making of well-meaning juvenile justice officials who believed they were balancing these goals would not protect juveniles from the harms of state intervention into the lives of the poor. Thus, it was agreed that a variety of due process restrictions were necessary to protect the interest of the child

in particular from the decisions of officials who, while often well-intentioned, were actually acting in the interest of punishment, not in the interest of youth.

At the same time, in the wake of the increase in serious and violent juvenile crime in 1970s and 80s as well as increasing fear of juvenile crime, some states responded to these conditions by "getting tough" on crime. Many states passed legislation easing the waiver of youth to adult court and reducing the jurisdiction of the court. For example, in 1978, New York passed the Juvenile Offender Act, which allowed for youth age 13 to 15 to be charged as adults, though they would serve their sentences in juvenile facilities (Kupchik, 2006). As a result of the tough-on-crime mentality, there was an increase in youth in juvenile custody in the 1980s as well as youth transferred to the adult system (Puzzanchera, 2008).

Balanced and Restorative Justice was a response to what reformers viewed as the stale debate between the "get tough" and deinstitutionalization perspectives (Maloney, Romig, and Armstrong, 1988; Bazemore, 1997). Taking a middle-ground approach, BARJ reformers reasserted the then defunct idea that treatment and punishment were reconcilable. They argued for a new "vision of social control" (Cohen, 1985) that would reconcile the child's interest in rehabilitation and avoiding the harms of placement with the community's interest in public protection and punishment. As Maloney, Romig, and Armstrong (1988) wrote, "The Balanced Approach is about reconciling seemingly incompatible values and translating these values into action" (4).

BARJ reformers were attempting to create the new rehabilitative ideal for the 21st century. This self-consciously utopian vision for juvenile justice is remarkable in the supposedly post-rehabilitative ideal era. " . . . in the crisis surrounding juvenile justice systems moving into the second century of the juvenile court and toward the new millennium, apparently Utopian

visions may be needed to sustain the motivation of those hoping to preserve and also reform a justice system for juvenile offenders . . . Every community member, every professional who is moved by the vision will be able to contribute to shaping the new juvenile justice model" (Bazemore & Umbreit, 1997: 44).

Unlike most liberal academics and conservative politicians, Pennsylvania and Allegheny County juvenile justice officials never really gave up on the rehabilitative ideal. Because of the relative insulation of the BARJ juvenile court from the politicization of crime, there was a "loose coupling" between changes in popular opinion and trends in the political sphere and the on-the-ground views of public service employees working in "people-processing" organizations (McCorkle & Crank, 1996; Lipsky, 1980). Juvenile justice officials are presented with the daily reality of interacting with the individuals they serve and distributing scarce resources according to organizational priorities that derive more from internal traditions than from politics or public opinion. For this reason, the views and perceptions of the wider society get filtered through a different lense and result in a not-so-straightforward translation into the culture of the juvenile court.

The juvenile justice system necessarily deals with complex social problems that are the result of socioeconomic disadvantage, family dysfunction, school failure, mental health issues, and many other problems that are not under the juvenile court's control. Whatever the source of youths' issues, it is still the juvenile justice official's role to solve the problem by connecting the youth with the right set of resources that are appropriate for his degree of blameworthiness and dangerousness, therapeutic needs, and "moral character" (Jacobs, 1990; Emerson, 1969). Rehabilitation was therefore still a major part of what they did, even if there was less confidence now that they were having a major crime reduction effect.

As Michael Lipsky notes, the work of "street-level bureaucrats" operating in "people-processing" institutions is constrained by the multiplicity of organizational goals, limited resources, and the complexity of individual cases. Lipsky's insights are particularly useful for understanding the work world of juvenile probation officers. The job of a PO encompasses numerous tasks including: conducting pre-hearing investigations of a youth's home life, neighborhood, and peer influences, presenting this information in court and making a recommendation to the judge, supervising youth while they're in the community, and connecting a youth with resources from other helping organizations. One long-time probation officer in Allegheny County half-jokingly pointed out, "POs have 31 different hats. They once counted." Likewise, probation officers are placed in a therapeutic role where they are helping a youth to improve his behavior but are also given coercive powers to enforce society's interest in maintaining law and order. Because of the many problems that probation officers are dealing with and their multiple and sometimes conflicting functions in society, they are often put in a difficult position of "being everything to everyone" (conversation with Chief Probation Officer, Russell Carlino). In view of this messy reality, "the Balanced and Restorative Justice law helped us at the court and in probation figure out what our mission is" (interview with Jim Rieland).

Jim Rieland claims that BARJ is so widely accepted and has had such a large effect on the system because "it just makes sense." "You can argue against it," he notes, "but you won't win." I contend that BARJ in Allegheny County "just made sense" because it provided a descriptive account of what the juvenile justice system actually did and should do in the wake of the juvenile court's incorporation of due process restrictions, the decline of the rehabilitative ideal, and the rise of more serious and violent forms of delinquency. Anthropologist Clifford Geertz describes religion, and by extension, culture, as both providing a "model of" social reality

and a "model for" how society should be. These models are mutually reinforcing: religions thus " . . . develop their ethos together with a metaphysics because they are interested in justifying their ethos, namely, by portraying that way of life as the proper way to live in the world" (Shilbrack, 2005). In a similar fashion, BARJ became "the gospel" in Allegheny County because it adapted the mission of the juvenile justice system to the way the modern juvenile court worked in practice and, based on this more accurate description, provided guidance for the goals that the juvenile court should pursue in the post-rehabilitative ideal era.

Responding to the "Serious" Kid

Jim Rieland, chief architect of Balanced and Restorative Justice in Allegheny County, views BARJ as an adaptive response to the changing nature of youth crime as a result of the advent of guns, drugs, and gangs, which he believes accentuated the effect of persistent poverty on urban life, and resulted in a more "serious" and "hardened" offender coming to court. These youth were the so-called "superpredators" that had stoked fears in politicians and citizens who read or watched the news coverage of the horrific acts they committed (Dilulio, 1995). While the court officials in Pittsburgh, a Democratic city, never embraced these conservative views, they were alarmed by the increasingly "serious" profile of the average youth coming into court (1993 Court of Common Pleas Annual Report). "The measure of a good court is its ability to change with the times . . . adjust to the types of kids and families in court," Rieland says grimly, acknowledging the controversial nature of the reforms over which he presided as Chief Probation Officer.

Officials' perceptions of the changing nature of the juvenile delinquency was based partly on fact, though they were also colored by trends in policing, which affected which cases made

their way to court. Between 1977 and 1993, there was an increase in the proportion of referrals to court that were for person offenses from 16% to 29%; some of these offenses occurring in the early 1990s were most likely related to the city's burgeoning gang and drug problem. Likewise, while there were only 20 referrals for weapons possession in 1977, by 1993, there were 365 and this number stayed at an elevated rate throughout the 1990s and 2000s, though some of this increase is probably a result of the advent of zero tolerance policies in schools and more aggressive stop and search police tactics. Because of the increase in firearms cases, in 1993, the Allegheny County Court added a metal detector (1993 Court of Common Pleas Annual Report).

In large part because of the more frequent use of firearms in violent crime, youth violence also became increasingly lethal in the struggles that ensued between rival gangs and drug dealers (Zimring, 1998). As a result, between 1977 and 1993, the number of homicide/manslaughter referrals increased from 2 to 17. While homicides also increased between the late 70s and early 80s, peaking at 11 in 1981, officials probably correctly perceive that these murders were primarily crimes of passion as compared to the gang-related incidents occurring during the 90s (Jim Rieland, Northside CISP Training, 4/6/11). Related to these homicide trends, the court experienced a large increase in drug-related offenses in the late 1980s and early 90s. Between 1981 and 1993, the number of drug referrals went from 267 to 547 in 1993.[13] Unlike in the early 1980s, some of the 1993 referrals involved the sale of crack/cocaine; while juvenile marijuana arrests went up 45% between 1985 and 1993, cocaine arrests skyrocketed from only six arrests in 1985 to 276 in 1993 (Puzzanchera, Adams, and Kang, 2009). Drug referrals have continued to increase throughout the 1990s and 2000s to a peak of 642 in 2006, though a portion of this

[13] These statistics may understate the increase in drug crime because, in 1981, alcohol was included in the definition of drug crimes, whereas in 1993, this was not the case.

increase may be a result of the police's cracking down on drugs rather than an increase in use patterns.[14]

Another difference between past and present that stands out to probation officials is the increase in assaults on teachers and police officers, the former of which was almost unheard of in the 1970s. Since 1997, when the court began recording aggravated assaults on teachers separately from other aggravated assaults, assaults on teachers have made up between 16% and 46% of total assaults, a considerable portion in certain years (1997-2009 Juvenile Probation Annual Reports). These trends may also partially be the result of teachers' increased sensitivity to school violence and zero tolerance policies that lead teachers and principals to overreact to minor behaviors. For Rieland and other officials, however, this pattern is indicative of a sea change in American society in which many youth no longer have respect for legitimate authority figures, including juvenile justice officials.

Officials, sometimes implicitly and at other time explicitly, link this change to the increased referrals to court for African-American youth, who they view as particularly distrusting of authority, including that of the court. Between 1981 and 1990, the percentage of referrals that were African-American went from 39% to 58% and continued to increase to 62% in 1997 and then 68% in 2009. Again, these trends are a result of not only racial differences in patterns of offending, but also the concentration of aggressive police tactics in African-American neighborhoods as well as explicit racial profiling (Vera Institute of Justice, 2002). Many of these youth were concentrated in the most impoverished, high-crime neighborhoods that were

[14] Other scholars have found that discretionary decision-making by the police regarding where to patrol, and whether and whom to arrest, play an important role in shaping the patterns and trends in rates of illegal drug use found in official statistics (Beckett, 2004). An increase in drug arrests may, therefore, signify greater police focus and/or societal concern with drugs rather than changes in actual usage patterns (Reinarman and Levine, 1997).

especially affected by guns, gangs, and drugs. Juvenile justice officials in the 1990s were, thus, particularly concerned about how to respond to this new, more "serious," African-American juvenile offender. Officials' perception of these youths' lack of respect for traditional authority figures and distrust of the criminal justice system in particular undergirded many of the BARJ reforms.

Importantly, Pittsburgh did not experience the same decrease in the crime and violent crime rate between the mid-1990s and late 2000s that occurred in most American cities. Similar to the rest of the country, there was a substantial drop in youth violent crime in the mid-to-late 1990s, but Pittsburgh juvenile crime patterns did not follow national trends in the 2000s. Between 2000 and 2007, while, nationally, the juvenile violent crime rate dropped 4%, Pittsburgh experienced a 36% increase (Puzzanchera, Adams, and Kang, 2009). While there were several years during this time when Pittsburgh youth violence rate declined steeply to resemble trends going on in the rest of the nation, there were also several years such as 2004 and 2007 where there were big spikes in youth violent crime[15] (Dalton, 2005; Sherman, 2009). Likewise, while the average annual number of youth homicides was 4.3 between 1998 and 2003, this increased to 7 between 2004 and 2007. These spikes in youth violence, which were partially reflected in the changing makeup of the cases being referred to court, were continuous reminders to officials that the nature of youth crime had fundamentally changed and become more "serious" or "hardcore." Officials' perceptions of this change in the type of youth coming to court ignited and helped sustain the BARJ reforms.

Publicizing Community Protection

[15] It should be noted though that the spikes in youth violence and homicide in the 2000s never came close to the levels of the early 1990s.

BARJ was an attempt to engage communities by publicizing the activities of the juvenile court. The decisions and policies of the old juvenile justice system were fully insulated from the public, and this secretiveness was supported by the rehabilitative paradigm, which argued that children needed to have their identities protected from the public for their own good. BARJ proponents, by contrast, urged officials to publicize their courts to the various actors and agencies representing "the community" and to seek their input and collaboration.[16] Making community protection a core goal of the juvenile court communicated among officials and to the public more clearly than the rehabilitation paradigm what the contemporary juvenile court did—punishment of a crime through restriction of people's liberty to varying degrees depending on the offense severity and prior record (Bortner, 1982; Feld, 2005).

The 1960s and 70s were an era of widespread change in the juvenile court and Allegheny County was no exception. In cases such as *In Re Gault* (1967) and *In Re Winship* (1970), the Supreme Court declared that the juvenile justice system, like the adult system, actually punished youth; therefore, youth needed to be given many of the procedural protections and legal rights that adults had such as the right to an attorney, the right against self-incrimination, and the right to confront witnesses (1967 Crime Commission Report; Feld, 1999). During this era, the Allegheny County Juvenile Court gradually transitioned from holding informal hearings based on the idea that the state was there to rehabilitate wayward youth to a more formal court process that assumed that the juvenile justice system was punitive and that youth needed to have basic procedural protections.

[16] A model court that exemplified this ideal was the Deschutes County Juvenile Court, who, under the umbrella of BARJ, adopted a new mission statement with the collaboration of county commissioners, schools, law enforcement officials, and community organizations and members (Maloney, Romig, and Armstrong, 1988).

The gradual incorporation of legal protections has resulted in a very different court proceeding than in the past. Whereas in the past, the main negotiating was between the PO and the Public Defender (PD), District Attorneys (DAs) now meet with PDs before trial to plea bargain a case. DAs meet with police outside the courtroom to find out the strength of the evidence behind a given allegation. Based on this conversation, prior to the hearing, the DA usually negotiates a plea deal with the PD to get rid of certain charges or to reduce charges. The lawyers also decide whether or not a youth will be formally adjudicated delinquent and given a record of delinquency if placed under court supervision by the judge. During the court hearing, the judge receives testimony from the intake or investigations probation officer, who issues his or her own recommendation of whether a youth, if placed under court supervision, can be safely managed in the community or needs to be "placed" outside his home. The judge also often receives testimony from victims, parents, teachers, and social workers and then makes a decision as to what should be done. Unlike in many courts throughout the country, in Allegheny County, the judge makes the adjudication (delinquent or not) and disposition (sentencing) decisions in the same hearing.

These procedural reforms were also followed by other changes stemming from the growing recognition of the juvenile court's power to punish. Before the decriminalization movement of the 1970s, status offenders—or youth who committed offenses such as truancy and running away from home that would not have been illegal had they been adults—were commonly referred to court. In 1972, while many status offenders had been removed from the court's jurisdiction, there were still 460 cases of running away, being truant, or being "ungovernable," making up 14% of referrals to court (1974 Court of Common Pleas Annual Report). As a result of state legislation passed in 1977, these youth were no longer under

juvenile court jurisdiction and were instead handled by the Office of Children and Youth Services (CYS) (Blackmore, Brown, and Krisberg, 1988; 1979 Court of Common Pleas Annual Report). Likewise, victims play a bigger role in the process and are mandated by state law to be given the opportunities to attend hearings and to give a statement in court, as well as to be consulted by the probation officer as to their wishes in a given case. As a result of the increased formality of the process and the need to have the testimony of victims, witnesses, and police officers, and the difficulty of getting all of these people in the same room at the same time, the court process takes much longer than in the past (interviews with long-time probation officials).

In line with national trends, in Allegheny County, the giving of due process protections to youth that formerly only applied to adults was also coupled with efforts to get rid of some of the juvenile court's historic age-specific protections (Torbet et al., 1996). Whereas in the past juvenile records used to be automatically sealed and kept from the public except in extreme cases, starting in the early 1990s, employers, schools, and the general public were able to access records for fourteen year olds and older who were adjudicated delinquent of a felony and twelve-year olds committing certain serious felonies (interview with Russell Carlino, Chief Probation officer; JCJC, 2008). Likewise, court policy changed so that any member of the public could attend a court hearing, whereas in the past, the system's efforts to protect youths' identity precluded the press or members of the public from observing.

The criminalization of the juvenile justice system, both in terms of giving youth some of the rights of adults and lifting age-specific protections, has led to a growing openness among court officials about the juvenile court's punishment role in society. Along these lines, BARJ in Allegheny County led to a recognition among court employees that what the juvenile court did was punishment.

> What I always say is, we may not say it's punitive but when a kid goes away for a year and a half, if you ask him, is it punishment, he's going to say, 'oh yes it's punishment.' In our eyes, it wasn't designed for punitive purposes. The kid I'm sure saw it, I mean just as they do now. The kid's on probation, he has to have a 9 o'clock curfew. Do we view that as punitive? No. Does he? Most certainly" (Chief Probation Officer, Russell Carlino).

Aside from officials admitting to themselves that their system administered punishment, BARJ essentially functioned as a vehicle for what they believed was more honest communication with the public about the punishment-oriented aspects of the juvenile court. For example, while Jim Rieland usually chooses to use the word "kids" when describing the court's youth clients, with some audiences he uses the term offender, and he knows that some people will be offended. Why does he use this term, he asked a group of trainees at the new Northside CISP Center? Because "I don't know this young person because he's an athlete, a scholar, a gentleman from the community. I know this kid as a court official because he's an offender and the court determined he or she was an offender."

Allegheny County officials also drew on the public communication aspect of the BARJ movement to explain the punitiveness of their system to youth in the hope that they would be deterred from committing crime (Maloney, Romig, and Armstrong, 1988). In 1994, the court began its School-Based Probation program, which, in the 2000s, became the largest such program in the country and has led to almost half of non-specialty POs having their offices in the schools. School-Based POs often take charge of issues related to security and are also encouraged to organize clubs and after-school programs. As Raymond Bauer, Director of School-Based Probation explains, "in the past we were always in the background—people didn't get a chance to see what probation did. We kind of did it under the cover of darkness so to say . . . Now, we're in the schools . . . we're extremely visible." The probation system's growing

visibility was clear from a case I observed in court of a girl who was about to get off probation. When the Judge asked her how she felt about being released from probation, she responded that it didn't really change things that much because "she (my PO) is also my cheerleading coach, so I'll still see her."

In their presentations to youth in school about the juvenile justice system, School-Based POs try to explain to youth that, contrary to popular perception, their involvement in crime might have a direct, negative effect on their futures because of the availability of juvenile records to the public. They also show junior high and high school youth a video called *The Realities of Juvenile Justice* about the Allegheny County Juvenile Justice System that is meant to deter youth from committing crime.[17] The video begins with a youth being shackled and brought to Shuman Detention Center. Next, former Chief Probation Officer Jim Rieland warns: "Youth need to realize that this is serious business and that they damage their present and future lives by engaging in this negative behavior." Attempting to strike a balance between a caring and stern attitude, Rieland continued, "We have not given up on kids and the kids who are engaged in negative behavior need to know several things: one certainly is that there are adults in this community that are concerned about their welfare, but at the same time, they need to understand that they're going to be held accountable for the negative consequences of the crime that they commit."

Victim Restoration

[17] Relatedly, they also distribute a statewide publication completed by the MacArthur Foundation called *Summary of Pennsylvania Juvenile Collateral Consequences Checklist*, which contains information on the large number of spheres of life (e.g., voting, public housing, employment opportunities) that are affected by having a record of delinquency.

Since its beginning at the turn of the twentieth century, the juvenile justice system has always been opposed to punishment for punishment's sake; instead, juvenile court officials pursued middle range policies such as probation that were not quite treatment, but not quite punishment (Zimring, 2002). Just as the rehabilitation paradigm inspired the adoption of middle-ground policies geared towards the good of youth, BARJ stimulated the very aggressive and systematic pursuit of middle-ground policies on behalf of victims and communities. The treatment paradigm focused uniformly on the child's interest. Through intervening early with both delinquent and pre-delinquent youth, it was argued that later crime could be reduced, the juvenile helped, and the best, balanced, outcomes for the greater good of society could be accomplished (Lindsey, 1903). Under BARJ, by contrast, the victim and "the community" became the new target of juvenile justice intervention, the way that good could be accomplished for all parties. One could argue that the old treatment paradigm included both children's and public safety interests even if the juvenile court's Progressive-Era proponents didn't always acknowledge the latter. However, responding to the victim's interests was a new trope in juvenile justice.

As the name Balanced and Restorative Justice suggests, BARJ reformers drew heavily from the restorative justice philosophy and practices that were gaining traction in Australia in Europe as well as to a lesser extent in the United States. Traditional criminal law drew from a tradition that viewed crime as an offense against the state. Restorative Justice (RJ) was instead based on the idea that crime did harm to specific victims and the surrounding communities in which a norm violation had occurred. RJ advocates argued that the current system's focus on punishment of offenses against the state ignored the interests of those who were the actual victims of crime. This had negative effects for victims, who were relegated to background actors

of little import. By focusing mainly on guilt and innocence and proportionality, the current system also did a disservice to offenders, who, it was argued, needed to acknowledge the harmfulness of what they did and then take actions that would repair that harm.

BARJ reformers such as Gordon Bazemore and Dennis Maloney, like conservative critics of the treatment court, wanted youth to accept responsibility for the harm that they caused. But, unlike the purely punitive policies supported by these critics, national and local reformers also wanted to create positive roles in the community for juvenile justice involved youth through contact with the victims of and communities victimized by crime. Thus, through engagement with victims and communities, youth were also envisioned to build competencies, leading to a balanced and productive relationship between treatment and punishment (Bazemore, 1997).

While in some courts, the addition of victims and communities to the court's clients may have been a perfunctory exercise that was simply more about public relations than anything else, in Allegheny County, the incorporation of victims and communities heralded a new set of policies geared specifically to these clients, and a new methodology for how the system was envisioned to help youth. In line with the suggestions of BARJ reformers, community service and restitution became the two middle-ground policies that the Allegheny County Court focused on to fulfill its Victim Restoration obligations, and, they hoped as well, to build youth competencies (*ibid.*; Bazemore & Umbreit, 1997).

Since the early 1990s, the court has partnered with the private, for-profit company, Abraxas Workbridge, to provide community service and restitution opportunities for youth on probation.[18] Located in the Strip District near Downtown Pittsburgh, Workbridge maintains a

[18] Workbridge is owned by the parent company Cornell Abraxas, a private for-profit company that also manages adult and juvenile correctional facilities, including several residential placement programs used by the court.

large number of ties to employers and social service organizations, which the court regularly draws on. Responding to BARJ officials' request, Workbridge vastly expanded its number of community service sites between 1998 and 2008 from 898 to 2011, a 124% increase.[19] Because of Workbridge's expansion, the court has been able to substantially increase the amount of community service it assigns while keeping a rate of completion that hovers around 96%. As a result of these twin trends, between 1998 and 2008, the number of community service hours completed by youth whose cases were closed nearly doubled from 48,633 to 91,481.

Similar to community service, collecting restitution for the victims of crime became a priority under BARJ as a mid-range policy that would also allow youth to gain greater confidence in their abilities and possibly help them develop core skills.[20] Under BARJ, the amount of restitution collected increased 75% between 1998 and 2008. This was the result of a 15% increase in the amount of restitution ordered as well as the court's greater ability to collect assigned restitution, as indicated by the increasing percentage of youth assigned restitution who paid in full from 60% in 1998 to 81% in 2008.

These increases occurred again in large part as a result of the court's collaboration with Workbridge, which ran a program called the Employment Initiative that generated an increasing amount of restitution money, more than doubling from $32,717 in 1998 to $70,259 in 2008. The other difference between before and after the implementation of BARJ was that, starting in the

[19] Through the Statewide Needs-Based Budget Plan, the court has been able to rely on being reimbursed 80% of the cost of Workbridge programming by the state.

[20]The court had begun focusing on collecting restitution as a condition of probation supervision in the late 1970s and early 80s. Interestingly, the restitution amounts reported to be collected during this early period are as large as the amount collected today under BARJ. For example, a 1981 Court of Common Please Annual Report finds that the court collected $92,853, which when adjusted for inflation is $289,743, exceeding the $223,465 collected in 2008. However, this initiative was funded by a Law Enforcement Assistance Administration (LEAA) grant that only lasted through the mid-80s. By the time Balanced and Restorative Justice was passed, those amounts had come back down so that in 1998, only $127,816 was collected.

mid-2000s, Workbridge developed another program for youth fourteen and younger who owed restitution but were too young to be employed in the Employment Initiative Program. Instead, in what was called the Stipend Component Program, youth were paid an hourly rate for completing community service. The court managed to pay Stipend Component youth using money from fines they collected from youth arrested by police and charged with summary offenses such as underage drinking. Before this program went into effect in the mid-2000s, the number of referrals for Summary Offenses was already skyrocketing. Between 1998 and 2005, the number of summary offense (referred to as "nonpayment of fines") cases coming to court had drastically increased from 297 to 1450; while this figure declined slightly to 1,066 in 2008, it remained at a level more than three times that of 1998. In 2008, the Stipend Component program collected $66,279, close to the amount of the regular Employment Initiative Program. In this way, the efforts of police to instill "accountability" in minor offenders was being harnessed by probation officials for a different kind of accountability that would fulfill the Victim Restoration goals of the new mission statement.

In sum, the Allegheny County Juvenile Court pursued the goal of Victim Restoration very purposefully and systematically in part because programming meant for victims was also thought to help youth develop competencies (interview with probation administrator, Ted Kairys). Gordon Bazemore (1997), one of the founders of BARJ, envisioned a system centered around restorative justice principles, where youth would learn to feel positively engaged with their communities primarily through repairing the harm sustained by the individual victims and communities victimized by crime. In some ways then, probation officials in Pittsburgh have adapted this philosophy to local conditions. A high-ranking CISP official, for example, argues that because of the normality of violence in CISP youths' lives, they don't see themselves as

victimizing others through their negative behavior. The point of the 100 hours of community service that each client is required to complete is to get kids to realize that they have done harm to somebody else. For similar reasons, the majority of youth under community supervision are required to complete a three-hour Victim Awareness Curriculum facilitated by probation officers with the consultation of the Center for the Victims of Violent Crime (CVVC). In these workshops, real victims of crime come to talk to teens about what it felt like to be victimized. The idea, according to Jim Rieland, is to personalize crime. "I'm not going to say kids all get it but they understand what it means if their Grandma is victimized." In sum, under BARJ, a new paradigm emerged for how to integrate the interests of crime victims into the everyday rehabilitative programming of the court.

From Rehabilitation to Competency Development

Outsiders sometimes assume that juvenile justice officials are the last vestige of societal confidence in the rehabilitative ideal (Fagan, 2008). Yet, as scholars are starting to recognize, there has been a shift among court officials away from supporting rehabilitation per se (Ward & Kupchick, 2008; Sanborn, 1994). In line with these newer findings, Jim Rieland is surprisingly cynical about the juvenile justice system's ability to have a long-term, positive effect on youths' lives. He believes that what the system does for youth is "negligible": "Have you seen the statistics on the number of youth in our system who end up in the adult system?" he asked during our interview. Ground-level POs also seem to share this assumption that the juvenile system is a "feeder" into the adult system (conversation with Intake/Investigations and Community-Based POs).

Staffs' level of frankness about the juvenile justice system's relatively small effect on kids' lives is striking. PDC, who works at Outside In, one of the court's best regarded placements, acknowledges that eight out of ten of the kids they have there for substance abuse treatment will go right back to using drugs. "A lot of kids might return to what they were doing before. What our hope is is that we're helping to make changes now in their life or we're planting seeds for later on. Hopefully we can shorten their criminal career or we can make it less severe . . ." Likewise, there is an assumption that the totalistic transformation promised by rehabilitation is impossible given the life situations of the youth in court. CISP Administrator John Harper, thus, explained to staff at the 2011 Northside CISP Training, "Our job is not fixing kids . . . Good, healthy choices=success=You don't up in jail and you don't end up dead." Officials working with youth on probation or in placement want them to have an "aha" moment where they understand what they're being taught, that they did harm to someone, and that they could take a different path. However, there is a general acknowledgment that, even if youth have this "aha" experience, "They may not be able to do anything about it for a couple of years given where they live and who their friends are, but eventually they might get it and decide to take a different path . . ." (conversation with CISP PO, Horace Grace).

Judges, however, still talk about their jobs in the more transformational language of the juvenile court's founders. During the Juvenile Justice Week Renewing Oath and Celebration Ceremony in 2010, Judge Kim Berkeley Clark, the former Administrative (Head) Judge, described her work as a "ministry" that tried to make a difference in the lives of children. In 2011, she began the ceremony by praising an Amish community in Pennsylvania for their tolerant response to a mentally disturbed individual who murdered five girls, suggesting, "We have the same opportunity to forgive." Likewise, the Community Intensive Supervision

Program's goal is "change," and CISP officials talk about rehabilitation, though they acknowledge their limited role in bringing it about. "I believe we're a part of the rehabilitative process" (interview with Kyra Johnson, CISP official). At least in public rhetoric, however, BARJ led to a downplaying of the rehabilitative goals of the system. "We're not going to say rehabilitation . . . because that's not what we're not about. But we are talking about how do we improve the welfare of young people and their families" (Jim Rieland, Northside CISP Training Session, 4/6/11). While perhaps rehabilitation lives on in spirit if not in name in Allegheny County, officials' disillusionment with the term has led to a move away from measuring success based solely on the system's possible long-term effects on youth. This more candid view of the court's limited capacity to effect change served as justification for further articulating the court's new role under BARJ in serving not only youth but also communities and victims.

Probation officials like to use the comparison with the child welfare system (referred to as CYF for the Office of Children, Youth, and Families) to illustrate the change in thinking that BARJ brought about in their system. Because many probation officers have worked at CYF, they are basing these ideas on actual experience. In interviews I conducted with POs, several argued that juvenile probation officers used to view the youth that they worked with as the same as those in the child welfare system. "What we would regularly say is, a delinquent kid was just a dependent kid who got caught . . ." (interview with probation administrator, John Hicks). "Now, there is a realization that these two kids are not necessarily the same."

To clarify the difference between the juvenile justice and child welfare systems, Jim Rieland tells the story of an autistic child who burned down an apartment building. Several groups opposed his confinement in Shuman Detention Center because they said he didn't understand what he was doing because he was autistic. Jim agreed with them that autism

probably explained his crime, but his primary role as the Chief PO was to protect the public first, and then get the youth help. As he put it, "Our system trumps everybody else's," meaning that they can detain a youth primarily because he poses a threat to public safety even if social workers or others do not think this is good for him per se. Juvenile probation administrator, David Evrard, expands on this point: BARJ "solidified what our role was. Our job is not to take a poor kid and fix him. Our job is to protect the community, and while we have a kid under supervision, we can build child competencies." In this way, Competency Development represented to Allegheny County court officials both an acknowledgment of the inability of the state to have a major transformative effect on youths' lives and a way to relate the system's continuing efforts to help delinquent youth to the more clearly defined goals of community protection and victim restoration.

Perhaps not surprisingly given the implementation of BARJ in an era of serious youth crime and heightened concern with public safety and victims' interests, Competency Development remains the least developed of the three BARJ purpose clauses. As originally conceived, Competency Development was based on the idea that youth under court supervision should come away from this experience with core skills and training that would conceivably translate into gainful employment and help them become reintegrated into their communities as productive, law-abiding citizens. While traditional treatment of youths' psychological issues would continue to occur under BARJ, the new emphasis was to build on the strengths of youth and to emphasize the development of concrete skills that would have direct applicability to employment and, therefore, law-abiding behavior. Recently, Competency Development has received greater attention. In 2005, the National Center for Juvenile Justice (NCJJ) defined the

concept as consisting of five domains: Pro-Social Skills, Moral Reasoning, Academic Skills, Workforce Skills, and Independent Living Skills (Torbet & Thomas, 2005).

Allegheny County incorporated these categories into the mandatory Case Closing reports, which report what has concretely been gained by having a young person under court supervision. Likewise, because of mandatory trainings that staff attend, the NCJJ categories are well-known, and some administrative and ground-level POs can name therapeutic programs they use that fit into each category (Observations of a court-wide training session on evidence-based policy, February 2013). Similarly, in the last few years, there have been additional efforts to define competency development by connecting its domains with the growing research on evidence-based programs that have been shown to reduce recidivism. As a result, competency development is currently being expanded upon, and there is good reason to think these efforts will have a major effect on how the juvenile justice system functions.

Still, for most of the 1990s and 2000s, the emphasis of the BARJ movement in terms of programming, both nationally and in Pittsburgh, was on the victim and the community. As Jim Rieland, explains, "Even then, competency development was a little weak in terms of really understanding what it meant . . . they were hoping that kids doing community service would learn some skills that would be applicable to the work world but again I think that was a weak idea of what it meant. The idea of the community being engaged with the court and with the offender was right on target." Perhaps because of the underdevelopment of Competency Development and the overlap of the new term with rehabilitation, some observers believe that BARJ is "fluff" (phone call with a well-known juvenile justice researcher).

Nevertheless, as I argue throughout this work, BARJ did, in fact, put forth a new theory of improving youths' lives and reducing later delinquency even if this wasn't clearly articulated

in the mission statement. BARJ officials in Allegheny County developed a new way that treatment and punishment might be reconciled, co-exist, and even reinforce each other. At the heart of this theory, which I refer to as the new interventionism, was the idea that "structured" in-person supervision and treatment in the community would generate short-term behavior change that would definitely provide immediate community protection and might conceivably lead to long-term recidivism reduction and rehabilitation as well.

Moving Toward A "Better System"

By refining the mission of the juvenile justice system and "redefining success" in terms of achievable measures rather than in terms of rehabilitation, BARJ in Allegheny County clarified court officials' limited professional role in kids' lives to both themselves and the public and led to improvements in administrative practices that fell within their more targeted mission (Garland, 2001). Socio-legal scholar Jonathan Simon (1993) argues that the adult parole system in the get-tough era was unable to develop a coherent and convincing account of what purpose they serve. Responding to the politicization of crime and the decline of the rehabilitative ideal, they invested in surveillance technologies such as drug testing and electronic monitoring, and focused on classification and management of risk through risk-needs assessments. While they became more efficient administrators, Simon argues that these officials "turned inward" and began to measure themselves purely based on internal management goals such as the number of drug tests given rather than the effect they were having on parolees' lives.

Allegheny County officials also "turned inward" in the sense that they wanted to become more proficient at accomplishing concrete, short-term administrative goals—on the assumption that this was how they would fulfill their responsibilities to the community, victims, and youth,

given the widespread lack of confidence in rehabilitation. Unlike the adult probation and parole systems, the Allegheny County Juvenile Justice System's improved effectiveness at achieving management goals was linked to achieving concrete short-term *outcomes* that, in theory, yielded immediate benefits to youth and society. In contrast to the new penology, the BARJ administrative reforms were pursued so aggressively because of the possibility that creating a "better system" for achieving short-term outcomes was also the way in which the court might have the greatest impact on long-term youth recidivism.

The Allegheny County Juvenile Probation Administration Department is charged with managing the court's day-to-day organizational functioning. This includes a broad array of responsibilities including overseeing the court's finances, maintaining electronic records, distributing information about delinquency records to authorized outside agencies or individuals, maintaining relationships with outside agencies and private service providers, and publicizing the court's activities to the outside community. As with many BARJ policies, the tightening up of the court's administrative role had already been going on since at least the late 1980s and early 1990s, but BARJ led the court to adopt this mentality with greater zeal than in the past and to allocate increased resources to the goal of being "Mission-Led, Results-Oriented, and Performance-Driven" (BARJ promotional documents).

Jim Rieland has been behind the efforts to improve the administrative capabilities of the juvenile probation system. BARJ, according to Rieland, steered the juvenile justice system into being more focused on what the system could accomplish while youth were under supervision. "If you don't have goals, how do you know if you're successful or not?" asks Rieland as he compares the juvenile justice system under BARJ to the much less directed adult system that he also presided over as Chief PO. But, without a metric of measuring the court's activities, it was

impossible to know if a court had truly implemented BARJ or to track changes over time in a county's or the state's implementation of the mission statement. For this reason, in his role as head of the Pennsylvania Chief Juvenile Probation Officer's Association, Rieland created the Case Closing Reports, a set of intermediate outcomes that could measure the court's success in fulfilling its mission, and communicate the system's effectiveness to the public in yearly *Report Cards*.

Under BARJ, the court also became more efficient and cost-effective in its daily operations. Rieland hired David Evrard to manage the financial planning of the court as well as to develop and administer the court's electronic databases, which at the time were relatively basic.[21] Evrard managed the court's financial expenditures and particularly the Needs-Budget Plan, which each county submits annually to the state Department of Public Welfare (DPW) for reimbursement. He also reviewed how different court expenditures were categorized and often found ways in which the department had not been getting reimbursed as much as it could be had it correctly categorized its services. Evrard also worked to identify sources of funding for the court. For example, three years ago, he applied and received funding from the COPS federal grant, which was broadly targeted at law enforcement officials. He was one of the only probation administrators in the state who was getting this federal money.

Under Evrard, the court is moving further in the direction of computerizing their record keeping. Because of his oversight and the support of other administrators, they are moving toward a system where "if you didn't record it, it didn't happen." They would like to get to a point where, if a drug test showed that a youth was "dirty," that if there were no subsequent drug

[21] Evrard's title was Juvenile Justice Planner and he was formally an employee of Great Lakes Research Group, which allowed the court to get reimbursed at a rate of 80% by the state because it could be tallied as a contracted out service.

tests in the next month, that the PO could be reprimanded for not doing his job. Right now, despite these efforts, it is still just as likely that the PO drug tested the youth but did not promptly record it.

As well as publicizing their policies to the public and adopting more efficient administrative practices, the court has also endeavored to create a more standardized "product" by making the implementation of BARJ a system-wide effort (Garland, 2001). Key to this effort was getting the court's approximately 66 private placement providers to adapt to the new mission statement. Most providers have been operating since at least the 1970s, and others such as the George Junior Republic formed in the early twentieth century; as a result, each program has developed its own curriculum, somewhat independently of the Allegheny County court. In order to make BARJ a system-wide phenomenon, BARJ leaders went out of their way to make sure that these private placement providers adapted their curricula and practices in order to accommodate the new mission statement. More concretely, this meant getting providers to incorporate something about the victims of crime into their curriculum as well as having programs develop connections with employers in their communities so that youth could collect restitution. Similarly, officials throughout the state and in Allegheny County sought to have providers implement programs in which youth learned more concrete skills and earned degrees rather than just receiving therapy and individual counseling. In order to facilitate placement providers' adoption of the principles of their mission statement, the court held provider meetings, in which placement officials were invited to come to court to learn about BARJ. They also instituted provider trips where judges, probation officers, and other interested parties could visit the providers and ask them questions about what youth learned in their program and specifically

how they were incorporating BARJ principles (interview with probation administrator, Ted Kairys).

Allegheny County was in a more powerful position than smaller counties when negotiating with providers over how to implement BARJ because they were responsible for sending a large portion of the provider's clients. While Philadelphia County also had this kind of leverage, Allegheny County was particularly aggressive in developing business relationships with providers and stressing the importance of implementing BARJ to providers. At a "Partnership Meeting" I observed between Allegheny County and a placement provider called Outside In, for example, topics of discussion included the implementation of a Victim Awareness Curriculum and a review of the placement's Competency Development activities, including its experience with implementing the Pennsylvania Academic Career and Technical Training Project (PACTT), the state-funded career and technical education program for youth in placement.

BARJ has also led to the further rationalization and standardization of the practice of probation. Beginning in the mid-2000s, the current Chief Probation Officer, Russell Carlino, began promoting the use of Comprehensive Plans, which lay out a set of goals for a youth under each of the BARJ categories.[22] These plans drew on the efforts of the National Center for Juvenile Justice (2005) to define and operationalize the Competency Development goal of BARJ. Drawing on these categories, the Comprehensive Plans spells out specifically what was supposed to happen under each area of Competency Development as well as Victim Restoration and Community Protection. In the past, youth who were adjudicated delinquent, like today, would receive articles of supervision that contained individualized requirements that a youth had

[22] More recently, the Comprehensive Plans were replaced by the Youth Level of Service Inventory, an evidence-based risk assessment instrument.

to meet to be released from court supervision and a case plan filled out by a probation officer. The Comprehensive Plans lay out a much more specific set of activities that a youth has to participate in while under supervision.

For example, for Simmons, age 17, the Comprehensive Plan mandated that he report every week to a PO for the purpose of Community Protection and that he pay $950 in restitution and complete ten hours of community service to fulfill his Victim Restoration responsibilities. For Competency Development, under Pro-Social Skills, the plan required Simmons to "refrain from challenging staff & become more accepting of treatment from staff and peers" while in the Group Home in which he was placed. Likewise, under the Academic and Independent Living Skills category, Simmons was to get his GED, open a bank account, and obtain a bus pass. In this way, the Comprehensive Plans were used to develop more targeted goals that were consistent with the BARJ mission statement and that also gave POs a set of activities to monitor for each youth.

The Comprehensive Plans are part of an effort minimize the variation in the type of "product" that a youth client on probation received (Garland, 2001). In the past, certain youth would never even be contacted, as POs individually decided how to allocate their resources most effectively (interview with Chief Probation Officer, Russell Carlino). Now, there are certain minimum requirements that a much greater number of youth have to complete such as the mandatory 3-hour Victim Awareness Curriculum for youth on probation. Likewise, officials increased the number of youth who were required to complete community service as a condition of their articles of supervision from 605 in 1998 to 1,410 in 2009. Similarly, all youth are now additionally required to pay certain court fees prior to having their cases closed. Carlino, the current Chief Probation Officer, is insistent that the system he's helped create under BARJ does

not promise a "cookie cutter" solution, where every kid receives the same thing. He believes that there will always be variation depending on the probation officer's style.[23] Nevertheless, as a result of these requirements and also the much greater amount of time that POs spend in court due to continuations and additional legal requirements, there is less individual discretion, or what one old-time PO lamentingly called the "spirit of adventure" (interview with Community-Based PO, John Farmer).

The New Interventionism

The deinstitutionalization and due process critiques of the juvenile court in the 1960s and 70s focused on the unfairness of juvenile justice decisions that, under the window dressing of rehabilitation, expressed retributive feelings towards youth and allowed for disproportionate, often arbitrary sentences (Miller, 1991; 1967 Crime Commission Report). Under the banner of Community Protection, Balanced and Restorative Justice sought to take into account the deinstitutionalization critique by calling punishment "punishment." BARJ reformers, therefore, declared that certain youths would have to be removed from the community for the community's protection and despite the harmful effect that this might have on those young people. However, they just as importantly stressed that the coercion that the state imposes under Community Protection should not be out of "balance" with the other goals of the system, including offender competency development. By proposing a greater continuum of care in between probation and placement, they sought to achieve all of the BARJ goals and avoid the harm done by removing a youth from the community. Thus, BARJ, at least in theory, imposed limits on the punitive arm

[23] Likewise, "individualization" was formally at least one of the main goals of BARJ reformers both nationally and in Pennsylvania (Maloney, Romig, and Armstrong, 1988; JCJC, 1997).

of the juvenile court while also providing truth-in-advertising about what the juvenile court actually did.

Yet, reformers were somewhat vague about whether incorporating community protection into the formal mission of the juvenile court meant they were partly capitulating to demands by conservatives to "get tough" or whether they were creating more options for youth to be supervised in structured settings in the community. By leaving the community protection piece somewhat vague, BARJ reformers were able to get a whole host of officials of different political persuasions to latch onto it (Bazemore, 1997). " 'Get tough' audiences hear (correctly) in the requirements that young offenders work, face their victims, and repay them and the community . . . More liberal audiences hear (also correctly) that balance cannot mean abandoning hope of rehabilitation, humiliating and violating the rights of offenders, or giving up on the idea of preserving a distinct juvenile court . . ." (Bazemore, 1997: 14). For better or for worse, by largely ignoring the issue of proportionate punishment, BARJ, like the rehabilitative ideal it replaced, left decisions about which youth receive which punishment in the hands of state and county officials.

In Allegheny County, BARJ not only represented a clarification of the juvenile court's role in society as a penal institution but also authorized the system to become more proficient at protecting the community and responding to the interests of crime victims. The addition of communities and victims as formal clients of the court has legitimated a much more interventionist system than in the past; BARJ officials are now more interested in doing the most good "for all parties" in the short-term than in minimizing the possible harm of juvenile court intervention on youths' lives. Playing devil's advocate and talking from the perspective of somebody who opposes a youth's incarceration, a high-ranking court official notes, "I mean, it's

not fair that he went away." But then he corrects them: "I mean, your victim wouldn't agree with that. You victimized an individual, the community has suffered as a result. So there's an obligation there—it's not just the best interest of the kid." In this way, the addition of "the community" and "the victim" as clients of the court translated into more interventionist policies, including sending more youth to short-term, privately-run residential placement programs such as Boot Camps and Wilderness Camps (for more information see Chapter 3). Operating under this interpretation of the BARJ mandate to protect communities and restore victims, it is not surprising that administrators have not made an effort to reduce the number of youth going into placement since the early 1990s, even though placing youth in the "least restrictive setting," like BARJ, is mandated by Pennsylvania law (Arya et al., 2005).

In 2004, under the initiative of Russell Carlino, the court started the Warrant Unit, a collaboration between police and probation officers to jointly go on "warrant runs" to track down youth under court supervision who were AWOL. The 19 regular probation and two full-time only Warrant Unit POs who go on these "runs" wear bulletproof vests and carry firearms. This initiative was part of a general effort to share information and improve the relationship between probation and police. Two years before the Warrant Unit began, the probation department began a formal program for going on ride-a-longs with the police.[24] Officials view these policies as providing the conditions of "stabilized behavior" under which youth could develop competencies and take actions to restore victims. "It's in nobody's interest to have a kid AWOL in the community. You're not protecting the community, the victim, and there's no way you're helping

[24] While individual officers had long done this and shared information with the police, the mandatory ride-a-longs and the Warrant Unit institutionalized this collaboration at a system-wide level.

a kid build competencies either" (Russell Carlino, Juvenile Justice Week Presentation, October 2010).

Importantly then, measures adopted for the benefit of Community Protection were also rhetorically linked to youths' well-being.[25] Because of this, Chief Probation Officer Russell Carlino is adamant about the fact that BARJ, while a response to the "get tough" political climate, was not a "get tough" measure per se. "Did we 'get tough'? I'd say we did but it wasn't a system-wide, 'hey, we're going to forget about what we used to do. We're not going to worry about rehabilitation or services. We're just going to get more punitive.' That wasn't what we did at all."

In a similar way, defending the court's policy in the mid-to-late 90s of sending all youth adjudicated delinquent of firearms offenses to 90-day Boot Camp programs followed by three months of Day Treatment aftercare, Carlino opined: "Boot camps in and of themselves don't necessarily further the competencies that we're after. What they do though is they stabilize behavior. They make a kid more amenable to treatment," in the community. It is this latter goal of community-based treatment rather than incarceration for its punishment or treatment value in itself that the Chief Probation Officer uses as justification for the court's more interventionist policies. As the next chapter explores in greater detail, it is the fusing of BARJ officials' preference for greater intervention with youth on behalf of victims and communities with their expanding community-based residential and non-residential treatment resources that paved the way for a novel and powerful system of behavior control.

Conclusion

[25] Whether or not these policies actually benefited youth or did them harm is another question.

In sum, instead of being tried as adults, the BARJ reforms largely insulated juveniles from the politicization of youth crime. At the same time, court-involved youth were exposed to the discretionary powers of county administrative court officials who were increasingly confident in their ability to proactively intervene in the lives of delinquent youth. The Allegheny County Juvenile Justice System responded to the crime trends and sociopolitical conditions of the 1990s and 2000s by reshaping the policies and practices of their court to focus on the three goals of BARJ: community protection, victim restoration, and youth competency development. BARJ became the lifeblood of officials working in this system, as their new mission statement more accurately described how the post-*Gault* juvenile justice system worked and answered fundamental questions about what the juvenile court should do in response to the more "serious" youth coming to court and declining societal confidence in rehabilitation.

Court officials focused on incorporating victims and communities as clients of the court of equal significance as delinquent youth, and pursued policies geared specifically toward these new clients. Yet, unlike in the adult system, where the "get tough" movement led to policies that pushed out the rehabilitative aims of the system in favor of community protection and victims' rights, in the BARJ juvenile justice system, there was a plausible narrative of how the system's now-acknowledged punishment role would be productive for youth and society. Namely, through pursuing the victims' policies of community service and restitution, officials believed that they would help youth to understand the harm that they caused through their actions, make amends for their offenses, and, along with other programming, create the conditions necessary for them to be reintegrated into positive roles in their communities. Likewise, through further integration of the court with the community, there was the possibility of creating a more "structured" probation system that would both protect the public and help youth develop

competencies in their real-world environments while their behavior was being intensively monitored. Rather than promising totalistic transformation of delinquent youth, the BARJ approach viewed the system's possible effects on behavior more modestly as improving competency development and leaving "all parties" better off than before their contact with the system.

In general, compared to the old interventionism, BARJ led to a greater openness about the coercive side of juvenile court and an effort to publicize the justice system's now-acknowledged punishment role in society. Importantly, the BARJ movement put some limits on how far in the direction of community protection the system would go in order to avoid a system that was "out of balance" (Bazemore, 1992). In practice though, at the level of discourse and philosophical framework, there was a new balance being struck between treatment and punishment, which ushered in core changes in the everyday practice of juvenile justice, which I call the new interventionism. As the next chapter explores, the growing preference for intrusive intervention combined with the new treatment and supervision resources of contemporary juvenile justice to create a more intensive probation system increasingly geared toward producing immediate behavior change in a community setting.

Chapter 3

The Discipline of Treatment[1]: Intensive Community Supervision in the BARJ Juvenile Court

Introduction

The last chapter examined the language/discourse of the new interventionism as compared to the old interventionist juvenile court and the new penology in the adult criminal justice system (see Appendix A). In this chapter, I examine in greater depth the "revealed preferences" and on-the-ground realities of the new interventionism as compared to these other punishment systems (Cremin, 1976). BARJ proposed a new methodology for how to make punishment "productive," but this ideal would have remained just at that level had the justice system not invested in resources that could plausibly translate the new consensus into reality. BARJ intersected with the historical movement begun in the 1970s and 80s to deinstitutionalize and utilize primarily "community-based" treatment resources instead of custodial interventions in large reform institutions (Miller, 1991). In order for punishment to be "productive," as reformers intended, there was widespread agreement that it would have to center around community corrections. The greater concern with accomplishing community protection fused with the development of these new treatment resources. The result under the new model was a heightened focus on accomplishing immediate behavior change with primarily community-based resources.

[1] Devah Pager should be credited for the clever first part of the title, "The Discipline of Treatment" (Foucault, 1977).

Allegheny County officials developed intensive probation programs such as the Community Intensive Supervision Program and School-Based Probation that, through partnering with community institutions, achieved a greater intensity of contact between the court and delinquent youth than what was possible in an office-based probation model. For youth on regular probation, they likewise invested in a greater array of treatment services and community service opportunities, operating under the assumption that the same resources that worked for treatment would also provide enhanced supervision and community protection. Thus, if the old interventionism was fundamentally unconcerned with the issue of using probation resources to offer short-term community protection, the new model clearly moved in a different direction.

However, the new interventionist juvenile probation system also did not simply "get tough" through surveillance measures alone as was the case under the new penology. The techniques used by BARJ officials to accomplish their treatment and punishment goals, while coercive, were fundamentally geared towards keeping youth in the community while also transforming their behavior. "Structure" through intensive supervision (with electronic monitoring in a supporting role) and "accountability" through the use of graduated sanctions for noncompliance, along with enhanced service provision, were the core techniques of the new system. The on-the-ground application of these resources and techniques worked differently from and potentially more productively than the techniques of the new penology because of the use of in-person supervision rather than surveillance measures as the primary method of protecting the community.

In practice, there was some similarity between the functioning of intensive supervision programs and the custodial institutions of the old interventionism in the shared tendency to resort to coercion rather than persuasion as the main technique for accomplishing immediate "change."

However, this did not necessarily mean that high levels of coercion pushed out treatment goals (Rothman, 1980). To the extent that behavior change under the new interventionism occurred in the community as opposed to an institution, there was a greater possibility of converting system-induced short-term behavior change into long-term recidivism reduction.

The "Community-Based" Consensus

The Progressive Era Juvenile Court was founded on the belief that youth were different from adults and should be spared being thrown into jail or prison for purely retributive purposes. Rather than being given punishment for punishment's sake, the juvenile court's proponents argued that youth should be given age-appropriate treatment that could help turn them into law abiding, productive adults. "There is no justification for the punishment of a human being unless it is necessary to help him or . . . unless it is necessary to protect society . . . Any other view would be to admit the doctrine of vengeance as just, wise, and humane," wrote juvenile court judge and proponent, Ben Lindsey (1903: 206). Key to the original court's ability to provide an alternative to pure punishment was the provision of probation services for the majority of youth in the community and age-appropriate, "home-like" placement services for certain youth, who couldn't be managed in the community (Rothman, 1980). In the 1960s and 70s, there was a growing consensus that, in spite of the rehabilitative rhetoric of court officials, that juvenile reform institutions were largely defined by cruel punishment practices rather than the "home-like" treatment Progressive reformers envisioned (Armstrong, 2002; Miller, 1991). Reflecting the tenor of the times, Ohlin et al. (1973) described the typical reform institution in the following way:

> A key organizing principle of traditional training schools is punishment . . . the institutions are basically custodial and authoritarian . . . Resocialization efforts are

> commonly reduced to instruments for creating conformity, deference to adult authority, and obedience to rules. Regimented marching and shaved heads [for boys] and close haircuts [for girls], omnipresent officials and punitive disciplinary measures have been the authoritative marks of the training school, along with the manipulation of privileges such as cigarette smoking, TV watching, home visits, or release to reward compliance. (Ohlin et al., 1973: 2 as cited in Armstrong, 2002)

Based on this pessimistic understanding of how institutional confinement worked, beginning in the 1970s, juvenile justice reformers often assumed that anything occurring in the community was better than the truly adult-like handling that youth were subjected to in institutions (Armstrong, 2002). Community-based programming became the last vestige of how the state would do something that was good for youth, not just for public safety (Maloney, Romig, and Armstrong, 1988).

Unlike criminal justice agencies such as the police, which had gradually decreased their ties to the community in the course of professionalizing (Wolcott, 2005), the juvenile justice system has always remained closely tied to the community. Even during the heart of public confidence in rehabilitation, many on-the-ground practitioners believed that they themselves had relatively small effects on youth, and that their efforts depended more on the cooperation and involvement of families and community institutions. During the Great Depression Era in particular, juvenile court officials turned to community institutions to boost informal social controls to prevent youth from penetrating the system and reform institutions, for which they had lost both funding and confidence. Los Angeles Chief Probation Officer Kenyon Scudder espoused this view in the Juvenile Probation Department's 1936 Annual Report, in which he implored: "Delinquency and crime will never be reduced until the community goes into action." On the other hand, in the 1950s and early 1960s era, as reflected by the establishment of the then-pioneering California Youth Authority, officials again exhibited renewed confidence in the

right kinds of reform institutions to rehabilitate (Mihailoff, 2005). The decline of the rehabilitative ideal following the due process and deinstitutionalization movements of the 1960s and 70s led to a lasting consensus that "the community" was the only guaranteed way in which youths' needs and the needs of juvenile justice officials to secure community protection could be reconciled.

Long before BARJ went into effect, the Allegheny County Juvenile Court had sought out more connections with community institutions on the assumption that this strategy, rather than the persuasive tactics of POs per se, would reduce delinquency. Having a youth come into an office once a month to talk to a probation officer on the face of it seemed unlikely to have a major effect. In light of the research showing that "nothing worked" and the lack of public confidence in probation in particular, administrators decided to change probation's design to accommodate these new circumstances and perceptions (Martinson, 1974). By the mid-1970s, the court had transferred all probation officers out of the court building into five district offices in the communities in which they supervised youth.[2] Decentralization was supposed to promote more frequent contact between youth and POs, and to give officers greater ability to develop connections with parents, teachers and other community organizations who necessarily played the main role of exerting informal social control over youth. "Decentralization back then was the wave of the future. Now it runs into Balanced and Restorative Justice beautifully," described one high-ranking BARJ official (Allegheny Juvenile Court 75th Anniversary Video, 2008). BARJ's emphasis on partnering with the community, thus, emerged from and extended the historical consensus that this was the most effective form of delinquency intervention.

[2] These included: Southern District, Northern District, Central District, Eastern District, and Mon-Yough District.

Throughout the 1970s and the 80s, the goal of keeping most youth in the community rather than removing them from their homes and sending them to placement became a core part of court policy in Pennsylvania and Allegheny County. In 1975, Jerome Miller, the former head of the Department of Youth Services (DYS) in Massachusetts who famously shut down the state's youth reform schools, was brought in by similarly-minded officials in Pennsylvania looking to deinstitutionalize their system. In particular, officials wanted Miller to shut down the infamous Camp Hill facility, a youth prison that mixed juveniles and adults in the same facility, which he successfully accomplished (Blackmore, Brown, and Krisberg, 1988; Miller, 1991). Then, in 1976, the Pennsylvania legislature passed Act 148, which provided counties a set of financial incentives that lawmakers hoped would institutionalize Miller's efforts to reduce youth imprisonment. Act 148 accomplished this goal by offering state reimbursement to counties for contracting out to private or not-for-profit groups providing community-based services. While counties would be reimbursed 80% for community-based services (both residential and non-residential), they were only reimbursed 60% for sending a youth to a non-community based residential placement facility operated by a private or non-profit group and only 50% for the cost of placement in a locked facility.

In this way, "The net effect of Act 148 was a massive infusion of juvenile justice resources to local communities" (NCJJ, 2003: 2). State subsidies for community-based programs almost doubled from $65 million to $114 million between 1977 and 1980. While funding was reduced by $25 million in 1980, the expansion of community programs continued (Blackmore, Brown, and Krisberg, 1988). Officials used this funding to invest in developing a greater continuum of care in between straight probation and institutional facilities. In particular, officials in Pennsylvania invested in Group Homes, where youth lived in a staff-secure facility

located in the community and attended schools in the community. Similarly, Day Treatment programs, in which youth remained in their homes and were monitored after school and into the evening, proliferated during this time. As a result of the Miller and Act 148 reforms, residential placements in Pennsylvania dropped by 24% between 1981 and 1984 and the number of placements in Group Homes (and other "community placements") and Day Treatment programs went up 20% and 52%, respectively (*ibid.*).

During this time, Allegheny County officials took advantage of Act 148 to develop a greater continuum of care in between straight probation and out-of-home placement. In 1982, the court hired the second-in-command of the famous Glen Mills Reform School to run a Day and Evening Treatment program called The Academy, which offered youth supervision and treatment programming after school and in the evenings as well as on the weekends—the peak times of youth offending. This increased level of community supervision allowed officials greater flexibility when dealing with youth who needed more supervision than regular probation but did not need to be removed from their homes. As Miller argued, "If a kid is a career offender you want to shower him with services. Incapacitate him not by locking him up but by having someone out on the street with him monitoring his every move" (Lerner, 1990). With this in mind, county juvenile justice officials were also able to support many of the same "community-based" programs as the deinstitutionalization reformers on the grounds that more "structured" community supervision programs could protect the public, leave youth better off, as well as save them money (Maloney, Romig, and Armstrong, 1988). Thus, by the time of the spike in youth homicide and violence in the late 1980s and early 1990s, a consensus had already formed in Pennsylvania and in Allegheny County about the viability of "structured" community supervision. In response to the more "serious" youth coming to court, county officials again

turned to "the community" to provide more intensive and possibly more effective adult supervision in youths' natural environments.

The Community Intensive Supervision Program (CISP)

In 1990, Allegheny County created the Community Intensive Supervision Program (CISP), a program specializing in the ability to intensively supervise youth in a community setting. Located in the neighborhoods hit hardest by crack cocaine and violent crime, the court hired community members[3] from those neighborhoods to monitor and mentor youth. CISP enshrined the idea that for the possibly hardest-to-reach youth, the probation responsibilities should be farmed out to street-savvy, largely black community members who had a better understanding of "what makes a youth tick," (interview with Kyra Johnson, CISP PO). CISP was thought to be better than a placement because it was more "reality"-focused both in terms of the location of the program in the community and the staffing of the program with people who had more personal experience with the everyday conditions faced by urban, justice-involved youth.

CISP embodies the new model's growing concern with generating immediate behavior change while keeping youth residing in the community. CISP youth go to school and then immediately to the center, where they are supervised until 9 or 10 pm. Then, from night until morning, they are placed under electronic supervision. In this way, youths' time is structured so that they have very little opportunity to re-offend. Indeed, CISP officials pride themselves on being able to achieve close to the same level of surveillance as an out-of-home placement (*ibid.*).

[3] As I explore in greater detail in Chapter 6, a solid portion of CISP staff are not from the communities in which they work. Most have grown up in similarly disadvantaged urban neighborhoods, however.

Intensive supervision was thought to be good for "conscience and convenience" (Rothman, 1980). CISP offered officials a cheaper version of community protection than out-of-home placement (Rothman, 1980; Rieland, 2000). CISP was originally able to operate at a per diem rate of $45, though, since the mid-90s, the cost has gone up to $55. This compared to a $95 per diem rate for the George Junior Republic and $130 per day for Vision Quest Boot Camp, two of the court's most commonly used placements (1997 CISP Annual Report). Likewise, unlike facility-based institutions like George Junior, CISP was eligible for reimbursement by the state for 80% of the costs of operating the program because of its status under Act 148 as being a community-based service (Nimick, Halemba, and Torbet, 1994). Thus, CISP was a money-saver, especially if it delivered on its promise to protect the community.

In fact, the CISP program does seem to provide a high level of community protection. Aside from its first few months of operation, CISP's rate of negative discharges[4] was between 12% and 30% during its first nineteen years of existence (2009 CISP Annual Report). In practice, because of the lack of sound record keeping due to a paucity of oversight (conversations with several probation officials), CISP's failure rate was probably higher than this, but was still low enough to convince administrators that the program could achieve heightened short-term behavior control in the community. Likewise, to varying degrees depending on the individual, CISP was able to compel youth to make progress in school, improving attendance, behavior, and grades (conversation with John Harper). Similarly, the great majority of parents of youth (95%) who successfully completed the program and responded to the CISP Parent Survey reported that their child was doing better as a result of CISP.[5] Specifically, many parents described that their

[4] This includes the commission of new crimes and technical violations (Failure to Adjust charges), many of which also involved new crimes.
[5] However, less than 23% of parents of positively discharged youth completed this survey.

children acted more responsibly and were more in control of their emotions than before the program.

Doubts have periodically been expressed about the ability of such a highly structured program to have a long-term crime reduction effect (http://www.ojjdp.gov/pubs/implementing/case.html):

> . . . the juvenile and his or her parents may have come to rely on the program to control the juvenile's behavior. How does that control get transferred back to the parent? Who can the juvenile turn to in the community for support? Staff report that some parents dread the program's conclusion because the structure and control have been beneficial, and the parents may feel unable to provide these essential ingredients themselves. Can the community be engaged in the program in a way that continues after the juvenile leaves the program? (Bazemore and Umbreit, 1997)

Likewise, former CISP official Barry McCrary noted in his dissertation research on the program that there was a need to move "from providing a service of managing behaviors towards learning about the offender in order to manage and address long-term needs" (2003: abstract).

The National Center for Juvenile Justice (NCJJ) raised similar questions in their 1994 evaluation of CISP. In this evaluation, they found that two-thirds of youth discharged from the program had subsequent referrals to court and 48% of juveniles discharged from the program had subsequent adjudications. Likewise, a later study found that only 55% of CISP positive discharges did not recidivate in the juvenile or adult systems (Juvenile Justice and Delinquency Prevention Act Joint Hearing: 7/12/07). Nevertheless, given the offense profiles of youth in the program and the seriousness of their family, peer, and neighborhood problems, officials and researchers concluded that this rate of failure was to be expected, and the program might still be doing better than a placement. Indeed, these numbers and the concrete short-term benefits that youth realized while under supervision helped sustain the narrative that CISP might have a long-term rehabilitative effect on certain youth.

While there were periodic concerns voiced about the possibility that youth in CISP were exposed to more intrusive social control than what their offense and prior record profiles merited, the fact that the program managed to keep most youth from failing and going to placement and generated short-term behavior improvement seemed to partially neutralize these concerns. Nevertheless, NCJJ ended their evaluation of the program by suggesting that CISP staff and court officials think through more whether the practice of putting less "serious" youth in such an intensive, coercion-based program—as commonly began to be done after the first six months of the program—might be excessive punishment. " . . . the ethical implications of placing less sophisticated juvenile offenders in CISP should be part of this ongoing dialogue. The use of CISP for these types of offenders raises concerns regarding the degree to which placement in CISP is proportionate to the severity of the offense(s) committed" (49). Thus, concerns were raised, but ultimately the more interventionist and financially-based reasoning of court administrators were what guided decision-making. The CISP program expanded to a new center in Wilkinsburg in 1994, and opened a new center in McKeesport in 2001 that dealt primarily with less serious offenders (in terms of their prior court record), and finally opened a sixth location in the North Side in 2011.

School-Based Probation (SBP)

Like CISP, School-Based Probation (SBP) in Pittsburgh developed in response to the increase in serious offending in the 1990s and particularly to the problem of violence in schools. These issues prompted the founding of the Interagency Council on School Violence in the early 1990s chaired by the Superintendent of the Pittsburgh Public Schools and Chief Court Official, Joe Daugerdaus, who decided to follow other counties' lead and invest in SBP (interview with

Director of School-Based Probation, Raymond Bauer). In 1990, Lehigh County became the first Pennsylvania juvenile court to assign probation officers to work in schools. The pilot program was deemed a success and with the financial support of the state, half of all counties had adopted the program by the mid-90s (Torbet et al., 2001). In line with this trend, in 1994, the Allegheny County Court slowly started moving probation officers into the schools, initially following the CISP program into the most disadvantaged, urban school districts with the highest number of youth under court supervision before gradually expanding to suburban schools.

In 1994, the court received a three-year state grant from the Pennsylvania Council on Crime and Delinquency (PCCD) and county officials agreed to pay half the matching salaries. They initially hired three POs and then nine months later, received an additional six POs after court officials agreed to transfer members of High-Impact Probation, the court's intensive probation program, to SBP. Drawing on the expanded funding made available for SBP from the state under Governor Ridge starting in 1998 and the county's continued support of the program[6], court officials continued to expand SBP. By the late 90s, Allegheny County had the largest program in the state, with POs working in 26 different schools (Griffin, 1999; interview with Raymond Bauer). School-Based Probation continued to expand so that by 2002, there were 41 POs working in 51 schools (BARJ Promotional Documents). Recently, the number of schools in which SBPOs work has gone down to 33. Still, SBPOs are a major part of the community supervision system, comprising just over half of non-intake and non-specialty probation officers (2008 Allegheny County Juvenile Probation Annual Report).

Like CISP, School-Based Probation was fundamentally an attempt to partner with community institutions so as to improve the court's ability to bring about immediate behavior

[6] As of December 2010, approximately half of SBP officers' salaries were paid for by the state and the other half by the county (interview with Raymond Bauer).

change in delinquent youth. The perceived advantage of SBP stemmed from its integration with the school, the main public youth-serving organization in the community. Because of School-Based's location, these POs could achieve a higher amount of contact with youth than could traditional probation. Likewise, as a result of the state's and the county's generous funding of the program, SBPOs have an average of 25 cases per PO compared to 36 for regular probation (2008 Juvenile Probation Annual Report). School-based Probation, no doubt, has achieved its goal of having a higher level of contact than regular probation by virtue of the location of POs' offices and the lower caseloads. The state mandates that POs document three in-person contacts per week with a youth, one contact with a family member per week, and that POs be in the building 70% of the workday. In practice, because of PO trainings, court hearings, and other obligations, SBPOs regularly do not meet the 70% requirement, may only see a certain youth who is behaving better once or twice a week, and only talk to parents approximately once a month (Torbet et al., 2001).

In general, though, the program has been successful at achieving a higher level of contact and intensity of supervision than regular probation. Many SBPOs require that their youth see them at least once a day through having them carry around Daily Sign-In Sheets, which their teachers have to fill out to certify that they were there and behaving appropriately; at the end of the day, they turn the sheets into the PO, who may ask to talk to them at greater length (Griffin, 1999). SBPOs were also thought to have a higher quality of contact than a planned office visit, since they were seeing youth around their peers and in their everyday environments. Explaining the importance of the quality of contact and of the added adult supervision in the schools, Director Bauer notes, "There's no doubt that a lot of African-American kids have bonded with their African-American POs," adding that youth who were not even on probation, who he refers to as

"lost kids" have bonded with SBPOs. SBPOs are encouraged to get involved with school activities and to organize extracurricular activities as well, which facilitates contact with non-probation youth.

One School-Based Probation Officer whose reports I examined (Jennifer Clayton) only met with Jamal, a sixteen-year-old youth on her caseload an average of between 1-2 days a week.[7] However, she had weekly communication with teachers, family members, and outside parties involved with him. In one recent week, for example, she gave Jamal an alarm clock to help him get to school on time. In another meeting that week, Jamal dropped off paperwork documenting that he had brought his grade up in a class, for which the PO commended him. Then, that same week, she made a phone call with his therapist to check up on his progress, set up tutoring for him, and also talked to the child's mother. Likewise, when she was not able to be in school for one day because of outside obligations, she was able to check the school's electronic record system, which alerted her that her client had arrived one hour late to school despite having been given the alarm clock and that he had skipped English class two days in a row. Thus, despite the lower than desired level of face-to-face contact, Clayton was able to maintain relatively close supervision over Jamal through her location in the school and the connections she had built up with outside entities because of her involvement in his life.[8]

Court officials invested heavily in SBP because of the belief that "we are getting more bang for the dollar" than for regular probation (Raymond Bauer, quoted in: Griffin, 1999). As a result of this increased level of contact and monitoring, school administrators throughout the state

[7] This is according to her computerized contact sheet, which would be reviewed by her Supervisor. It is possible though that this PO had more contacts than what she recorded.
[8] While other School-Based POs' contact sheets do not seem to indicate the same level of intensive involvement in a youth's life as Clayton, my review of documents suggests that SBPOs are able to achieve a higher level of contact and closer monitoring of school performance than for Community-Based Probation Officers.

agreed that youth undoubtedly experienced improved school attendance, and were less likely to be suspended, at least while they were under court supervision (Torbet et al., 2001). Likewise, the great majority of probation officers and school officials also agreed that the program was effective in reducing offending for the period while youth are under supervision and possibly when they are free in the community. In support of this finding, a case-control study of SBP in Pennsylvania (though this study did not include Allegheny County) compared SBP recidivism outcomes with a non-SBP matched control group (Metzger et al., 1997). In their 18-month follow-up of youth, the researchers found that School-Based youth had significantly fewer arrests for new offenses, and that non-SBP youth received substantially, though not significantly, more placements and spent more than twice the number of days in placement. This led the authors to conclude that SBP saved counties $6665 per youth, a very large savings, which has been referenced in many follow-up reports and played a role in SBP's expansion in Pennsylvania (Torbet et al., 2001). While the evidence on which the conclusion about SBP's cost-effectiveness is, in reality, flimsier than this study suggests, these findings gave officials confidence that they were doing good and contributed to the perception that "conscience and convenience" were in alignment in support of SBP (Rothman, 1980).[9]

Yet, in spite of officials' well-meaning desires, SBP subjected often-minor offenders to intensive social control (Griffin, 1999). Regardless of the severity of their offense and prior record profile, youth who lived in school districts that had a SBPO would automatically be

[9] While School-Based youth were in placement for less time on average than the matched non-SBP cases, SBP cases were also given placement after spending much longer periods of time in the community (because of the program's intensive supervision efforts) and much closer to the end of the 18-month follow up period (SBP placements began 301 days after probation began compared to 119 days for non-SPB cases). Thus, School-Based youth may have averaged less time in placement in part because more of their cases were not followed up after the study period ended, an artifact of research design rather than a true difference.

placed on SBP as opposed to the much less intensive regular probation that they would receive if they lived in a different location (see the following section to learn more about traditional probation). So long as these youth did not penetrate the system as a result of SBP's intensive supervision efforts, probation administrators maintained that this quite conscious net widening was actually prevention work. As it turned out though, Metzger et al.'s (1997) study found that SBP dramatically increased technical violation charges when compared to the controls, a natural result of the increased level of supervision. Allegheny County's experience with SBP likewise turned up many more technical violations, but probation official Roy Timminson claims that this did not lead to more placements because judges, at least initially, had confidence in the intensive supervision of the program and sent youth back there, adding their extra authority to complement that of the PO. Likewise, judges have frequently relied on the CISP and Academy Day Treatment Programs as a sanction for committing a technical violation, taking advantage of the county's continuum of care instead of immediately shipping a youth off to placement.

In reality though, officials were not exactly clear why placements initially went down when technical violations went up so dramatically or whether that effect could be maintained over time. Regardless, they were content to know that the program reduced the number of new offenses committed and had some beneficial effect on the schools they served. Between 1997 and 2006, the number of violation of probation petitions being filed increased 136% from 170 to 401. This increase coincided with a doubling of the number of School-Based Probation Officers. Court officials, including Timminson, acknowledge that the increase in technical violation petitions filed by school-based POs would generally lead to more youth receiving out-of-home placements.

The possibility that School-Based Probation widened the net of social control over youth was, thus, recognized by officials and administrators, but ultimately, they decided that the preventive and crime-reductive value of the program outweighed these concerns. The raving reviews from probation officials, school administrators, and researchers suggested the possibility that this program was win-win, and with the state's financial backing, SBP "took off like wildfire" (interview with Raymond Bauer).

"Structuring" Standard Probation

Just as the court invested in intensive supervision programs that drew on "the community" to provide a higher level of supervision than regular, casework-based probation, officials also instituted changes to make standard probation more structured and community-driven. As mentioned, the state reimburses counties for purchased services under Act 148, but counties are responsible for paying for court staffing, including probation officers. BARJ administrators forged a strong relationship with county government officials, which was facilitated by their outreach efforts to explain their mission statement and measure their performance (interview with Jim Rieland, former Chief PO). This effort resulted in a situation in which, up until the last couple of years, the county would fund almost everything for which the court asked (interview with probation administrator, Ron Gluck). As mentioned, because of this situation, the court was able to expand School-Based Probation, doubling the number of SBPOs between 1998 and 2005. Even though the number of Community-Based PO positions was reduced from 42 to 37 during this time, the larger increase in the number of School-Based POs allowed for reduced caseloads for regular probation since SBP was covering a higher percentage of cases. In the late 1980s and early 1990s, the average caseload for regular, community-based

probation ranged from 60 to 80 (interview with Chief Probation Officer, Russell Carlino). Under BARJ, there was a 45% decrease in the average caseload from 65 in 1997 to 36 in 2009 (1997 and 2009 Juvenile Probation Annual Reports).[10][11] Because of these efforts, standard POs were able to achieve a higher level of in-person supervision than in the past.

Community-based officers, however, only average about one face-to-face contact per month with their clients (interview with probation supervisor, Luke Heinz). As probation officials acknowledge, this is a major weakness in a system that prides itself on being able to protect the public and induce immediate behavior change. POs rely on phone contacts with schools, social workers, parents, and other organizations with which a youth is involved to supplement in-person contact. For example, in the case of two twins who were placed on a Consent Decree, PO John Hinske visited the family once during the month of April and had a direct contact with one of the twins because of negative behavior reported by the youth's school. He spoke by phone to a school official, who also reported that the other twin was having behavior problems. Then, the PO attempted to contact a pastor from a local church, where both twins were slated to perform community service. In this way, through relying on external agencies and contacts in the community, Hinske was able to monitor the twins' whereabouts and progress without having much face-to-face contact.[12]

In the post-rehabilitative ideal era, the idea of a probation officer talking with a youth, earning his trust, and convincing him not to commit crime seemed naïve. Instead, BARJ reformers wanted practitioners to go beyond their traditional therapeutic roles and to take active

[10] The majority of this change occurred between 1997 and 2000, during which the average caseload decreased from 65 to 39 (1997 and 2000 Juvenile Probation Annual Reports).
[11] There is a lot of variation, however, as regular POs in 2009 had between 21 and 63 cases.
[12] This Community-Based Officer happens to be one of the most hands-on POs. I will try to confirm these findings by looking at other POs' contact sheets and perhaps doing some more interviews.

steps to become more integrated with other systems such as the school and child welfare systems, as well as with ordinary citizens. As Gordon Bazemore articulated, " . . . the role of probation and other intervention staff in jurisdictions implementing a Balanced Approach mission will gradually be transformed from direct service provider or even 'service broker,' to 'community justice facilitator'" (Bazemore, 1997). Community service, restitution, and employment all gave probation officers activities in the community for which they could monitor attendance and reward or punish their behavior, thus increasing their ability to influence the behavior of youth without having direct contact.

The court's outreach efforts to the community under BARJ and the good relationship with the county government have also led to a situation where Allegheny County, already one of the most resource-rich counties in the country, increased the community resources that POs could tap into to achieve administrators' goal of creating a more structured and effective form of supervision. Mary Hatheway, Director of Community-Based Probation in Allegheny County and long-time probation official, believes that there are many more resources now under BARJ than before. "You don't have to scrounge to get kids services." In particular, as the court's liaison with the mental health system, she finds it is much easier to get youth mental health treatment because of the court's improved relationship with the Office of Behavior and Mental Health. Indeed, the court's utilization of Counseling Services has increased substantially from 450 days in 1994-95 to 2,031 days in the early 2000s, and then more than doubling to 4,429 in Fiscal Year 2005-06. Less narrowly, between 2000-2001 and 2003-2004, the court's expenditures on in-home services increased 37% from $10,576,721 to $14,444,403.[13]

[13] This appears on p.119, FY 04-05 Needs Based Budget Plan, which contains the county's expenditures in the juvenile justice and child welfare systems, and is sent to the state for reimbursement.

In line with the greater investment in community-based treatment, the juvenile probation department also specifically pursued policies designed to fill youths' time with productive activities at times when in-person supervision was not naturally in place. Up until recently, when budget cuts took hold, the county paid for youth on probation to attend summer school. Along the same lines, School-Based Probation Officers sometimes have certain youth attend the CISP program during the summer in order to give them added structure at a time when they might otherwise have very little adult supervision. Likewise, the court's policies of having more youth completing community service or working to pay off restitution offered some extra structure for youth after school and on the weekends. Similarly, the court has developed more connections with employers through partnering with agencies such as Goodwill, a nonprofit that provides summer internships and jobs for youth.

In sum, in the 1990s and 2000s, Allegheny County Court officials invested in reduced caseloads and more partnerships with the community in order to facilitate greater levels of face-to-face supervision of youth. Officials aggressively pursued community-based programming because these resources were in accordance with the traditional juvenile court's role of both avoiding punishment for punishment's sake and substituting an intervention that was not quite treatment but not quite punishment. Partnership with the community promised a higher level of in-person supervision of youth to meet the public safety requirements of an era characterized by the commission of more serious youth crime and greater fear of crime. Just as importantly, the system's greater integration with communities allowed for youth to remain living at home, where they might learn real-world lessons and build competencies that would lead them to reduce their subsequent delinquent behavior.

The new interventionism, in contrast to the old interventionism, mandated that behavior change occur in the community rather than in an institution. Yet, as several officials I interviewed recognized, the intensification of probation in some ways replicated the degree of behavior control found in an out-of-home placement, and this was partially by design (interview with CISP administrator, John Harper). After all, the focus of policy making in the 1990s and 2000s was increasingly on community protection. Along these lines, BARJ officials focused their efforts on reinforcing the "behavior stabilizing" effects of intensive supervision programs through coercive sanctions for noncompliant behavior, surveillance, and partnering with the police to find youth who absconded. As short-term "change" in the community became the main goal of court administrators, the community supervision system began to function in some ways similar to an out-of-home placement and encountered the same problem of how to make the frequent use of coercion work to support long-term recidivism reduction.

Supervision and Surveillance

In the adult parole and probation systems in the 1980s and 90s, there was an increased investment in surveillance through greater use of electronic monitoring and drug testing (Simon, 1993). The growth in the system's power to monitor is credited for increasing the use of imprisonment through the system's greater ability to detect noncompliant behavior. These surveillance techniques were adopted without the type of in-person supervision and investment in treatment that characterized the juvenile system. "Without such an infrastructure, an account of control based on drug testing is not sustainable. Risk leads eventually to reconfinement, which becomes the heart of the program" (*ibid.*: 200). Like the adult community supervision system, the juvenile probation system also increasingly invested in drug testing and electronic

monitoring in the last two decades. Unlike the adult system, however, surveillance existed on top of the enhanced ability to monitor through in-person supervision, which was the main intervention (Armstrong, 1991).

Because of the development of surveillance measures along with intensive community supervision in the community, there is a different relationship between treatment and punishment in the juvenile probation system than in the adult system. In this more developed community supervision system, surveillance measures help sustain and support the operation of intensive in-person supervision, both the community protection and therapeutic goals of these programs. While this heavy dose of supervision and surveillance would unearth more instances of misbehavior, rather than inevitably leading to incarceration, this quality could—in combination with the greater variety of graduated responses to program infractions short of long-term incarceration—contribute to the system's goals of keeping youth in the community and reinforce the therapeutic mission of intensive supervision programs.

In the Allegheny County Juvenile Justice System, electronic home monitoring (EHM) is utilized primarily for youth who are not yet under court supervision and whose time in the community is, therefore, unstructured. In lieu of the intensive in-person supervision that youth receive once adjudicated delinquent, these in-between surveillance measures allow the court to exert some control over non-adjudicated youth. When a youth is arrested, the arresting officer decides, sometimes in consultation with a youth's PO if the youth is on probation, whether or not to detain him at Shuman Center. If he is detained, then a hearing must be held within 72 hours to determine if he should be released before his hearing. Because of limited space in Shuman Center, there are limits to how many youth can be detained without leading to overcrowding; indeed, the space limitations in Shuman most likely explain why, between 2002 and 2009,

despite changes in the number of referrals and types of crimes referred to court and variation in the number of detention hearings held, the number of youth being detained has remained relatively steady—ranging from a low of 1327 in 2003 to a high of 1587 in 2009.[14]

Home detention, which involves random calls everyday to youth at night and during the weekends, and electronic monitoring allow the court to monitor the whereabouts of youth who were not detained and who would otherwise remain unsupervised. The Home Detention Department in Allegheny County was founded in the late 1970s; in the mid-1980s, the department expanded to also utilize electronic home monitoring (EHM). When Home Detention finds that a youth is not where he is supposed to be, the probation officer is notified, and, if the youth cannot be found, a warrant is issued. Between 2002 and 2009, at least 25% of detention hearings resulted in EHM or home detention. In this way, surveillance measures are a major part of efforts to protect the community in the pre-hearing stage when youth are not exposed to in-person supervision by the court without simply detaining them. In lieu of intensive community supervision in the pre-hearing stage, surveillance measures are a mid-range solution in between very lax control and incarceration.

Electronic monitoring and home detention, however, are not a big part of the system for youth who are adjudicated delinquent and are being supervised in the community on School-Based or standard probation. In total, electronic monitoring cases made up between 10% and 17% of youth adjudicated delinquent and on community supervision between 2004 and 2008.[15] The majority of these youth are in the CISP program, for whom EHM is mandatory. Once CISP

[14] These numbers come from court data available to administrative officials in order for them to keep track of trends in decision-making. Under BARJ and with the expansion of electronic record keeping, these data sources were increasingly relied on by administrators.
[15] In order to make this and other calculations appearing in this chapter, I combined various electronic and administrative court records provided to me.

youth are removed from the calculations, the maximum percentage of other youth on probation during this span was 10% and the median was 2%. Thus, electronic monitoring is a very small part of the new interventionist juvenile probation system. Rather, in contrast with adult probation and parole, it is mainly the structured nature of the supervision—including in-person supervision by POs and partnership with the community—that makes the system work for immediate behavior control.

Drug testing, unlike electronic monitoring, is a more common method of surveillance that probation officers use for youth already on probation. POs can check with school officials, employers, community service sites, and treatment providers to see if their "kids" were where they were supposed to be and were behaving appropriately. Likewise, they can perform drug tests to figure out what youth were doing when they were unsupervised in the community, after school, in the evenings, during the summer, and especially on the weekends. The ability to drug test has, not surprisingly, evolved along with the creation of a more structured probation system geared toward stabilizing behavior in the community. According to long-time Community-Based PO, Luke Heinz, it was almost impossible to get a youth a drug test in the 1980s, as one would have to take a youth to Shuman Center and then wait a week for the results. In the 1990s, as crack/cocaine proliferated and drug use and selling were increasingly seen to be at the center of delinquency, the county made drug testing less cumbersome. Thus, drug testing plays a larger role than in the past in the juvenile probation system.

Surveillance in the form of electronic monitoring and drug testing play an especially important role in the CISP program. All CISP youth are hooked up to electronic monitoring anklet bracelets and are also subjected to many more drug tests than youth on regular probation. While the average number of drug tests for non-CISP youth was 5 in 2009, the average for CISP

youth was 63. In CISP, surveillance (both drug testing and electronic monitoring) is viewed as part of the repertoire of techniques that ensure community protection, while also perhaps having a therapeutic effect. EHM, for example, is thought to support the therapeutic goals of the program by providing a test for youth, who have to choose whether to cut off their anklet bracelets and join their friends or resist peer pressure and complete the program. Likewise, youth are regularly tempted to use drugs; when they fail to show up to the program, it is often because they have been using drugs with friends and know they will be drug tested (interviews with CISP staff). Drug testing is linked quite directly to negative consequences: a first or second-time dirty urine screen will predictably result in a short-term placement (usually, 30, 60 or 90 days). As a result of the system's ability to impose certain consequences for drug use and the randomness of the drug screens, CISP has achieved an extremely low rate of positive drug tests of 3-4% (1997, 2008, and 2009 CISP Annual Reports).

One of the CISP program's major achievements is that, through persuasion and coercion, youth are compelled to improve their attendance and performance in school. Although CISP officials recognized that long-term career success was unfortunately elusive for the majority of "their kids," they believed that they could help certain youth at the margins to eventually shift them from "street" to "decent" behavior through a combination of community-based supervision and surveillance (Anderson, 1999). As Chapter 5 explores in greater depth, the structured in-person supervision and surveillance, as well as the persuasive influence of the CISP staff, are all arguably a major reason why youth are able to make short-term progress while they remain living at home. CISP officials, not surprisingly, proceed as if the same program elements that lead to short-term progress in the program, including drug testing and electronic monitoring, are

also good for youth in the long-term. As CISP PO Kyra Johnson opined, "If that means structure is the way to success, then so be it. You know, I think the ends justify the means."

In sum, electronic monitoring and drug testing, in combination with in-person adult supervision during the day, allowed the probation system to achieve quasi-prison-like control of youths' behavior, enabling the program to use this controlled environment to build competencies. Thus, there was no necessary reason to think that "risk would lead to reconfinement" as in adult probation and parole (Simon, 1993). Instead, the juvenile justice system developed a variety of graduated sanctions to respond to the inevitable unearthing of numerous program violations in a way that might contribute to the therapeutic goals of intensive supervision programs and keep young people residing in the community.

"Accountability" in Practice

One of the three goals of the Pennsylvania Juvenile Justice System under Balanced and Restorative Justice is "the imposition of accountability for offenses committed . . ." (Kurlychek, 1998). By "accountability," officials and reformers were specifically referring to repairing the harm done to the victims of crime; indeed, in later reports, officials prefer to use the phrase "Victim Restoration" instead because of its more clear-cut meaning (interview with Jim Rieland). Besides being part of the mission statement of Balanced and Restorative Justice, however, the word "accountability" was also a term that many juvenile justice officials used to describe their daily work. For example, describing her approach to the job of School-Based Probation Officer, Kyra Johnson notes, " . . . I build relationships but I'm still going to hold you accountable," referring to her ability to punish. The language of "accountability" emerged among officials as an on-the-ground description and explanation of what the BARJ juvenile

justice system actually did in practice. Accountability essentially became a shorthand phrase for the community-based behavior control that the new interventionism specialized in through its use of structured community supervision, surveillance, and graduated sanctions meant to deliver swift and certain punishment for behavior infractions. Indeed, because of this combination of intensive supervision and constrained punishment measures, the new interventionist probation system has increased ability--and under BARJ the desire--to expose a greater range of probationers to these mid-range "consequences" for a much wider range of behaviors than in the past.

Sanctions are short bursts of punishment that probation officers use in response to misbehavior occurring under supervision in the community that does not rise to a serious enough level to file a violation of probation petition, which could lead to a youth being removed from their home. Sanctions have always existed in the juvenile justice system, but as the system became oriented towards placing youth in the least restrictive setting and financial incentives encouraged counties to avoid placement, there was a need to develop a greater variety of mid-range responses to misbehavior to prevent further penetration into the system. According to a Pennsylvania law passed in the mid-1970s, youth can only be placed in detention for 72 hours prior to having a detention hearing in which a hearing officer determines if they needed to remain there or could be released before their court hearing. Since the late 70s, in Allegheny County and throughout Pennsylvania, the 72-hours rule has provided the basis for probation officers placing youth in the Shuman Detention Center for two to three days, in theory, as an alternative to filing a violation of probation petition that could lead to placement.

Because of the punitive quality to sanctions, Jim Rieland laments the fact that probation officers in the department he ran for eleven years incorrectly lump their ability to sanction youth

to 72 hours of detention without taking a youth before a judge into the category of "accountability" under BARJ. This, he argues, is incorrect because "accountability" was meant to be specifically to the victims of crime and the activities included under it include community service and restitution. Because sanctioning involves the overt use of punishment, it should correctly be viewed as part of the court's obligation to protect the community.

POs sanctioning youth were under no illusion that they would be receiving treatment. Shuman Center has no treatment or educational resources available for sanctioned youth because they are only there for three days and are placed in the Disciplinary Pod, in which they also have to be in their cells at 6 pm and lights go out at 8 pm. Furthermore, all juvenile justice officials I talked to, including the Director of Shuman, described it as a violent place where fights regularly break out. One youth I interview believed, "everyone gets hit at Shuman. Everybody knows that." Similarly, a youth on probation presenting his story during Juvenile Justice Week described how, when he was in Shuman on a sanction, someone was assaulted by a group of kids who wanted his mashed potatoes. The Academy Sanction Unit, colloquially known as "The Res," while formally not a secure facility, is thought to be worse than Shuman. This same youth who presented his story during Juvenile Justice Week described having to wear yellow uniforms and not being able to leave a room all day aside from when they were allowed to go down for breakfast and dinner, which apparently didn't always happen. A School-Based PO described "The Res" in the following way: "The Res is no talking, no form of stimulus. Oh my. All day long no talking."

Nevertheless, POs felt emboldened to use sanctions not just for their temporary incapacitation effects; since youth were only being removed for short periods of time, sanctions were thought to deter youth from misbehavior and make them more amenable to improving their

behavior in the community. In this way, sanctions fall under "accountability" because they were opposed to punishment for punishment's sake. They were fundamentally in place to prevent long-term out-of-home placement, and to use punishment in combination with treatment to facilitate behavior change. Even if the coercive aspects of sanctions appeared similar to the frequent punishments youth encountered in institutions, the goal of community-based behavior change set the stage for a possibly more productive form of punishment (Ohlin et al., 1973). Thus, if intensive supervision programs could serve as both treatment and punishment, it was thought that coercive sanctions could also be supportive of these goals.

Luke Heinz, one of the court's self-identifying "tough love" POs, reports that, in the 1980s, he regularly used to use "weekend detention" at Shuman Center for noncompliant youth. Heinz's methods of supervision were unusually intrusive. He describes waiting in front of kids' homes for their parents to return at night from work to ensure that they were not throwing parties and doing drugs or drinking alcohol. "If there was a deterrent effect I hoped I was causing it." Thus, through such intensive supervision, he uncovered numerous behavior infractions, which he punished first through verbal admonishment and other "creative," non-detention sanctions. But, if that didn't work, he would resort to weekend detention. "If you're going to waste my time during the week, I'm going to waste yours during the weekend," he explained.

Probation officers have always had a variety of non-detention sanctions that they would impose on youth for misbehaviors, and the exact sanctions utilized depended on the PO. Because of the juvenile justice system's expanding partnership with the community and the increasing intensity of supervision under BARJ, POs developed a greater repertoire of graduated sanctions that drew on these connections to community organizations. As community service opportunities proliferated due in large part to the court's partnership with Abraxas Workbridge in

the 1990s and 2000s, POs began using community service as a sanction for marijuana use, being repeatedly late for school, and misbehaviors that they discovered in this increasingly structured probation system. Relatedly, Raymond Bauer also believes that more youth are receiving mental health services as a result of the intensified supervision of his program and the county's increased investment in treatment during this time. "The more you pay attention to a problem, the more it becomes visible, and the more you have to treat it," he argues.

While, in theory, the availability of more in-between treatment and community service resources for sanctioning youth might mean that POs sanctioned to detention less, in reality, the trends in the late 1990s and 2000s suggest that, if anything, youth were being sanctioned to detention more often.[16] As a result of several factors, including POs' overuse of sanctioning, at several points in the last fifteen years, Shuman Center became overcrowded, requiring administrators to put a temporary freeze on probation officers' sanctioning ability. When this happened, POs developed alternative techniques to deal with misbehavior or they ignored it, the latter of which former Chief PO Jim Rieland and other administrators did not want them to do. For this reason, in 2007, after sanctioning in Shuman Center was frozen, the court partnered with the Day Treatment provider, The Academy, to expand their sanctioning unit—that had previously only been used for this program's Day Treatment cases—for all POs to use. Likewise, the court also partnered with Auberle Group Home to utilize a portion of its Hartman Shelter beds for sanctioning as another staff-secure alternative to Shuman Center. These partnerships were also envisioned as a way of saving money. Since the detention homes that the

[16] The more intensive supervision offered in School-Based Probation and other programs may have been related to this trend. School-Based POs would sometimes negotiate with school authorities to sanction a youth to weekend detention as an alternative to being suspended. Thus, the intention behind these sanctions may have been just as much to keep kids productively engaged in school—a goal of BARJ under Competency Development--as punishing minor misbehavior for the purpose of deterrence, though the latter seems to have occurred as well.

Academy and Auberle provided were staff-secure rather than a locked facility like Shuman, the county was reimbursed at a rate of 80% by the state rather than the 50% reimbursement they received for Shuman sanctions.

As a result of these new sanctioning options, POs who were used to using Shuman and had temporarily not been able to use it because of the sanctioning freeze felt emboldened to use these resources in large numbers, sanctioning more youth than in the past (conversation with probation official, Eric Wilson). In 2008, there were 1,998 Academy sanctions and more than one sanction for every youth being supervised in the community. These sanctions were concentrated among certain youth with sanctioned juveniles receiving an average of three Academy Sanctions each.[17][18] One high-ranking official I talked with about these trends was surprised at this figure, which he believed would have represented a problem had these trends continued. For unknown reasons though, sanctioning appears to have gone down in the last couple of years (interview with Jim Rieland).

CISP in particular relies heavily on the use of sanctions. As a result of the program's intensity of in-person supervision and surveillance, many violations of program rules and minor misbehaviors are discovered. Likewise, in order to maintain order in a program that houses rival gang members together, staff need to maintain a high degree of control over every body movement of youth in this program, which leads to large numbers of punishments for small infractions. In 2008, youth graduating from the program had an average of approximately six

[17] These descriptive statistics do not include the rough average of six sanctions each that CISP youth received at Shuman Center.

[18] Because of the addition of The Academy Sanction Unit and Auberle Shelter and POs' regained ability to use Shuman as a sanction after the temporary sanctioning freeze, POs are able to sanction more easily because of the closer proximity of short-term detention facilities. Southern offices use the Academy because of its location in the South Hills, while the Eastern and Northern offices use Shuman, and the Mon-Yough Offices southeast of Pittsburgh utilize Auberle Hartman Shelter, located in McKeesport.

sanctions to detention for approximately three days each and three in-house sanctions.[19] In-house sanctions are used for program violations such as missing school, being disrespectful or not listening to staff, coming late to the program, or even wearing baggy jeans; the usual in-house punishment involves youth staying late or doing extra chores in the center. By contrast, the detention sanctions are usually for more serious behavior, including positive drug tests, EHM violations, and aggressive behavior in school. For violating electronic monitoring conditions, youth receive immediate two or three-day sanctions to Shuman Center or to a seven-day Boot Camp program depending on the PO and the youth. For example, a fourteen-year-old youth reported being sanctioned to detention for missing his school bus, even though he walked directly to school, because he was told that being unsupervised during the school day was a threat to the community.[20]

While many youth respond to close supervision and surveillance by improving their behavior in the short-term, it is unclear whether these techniques facilitate or impede youths' buying into the program's goal of long-term "change." CISP youth generally come to the program thinking that they have been treated unfairly by virtue of the fact that many end up in the program for what they view as minor offenses: "their favorite saying is 'that ain't fair'" (interview with CISP official, John Harper). CISP staffs' belief is that, if youth felt that they were being "picked on" for being committed to such an intensive program for minor offenses and then for being held accountable while in the program, their job is to teach these youth to handle that unfairness better.

[19] There are many more in-house sanctions in reality than what is recorded.
[20] I confirmed that he was sanctioned in the case files, though there was no mention of whether or not he went directly to school.

In sum, in the new interventionist supervision system, the resources were in place to respond with a range of methods to the relatively minor violations that were increasingly being unearthed. As is also the case in institutional settings, there is a definite tendency for POs to rely heavily on coercive rather than persuasive responses to misbehavior. Practitioners try to blend the administrative needs of the program to control behavior and maintain a safe atmosphere with the long-term decision-making and behavior of their youth clients. Because of CISP's location in the community and employment of staff from the same neighborhoods as delinquent youth, they are able to make a reasonable argument for how the juvenile justice system's sanctions can be used productively to serve as both treatment and punishment. It remains an open question (to be discussed more in Chapter 6) whether their vision of "productive punishment" and "change" can be translated into practice in the current environment.

Warrants: Reinforcing Intensive Community Supervision

As a result of the juvenile probation system's investment in supervision, surveillance, and sanctions, the Allegheny County court became increasingly specialized at short-term behavior control in the community, forcing youth to address their problems and improve their behavior, or face immediate coercive consequences. Many youth on probation were growing up in neighborhoods where the normal way of making a living was selling drugs, and were also constantly exposed to the everyday of violence of "the streets" (interview with Carlton Smith; Venkatesh, 2006). Growing up in these conditions, it was very difficult for many youth to engage in purely law-abiding behavior even with the efforts at mentoring and competency development of intensive supervision programs.

Rather than face this juggernaut of control over their behavior, some youth decided that this was too much to face and went on the run, hoping that they would be able to evade the police more easily than probation. KL, a CISP youth, discusses why some youth cut off their anklet bracelets and go on the run: "Some people just can't handle it. Some people just make poor decisions at home and know that they're going to have to face the consequences here. They just don't feel like dealin' with that," referring to the sanctions to detention or possible out-of-home placement that youth would receive in response to their misbehavior. Indeed, many of the youth who end up failing the CISP program cut off their ankle bracelets and go on the run, figuring they would rather take their chances with the police or even "do their time" in placement than deal with this elaborate system of community-based behavior control (see Chapter 6).

Under the Community Protection clause of Balanced and Restorative Justice, the juvenile probation administration responded to this potential weakness in their system by improving their relationship with the police. For years, a small number of POs were in regular contact with the police. Luke Heinz, a self-described "kind hearted hard-charger" who has worked as a PO since the late 70s, for example, knew all the police officers in his district. He would come in to the police station on three cups of coffee at 2 in the morning and go with the police to "snag, tag, and bag the guys we were looking for." This got him respect with the police, who would pass intelligence along to him. Heinz acknowledges that he was an anomalous case, though some POs who also fell on "the law enforcement side of the equation" also likely communicated with the police. Other POs who were more "social workey," by contrast, rarely maintained contact with the police except when it was absolutely necessary, and focused instead on using their persuasive powers to secure behavior control. In 2002, probation administrators moved all probation officers closer to the Heinz model of probation through requiring that they accompany

police on ride-a-longs (BARJ promotional documents). Probation administrators also sought to improve their ability to achieve community protection through the creation of the Warrant Unit[21], a collaboration of police and probation officers, who, armed with firearms, would seek out youth on the run who were considered especially dangerous.[22]

Warrants more generally are issued for a variety of reasons. 44% of warrants issued between 2004 and 2011 were for electronic monitoring and home detention violations, which suggests that they are disproportionately used as a way of controlling behavior in the community especially for youth who are under pre-hearing surveillance as an alternative to detention but who are not yet under probation supervision. Still, probation officers also use warrants to respond to youth who are noncompliant with supervision or whose location is unknown. 20% of warrants were issued by probation officers and day treatment programs for a variety of reasons including violating conditions of supervision (e.g., using marijuana) and failing to show up to the program or a meeting with a PO. Another 14% were issued for youth failing to appear in court and 12% were also filed because parents reported to probation officers that their children had run away from home or were not in school. Between 2004 and 20011, there were between 1,273 and 1,808 warrants issued compared to between 3,650 and 4,978 total youth on supervision during

[21] The Warrant Unit only goes on "runs" once a month and is not responsible for finding the majority of youth with outstanding warrants.

[22] These administrative changes also paralleled changes in the type of person that was becoming a probation officer. In the past, there was an equal balance of "social workey" POs, with degrees in social work, education, and other helping professions, and those with criminal justice degrees. During the 1990s, there was an increase in the number of POs who were being hired with criminal justice degrees and others who had previously worked in law enforcement (conversations with probation officials). With these changes and the greater requirements of POs in terms of time spent in court due to the criminalization of the juvenile court process, more POs began to embrace their law enforcement sides.

this time.[23] Having a warrant filed against you was therefore not an uncommon occurrence for court-involved youth.

The fact that a substantial number of youth were going on the run from the probation department's intensive supervision system was never questioned as anything except natural because of how resistant youth are to changing their behavior. Officials were aware of the many negative pressures on youth that could get in the way of the behavior change process, but they never questioned whether so many youths' negative response to the programming they had might indicate a problem with their system of supervision. The fact that there were so many youth running from "change" simply reinforced the need to have another layer of punishment for dealing with recalcitrant youth. "You know Joey's a little misunderstood here. You know, c'mon. Give me a break. These kids are going to grow up to kill each other and you're telling me you don't want to do anything about it . . . I always tell kids I don't want you to grow up to stand in front of a bullet all day. That's not your career choice" (interview with Luke Heinz).

In this way, officials justified the more interventionist policies of the court, including warrants, as being in the best interest of youth as well as communities. Importantly, while some of the warrants being served would ultimately lead to residential placement, this was not the case in most cases. A warrant being served to a youth in School-Based Probation, for example, might lead to his being placed in the CISP program as a sanction. Alternatively, he might remain in SBP and be required to enter another treatment program or complete more community service. In sum, officials viewed the enforcement of warrants as contributing to the system's ability to

[23] I calculated this figure differently than for the calculation of the number of youth on supervision who were given sanctions. In order to be given a sanction, one has to have been placed on probation whereas a youth can have a warrant filed in the pre-hearing stages before being placed under court supervision. This explains why, even though the number of warrants is similar to the number of sanctions, the number of warrants per youth who could conceivably be given warrants is substantially lower.

achieve “eyeball supervision” over youth as well as to deter young people from going on the run. They believed they were providing the conditions under which clients would respond better to the primarily community-based services of the court and improve their behavior in the short-run and perhaps in the long-run as well.

Conclusion

In conclusion, juvenile justice officials in Allegheny County pursued “structured” community supervision so systematically because these programs represented a cheaper version of community protection than out-of-home placement that was not characterized by punishment for punishment’s sake, and offered programming that might help youth improve their future behavior as well. Just as their forefathers pursued probation and age-appropriate out-of-home placement as a middle-range policy that was not quite treatment and not quite punishment, officials now believed that intensive community supervision and community-based punishment measures could achieve what regular probation and out-of-home placement could no longer accomplish in the contemporary era (Ferdinand, 1989). Importantly though, the new interventionists differed from their predecessors not only in their desire to keep youth in the community, but also in their focus on immediate behavior change.

Investing in various forms of in-person supervision and treatment, Allegheny County court officials created a much more powerful and intrusive system of community-based behavior control than what existed in regular probation or in the adult probation and parole systems. Officials assumed that the same coercive techniques that would maintain control of youth under intensive community supervision would also teach youth clear consequences for their negative behavior, and support the therapeutic program being offered. While officials realized that the

same policies that induced short-term behavior improvement might also be perceived as unfair by youth, they never seriously believed that this perception might work against their efforts to bring about long-term "change." If anything, officials argued that youth needed to learn to handle better the unfairness of being punished in order to improve their functioning in other difficult life situations.

Thus, in some ways similar to the reform institutions they were meant to replace, intensive supervision programs developed a set of organizational rationalizations authorizing the use of outright coercion to induce immediate behavior conformity, with few limits on its use (Miller, 1991). Arguably though, the emphasis on keeping youth living at home in the community did in fact prevent the most severe abuses of authority found in institutional environments. Likewise, while the new interventionist probation system detected more minor violations as a result of the greater intensity of program when compared to regular probation, the system's investment in supervision and graduated sanctions rather than surveillance and revocation (see Appendix A) made it possible for officials to argue, quite plausibly, that the state's greater power to monitor behavior was part of the treatment program that would help delinquent youth in the short-term and the long-term.

Juvenile court officials in Allegheny County, thus, developed a powerful methodology for using primarily community-based supervision resources as the main site of "change" rather than incarceration. It was unclear in practice though, whether and how the intensification of probation would indeed serve as an alternative to residential placement given court administrators' strong preference for immediate community protection and behavior improvement. Needless to say, as the next chapter makes clear, there was a more complicated relationship between intensive community supervision and out-of-home placement that called

into question the idea that officials could pursue interventionist policies in a way that also insulated youth from the harmful effects of incarceration.

Chapter 4

Incarceration and Its Alternatives in the Get-Tough Era Juvenile Justice System

Introduction

The juvenile court was formed during the Progressive Era as an alternative to the punishment for punishment's sake of the adult criminal justice system. Nevertheless, confidence in the therapeutic effect of juvenile justice intervention led to more rather than less use of youth incarceration (Rothman, 1980). As a result of the due process and deinstitutionalization movements of the 1960s and 1970s, there is currently much less confidence in the rehabilitative effect of youth incarceration than in the heyday of the early juvenile court (Miller, 1991; Allen, 1981). Officials have developed a range of "alternatives" to secure, youth prisons—namely community-based treatment programs—to offer a continuum of care in between a relatively lax probation sentence and sending youth to secure institutions (Armstrong, 1991). Sociological and criminological literature suggests, however, that community-based sanctions often do not work as intended as alternatives to youth imprisonment and, in fact, widen the net of social control over those who previously would have received less intrusive programming (Cohen, 1985; Chan & Ericson, 1981; Hylton, 1981). This chapter examines the issue of net widening in the juvenile justice system through a case study of out-of-home placement trends in the Allegheny County Juvenile Court during the "get tough" era of the 1990s and 2000s.

The Allegheny County court's response to the increase in serious and violent youth offending and calls to "get tough" on youth crime in many ways recapitulates the history of the juvenile court. The court maintained a relatively lenient response to the increase in serious youth crime in the late 1980s and early 1990s, largely avoiding calls in the wider society to punish

juveniles as adults and incarcerate youth in adult-like prison environments. Officials' response was constrained by the possible harms that often-violent prison environments inflicted on youth as well as the financial cost of sending youth to large reform institutions. While county juvenile court officials avoided the mass incarceration of youth during the "get tough" era in the early 1990s, Allegheny County saw substantial increases in the number of youth sentenced to small, "community-based" residential placements from the mid-1990s through the mid-2000s in spite of a decline in serious and violent crime from the out-of-control levels of the early 90s and the expansion of non-residential community supervision programs during this time.

My analysis, based on documentary evidence and over 40 interviews with court officials, suggests that this increase was not a result of the court's becoming more punishment-oriented and less concerned with the historic emphasis on youth rehabilitation. These patterns also did not stem from their greater confidence in the rehabilitative effects of out-of-home placement, which was generally agreed to be inherently punitive and possibly harmful. Rather, they reflect the growing dominance of the new interventionism and the resulting focus of court policy on orchestrating immediate behavior change in the community.

Under the old interventionism and the new penology, whether or not incarceration was officially rehabilitation or punishment oriented, these systems operated under the assumption that clients who needed to undergo temporary behavior change because of the threat they posed to themselves or the community would have to be incarcerated (see Appendix A). By contrast, under the new interventionism, the development of a system of intensive in-person supervision and graduated sanctions gave juvenile court officials confidence that short-term treatment and punishment goals could be realized while keeping youth residing in their home environments. Rather than responding to the increased societal concern with public safety by remaking

community supervision as a surveillance-oriented supplement to incarceration, the new interventionism did the opposite—effectively turning custodial confinement into an appendage of an increasingly intensive community supervision system.

In many ways, recent trends in out-of-home placement trends in Allegheny County are a product of the consensus that the community rather, rather than an institutional setting, is where to focus the juvenile justice system's "change"-making resources. Specifically, court administrators developed a strategy to use short periods of out-of-home placement to "shock" youth into accepting intensive treatment and supervision services in the community. As officials grew confident in their ability to intervene intensively in the community in a way that would both protect the public and rehabilitate youth, they became less shy about expanding this short-term placement/day treatment aftercare combination to less serious youth offenders. So long as out-of-home placement contributed to immediate behavior change in the community, officials were less concerned about the possible harms of net widening since these trends were part of a well-thought-out plan for reducing delinquency.

"Getting Tough" in the Early 1990s

According to criminologist Franklin Zimring (2002), there are two historic rationales for the American juvenile court. First, there is the interventionist rationale, which emphasizes the positive good that court intervention can have on "saving" youths' lives. Reflecting this sentiment, juvenile court judge and promoter Ben Lindsey believed that, "Its purpose is, of course, to prevent crime before crime is actually committed . . . It would take care of these children in adolescence, when character is plastic and can be molded as clay in the potter's hands" (1903: 210). The second justification for the court is as a diversionary institution whose

primary role, regardless of its supposed therapeutic effects, is to protect youth from much harsher punishments of the adult criminal justice system. To complement their confidence in the state's ability to reform delinquent youth, court advocates such as Judge Lindsey always made pragmatic arguments for the juvenile court based on it being cheaper and less harmful than processing in adult criminal courts and penal institutions. " . . . it really is wiser and less expensive to save children than to punish criminals" (413). Zimring argues that, during a punitive era such as the contemporary period of mass incarceration and the politicization of crime, the juvenile court's diversionary rationale is especially important for protecting youth from punitive sentiment.

The early juvenile court's diversionary rationale was based primarily on a comparison with the adult system. Juvenile court reformers argued that, regardless of what happened in juvenile court, youth were better off there than were they to be tried as adult criminals. Probation and out-of-home placement in age-appropriate programs were two sides of the same coin that supported individualized treatment depending on the particular qualities and circumstances of a youth (Rothman, 1980; Bortner, 1982). In the 1960s and 70s, critics of the juvenile court amassed a large amount of evidence that disputed the idea that juvenile incarceration was benign treatment. Numerous investigations revealed that juvenile institutions were inherently punitive places that functioned in many ways like their adult counterparts, and studies found that youth incarceration in many cases did more harm than good (Miller, 1991; Petrosino et al., 2004, 2010). Now that incarcerating youth in large reform schools was seen as something to be avoided, community-based alternatives to youth prisons became the new, less harmful option that would allow juvenile courts to maintain the system's rationale of diversion from punishment for punishment's sake (Ferdinand, 1989).

The Allegheny County Juvenile Court's response to the increase in serious and violent delinquency and the politicization of youth crime in the late 1980s and early 1990s reflects the diversionary rationale of juvenile justice at work for a new era. In the latter half of the 1980s and early 1990s, youth violence increased to unprecedented levels as a result of the growth of crack-cocaine markets and associated lethal violence (Blumstein & Wallman, 2000). Crack-cocaine exacerbated the effects of growing socioeconomic inequality and the concentration of poverty and other major social ills in the country's urban neighborhoods (Reinarman & Levine, 1997). During this period, there were large rises in violent crime committed by young, black men, both juveniles and young adults. Adults involved in the drug trade would rely on youth to carry out a large portion of the violence, drug trafficking, and other related activities because of young peoples' exemption from mandatory sentencing laws as a result of their youthful status (*ibid.*). The result of the crack-cocaine trade was a spike in serious youth violence, including homicide. Between 1988 and 1994, the Violent Crime Index arrest rate for juveniles increased 61% and juvenile homicide arrests increased by 110%. 80% of the increase in youth homicides during this period can be attributed to gun crimes (Snyder & Sickmund, 2006).

The trends in Pittsburgh's juvenile crime arrests and referrals to court largely parallel the national increase in serious and violent crime during the early 1990s.[1] As seen in Figure 1, the number of youth violent crime arrests went up 90% between 1986 and 1994. The number of drug arrests nearly doubled between 1990 and 1994 and the number of drug sale arrests increased by more than a factor of three during this time. Relatedly, the number of juvenile homicides went from seven in 1990 to peak at 17 in 1994 while the juvenile population stayed more or less the same, a level that has not been reached since (Uniform Crime Reports, FBI).

[1] However, crack-cocaine came to Pittsburgh slightly later than it came to other cities, with violent and drug offenses peaking in 1993 and 1994 (Uniform Crime Reports, FBI).

Not surprisingly, the offenses that saw big increases in arrests also saw the largest increases in referrals to court. Overall, as seen in Figure 2, person offense referrals (including firearms and excluding simple assault) increased 74% between 1988 and 1993. While the overall volume of referrals was up 41% between 1988 and 1993, the percentage of referrals to court for person and firearms offenses nearly doubled from 12% to 22%. As expected the court also saw large increases in referrals for serious crimes such as robbery, which went up 89%. In addition, the number of drug referrals doubled between 1990 and 1993. In the 1988 Allegheny County Court of Common Pleas Annual Report, the only drug category listed for referrals to court was "possession of marijuana," which reflects how the anti-drug effort in those days focused on marijuana rather than crack-cocaine.

In response to these crime trends, politicians and academics contributed to a moral panic on a supposedly new generation of juvenile "superpredators," who were increasingly seen as inherently evil and for whom the only solution was incarceration. According to John Dilulio (1995), who coined the term "superpredators," "By my estimate, we will probably need to incarcerate 150,000 juvenile criminals in the years just ahead (at the time he was writing, 58,000 juveniles were in custody). In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the super-predators." While the court officials in Pittsburgh, a Democratic city, never embraced these conservative views, they were alarmed by the increasingly "serious" profile of the average youth coming into court (1993 Court of Common Pleas Annual Report). In response to the rise of crack-cocaine-related violence in the late 1980s and early 1990s, court administrators instituted a series of policies meant to deter youth from committing violent and drug crimes.

For the majority of its history, the juvenile justice system has been fundamentally based upon discretionary decision-making of largely unregulated officials who, acting in the name of the state under the legal doctrine of *parens patriae*[2], are envisioned to make decisions that address the greater good of the youth and society. Especially when compared to the adult criminal justice system, the juvenile justice system has always given officials wide latitude to make individualized decisions that took into account the particularities of a youth's "moral character" and social environment (Emerson, 1969; Bortner, 1982). This system of highly individualized decision-making depending on the probation officer and judge continued in Allegheny County until the early 1990s when administrative officials sought to gain greater control over these decisions to ensure that well-thought-out and financially prudent decisions were being made in response to the increasingly "serious" offenders coming to court.

In 1989, the court created a Placement Management System that sought to impose greater administrative control over who would be removed from their homes. Placement Management led to the creation of standard Dispositional Guidelines that probation officers were supposed to base their decision on whether or not to recommend that a youth be removed from his home to the judge at a court hearing. These Guidelines included provisions that mandated that youth committing certain serious offenses be automatically recommended for out-of-home placement (1990 Court of Common Pleas Annual Report). Youth fourteen years and older referred to court for possession of a controlled substance with intent to deliver and the use or possession of a firearm would receive one year minimum sentence in a Youth Development Center, one of Pennsylvania's state-run youth prisons. For youth referred to court for just intent to deliver crack/cocaine, who had a prior adjudication, the minimum length of commitment was nine

[2] The legal doctrine of *parens patriae* assumes that the state can act in the best interest of the child even when these decisions go against the wishes of the parent.

months in a facility-based residential out-of-home placement, with three months added for each subsequent offense. Likewise, probation administrators decided that first-time crack-cocaine offenders with no coinciding weapons offense needed more of a "wakeup call" than they would receive on regular probation; as a result, the Guidelines were revised to recommend day treatment or private out-of-home placement for this group.[3] Explaining the court's policy at the time, Jim Rieland notes: "We were responding to all the D&A [Drug & Alcohol] folks talking about how the addictive powers of crack versus cocaine . . . and how kids had rocks on them and how it resembled rock salt. We said, wait a minute. We have got to make a statement here. Kids think they can just go around selling this stuff, and so we did . . ."

Despite officials' efforts to toughen up the response to drug and person offenses, the increase in referrals for drug and person offenses outpaced the increase in out-of-home placements. Between 1988 and 1993[4], while there was a 41% increase in referrals, a 74% increase in referrals for violent crime and firearms offenses, and a doubling of the number of drug referrals, there was only a 20% increase in Commitment Orders to out-of-home placement (see Figures 2 and 3) (see Appendix B for details on my data sources). Thus, the "get tough" movement in Pittsburgh in the early 1990s led to only a moderate increase in out-of-home placements. In the end, there also may not have been that many youth who met the Dispositional Guidelines' criteria of committing a drug-related charge with possession of a firearm. It is also unclear how faithfully the guidelines were followed. On a rough version of the Dispositional Guidelines from sometime in the early 1990s, a juvenile court administrator wrote: "Do we know if any of this is happening????"

[3] Rieland believes that the Guidelines codified a shift that had already occurred in how crack offenders were being treated.

[4] These are the years for which I have comparable referral and out-of-home placement data available from the annual reports.

As indicated in the Commitment Order counts in Figure 3, the number of out-of-home placement orders to public facilities, the great majority of which were to secure juvenile prisons, increased from 103 in 1989 to 217 in 1992, an 111% growth that seems to have been a result of these "get tough" policies. Yet, this was a relatively small number; at the height of their use in 1992, public out-of-home placements made up a maximum of 29% of the court's out-of-home placements. Interestingly, the court's use of public out-of-home placements declined slightly in 1993 and 1994, the two peak years of violent crime and drug offense arrests and referrals in Pittsburgh. In theory, one would have expected the number of out-of-home placements in Youth Development Centers (YDCs) to peak in these years. What appears to explain this finding is that the New Castle Youth Development Center, the YDC used the most by Allegheny County, became filled to capacity in 1992 as a result of the increasing number of out-of-home placements from Pittsburgh and other parts of the state, including Harrisburg and Philadelphia (interview with Probation Administrator, Thomas Gold).

County officials, therefore, agreed to switch to sending youth to YDC Bensalem in order to help the state deal with the overcrowding issue in New Castle. As a result, the number of commitment orders to YDC New Castle declined from 157 to 103 between 1992 and 1993 and commitment orders to Bensalem increased from 1 to 21. Explaining this relatively small increase in placements to Bensalem, Jim Rieland notes, "Bensalem was a poorly run, difficult institution to monitor filled with Philadelphia kids that basically nobody gave a shit about." For these reasons, the number of Pittsburgh youth committed to Bensalem decreased to 12 and 13 in 1994 and 1995, and was further reduced to two in 1996. While the court increased its use of other secure public out-of-home placements, these facilities were also overcrowded and in poor condition, which discouraged court officials from relying heavily on them.

Court officials also sought to avoid the over-use of youth prisons in part because they were extremely expensive due to the deinstitutionalization reforms in the 1970s, which provided financial disincentives for incarcerating youth. YDC New Castle cost the county $247 per day per youth in 1997 (1997 CISP Annual Report). This compared to the court's then most commonly used private provider, the George Junior Republic, which cost $95 per diem. In part because George Jr. had youth housed in cottages, they were able to avoid a large portion of the security cost of housing a youth in a locked facility. Likewise, under Act 148, the county was reimbursed at a rate of 60% for George Jr. but only 50% for New Castle because of state financial incentives meant to deter counties from using secure facilities (Griffin, 2003). These factors may have prevented counties from sending too many youth to state facilities and may have made day treatment and private out-of-home placements more appealing options. One can tentatively conclude that Pennsylvania's small number of secure out-of-home placement centers, the result of the deinstitutionalization reforms in the 1970s, and financial disincentives for avoiding youth prison combined with officials' concerns about youths' welfare to place limits on how many youth judges and probation officers were willing to send to secure facilities.

Alternatives to Incarceration in the Late 1980s and Early 1990s

Given that the majority of the Allegheny County Court's placements are to private providers rather than to secure public prisons, out-of home placement trends are strongly influenced by decisions about how to use the court's continuum of care and, specifically, for which youth to use non-residential and residential punishments. Community corrections in Allegheny County spans a wide continuum between non-residential day treatment programs and residential sanctions of various degrees of restrictiveness and length. Allegheny County has a

Placement Level System, which administrators use to categorize their various non-probation programs according to their level of restrictiveness and program length.

Level 1 consists of non-residential day treatment programs, which offer treatment and monitoring to youth after school, in the evenings, and on the weekends, as they remain in their home communities. For reasons having to do with financial accounting and reimbursement under Act 148, day treatment is formally considered a placement even though it does not involve removal from the community. Officials tend to think of day treatment as a placement because, unlike probation, at least with the CISP and The Academy (the county's other day treatment program), they can monitor youth 24 hours, 7 days a week through intensive in-person supervision and electronic monitoring. For this reason, when putting together counts of the number of youth in placement for his own personal use, former Chief Probation Officer Jim Rieland calculated this statistic both with and without CISP and The Academy, even though unlike other placements, they are non-residential programs.

Level 2 placements are short-term provider programs (90 days or less). As of 2009, there were five programs in this category. These include residential drug treatment programs as well as boot camps, which were recently relabeled "short-term impact" programs, as their curriculum has moved away from a militaristic emphasis to resemble a traditional wilderness program. This type of placement is reimbursable at a rate of 80% through special provisions made by the state and has been expanding in recent years. Level 3 placements are community-based Group Homes, for which the court is also reimbursed by the state at a rate of 80%; the court has 15 placement providers offering a total of 29 different Group Home-type programs. In Group Homes, youth reside in a small home located in the community along with staff. While they have their residential activities monitored, they are largely unsupervised during the day and

attend a regular school with non-delinquent youth. This type of placement used to be more common but, after seeing the relatively low rates of positive discharges from these programs, court officials are relying much more on day treatment and short-term placement programs, which they view as more effective in orchestrating short-term behavior change.

Levels 4 and 5 are facility-based institutions, for which the court receives 60% reimbursement from the state. There are currently 16 providers offering a total of 31 programs in this category. These programs include large reform schools such as Summit Academy and the Glen Mills School, which are located in isolated, rural areas as well as non-traditional reform schools such as the George Junior Republic, where youth live in cottages located in a small town called Grove City, Pennsylvania, and have regular contact with town residents. Level 6 placements are secure and largely public facilities, the previously referenced "youth prisons."

For the most part then, officials deciding where to send a youth are making more nuanced choices than simply treatment or punishment. In theory, the level of restrictiveness a youth deserves is supposed to be related to the severity of his offense and prior record.[5] Nevertheless, given that day treatment and many out-of-home placements typically involve youth being under strict court supervision for six months or less, officials are also naturally concerned with how to utilize their continuum of care to "leave a youth better off" rather than just the issue of proportionate punishment and immediate community protection. Thus, depending on the

[5] There is some preliminary evidence suggesting that offense and prior record have been the basis of court decision-making in the 2000s. A descriptive comparison of youth committed to probation/Consent Decree supervision, day treatment, and out-of-home placement suggests that there are large and statistically significant differences between these groups in terms of the number of prior referrals and adjudications. Compared to youth sentenced to probation, those sent to day treatment had significantly more referrals (1.64 vs. 0.62) ($p<.01$) and adjudications (.74 vs. .21) ($p<.01$). Similarly, compared to youth sent to day treatment, those sentenced to out-of-home placement had more than twice as many prior adjudications (2.11 vs. .74) ($p<.01$) and significantly more total referrals (2.87 vs. 1.64) ($p<.01$).

priorities of court officials, day treatment and short-term placement programs can be used for more or less serious offenders in terms of their offense and prior record profiles, and this can have an effect on the number of youth receiving residential placement.

For the most part, Allegheny County followed a diversionary rationale in how it utilized its community-based resources in the late 1980s and early 90s. Aside from the few offenses marked for serious punishment, the Dispositional Guidelines in the early 90s emphasized "placing youths in the least restrictive environment" (1990 Court of Common Pleas Annual Report). For example, they required that all youth being recommended for day treatment have a prior experience on regular probation. Likewise, in order to be recommended for placement, a juvenile now had to have had a prior day treatment experience. Probation officers who wanted to deviate from these guidelines in their recommendations to the judge were required to get approval from their immediate supervisors, who then had to prove their cases to a probation administrator before taking the case to court. "Probation officers have the freedom to recommend a more severe atmosphere to the hearing judge, but must first justify this with the court Placement Manager and obtain his endorsement" (*ibid.*). In his position as Placement Manager, Jim Rieland initially received many requests to go outside the guidelines, which he would often deny. ". . . Once people saw the questions I was asking them and the justifications they had to make, things changed."

Consistent with the philosophy espoused in the guidelines, in the early 1990s, the Allegheny County juvenile court used day treatment primarily as an alternative to sending a greater number of youth to private residential placements. Figures 3 and 4 show that Allegheny County experienced an increase of 24% in private placement commitments from 1987 to 1993 but this was relatively small compared with the 70% increase in youth committed to the court's

two day treatment programs, both CISP and The Academy. In spite of the self-conscious decrease in the seriousness of offenders committed to CISP during its first year as a result of the court policy of sentencing first-time crack-cocaine offenders to the program, CISP still served youth with quite serious offense and prior record profiles. Only 10% of non-drug CISP cases in the early 1990s had no prior adjudications, which suggests that the Dispositional Guidelines restricting day treatment to youth who had already been on probation, were being followed. A full 20% of CISP youth had served time in a residential placement or secure care youth prison.[6] All in all, 38% of youth in CISP had a prior adjudication that was more serious than probation (either day treatment at The Academy or out-of-home placement). Therefore, in the early 1990s, in line with the court's mission of diversion and financial considerations, the court placed increasing numbers of youth into day treatment programs, possibly avoiding a much larger increase in placements to private providers.

In sum, in the late 1980s and early 1990s, the Allegheny County Juvenile Court's response to the "get tough" movement was consistent with the diversionary rationale for juvenile court. Not only did the juvenile justice system protect youth from the increasingly harsh punishments of the adult system and the moral panic over "superpredators," but the court also avoided what, based on crime patterns, could have been much larger increases in the number of youth subjected to incarceration in large institutions. Instead, youth were diverted to community-based non-residential programs that were less expensive and, in theory, less harmful than youth prisons. Whereas the Progressive Era juvenile justice system diverted youth away from the adult system and probation and reform schools, the revamped juvenile justice system of

[6] This data underestimates the seriousness of the prior records of CISP youth because they exclude the first six months of the program, when the court was explicitly using CISP for serious recidivists.

the deinstitutionalization era diverted youth away from reform schools and into intensive community-based, non-residential programs. Nevertheless, as it did in the pre-Gault court, interventionism quickly crept back in and influenced decision-making regarding how to use the court's alternative sanctions.

Out-of-Home Placement Trends, 1994-2009

At first glance, residential placement trends during the BARJ era (roughly 1994 through 2009)[7] appear consistent with the diversionary rationale that guided the court's placement trends in the late 1980s and early 90s. As Jim Rieland notes, "We have maintained over the years since we started this a much better control of our budget. And that was one of the goals was controlled budget and the second one was to keep more kids in the community. And we accomplished both of those tasks." Nevertheless, a closer look at placement trends from the mid-1990s through the late 2000s reveals more complex patterns and suggests court administrators were guided by a different rationale from that of the late 1980s and early 1990s.

The court's main measure of out-of-home placement is the number of days of confinement for which the county pays. A related figure, which appears in the juvenile probation department's annual reports, is the average monthly number of youth removed from their homes by the court at the last day of every month, averaged out for a year. Figure 6 shows trends in the total number of placement days from 2001 through 2007. There was a 17% decline

[7] Although BARJ was not officially the mission statement of the juvenile court, 1994 marks the year in which court officials began explicitly using residential and non-residential community-based resources for the purposes of forceful intervention rather than as an alternative to incarceration. This is indicated by their adoption of a policy mandating that firearm offenders receive a short-term Boot Camp placement followed by three months of CISP aftercare. These policies were given ideological support by BARJ's focus on community protection and victim restoration.

in total placement days during this period, which was primarily driven by a 21% decrease in the number of private placement days. Likewise, the average monthly youth in private placement (see Figure 7) shows a 21% decline in placements between 2000 and 2008. Thus, according to two measures of what I call "placements as a whole," there were large declines in the 2000s.

"Placements as a whole," however, combines two different types of information: the number of youth in a given year who receive out-of-home placement and the average amount of time they are removed from their homes. The decline in placements as a whole does not necessarily indicate that both the number of youth being sent to placement and the average length of stay were declining. If the number of juveniles being placed declined rapidly enough, this could overshadow relative stability in or even an increase in the average length of stay. Likewise, if the average length of stay declined rapidly enough, there could have been an increase in the number of youth sent to residential placement that would not show up in the placements as a whole trends.

Consistent with this expectation, in the 2000s, I find that there were both large decreases in the amount of time youth in placement spent away from home and substantial increases in the number of youth being placed in congregate care. These diverging trends do not show up in the court's traditional metric of placement as a whole because the large decrease in the length of stay essentially cancels out the smaller, but still substantial, increase[8] in the number of youth going

[8] The main out-of-home placement trends documented here were not substantially affected by the passage of Act 33 in 1995 and the subsequent punishment in the adult system of certain serious offenders. As my analysis in Chapter 2 indicates, Act 33 only had a small effect on the number of youth being tried in adult court. Given the timing of its passage, Act 33 could not have affected placement trends in the late 1980s and early 1990s. If it had an effect on placement trends in later years, it would most likely be in the direction of reducing the number of placements, since youth who would have received placement in the juvenile system would now be processed as adults. Thus, the increase in placements in Allegheny County during the BARJ era was not a result of Pennsylvania's automatic transfer legislation.

into residential placement. Between 2000 and 2005, the average length of stay declined from 234 days to 181 days, a decrease of 53 days or almost two months. Likewise, Annual Discharge data shows a decrease in the average stay from 5.94 months in 2005 to 5.18 months in 2009. In sum, during the 2000s and especially, it appears, during the first few years, there was a large decline in the average length of stay in placement.

At the same time, a combination of archival and electronic sources demonstrate that the number of youth entering out-of-home placement went up in the 2000s while the length of stay was declining and was part of a long-term growth in the number of youth being incarcerated, which began in the late 1980s and early 1990s, and continued to rise. As shown in Figure 3, the number of placements[9] increased substantially between the late 1980s and the mid-to-late 1990s—fed by an increase in the number of privately administered placements. Between 1987 and 1992, the average number of placements per year was 662.[10] This compares to an average of 872 between 1993 and 1998, an increase of 32%. Thus, the most reliable administrative data from the 1990s (see Appendix B) suggests that there were substantial increases in the number of placements between the late 1980s and mid-to-late 90s, and this trend was consistent with policy developments (to be discussed later in this chapter). The data also suggests that there was no consistent, large-scale decrease in the number of placements in response to the decline in serious

[9] Because the Placement Management Database began in mid-2002, one cannot use this source to examine long-term trends in the number of out-of-home placements. For an examination of trends in out-of-home placement over the last twenty-five years, I therefore rely on a different source. Whenever a youth receives a disposition of residential placement, a commitment order is drafted as part of the court's required documentation. Since the late 1980s, probation administrators have relied on commitment order counts (referred to from now on as "Commitment Data") to provide information on the number of placements.

[10] For various reasons (see Appendix B), these data on their own are generally not a good indicator of year-to-year trends in the number of out-of-home placements because of unexplained variation that is neither a result of crime or courtroom decision-making trends. Nevertheless, these data offer a rough approximation of long-term trends in decision-making in combination with other sources.

crime that occurred in the late 1990s and early 2000s.[11] As indicated in Appendix B, the Placement Management Database offers the most accurate estimate of the number of placements in the 2000s because it is based on financial records. Figure 5 shows that there was a growth in the number of admissions to placement[12] from 831 in 2003 to 1060 in 2007, an increase of 28%.[13] Thus, there was an increase in the number of youth receiving placement between the mid-1990s and mid-2000s before placements declined in recent years. In sum, in the 1990s and 2000s, there were both large decreases in the amount of time youth in placement spent away from home and substantial increases in the number of youth being placed in congregate care.

Trends in out-of-home placement do not necessarily represent changes in the policy preferences of court administrators. One possible explanation for the increase in placements is that they are a product of crime patterns. When more youth are committing serious person and firearms offenses that the court would normally "place," then the number of out-of-home placements would naturally rise in those years irrespective of shifts in court decision-making. As a result of crack-cocaine related violence in the early 1990s, the Allegheny County Court experienced a 161% increase in person and weapons offense referrals[14] between 1988 and 1993. Clearly then, the 20% increase in commitment orders to placement that occurred during this time was related to but not fully a result of these crime trends, as one might have expected a larger increase in out-of-home placements. Similarly, while person offense referrals declined from the

[11] The placement trends in the late 1990s and early 2000s are unclear because I cannot relate the trends to policy developments, and the Commitment Data is only accurate to the extent that it can be backed up with contextual evidence.
[12] I call "admissions to placements" the "number of placements" for the rest of the chapter.
[13] These figures are corroborated by annual placement discharge data, which also shows that between 2005 and 2009, placements peaked in 2007.
[14] Person and weapons offense referrals include: aggravated assault, robbery, carjacking, weapons on school property, and unlicensed firearms. I do not include simple assault in these calculations because court officials regard this offense as less serious and threatening than the above crimes.

mid-1990s through the early 2000s, the number of placements initially increased and then remained relatively stable during this period. Youth crime trends appear to play a role in explaining the out-of-home placement patterns of the mid-2000s. Between 2003 and 2007, there was a 44% increase in person offense referrals, coinciding with a 28% increase in the number of placements. Nevertheless, as shown in Figures 2 and 3, person offense referrals peaked in the early 1990s while the number of out-of-home placements peaked in the mid-2000s. Thus, crime trends are only one part of the long-term increase in the number of youth being removed from their homes.

Not to mention, if the growing community-based treatment and supervision resources were being used according to the original "diversionary" rationale of juvenile justice, there should have been a decline in the number of placements throughout the 1990s and 2000s, and especially in the mid-to-late 1990s and early-to-mid 2000s, when crime declined steeply and community supervision resources were most plentiful. As officials admit, the increase in the number of placements during this time is related to evolving patterns of court decision-making and the policy preferences of BARJ-era court administrators regarding how to use their community-based residential and non-residential treatment resources.

Explaining the Divergent Trends in Placement

What caused the Allegheny County juvenile court to abandon its philosophy of doing the least harm and to increase the number of youth it "placed" at a time when serious crime was down from the extremely high levels of the early 1990s and use of non-residential intensive supervision resources was expanding? Did the court succumb to the punitive rhetoric of the wider society and abandon its rehabilitative mission? Or was the increase a result of the

persistent problem of "net widening" in a system that still seeks to rehabilitate above all else and often ignores the punitive reality of incarceration? To answer these questions, I draw on interviews with Allegheny County court officials and additional archival evidence to provide an interpretive analysis of net widening in the "get tough" era juvenile court.

Looking back on the court's policies while he was Chief PO, Rieland concluded that "we got tough" on certain crimes.[15] Along these lines, in 1994, the court established a policy mandating that any youth adjudicated delinquent of simple possession of a firearm would be automatically placed in a boot camp program for three months followed by three months of aftercare in a day treatment program. The court partnered with the non-profit, Vision Quest, to create a 90-day Boot and Hat Camp Program, where these youths and others would be sent. As a result of this decision, the number of commitments to Vision Quest almost quadrupled between 1993 and 1994 and has remained at an elevated rate since. It is still an informal court policy to send most youth firearms offenders to Vision Quest short-term placement programs.[16]

Policies such as these were an adaptation to the more "serious" youth who were coming into the system. As numerous officials have pointed out, they were trying to "send a message" that violence was not going to be tolerated. Yet, if punishment were their only motive, the question remains: why were court officials willing to enforce policies that expanded the use of short-term placements followed by intensive treatment in the community rather than investing in sending delinquent youth to serve longer sentences in state prisons in the early 1990s?

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[15] Rieland believes that policies such as the mandatory Boot Camp placement for firearms offenders were an adaptation to the more "serious" youth who were coming into the system.

[16] Other get-tough policies that began in the early 2000s (and is still in effect today) such as probation officers recommending placement in a longer-term private residential program run by Cornel Abraxas offering Drug and Alcohol education and therapy for youth adjudicated delinquent for selling drugs have, no doubt, contributed to these trends.

On the other hand, my qualitative evidence shows that the placement trends did not occur due to a rekindled confidence in the rehabilitative effect of custodial confinement. Instead, my conversations with court officials suggest that the opposite was true. The juvenile justice officials I talked to readily proclaimed the core themes of the deinstitutionalization movement: that the treatment goals of these out-of-home placement programs often belied the punishment that occurred there. Treatment provider employees themselves increasingly recognized and talked publicly about the punitive quality of their programs. Along these lines, JPE, a former employee at a boot camp program, noted that the "juvenile system says we're not punitive. We are." Similarly, Assistant Director of Shuman refuses to use the word "therapy" when describing programming in his facility, insisting, "I don't use the T word."

Part of the reason that out-of-home placement staff and court officials are hesitant to use the terms therapy or rehabilitation when describing their programs is the level of violence that occurs in out-of-home placement. Between 2005 and 2010, there were 264 injuries reported to youth residing in Western Pennsylvania out-of-home placement programs (though this total includes CYF out-of-home placements) as a result of youth-on-youth violence or staff-on-youth restraints (Nereim, 6/26/11: http://www.post-gazette.com/pg/11177/1156383-454.stm). Out-of-home placement staff acknowledge the existence of violence as a normal part of the job. Jack Simmons, the Director of Shuman Detention Center, estimates that there are approximately two incidents of violence that get reported each day, though many of these are not that serious. One youth described the situation in this way: "Everybody gets hit at Shuman. Everybody knows that." Likewise, a staff member at one of the court's out-of-home placement providers told me that youth in his program were surprised that, not only were the staff nice to them on the bus ride from Shuman to out-of-home placement, but also after.

To prevent these incidents from happening, staff try to give youth as much "structure" as possible to keep them busy, engaged and well-supervised by adults. In his presentation before court officials in October of 2010 during Juvenile Justice Week, a out-of-home placement official from Outside In emphasized in a gregarious fashion how early youth were required to get up and the amount of exercise and outdoor activity in his program. At 5:30 in the morning, youth wake up and do Physical Education for an hour, and then they jog for another hour. Then, they have breakfast, class, and then more recreational activities and then exercise more. Youth also go on week-long camping and hiking trips. In other programs, the emphasis is on education rather than physical activity. In Shuman Detention Center, for example, youth who are not being held in the Disciplinary Pod are in class from 9:30 through 2:30 and then from 3:30 to 7:30. Likewise, Shuman just had computers placed in the residential units so that youth could continue their education. Given that many youth are only in detention for short periods of time, Shuman staff doubt that they benefit from so much education. Indicative of the overall philosophy behind these reforms, one official somewhat humorously quoted Benjamin Franklin: "Idle hands are the devil's workshop."

Allegheny County court administrators similarly had modest goals for their out-of-home placements. In justifying the court's increased use of boot camp programs, officials argued that it had only temporary rather than long-term effects on delinquency. " . . . Most kids by the end of it were proud of what they were able to accomplish. Now, did it make them less delinquent, less criminal? Probably not" (interview with Jim Rieland). In this way, the increase in placements definitely did not represent renewed confidence in the therapeutic effects of out-of-home placement per se.

The Reconfigured Role of Out-of-Home Placement

The diverging trends in the length of stay in placement (declining) and the number of youth in placement (increasing) can be explained by officials' reconfiguration of their coercive and therapeutic resources under BARJ and the new interventionism. Key to explaining net widening in the BARJ era is the shifting relationship between non-residential, community-based treatment and supervision resources and out-of-home placement. Responding to the now-accepted idea that out-of-home placement, for a variety of reasons, was often not therapeutic, juvenile court officials began using their residential placements strategically for punishment rather than treatment per se. Nevertheless, the punishment that occurred in out-of-home placement was envisioned to work as part of the therapeutic process if it could be linked to the supposedly beneficial effects of day treatment programs.

Specifically, officials maintained that the "structure" and "shock" of short-term out-of-home placement programs such as boot camps made youth more amenable to the services offered in intensive supervision programs. Summing up this sentiment, Chief Probation Officer Russell Carlino explains why short-term placement is sometimes necessary: "Because he's bouncing off the walls. I mean we need to get his attention and then make him more malleable, I mean, amenable to treatment." He and Jim Rieland never considered just sending a youth to a boot camp with no aftercare: "It doesn't work. It's too much of a dramatic shift in circumstances . . . So the kid comes out, yeah he's squared away, he's yes sir no sir. I mean kids talk like that after three months. I mean, how are you going to parlay that into better attendance at school . . ." In this way, the court's use of boot camp and day treatment aftercare represented a new blending of treatment and punishment motives. The out-of-home placement itself, it was acknowledged, was downright punitive, but served an instrumental purpose. "Punitive, yeah," admits Carlino.

"Stabilizing the behavior, that's what I was thinking about." This greater confidence in the court's ability to provide a more targeted punishment through short periods of out-of-home placement followed by intensive supervision in the community helps explain the divergent trends in placement in the BARJ era.

As officials began to view placement as closer to a short-term sanction than a therapeutic intervention in its own right, they initiated policies meant to reduce the average amount of time youth spent away from home. According to Pennsylvania law, the court was required to hold placement review hearings after six months and then after nine months to decide on the merits of keeping a youth removed from his home. Starting in the mid-to-late 90s, officials began holding these hearings after 4 or 5 months and then, if the youth remained in out-of-home placement, after 8 months rather than the usual 9-month review. These policies also developed around the greater use of day treatment programs for aftercare following out-of-home placement. In 1997, based in part on a report by the National Center for Juvenile Justice (NCJJ), court administrators decided that all youth released from out-of-home placement would be required to complete three months of aftercare in a day treatment program (Armstrong, 1996).

Officials worked with providers to reduce the length of their therapeutic programming in order to accommodate the court's new policy direction. They met with the directors of their placement programs to try to get them to reduce the length of stay and to utilize the court's intensive community-based supervision resources. "Most providers understood what I was talking about. Those that didn't we used sparingly. Use the power of your contracting ability to get people to do what you want" (interview with Jim Rieland). In many cases, they accomplished this by having providers get rid of the orientation parts of the program, where youth were supposedly being observed and evaluated before being given individualized

programming. Certain of the court's longstanding treatment programs such as the George Junior Republic, which had a large number of non-Pittsburgh youth and were not as dependent on the court for referrals, were unwilling to reduce their length of stay to accommodate Pittsburgh, however. Indeed, George Junior Republic has an average length of stay of approximately one month longer than the average placement (JCMS Database; interview with probation official, Thomas Gold). Nevertheless, the court has been largely successful in getting other placement programs to go along with their plans to release youth early.

Likewise, officials were able to incentivize placement providers to develop specialized programs and curricula geared towards "short-term kids," who are placed for 30, 60, or 90 days. For a variety of reasons, including the system's greater detection powers, the higher intensity of community supervision in the BARJ era fed an increase in the number of youth receiving out-of-home placement (interview with Jim Rieland).

As Allegheny County's probation system unearthed more misbehavior, officials needed more options in between long-term placement and keeping a youth in the community, so they consciously developed more options along their continuum of responses to "negative behavior." With this in mind, the county invested both in longer sanctions and in shorter placements that would offer certain punishment. In 2002, the court requested that Vision Quest Boot Camp develop a 7-day sanction program where probation officers could send youth to without taking him before a judge, guaranteeing a swift response to noncompliant behavior. The idea for the program emerged after the county began sending youth who had graduated the regular 90-day Boot Camp program back to the program on weekends. Officials realized that they needed a shorter program for "lower level" kids, who still needed to be removed from their homes but weren't in need of such a long placement. The County needed a placement where you could

"plug in and then plug out a kid" (interview with former Vision Quest Boot Camp official). They issued a Request for Proposal to Vision Quest, who developed the 7-day program that is still in use today.[17]

With similar goals in mind, the county expanded its array of short-term placements that were 30 or 60 days in duration to complement the 7-day and 90-day programming in which they had already invested. For example, the court recently partnered with Cornell Abraxas to create a 30-day short-term program called Abraxas Leadership Development (LDP). Likewise, they negotiated with providers such as the George Junior Republic and Outside In to accept 30-day and 60-day youth. School-Based Probation Officials as well as CISP staff relied on these short-term placements to reinforce the functioning of intensive community supervision programs after sanctions to detention and the Vision Quest 7-day program had failed to have an effect. In part because, when placement resulted from a technical violation, it became more of a short-term sanction than a long-term punishment, officials were not as concerned about the trend towards greater use of short-term placements due to the increasing intensity of community supervision.

In sum, court officials decided to reduce the amount of time that youth spent in placement in part because they came to believe that the deterrent effect of the "shock" of being removed from their homes could occur in this shorter time frame and also at a cheaper price. Relatedly, officials in the late 1990s and early 2000s continued to develop a greater variety of short-term placement programs that fit this model of using short bursts of incarceration to prepare youth for better functioning in the community. These policy decisions explain the large declines in the average length of stay in out-of-home placement and the decline in "placements as a whole" in the 2000s in spite of increases in the number of placements.

[17] According to the court's metric, 7-day sanctions are not counted as placements, however, while 30-day, 60-day, and 90-day stays are included.

"Opening Up" Short-Term Placement to Less "Serious" Youth

A common finding in the juvenile justice literature is that community alternatives are often implemented so that, rather than applying to individuals who would have otherwise been incarcerated or formally processed in the system, they are used for those who would have been subjected to less intrusive state intervention (Cohen, 1985; Chan & Ericson, 1981; Hylton, 1981). The patterns of decision-making I've charted suggest that something like this occurred in Pittsburgh, though it took a particular form based on evolving preferences for how to use their residential and non-residential resources.

The simple fact of placement being for a shorter period of time and followed up by day treatment services seems to have itself led to more placements. In explaining the increase in placements, a high-ranking probation official opined, "We're confident in our day treatment programs." Likewise, another official explained that there are a lot of youth who need more intensive treatment and punishment than what they can receive in the CISP program. In order to facilitate their decent behavior in CISP, he believed that these youth needed to get whatever combination of treatment services and the shock of being removed from their homes—which he characterized as a "therapeutic spanking"—before they could do well in the program. Similarly, a CISP PO confirmed that youth who were coming to CISP on aftercare after receiving placement were often better behaved than youth who were committed directly to the program as an alternative to placement.

As ground-level judges and probation officers began to indulge their interventionist preferences, using short-term placements followed by day treatment aftercare more liberally, administrative court policies adapted to and encouraged these decisions. In the early 2000s,

court officials decided to revise their Dispositional Guidelines so as to "open up" short-term out-of-home placements to less serious offenders.[18] Whereas the old Dispositional Guidelines required that youth receive probation and day treatment before they were removed from their homes (with the exception of firearms and drug cases), the new Guidelines permitted youth to skip Level 1 and be sent to Level 2 "Short-Term Impact Programs" (previously called boot camps) while only having one misdemeanor adjudication (no prior record) and "other risk factors indicating a need for immediate removal from home and short-term out-of-home placement in a highly structured environment" (2009 Juvenile Probation Dispositional Guidelines). Likewise, youth could also be committed to a 90-day or less intensive inpatient drug treatment program for one misdemeanor adjudication or Consent Decree and "documented substance abuse issues requiring inpatient treatment."

As a result of trends in ground-level discretionary decision-making and administrative policy developments, the court began sending less serious offenders to out-of-home placement in the BARJ era than had been the case in the early 1990s. Unfortunately, direct comparison of the prior record profiles of youth given a disposition of out-of-home placement in the 2000s and early 1990s is not possible because of limitations in electronic record keeping.[19] Instead, relying on a combination of sources, I make this comparison indirectly. Drawing on an evaluation of the Community Intensive Supervision Program (CISP) written by the National Center for Juvenile Justice (NCJJ) in 1994, I examine the offense and prior record profile of youth committed to CISP between 1990 and 1992 (Nimick, Halemba, and Torbet, 1994: 21). I compare these

[18] It is unclear whether or not administrative decisions directly affected court policies or, more likely, if administrative policies ratified the decision-making trends of the individual judges and probation officers making everyday court decisions (conversations with probation officials).

[19] While data from the Juvenile Court Management System (JCMS) is available from 1993, this source is not reliable because of information loss that occurred in the mid-1990s.

findings with data from the Juvenile Court Management System (JCMS) from 2005, which I use to analyze the prior record profile of youth receiving a disposition of out-of-home placement and day treatment in recent years. I hypothesize that, if the increase in out-of-home placement is a result of court decision-making rather than just crime trends, then youth who received a disposition of day treatment in the early 1990s should approximate—in terms of prior court history[20]—those who receive out-of-home placement in the 2000s.

As expected, I find that youth who received placement in 2005 for property, person, and drug offenses had an average of 1.8 prior adjudications, the same number that youth sentenced to CISP had in the early 1990s for similar offenses. Table 1 breaks these results down by offense type, which further highlights the changes that have occurred. For property and person offenders, who made up almost 60% of referrals to court in 2005 (2005 Juvenile Probation Annual Report), there has been a trend toward opening up out-of-home placement to youth with a less serious prior adjudication history. Person offenders in placement in 2005 had slightly fewer prior adjudications than those in CISP in the early 1990s (1.6 vs. 1.9). Similarly, property offenders in placement in the mid-2000s had fewer prior adjudications than CISP property offenders from 1990 through 1992 (1.8 vs. 2.5). The exception to the general trend is that CISP drug offenders had a substantially less serious delinquency record than drug offenders in placement in the 2000s (0.6 vs. 2.1 prior adjudications). This can be explained by the court's policy in the early 90s requiring that first-time crack-cocaine offenders receive at least day treatment rather than probation. Thus, in certain ways, the court was significantly "tougher" in the 1990s than it is today. Yet overall, these results are consistent with the long-term increase in the number of out-of-home placements. The evidence suggests that in the 2000s, less serious

[20] See Appendix B for an explanation of why prior referrals are excluded from this analysis.

youth offenders, who originally would have been sentenced directly to day treatment, instead received out-of-home placement before ending up in one of these programs on aftercare.

As shown in Figure 3, the increase in placements was almost fully related to trends in private placements rather than sending more youth to secure youth prisons, whose use peaked in the early 1990s. More specifically, within the court's continuum of care, placement trends appear to be driven by increases in the number of youth sent to Level 2 or short-term impact (boot camp or wilderness camp programs) and drug treatment programs. Comparing the youth in out-of-home placement in 1993 (the year before the court began to add short-term placements to its repertoire) to the peak of placements in 2007, one sees a significant difference in the types of programs that were being used. In 2007, 190/1060 or 18% of out-of-home placements were to these short-term programs. Thus, out-of-home placements in short-term programs that didn't exist in 1993 represented approximately[21] two-thirds (69%) of the additional 276 commitments in 2007. That still leaves a good chunk of the increase to be explained, but, as probation officials acknowledge, increased use of short-term out-of-home placements goes a long way toward explaining placement trends. In sum, this data in combination with court policy decisions to "open up" short-term placements to less serious offenders, strongly suggests that an increase in short-term placements drove the growth in the number of out-of-home placements.

These policies at the "front end" of the placement system also, no doubt, affected the use of longer-term "facility-based" placements at the "deeper end" of Levels 4 and 5 on the court's continuum of care. With serious crime trending down between the mid-1990s and mid-2000s, one could have reasonably predicted a decline in deeper-end, private residential placements.

[21] This is not an exact calculation as I am comparing two different sources of data: the Placement Management Database and the Commitment Orders to placement. There were roughly the same number of commitments as placements for the two databases in 2007 (1039 vs. 1060), which makes me less cautious about making this comparison.

However, as a result of changing decision-making patterns for using front-end placement resources, a greater number of repeat offenders were most likely coming to court having already experienced short-term placements. These youth were probably more likely to receive placement in one of the Level 4 or Level 5 facilities, which helps to explain the relative stability in these types of placements from the early 1990s through the mid-2000s.[22][23] In sum, more generally, from the mid-1990s through recent times, there were fewer restrictions on "system penetration" than in the early 90s. Consistent with the net widening literature's finding that community-based alternatives to confinement often don't work as intended, less serious offenders were receiving more intrusive intervention than in the past (Lerman, 1975; Cohen, 1985; Rothman, 1980).

Net Widening and the New Interventionism

The sociological literature on net widening, which grew out of the critique of paternalistic state of the first half of the 20th century, often proceeded on the assumption that well-meaning officials were needlessly intervening in the lives of disadvantaged, minority youth and potentially making their lives worse in the process, in spite of their sometimes benign intentions

[22] In 1993, the height of crack-cocaine-associated violence, the two biggest facility-based private placement providers (Cornell Abraxas and the George Junior Republic) served 280 youth. Between 1997 and 2004 (excluding 2001 and 2002 because of errors in record keeping), the number of placements to the "Big 3" facility-based institutions (now also including Summit Academy) vacillated between 287 and 373 per year, averaging 322. Given the inexact nature of this data source (see Appendix B), this suggests relative stability in the use of Level 4 or 5 placements at a time when referrals to court for serious crime were in steep decline (e.g., there was a 43% decline in person offense referrals to court between 1993 and 2000).

[23] Officials responded to these changes by investing in new placement programs especially in the period from the mid-90s through the early 2000s. In 1996, for example, the court contracted with Summit Academy to administer a residential treatment program for delinquent youth. In the first year, 78 youth were placed at Summit and this number increased to 100 for the next five years. While placements at the George Junior Republic and Cornell Abraxas, declined slightly in the mid-90s, the court contracted with a wider variety of other Group Home and facility-based providers than in the past such as Gaudenzia House and Bowling Brook.

(*ibid.*). A byproduct of the approach that net widening scholars generally took was to portray officials as either irrational decision-makers or close-minded individuals who put their organizational "convenience" ahead of the "conscience" of rehabilitating delinquent youth (Lerman, 1975; Rothman, 1980). By contrast, I argue that the BARJ administrators in Allegheny County, acting with limited knowledge of the effectiveness of their policies, were rational organizational actors who sought to achieve multiple administrative objectives with their limited resources (Lipsky, 1980).

The fact was that nobody knew whether the programs administrators invested in, and the short-term placement/day treatment combination in particular, worked to reduce delinquency. In many ways, Allegheny County court administrators put themselves at the cutting edge of recent criminological innovations. In justifying their use of short-term programs, Allegheny County court administrators drew on research showing that it was not the severity but the certainty of punishment that had a crime reductive effect (Kleiman, 2009). Along these lines, the day treatment programs in which they were so confident used graduated sanctioning of noncompliant behavior through in-house sanctions and short stays in detention. Similarly, new research findings ratify their view that there is no additional rehabilitative effect to keeping institutionalized youth away from home for longer periods of confinement (OJJDP, 2011). On the same note, a new high quality study recently confirmed that youth coming out of placement who receive more supervision and treatment services re-offend less and are generally more engaged in school and employment (Chung, Schubert, and Mulvey, 2007). Thus, officials' idea of having short periods of incarceration followed by day treatment aftercare finds support from the growing criminological literature on community corrections.

While administrators drew on research evidence that suited their personal and professional views, they also disregarded evidence that ran contrary to their policies. A large amount of experimental and quasi-experimental evidence surfaced in the early 2000s about the ineffectiveness of boot camps in reducing recidivism (Wilson, MacKenzie, and Mitchell, 2005). Eventually, in response to this research and the negative publicity that boot camps received, the overtly militaristic aspect of the court's programming was eliminated and the programs were relabeled "short-term impact programs." These changes, instituted by the head judge of the juvenile court, ran contrary to the preferences of probation administrators who thought highly of these programs. "People got too involved in the military stuff in thinking that's what we were trying to do," explains Jim Rieland. "All we were trying to do was to have something different to take place, some structure in place for these kids . . ." Even though research had shown that the boot camp-aftercare combination hadn't worked in other places, Allegheny County officials were so confident in their day treatment programs—which in fact were much more intensive in terms of the monitoring and treatment services offered than the other aftercare programs that had been evaluated—that they were willing to ignore this evidence. Regardless of whether it was boot camp or something similar, however, officials wanted something in place to shock youth into being more receptive to the treatment offered in intensive community supervision programs.

While nobody could be sure that the short-term placement/day treatment aftercare combination had the desired long-term rehabilitative effect, officials knew for certain that they were achieving their BARJ short-term treatment and punishment goals in a financially prudent manner. The approximate percentage[24] of youth court referrals receiving day treatment, out-of-

[24] For a variety of reasons, these numbers do not represent the actual percentage of youth referred to court receiving day treatment or out-of-home placement. Youth may have multiple referrals for the same offense. Likewise, youth may receive multiple commitments to day

home placement, or both went up from 23% in 1990 to a high of 45% in 1997 and aside from one year (38% in 2000), remained above 40% through 2008. Thus, between the late 1980s and early 1990s and the 2000s, there was a large increase in the number of youth who were receiving the possibly beneficial effects of the newest and most innovative BARJ programming. Taken together, the growing number of youth experiencing day treatment, out-of-home placement, or both interventions, contributed to an increase in the reach of the juvenile justice system's efforts to incapacitate and induce short-term behavior change in the community. In sum, net widening was consistent with the focus of policy under BARJ and the new interventionism.

While officials were secure in the "conscience" of what they were doing, BARJ placement policies were also partially justifiable in terms of their financial implications. The boot camp and day treatment combination was much cheaper than a regular out-of-home placement. Vision Quest charged a not cheap per diem of $130, which was substantially more expensive than the other major placement providers such as the George Junior Republic, which charged a $95 per diem rate (1997 CISP Annual Report). However, because the state considered wilderness and boot camp programs a type of community-based intervention called "alternative residential/delinquent"—even though the Vision Quest program was located an hour and forty minutes north of Pittsburgh—the county received 80% reimbursement from the state. Thus, the actual per diem for Vision Quest after reimbursement was $26, which is substantially cheaper than the $38 per diem that they paid for the George Jr. Republic after getting reimbursed at a rate

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treatment and out-of-home placement. Also, as mentioned in Appendix B, the Commitment Data has other unknown inaccuracies that make year-to-year comparisons only tentative at best. Still, there's good reason to think based on these data and other reliable sources that there was an increase in the number of youth receiving day treatment, out-of-home placement, or both interventions in the 1990s and 2000s (1997 Juvenile Probation Annual Report).

of 60%. It was also much cheaper than the $124 per day the court paid for secure youth prison facilities such as YDC New Castle (after 50% reimbursement).

The short-term placement/aftercare option was also cheaper than a regular placement because youth only spent the first three months incarcerated and the following three months in the community. For the first three months of the new intervention, the court was paying $2340 per youth compared to $3420 for George Junior. The court would then have paid another $3420 for the second three months of George Junior. Because of the 80% reimbursement for community-based programs, the county was only paying approximately a $10.80 per diem for CISP and $13.40 for The Academy for the 3-month aftercare stays following placement. Thus, officials were only spending between $972 and $1206 per youth for the 90-day aftercare program. In total, for the short-term placement/aftercare intervention they were paying less than half of what they would have paid for a typical out-of-home placement in the early 1990s.

As mentioned, these short-term placements were generally not used as an alternative to longer facility-based residential programs but instead as an alternative to a day treatment sentence.[25] Thus, court officials were not utilizing community-based resources simply to save money per se. It was a major accomplishment though that during a time when the number of placements went up 28% between 2003 and 2007, the number of days of placement the court paid for went down 5% because of efforts to reduce the average length of stay in confinement. Whether or not officials consciously considered that, by reducing the length of stay, they were able to send more youth to placement without paying more money is unclear, though it seems likely. Even if youth who might not have previously received out-of-home placement were

[25] It was also true that aftercare often lasts 4 months rather than 3 months.

being removed from their homes, at the very least, they were not going to pay huge sums because part of the intervention occurred in the community.

During the implementation of the BARJ reforms in the 1990s and early 2000s, the Allegheny County juvenile court was granted a larger budget by the county and also benefited from the generous state-level funding authorized by the Ridge administration to fund court programs. This greater financial freedom explains in part why officials were able to fund BARJ policies even if they didn't reduce costs. Overall though, the court may not have been saving money but nor were they going to pay out large sums in exchange for more interventionist policies. As a former Vision Quest Boot Camp official put it, "they (Allegheny County) get their bang for their buck."

Conclusion

The original BARJ reformers assumed that having a greater continuum of care through partnership with community members would necessarily lead to a reduced reliance on out-of-home placement (Bazemore, 1997; Maloney, Romig, and Armstrong, 1988). They argued that many juvenile justice systems, even those who believed they practiced the "balanced approach," relied too much on placement, which led to the system being "out of balance." Regarding a state correction system that claimed to be implementing the balanced approach but, in his opinion, had an excessive number of youth incarcerated and very little programming addressing victims, BARJ reformer Gordon Bazemore noted almost sarcastically: "Could it be that this system was somewhat 'out of balance' and had become tilted drastically in the direction of community protection to the detriment of accountability and competency development?" (Bazemore, 1992). Yet, despite Bazemore's confidence that this system was "out of balance," it was unclear how he

or anybody would objectively make this determination. In the end, under BARJ, the decision as to who to keep and forcibly remove from the community remained in the hands of largely unregulated juvenile court officials.

In Allegheny County, juvenile court officials responded to the crime trends of the early 1990s and 2000s by mandating that youth committing certain serious offenses be automatically removed from their homes and instituting changes to the probation system that intensified supervision and widened the net of who was subject to out-of-home placement. In the end, while officials "got tough" in part, they did not simply pursue the punishment for punishment's sake of the adult system, forgetting about the goal of helping youth. While they sent a growing number of youth to prisons in the early 1990s, because of how overcrowded, expensive, and blatantly punitive they were, they put limits on how many youth would be sent to these institutions; officials instead invested more heavily in Day Treatment programs and private placements as alternatives that were not quite treatment and yet not pure punishment.

Perhaps not surprisingly given the common finding that community-based "alternatives" widen the net of social control, the expanding continuum of care and increased confidence in intensive supervision resources eventually led to a greater number of youth—including those who were less "serious" in terms of their offense and prior record profile—being removed from their homes and "placed" in short-term residential programs. Specifically, BARJ officials became confident in the beneficial effects of short "shocks" of out-of-home placement to "stabilize behavior" and then expose what officials hoped was a better functioning and more motivated juvenile to intensive aftercare supervision. This new methodology gave high-ranking officials confidence that, "sometimes you can do more good by having a kid go away."

The explanation for net widening in the contemporary juvenile court is somewhat different from that occurring in the adult system and the old interventionist system. Scholars of net widening in the adult system have tended to view it as a product of system dysfunction rather than conscious organizational decision-making (Cohen, 1985; Chan & Ericson, 1981). Some aspect of the plan for an "alternative" program backfires in unexpected ways, leading to an expansion rather than a contraction of the state. Then, rather than seeing expanded state control as a problem, officials redefine their goals to fit the new realities, and view net widening as necessary and consistent with their mission.

For example, Blomberg and Lucken (1994) found that a set of Intermediate Punishments in Florida involving intensive community supervision that were supposed to result in decreases in the jail population had the opposite effect. Officials and treatment program workers "piled on the sanctions" by requiring offenders to participate in so many treatment programs that it was extremely difficult for them to complete these requirements, leading to the system's churning offenders from community supervision back to jail for short stays and then back into the community. Officials, whose original goals were in part to reduce the jail population, viewed the increased use of short periods of jail time in combination with community programming as both necessary and therapeutically beneficial to program participants.

Net widening functioned somewhat differently in the old juvenile court model and was a combination of both the unintended consequences of decisions and the conscious expansion of the state's power. Court officials, who viewed themselves as offering benign treatment resources that would help uplift the urban poor, specifically expanded their programming to cover pre-delinquent "status offenders" in order to prevent subsequent crime. However, probation, which was considered the main innovative juvenile court innovation, generally failed to serve its

helping role for a variety of reasons. The state's desire to help these populations and the failure of probation to rehabilitate explains why there was a tendency for more, rather than fewer youth, to end up in out-of-home placement in the early 20th century court (Rothman, 1980).

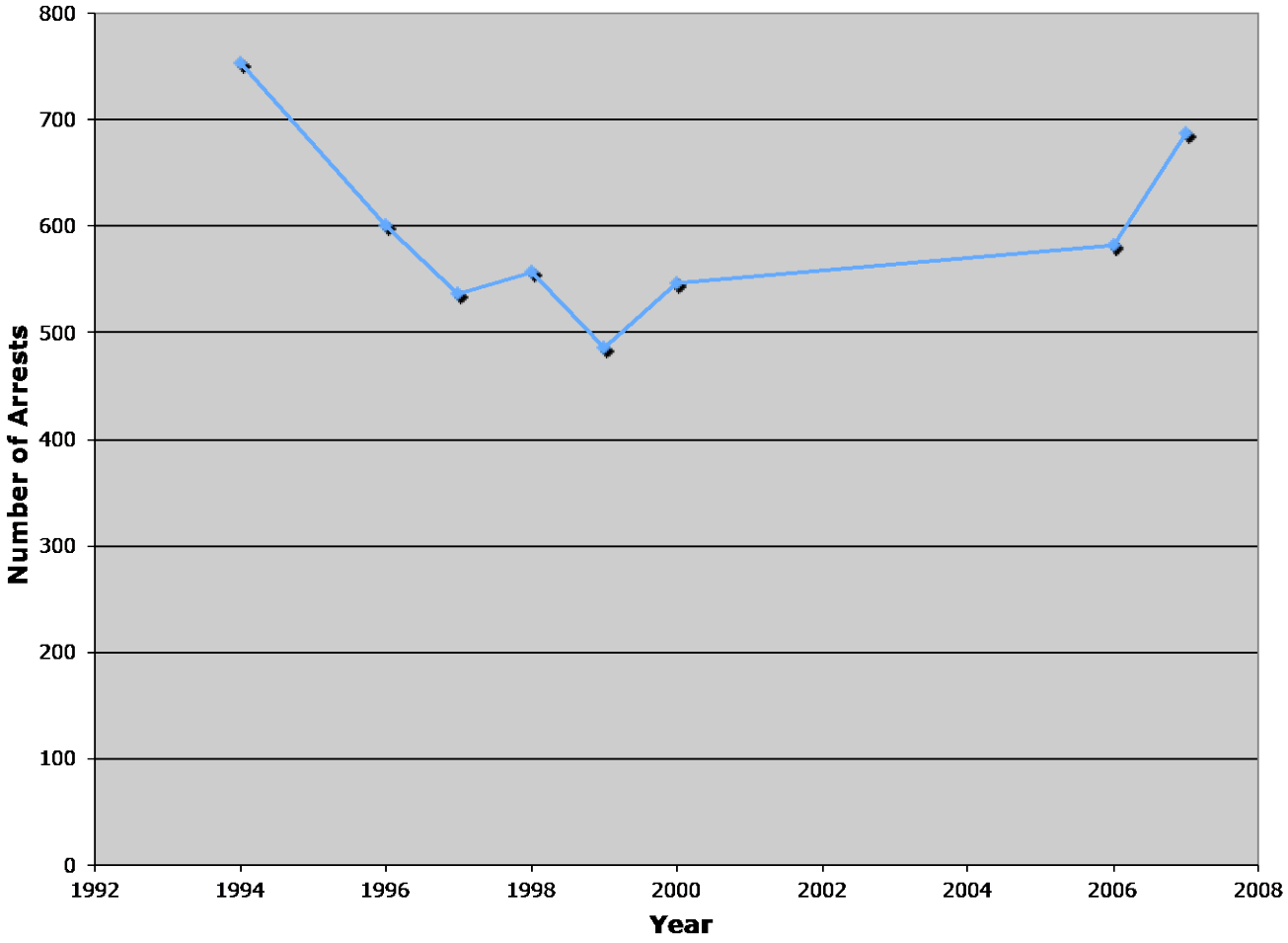
The net widening that occurred under the new interventionism differed in nature and form than what generally occurred in the adult and old juvenile court systems. In contrast to what occurred in the adult system, net widening in the new interventionist juvenile court was clearly traceable to a coherent and previously articulated set of assumptions and preferences. Because the goal of intensive supervision revolved around short-term "change" in the community rather than avoiding further system penetration (as the national BARJ reformers desired), it made sense that officials would do whatever it took to get youth to experience that "change." Probation officers operating in a more intensive supervision system would, no doubt, see firsthand the failure to change and would be expected to take corrective action to make sure that youth responded better to the treatment programming being offered. If this meant that more youth would have to receive short-term placements for technical violations of probation, then so be it. If other youth would require an initial short stay away from home in order to benefit from community-based services, then this is what needed to happen.

The ends justified the means, so long as the means were not excessively punitive or expensive. In this latter regard, compared to the old juvenile court model, net widening under the new interventionism was more targeted in scope and clearly defined because of the greater recognition of the punitive powers of the state and a corresponding attempt to make punishment "productive." This mentality would seem to explain why court administrators concentrated their efforts on mitigating the punitiveness and financial cost of this necessarily more intrusive system through reducing the amount of time youth spent incarcerated. Reducing the length of stay and

mandating Day Treatment aftercare had the effect of making net widening more palatable, affordable, and consistent with their mission statement's emphasis on "communities," if youth were only going to be removed for short periods of time and then given structured reintegration into their home environments.

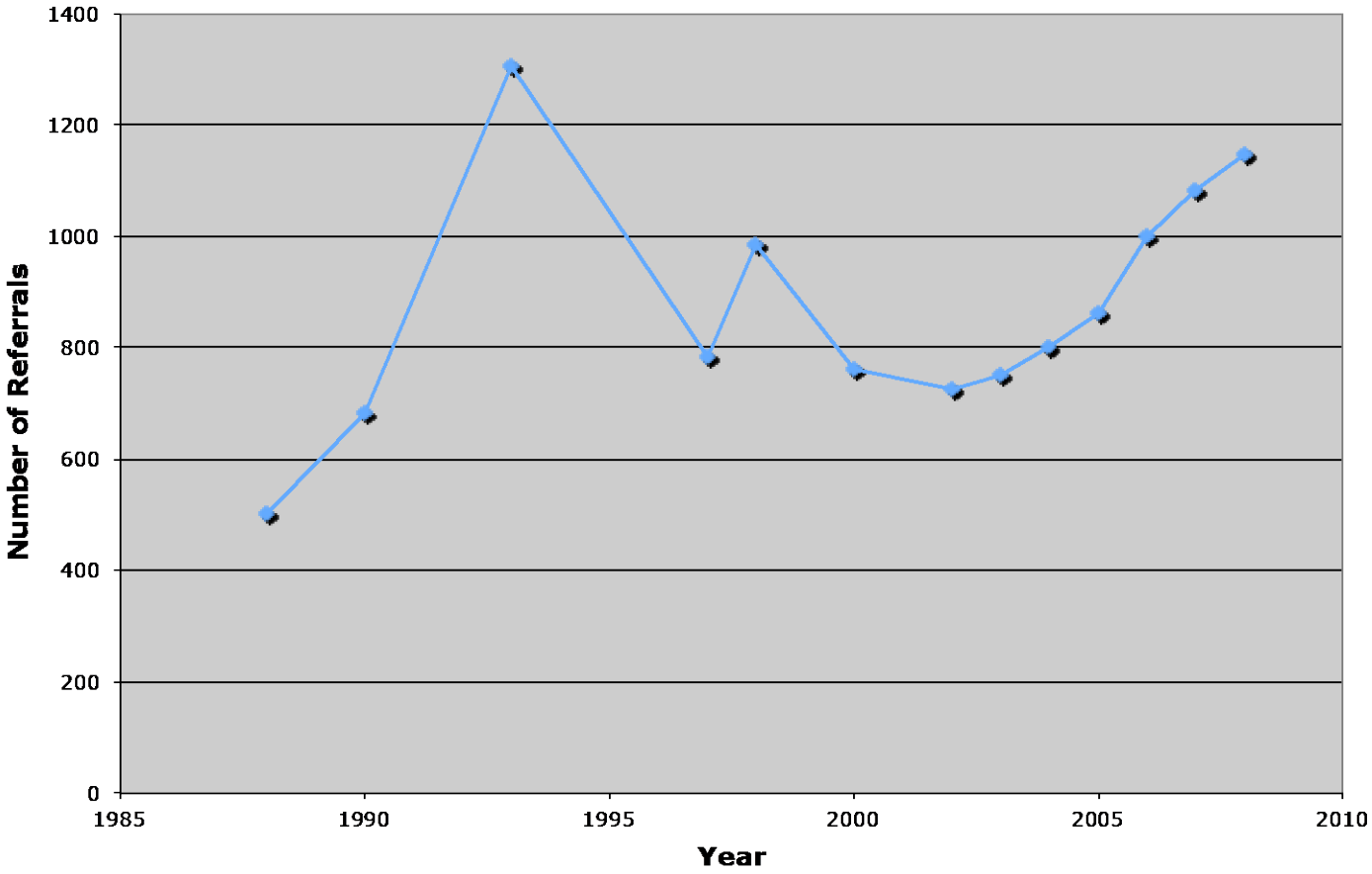
In short, mainly because of intensive supervision and treatment programs such as The Community Intensive Supervision Program (CISP), there was a plausible argument to be made for a more interventionist court. How effective then was day treatment in bringing about short-term and long-term "change"? Was it possible for programs that legitimated intensive state intervention in the lives of urban African-American youth in particular to have positive effects on these youth and their communities? Did CISP simply serve as a cheaper form of incapacitation than out-of-home placement, or was there also reason to think that its services and supervision would benefit youth and society by reducing long-term recidivism? These are some of the questions I take up in Chapters 5 and 6 through an in-depth analysis of CISP.

Figure 1: Youth Person Offense Arrests, 1994-2007



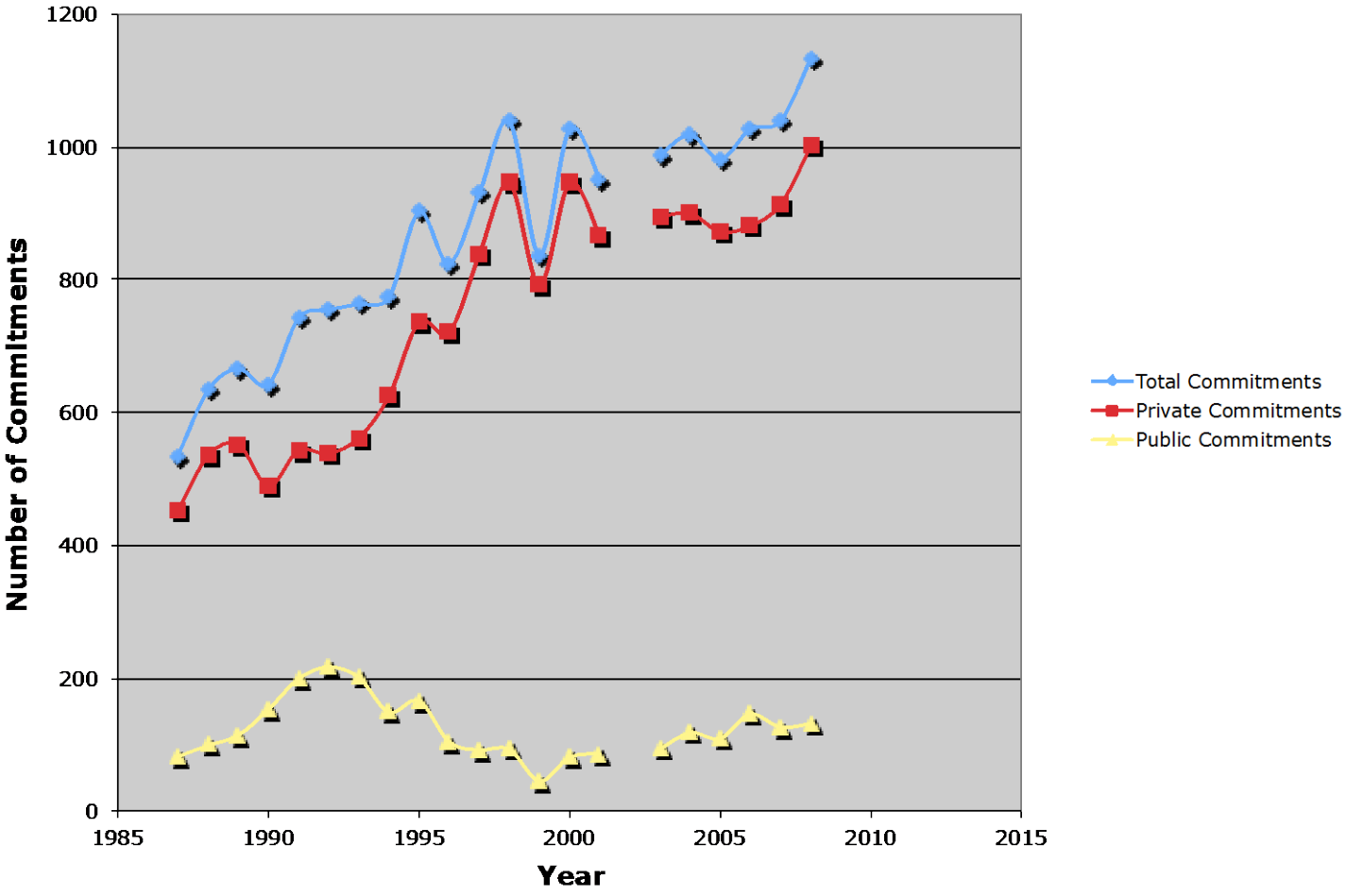
Note: The arrest data contains Category I Index Crimes reported by the Uniform Crime Reports, Federal Bureau of Investigations for persons under 18 years old. These offenses include homicide, robbery, rape, and aggravated assault. Missing data is a result of less than 90% of county jurisdictions reporting arrests during a given year (Puzzanchera, Adams, and King, 2011). Data is available at: http://www.ojjdp.gov/ojstatbb/ezaucr/

Figure 2: Referrals to Court for Person Offenses, 1988-2009



Note: This chart contains data for the years 1988, 1990, 1993, 1997, 1998, 2000, and 2002-2009, and are drawn from annual reports completed by the juvenile probation department for the Allegheny County Court of Common Pleas. An effort will be made to get the data for all years for the final report.

Figure 3: Commitment Orders to Out-of-Home Placement, 1987-2008



Note: For reasons discussed in Appendix B, it was determined that the Commitment Data for the year 2002 was inaccurate. Therefore, 2002 was excluded from the above figure.

Figure 4: Commitment Orders to Day Treatment

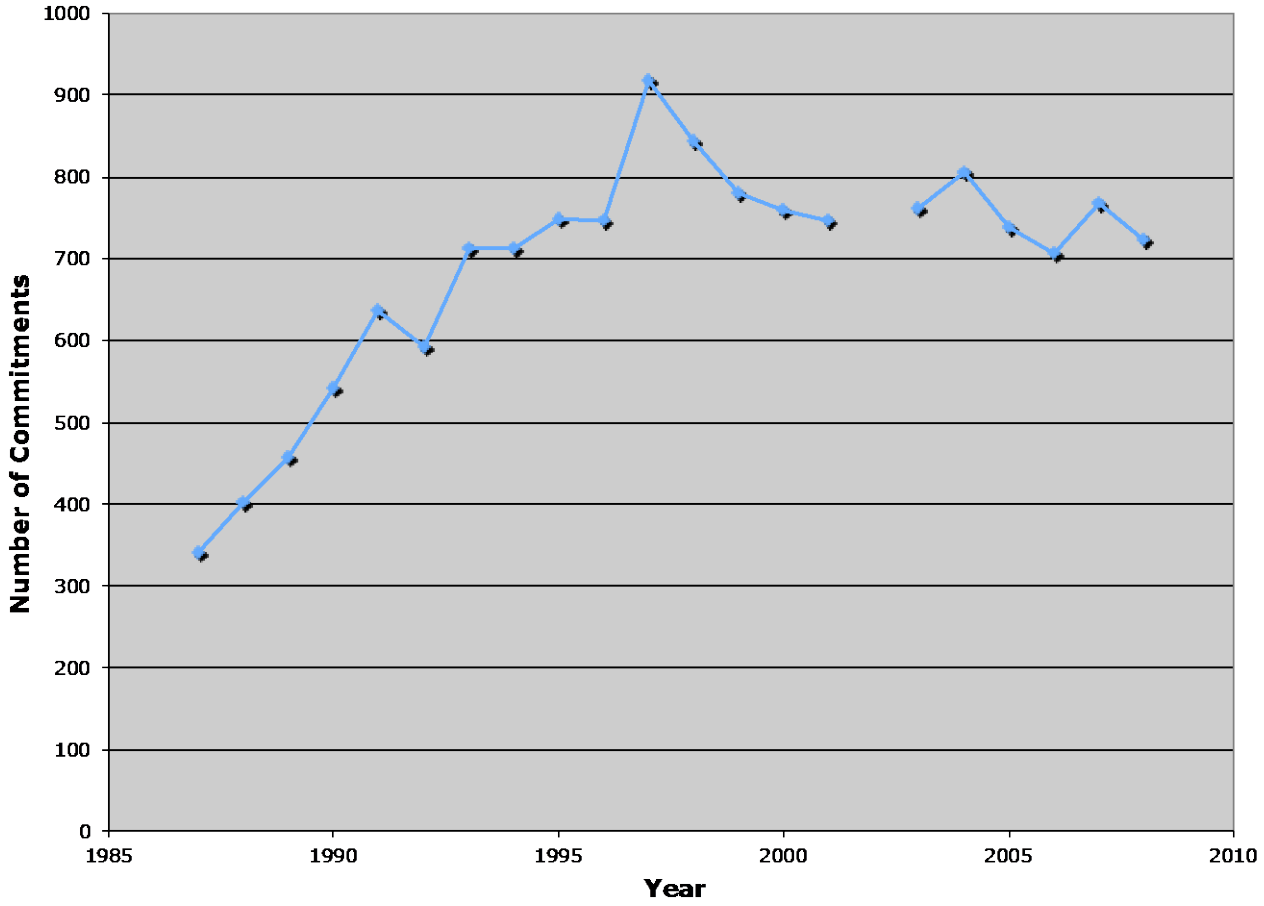
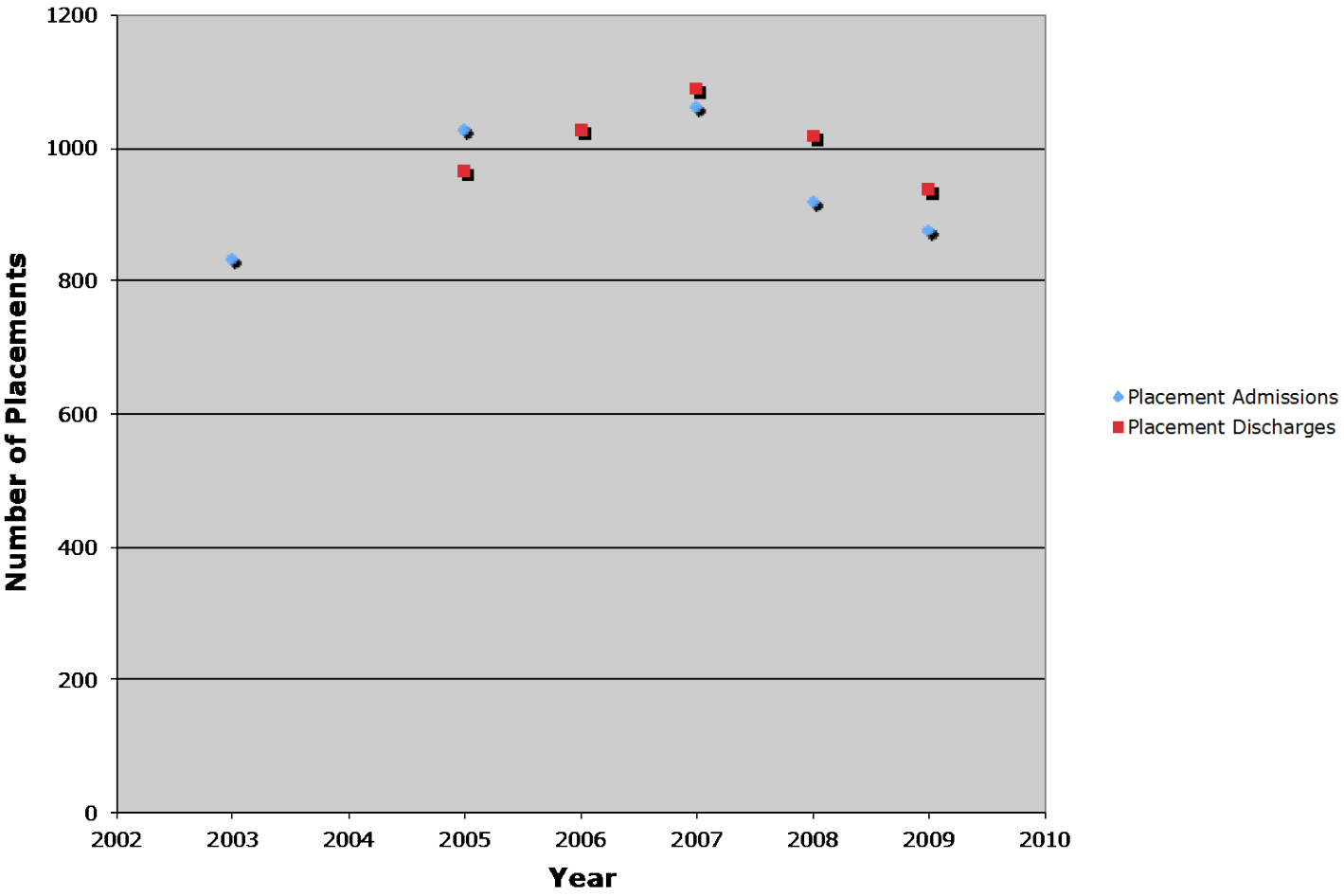


Figure 5: Admissions to and Discharges from Out-of-Home Placement



Note: This data comes from the Placement Management Database. The admissions data presented includes the years 2003, 2005, 2007, 2008, and 2009. The Discharge data spans from 2005 through 2009. An effort will be made to get the exact numbers for all available years.

Figure 6: Total Days of Out-of-Home Placement, 2001-2007

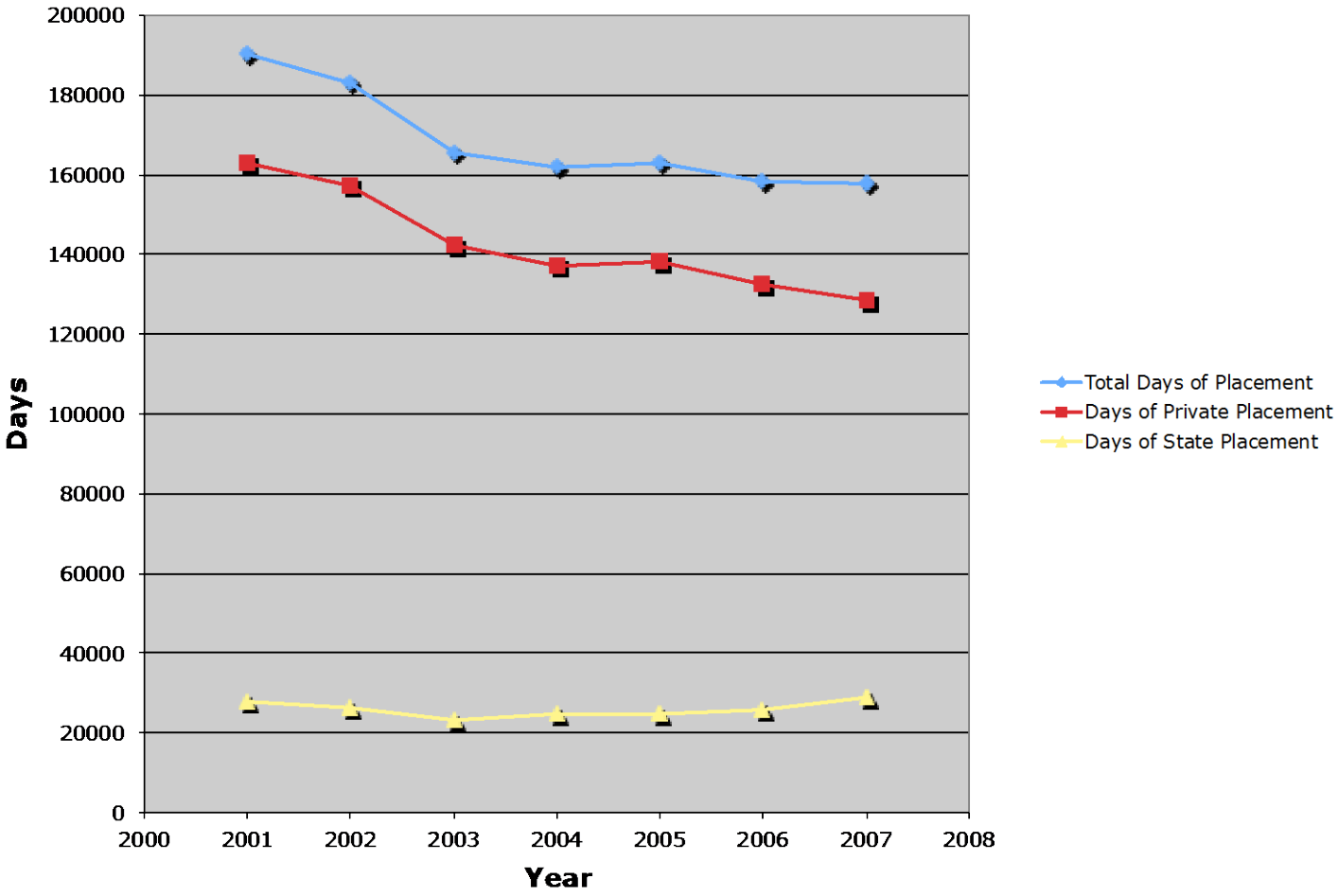
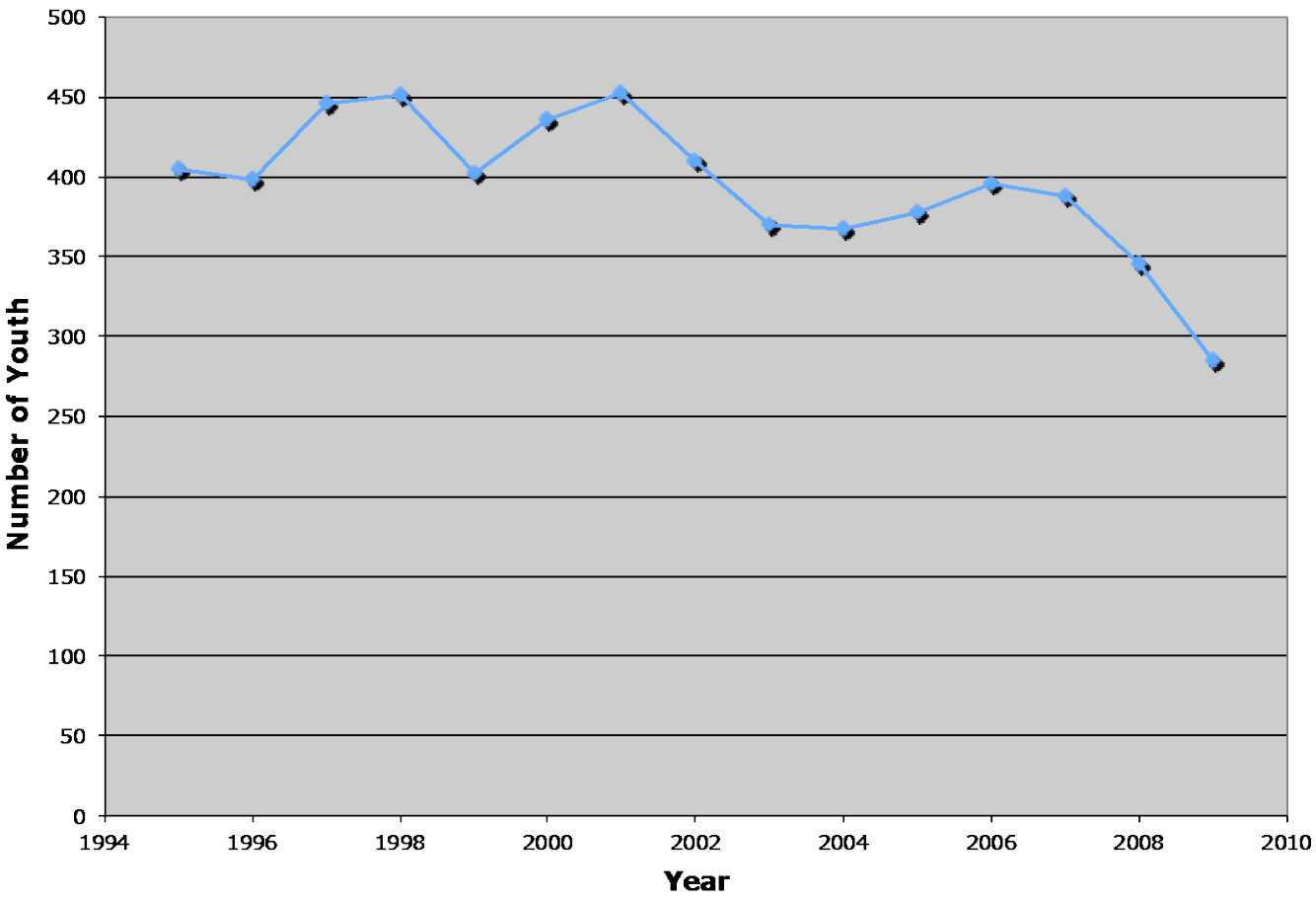


Figure 7: Average Monthly Youth in Private Placement, 1995-2009



Note: This figure is arrived at by taking the average of the number of youth in placement at the end of each month for a given year. The exact data was available for 1997, 1998, 2000, 2005, 2008, and 2009. For the other years, numbers were estimated based on charts presented in the juvenile probation annual reports. An effort will be made to get the exact numbers for all available years for the final report.

Table 1: Comparison of the Average Number of Prior Court Adjudications of CISP Commitments in the Early 1990s and Out-of-Home Placements in the Mid-2000s

	CISP 1990-1992				Placement 2005			
Offense	Person	Property	Drug	Total	Person	Property	Drug	Total
Prior Adjudications	1.9	2.5	0.6	1.8	1.6	1.8	1.9	1.8
Number of Cases	35	85	60	180	58	102	78	238

Chapter 5

The Community Intensive Supervision Program (CISP) and the BARJ Vision of Positive "Change"

Introduction

Under Balanced and Restorative Justice (BARJ), the policies of the Allegheny County juvenile court increasingly focused on using intensive community supervision resources to achieve a mix of treatment and punishment goals. This chapter examines BARJ officials' plan to reduce delinquency through in-depth study of the Community Intensive Supervision Program (CISP), an intensive supervision program that epitomizes the approach of the new interventionism. I show how the CISP partnership between the court and "the community" accomplished the treatment and punishment goals of the new model. It enabled the court to improve its effectiveness and efficiency in achieving short-term "change" in a community setting for youth from the most deprived neighborhoods who were most at-risk for escalating involvement in the most serious forms of delinquency. Just as importantly, hiring community members from the same inner-city neighborhoods as many delinquent youth promised to be more effective than traditional methods. Especially in the context of the increasingly hostile relationship between criminal justice officials and urban African-American youth, who were the main targets of aggressive crime control policies, CISP gave the juvenile court's efforts at "change" potentially greater perceived legitimacy in the eyes of the juveniles they were trying to help.

The evolving partnership between the court and inner-city African-American communities shaped and transformed the new interventionism. At the ground-level, CISP was an effort to use juvenile justice resources to create a sympathetic and supportive community that was protected from the violence of the streets. In the context of the persistent violence of inner-city neighborhoods and the necessity of "acting street" as a method of survival, the goal of short-term "change" in CISP was never to transform youth, but to give them the "toolkit" to "code-switch" so that they could function more effectively in a better environment (Milton, 2011; Anderson, 1999). The juvenile justice system's ability to control behavior in the community was also envisioned to compel and persuade youth to "taste success" in their schools, jobs, and homes so that they would be motivated to achieve this goal once outside of court supervision. A combination of "rules and relationships," coercive sanctions and persuasive techniques for misbehavior, would expose youth to "the consequences of negative behavior" in a way that would, in theory, mirror the negative ramifications for continuing to commit crime. Competency development and victim restoration programming were, thus, implemented in a way that forced youth to deal with the "reality" of the bad choices that they had made and sought to get youth to adjust to the urban climate of high-crime neighborhoods, negative peer influences, and a lack of legitimate job opportunities in a more productive way than through crime.

Responding to the same complex of deindustrialization and a lack of work opportunities that led to the new penology and the mass incarceration of young black men in the adult system, CISP instead tried to make the new interventionism inclusionary by keeping youth residing in the community (Cohen, 1985). If the new interventionism changed the focus of the juvenile court from long-term rehabilitation to short-term "change," in CISP, there was also a new methodology for making this more intrusive probation system productive for minority youth.

Drawing on interviews with CISP officials, observational evidence, and analysis of archival materials, this chapter examines CISP's attempt to make the new interventionism work to the benefit of inner-city African-American youth and communities.

The Founding of CISP

In 1989, the Allegheny County Juvenile Court's Administrative (Head) Judge, Stanton Wettick, and Chief Court Official (Probation Officer), Joe Dogerdaus, came up with the idea for CISP (Allegheny County Juvenile Court, 75th Anniversary Video; interview with John Harper, CISP Administrator; Nimick et al., 1994). As is often the case in criminal justice reform, the coming together of financial and moral causes, "conscience and convenience," led to innovation (Rothman, 1980). In the late 1980s, as a result of the explosion of crack-cocaine and resulting violent crime in urban neighborhoods—as well as administrative policies meant to deter crack-cocaine associated crime—the court increased its use of out-of-home placements. In combination with a stagnant budget, the increase in placements created a major financial burden for the court (1988 and 1990 Annual Reports, Allegheny County Court of Common Pleas). CISP was thus created in 1989 in order to reduce both financial expenditures on and the perceived harm stemming from out-of-home placement.

CISP was also a response to the 1988 Juvenile Justice and Delinquency Prevention Act (JJDPA) reauthorization bill, which made reducing Disproportionate Minority Confinement (DMC) a requirement of formula grant funding (Nimick et al., 1994; 75th Anniversary Video; interview with John Harper). CISP was therefore originally established in three predominantly African-American communities that made up a disproportionate share of referrals and out-of-home placements in the city of Pittsburgh—The Hill District, Homewood, and Garfield. In

1994, a fourth CISP center was created in Wilkinsburg and then another was founded in 2001 in McKeesport; both communities lie outside the city of Pittsburgh but are located within Allegheny County. In 2011, CISP expanded to the Northside, a neighborhood increasingly plagued by serious and lethal youth violence. With the exception of McKeesport, all six CISP neighborhoods are predominantly African American, and all are plagued by high rates of poverty (2007 Census Report, Social Explorer; interview with CISP Administrator, Jenna Williams). CISP has always served a variety of youth with different offense profiles, including violent, drug, weapons, and property offenders.

Although created in 1990, five years before the passage of BARJ, CISP is often regarded by many inside and outside of the juvenile justice system as the epitome of the BARJ philosophy. BARJ reformers often reference CISP as a model of how integration with the community can create programming that restores victims, builds youth competencies, and protects the community (Bazemore, 1997; Bazemore & Umbreit, 1997). In the mid-90s, CISP was chosen by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as one of three BARJ model demonstration sites and continues to hold this honor today (1997 CISP Annual Report; 2009 CISP Annual Report). Numerous jurisdictions, as well as representatives from six countries, have come to visit CISP to learn how the program is able to exert the same high level of intensity and structure in a community-based program where youth live at home (interview with John Harper, CISP Administrator). Recently, for example, representatives from the New York City juvenile justice system, which is in the process of shifting resources from youth prisons to intensive, community-based programs, visited CISP to learn from its design. Thus, CISP was at the cutting edge of the juvenile justice system's efforts to shift resources from

reform institutions to the community in a way that provided strict supervision and immediate community protection.

Community Protection

CISP was created during an era of serious youth crime as a cheaper way to guarantee community protection than increased reliance on out-of-home placement. CISP was originally able to operate at a per diem rate of $45, though, since the mid-90s, the cost has gone up to $55. This compared to a $95 per diem rate for the George Junior Republic and $130 per day for Vision Quest Boot Camp, two of the court's most commonly used placements in the 1990s (1997 CISP Annual Report). Very importantly, unlike reform schools such as George Junior, CISP is eligible for reimbursement by the state for 80% of the costs of operating the program because of its status as a community-based service (Nimick et al., 1994).

Even though CISP saves money in the short-term, program organizers did not want this to be to the detriment of protecting the community, in part because this would ultimately drive up residential placement costs. Key to the goal of community protection was the ability to provide 24-hour supervision seven days a week. CISP youth go to school and then immediately to the center, where they are supervised until 9 or 10 pm. Then, from night until morning, they are placed under electronic monitoring. Crucial to the ability to achieve this high degree of supervision is the employment of staff from the community willing to work nontraditional hours (Rieland, 2000).[1] Staff work from 3:30 pm through 11:30 pm on Monday, Tuesday, Thursday, and Friday, from 1 pm to 9 pm on Wednesday, and from 2 pm to 10 pm on Saturdays and

[1] Compared to most out-of-home placements, CISP has also been able to maintain a surprisingly low staff turnover rate, which may contribute to the program's ability to ensure adequate staffing levels during nontraditional hours (Nereim, 2011; CISP Annual Reports, 1997, 2009; interview with John Harper).

Sundays. This is in contrast to most day treatment programs in Pennsylvania, which are not able to achieve this level of surveillance in part because of the difficulties of finding staff to work weekends and nights (interview with former Chief Probation Officer, Jim Rieland). Rieland has had administrators from other Pennsylvania counties tell him that they want to do CISP, but only during the weekdays. This, he emphatically believes, goes against the whole point of the program because it leaves youth "with no school or structure" on the weekends.

One planned-for effect of intensive community supervision was that youth, who were under strict surveillance, might have a greater likelihood of being caught violating program rules than under traditional probation. This combination might have resulted in a high program failure rate for technical violations, which frequently occurred in Intensive Supervision Programs in the adult system (Grattet et al., 2009; Petersilia, 1998b). However, CISP's investment in "graduated sanctions," such as extra community service and short-term detention stays, has played a major role in maintaining a relatively low rate of youth failing the program due to technical violations, which have never risen above 15% (2009 CISP Annual Report). CISP has developed a special relationship with Shuman Detention Center as well as several other short-term detention providers where youth can be sent for 72 hours without going before a judge.[2] The fact that the program is court-operated means that it has probation officers working on-site who can swiftly respond to violations by taking youth directly to Shuman (interview with John Harper).

Court administrators as well as CISP staff view this high degree of surveillance and the ability to swiftly sanction to detention as necessary to the program's functioning. Jim Rieland claims that he knows of other day treatment programs in Pennsylvania where only 40% of the youth show up everyday. He believes that this is the case because these programs, unlike CISP,

[2] My reading of several dozen case files suggests that the majority of CISP youth are sanctioned to detention while in the program.

do not have "teeth" or the power to effectively coerce youth to seek help through the threat of punishment. Likewise, CISP staff strongly believe that coercion is a crucial part of their program. "I think that's what makes it work," notes John Harper.[3] Perhaps in part because of the intensive level of surveillance and power to coerce better behavior while keeping youth in the community, CISP's positive discharge rate—those not committing new crimes or failing due to technical violations—has stayed between 70% and 88% over the course of the program's twenty year existence.[4]

Victim Restoration

The treatment paradigm of the early 20th century focused uniformly on the child's best interest. Through intervening early with both delinquent and pre-delinquent youth, it was argued that later crime could be reduced, youth helped, and the greater good of society could be accomplished (Lindsey, 1903). Under BARJ, by contrast, "the victim" and "the community" became the new target of juvenile justice intervention—the means through which good could be accomplished for all parties. In particular, BARJ reformers wanted juvenile courts to develop community service and restitution opportunities that would help restore a general sense of well-being in communities victimized by crime, while keeping youth busy doing activities that could possibly prove productive (Maloney, Romig, and Armstrong, 1988).

While CISP always offered youth community service opportunities, it wasn't until the mid-1990s, with the formal declaration of the program as a national BARJ demonstration site, that

[3] I used fictitious names for all officials except for those who volunteered to have their names included.

[4] In practice, because of the lack of sound record-keeping due to limited oversight (conversations with probation officials), CISP's failure rate was probably higher than this, but was still low enough to convince administrators that the program could achieve heightened short-term behavior control in the community.

community service was fully integrated into the everyday practice of the program. CISP requires youth to complete 100 hours of community service, though this requirement is reduced to 50 hours for aftercare cases. Youth regularly exceed their required hours of service (interview with John Harper; White Stack, 2004). Through having a large number of outdoor projects, CISP is able to give youth a break from the boredom of being housed in a stuffy indoors environment. CISP tries to hire staff with personal ties to their neighborhoods who can use their connections to set up local service opportunities that embody the BARJ ideal of cultivating personal interaction between delinquent youth and neighborhood residents. Over time, CISP centers have developed a wealth of community service opportunities that exemplify this ideal. In 2009, for example, CISP youth fixed and painted a disabled veteran's home, renovated a church, assisted a food bank in collecting food and clothes, and visited residents at a senior care center (2009 CISP Annual Report; White Stack, 2004; Thomas, 2005).

As John Harper notes, CISP is "of the community," rather than just a program that happens to be located in the community; he brags that they help out in every single community festival. Likewise, since the early 1990s, CISP has held an annual car wash event where they donate the proceeds to the Center for the Victims of Violent Crime (CVVC), the local organization providing services to the victims of crime. CISP youth also take elderly citizens to vote every year, a program called "Roll to the Polls." In addition, when neighborhood groups need a location to hold an event on the weekend, CISP offers its centers as a venue for those events, though the centers are currently overbooked. "We are seen as a very viable resource," notes Harper. As a result of these neighborhood ties, CISP staff emphasize that youth participate in community service that isn't just busy work and might have a rehabilitative effect (Bazemore &

Umbreit, 1997).

Competency Development

CISP officials view the development of youths' futures as the main goal of the intervention. For its first five or six years, CISP had what was called the "good day" system. All a youth had to do was accumulate enough good days to complete the program, and basically what that meant in practice was "not pissing off the staff." The good day system, it was increasingly felt, was not consistent with the program's proactive goal of changing "people, places, and things." Therefore, CISP instituted the "level system," which required that youth demonstrate concrete signs of behavior improvement to get through each stage of the program. In particular, to pass through each level, youth had to show that they had learned the curriculum taught in the group and individual counseling sessions. In addition, family members touch base with staff every month. Perhaps most importantly, CISP requires that youth improve their grades in school.

Following the BARJ philosophy, CISP emphasizes developing concrete, marketable qualifications and skills such as an academic or vocational degree. One of the main advantages of keeping youth in the community is that they are able to continue attending the same school and make progress in their real-world environments. For most youth, school attendance and performance are considered the major competencies that the program can help develop. The expectation of improved grades, and particularly maintaining at least a C average in school, is communicated to each client verbally from the beginning of the program, and is also part of the Articles of Supervision that all CISP youth sign.

CISP is not afraid of enforcing these conditions by holding youth back in the level system. For example, in one case, a youth who was otherwise doing well was prevented from "moving" for over a month because he was failing in school.[5] Youth are additionally required to have teachers sign class cards, which certify that they attended and behaved appropriately in each class. Upon arriving at the center, the first thing youth must do is to show staff their class cards. If there are negative comments written by teachers, a youth may be given an in-house sanction. The goal of these measures is to utilize the controlled environment of CISP to get youth to "taste success" so that they know how it feels. According to John Harper, "When you feel you can do something, doesn't that make you feel good. These kids don't have that . . ." Harper adds, "This is not a jail . . . you're going to achieve something." In sum, BARJ and CISP offered renewed confidence that the resources of the state could be harnessed to do good for youth, victims, and the communities affected by crime.

A Better Way to Achieve Short-Term Outcomes

Just as the juvenile court's Progressive Era founders trumpeted traditional probation as the way in which society's need for social control could be reconciled with the welfare of youth, partnerships with "the community" promised to fulfill the juvenile court's dual treatment and punishment goals more effectively during an era of serious crime (Maloney, Armstrong, and Armstrong, 1988). Through partnering with neighborhood residents, BARJ reformers envisioned probation programming that would fill youths' time productively in the after-school,

[5] In the Hill District Center, staff enforce the official CISP policy of sanctioning youth to detention for receiving two or more E's on a report card (CISP North Side Training Session), though my reading of several dozen case files suggests that this is not what occurs in the other centers.

evening, and weekend hours with activities geared towards competency development (e.g., tutoring) and victim restoration (e.g., community service). As I describe in detail in Appendix A (see also Chapter 1), an important difference between the goals of Progressive Era and BARJ reformers was the contemporary focus on accomplishing short-term behavior change in a community setting for the purpose of immediate community protection as well as youth competency development. While the Progressive Era system was, in theory, oriented toward using probation to achieve the long-term interest of youth and society in rehabilitation, under BARJ, there was a new emphasis on achieving concrete treatment and punishment goals while youth were under strict court supervision in the community and protected from the violence of the "streets." In many ways, CISP epitomizes how intensive, community-based supervision might achieve the short-term treatment and punishment goals of the modern juvenile justice system more effectively than the juvenile justice system of the past (Armstrong, 1991).

For whatever therapeutic goals the program might achieve, CISP was fundamentally based around a short-term community protection orientation. In an interview, Judge Hens-Greco, the Administrative (Head) Judge of the Family Court (including the juvenile court), discussed how she viewed CISP:

> I'm always saying to myself, of the three components of a kid's life is anything going well . . . I need some point of stability, some touchstone where I can say, okay, he might be having a hard time in school. I can work on school and get him a better program but he's at least got a decent parent who's paying real close attention to him, so I can put him in CISP, the parent pays attention, I'll fix the school program. Or the reverse. He's really doing well in school, the parent thing is really difficult. Let's look for another relative, see if we can place him with somebody. Plus I have CISP to back me up, *to keep him busy* when he's not in school . . . And CISP, at least there's a place where they go everyday, somebody's feeding them, in theory doing homework, and in theory getting some drug and alcohol and mental health treatment maybe. You know it's not ideal but it's better . . .

This quote captures how focused the judge was on using CISP to help solve a short-term problem. While there was a possibility that a youth in CISP might be receiving therapy that

could benefit them in the long run, she was focused more narrowly on the concrete goal of "keeping him busy" after school and in the evenings—in order to protect youth at risk from either being the victim of a crime or victimizing their communities.

The probation officials that I talked with informally expressed great confidence in CISP's ability to effect short-term behavior improvement. I attended a court-wide training in Evidence-Based Probation practice and sat at a table of School-Based Probation Officers. At several points, we were given mock cases and asked how to handle cases in light of the training we received. In one case, all but one of the five POs agreed that the youth should receive CISP "because it gets youth under control." In general, they reported using CISP for youth who weren't responding to School-Based Probation and finding that the program achieved success in generating immediate behavior improvement.

It isn't just court officials who emphasize the importance of immediate community protection. While criminal justice organizations may be responsible for disproportionately targeting disadvantaged black communities for more intrusive and damaging social control (Goffman, 2009), because of the level of violence encountered in the these neighborhoods, the police and the courts also offer resources and support to handle the very real problem of serious crime (Venkatesh, 2006). According to John Harper, the belief in the importance of electronic monitoring, intensive in-person monitoring and sanctioning to detention was shared by the largely African American community members who designed and implemented the program. "There was no debate on this issue," he argues. In fact, CISP initially ran into ground-level resistance because of concerns among area residents about the public safety implications of bringing delinquent youth into their communities. Court officials had to explain to community members that these youth were already living in their neighborhoods. "So when you get down to

what it all comes down to for us it had to be to guarantee the community that we would supervise the kids" (Jim Rieland, Allegheny County juvenile court promotional video, 2008).

CISP exists in the context of a relative decline in non-criminal justice community-based resources, and deteriorating community conditions that spawn serious violence. This point was made at a Family Support Night by a CISP staff member who was facilitating the meeting. Noting that there used to be more non-criminal justice system prevention resources such as the Boys and Girls Club, he concluded, "Unfortunately, this is it. Next is the criminal justice system full blast." This overall context is important for understanding CISP: the resources of the juvenile justice system are envisioned to create a safe space for promoting law-abiding values and fostering social control in inner-city communities (McCrary, 2003).

Parents in CISP communities generally support the idea of structured supervision in the afternoon and early evening hours, when they may be at work and unable to supervise their children. The results from a recent parent survey[6] conducted by CISP suggest that the program, in the parents' eyes, may provide something of a refuge from the dangerousness of youths' neighborhoods. Twenty-two percent of parents believed that the biggest benefit of CISP was that it provided supervision and structure. Typical of this response, one parent said that CISP provided an "Extra eye out on the streets! Extra supervision." Likewise, another parent wrote that the best thing about the program was "The fact that my child had somewhere to go daily."

[6] Between 2008 and 2011, the parents/guardians of CISP youth responded to a survey meant to capture attitudes about the program and recommendations for improvements. Overall, in 2008 and 2009, of the 318 positive discharges, only 74 or 23% of parents completed surveys, a relatively low percentage; the response rate from 2010 and 2011 was even lower. Because of the fact that only a small portion of parents responded to the survey and other methodological issues, these survey responses provide only anecdotal evidence on why at least some parents feel they benefit from the program.

This description also fits with the behaviors and opinions of some of the youth in the program. John Harper has seen plenty of cases where the youth are doing well but then suddenly can't do anything at the end. The reason, he explains, is that they feel safe in CISP and are worried about what will happen to them when they get out of the program. While Douglas, a CISP client in 2011, thinks that the worst part of CISP is that he has to stay in the house all the time, he later admits that this is also a good thing "because it keeps them off the streets. Because some people want to kill people. Stuff like that." "Them being in here helps them live another day" he says with authority.

In sum, CISP is supported by considerable consensus among administrative and ground-level court officials, residents of disadvantaged neighborhoods, parents, and even some youth that the resources of the state can be mobilized to offer temporary protection from street violence in a community-based program. It is not enough to offer cheap, short-term community protection, however. The program's location in the community and its staffing with community members give administrative and CISP officials confidence that the program provides a more potent rehabilitative intervention than either regular probation or residential placement.

Rehabilitation: The Smart Way

As discussed in Chapter 1, Balanced and Restorative Justice was fundamentally a response to the declining societal faith in traditional rehabilitation and the rise of serious youth crime. One of the strategies adopted by officials to achieve a better-functioning system in the post-rehabilitative ideal era was to partner with communities. Among other things, partnerships with communities (e.g., community policing, neighborhood watch) would improve the criminal justice system's legitimacy with poor, ethnic and racial minority groups that were most subject to

these agencies' crime control policies, even if these organizations were not effective in reducing crime except at the margins (Garland, 2001; Simon, 1993). Criminal justice administrators also believed, and perhaps with good reason, that partnerships with communities would spawn more effective crime reduction policies.

CISP was fully supported by BARJ's emphasis on partnering with communities. Jim Rieland, in a presentation for a new group of CISP trainees, argued: "What's the beauty about our mission here, what we're talking about, is that we as a court, you as a court member, are acknowledging to the world that you don't have all the answers . . . This [the BARJ mission statement] clearly says that we acknowledge that in order for us to be successful as a court and community we have to engage the community and community residents in the solutions to crime." Thus, BARJ's emphasis on getting beyond authoritarian decision-making by judges and probation recommended delegation of authority to community representatives of the neighborhoods most affected by serious and violent youth crime.

One of the advantages of CISP is that it involves a commitment to employing staff who have a more detailed understanding of where youth clients come from than in most out-of-home placements utilized by the Allegheny County Court, many of which are located in rural areas in Western Pennsylvania. Jim Rieland's report (2000) on the CISP program describes a scenario in which a youth tried to convince staff that he only hung out with law-abiding people down at the "corner." But this didn't convince a CISP staff member who supposedly told him: "Ok, you mean on the corner where Big Man sells guns out of the trunk of his black BMW or do you mean where Jamar got shot?" The point was that hiring staff who are familiar with the neighborhood might convince youth to take the program seriously. As John Harper notes, CISP wanted to have

staff to whom the kids could not say: "you don't know cause you don't know where I come from."

Staff often disclose things about their experience living in the community that may help youth identify with them. For example, in response to a kid who was telling them about hanging out in a certain area, staff might interject, "I used to hang out on Bentley Dr.," and that might help that client to let down his guard (interview with John Harper). Another example of this kind of bonding occurred when I was visiting the North Side CISP Center. One of the staff members who was white and not from the North Side[7] told a youth that he needed a haircut since it is a program requirement to keep youths' hair short. The kid said that he had just gotten one, and then a staff member who was African-American and from a nearby community, entered the conversation, saying that he had gotten "a shape up," a type of in-between hair cut that is used by black barbershops, and argued that it should count as a hair cut. This led to a conversation between this staff member and several youth on the different types of black hair cuts. CISP officials hope that these kinds of bonding conversations between youth and staff who are African-American and from disadvantaged neighborhoods will lead clients to perceive staff more positively, let down their guard, and take the program seriously.

Another argument made in favor of CISP was that employing a staff of largely black community members would provide positive male role models to youth. In *The Truly Disadvantaged*, William Julius Wilson (1987) argues that the lack of successful black men living in disadvantaged African-American communities creates the perception that success through legitimate means is impossible, leading youth to seek out status through illegal means, which

[7] As next chapters shows in greater detail, a large portion of CISP officials are not from the neighborhoods in which they work, although most grew up in a similarly disadvantaged community.

contributes to their further marginalization.[8] By employing successful, law-abiding men who "look like them," program staff hope that youth might "buy into" conventional values and behaviors because they see that it can lead to future success (conversation with CISP staff member, Tameeka Smith). John Harper notes that the youth always have the same question of him: how much money do you make? This is a reasonable question because some of the 14 and 15 year olds in the program make more money than he does. But he tells them, "I can walk down the street without looking behind me, and I can sign my name for a certain amount of money." Since the youth are used to thinking that the only way to make a living is through selling drugs and engaging in crime, he emphasizes trying to get youth to understand the benefits of legitimate work and the life stability and predictability that is attached to it. According to staff, the three most common things that program youth want to be are an NBA basketball player, a drug dealer, and a rapper. CISP officials do not dismiss these goals, but try to get youth to be more practical in their thinking. "You want to be a rapper but you can't sing. But somebody needs to work the lights for a stage show, someone has to disassemble the stage."

In general, CISP staff want youth to understand "reality," including the negative consequences of continuing to engage in crime. For this reason, they take kids to the county jail and to the morgue to try to have them realize that this is the direction in which they are heading. For most kids, CISP administrator Jenna Williams notes, this isn't enough. Since death is not scary to many of these youth, they talk to them instead about how they could be paralyzed, which she believes has more of an effect. What also helps, she says, is when it is personalized. For example, when they were at the morgue viewing a body, one of the kids recognized the dead man's tattoo and realized that it was his cousin.

[8] The CISP administrative staff who I talked to have not read William Julius Wilson and were not influenced by his work.

CISP distinguish this "reality" approach from a "tough love" strategy that might not recognize the unique situations that urban youth face and the "thinking errors" that staff commonly encounter. The CISP officials who developed and implemented this new therapeutic curriculum believed that some of the traditional therapeutic approaches to drug use and violence reduction pathologize behaviors that are adaptive survival strategies for urban youth living in resource-deprived neighborhoods with high rates of violence (interview with John Harper). A different approach that recognized these everyday realities was therefore often needed.

An example of this different approach is exemplified by the CISP Victims' Group, which addresses the "accountability to victims" portion of the BARJ mission statement. Rather than attending the 3-hour, court-wide victims' curriculum, CISP youth participate in a weekly victims therapy group facilitated by CISP staff. This program seeks to deal with the fact that youth are, in fact, victims of inequality and neighborhood environments that encourage violence. Nevertheless, staff also attempt to get youth to acknowledge the harm they cause by the crimes they commit. According to a high-level CISP administrator, clients have grown up in environments that are so violence-prone that they have essentially blocked out their own feelings. "This population has been taught to push their feelings away . . . Young men have been taught suck it up . . ." (Jenna Williams, Northside CISP Training). Growing up in this context of might makes right, youth are initially not open to the idea that they have harmed somebody. Illustrative of this mindset is an example given by Henry Hills. When he was a teacher at a local high school, after a young woman was killed outside of the school, the youth in his class showed no sensitivity and assumed that she had gotten what she deserved. He describes their reaction as, "Haha yeah I saw her lying in the ditch . . ."

CISP tries to get youth to move beyond this mentality by personalizing crime victims and discussing real-life-inspired situations. For example, in a group run by Ms. Kitt, a "Community Monitor,"[9] youth talk through a scenario in which someone has gotten arrested by the police for stealing an item from a store when, in reality, it was his friend who did it. She asks the group whether he should tell the police that it was the friend who committed the crime. Most of the youth say that they shouldn't and that they don't want to be a snitch. Then, Ms. Kitt asks them, "What if the store owner was your uncle?" to which the youth usually have a range of reactions including: "He shouldn't have stolen from my uncle." By teaching youth that crime does harm to somebody they care about, staff hope that youth will be more receptive to the idea of behavior "change."

Another locally-tailored aspect of the CISP program is the drug and alcohol curriculum, which specifically addresses the destructive role of drugs in African-American communities. While the great majority of youth are not dependent on a drug, most have at least tried marijuana and the majority have sold drugs. Henry Hills, Drug and Alcohol therapist, takes clients through a real scenario of what happens when a drug dealer moves in, including greater police presence and declining property values. The program seeks to convince youth that drug selling, which the youth often view as a normal way to make money, is not a victimless crime. In general, the program tries to tie the problem of drugs to the issue of how young black men can earn a living through legitimate means.

Thus, instead of being exposed to the decision-making of largely white administrative officials who didn't understand the on-the-ground realities of youth growing up in disadvantaged, high-crime neighborhoods, as was largely the case under the old interventionism,

[9] Community Monitors or "Primaries" are assigned a certain number of youth to intensively mentor and monitor and also run the therapy groups.

inner-city minority youth encountered the attempts of their own community members responding to local neighborhood crime and violence. As a result, they experienced programming that was potentially more individualized and tailored to the everyday realities they encountered in their communities.

Bringing Back the "Race Expert"?

In *The Black Child-Savers*, sociologist Geoff K. Ward (2012) argues that the historic struggle of African Americans for equality in the juvenile justice system revolves around fair representation and access to the resources of the state. He contends that the “black child-savers" of most of the 20th century wanted resources to create their own version of the rehabilitative ideal in response to the outright exclusion they experienced in the juvenile court. According to Ward’s account, for a short period of time in the 1950s and 60s, black juvenile court workers were integrated into the everyday functioning of the justice system and essentially functioned as "race experts," who were able to use their unique knowledge to help disadvantaged black youth respond better to the negative conditions that they faced. The “race experts,” Ward suggests, could also potentially reform juvenile justice systems in ways that were consistent with racial progress.

In part because of the decline of societal confidence in rehabilitation and weakening collective efficacy in black communities in the 1960s and 70s, Ward argues, the ability of black child savers to affect juvenile justice policy declined. Though provocative, Ward’s analysis still leaves unclear whether there was ever really a heyday of “race experts,” other than a few notable initiatives such as Harlem Youth Opportunities Unlimited (HARYOU), a delinquency prevention program that involved mobilization of government agencies and community residents to create

work opportunities for urban black youth. Likewise, the existence of later partnerships between criminal justice officials and black community members, such as CISP and Operation Ceasefire, would seem to question Ward's claim about the decline of the "race expert" (Kennedy, 2011).

Arguably, CISP represented the new model's fuller integration of racial and ethnic minority communities into the everyday functioning of the juvenile court than what existed under the old interventionism. After all, the court's partnership with disadvantaged minority communities was central to the theory of how the new interventionism would function more effectively than the old model at producing behavior "change," and how the court's more intensive social efforts into the lives of minority youth would be inclusionary and work to the benefit of "all parties."

The old interventionism was based around the idea that judges and probation officers would be able to win youths' trust and have a positive influence on their lives (Lindsey, 1903). Despite some notable exceptions, the on-the-ground realities of how the system actually worked did not facilitate the cultivation of these personal relationships, as large caseloads and underfunded and understaffed courts prevented the "ideal of individualized justice" from being realized (Bortner, 1982; Ryerson, 1978). The untenability of a personalistic-oriented juvenile justice system became more apparent in the aftermath of the due process and deinstitutionalization movements of the 1960s and 70s, which unmasked the punitive aspect of the relationships between court officials and their disproportionately represented racial and ethnic minority youth clients. But perhaps most importantly, in recent years, the expanding state involvement in the lives of poor, minority youth due to aggressive policing and the war on drugs created more tense relationships between criminal justice officials and urban black youth. In this

context, the traditional role of probation officer as therapist and counselor was perceived as less viable, and this perception undergirded the development of programs such as CISP.

Some court officials viewed changes in the nature of American society in individualistic terms, largely disregarding the overall socioeconomic and sociopolitical context. Underlying the administrative decision-making that gave rise to CISP was the perception that teens no longer respect legitimate authority figures such as teachers and police. For former probation officer, Tom Danks, the rising number of referrals to court for assaults on teachers is indicative of a sea change in American society (2008 Juvenile Probation Annual Report). Court administrators, therefore, perceive that the old techniques of developing rapport with a youth that worked in the previous generation are ill-suited to deal with what they view as more hardened youth growing up in neighborhoods increasingly dominated by guns, drugs, and gangs.

A good illustration of the current way of thinking is captured by an informal conversation I had with Danks on the issue of whether probation officers should be able to carry guns on the job. He opposed this policy on the grounds that POs so far had been effectively able to manage conflict without incident, and the fact that the majority of youth were minor offenders who weren't dangerous. However, he did not believe that POs' carrying firearms would prevent them from establishing trust with youth, noting, "they probably already think we do (carry them)." In other words, administrative officials were not basing their policy decisions around trying to gain youths' trust through cultivating relationships with youth clients. While administrators acknowledged that the rapport between POs and their clients still mattered, it received less emphasis in general policy development under BARJ (interview with Chief Probation Officer, Russell Carlino). Arguably, the main policy innovation in the area of rapport-building during the

BARJ era was the creation of CISP, which essentially farmed out the relationship-building responsibilities of the probation officer to street-savvy, largely black community members.

Geoff Ward's argument that black juvenile justice officials have historically served as "race experts" brings up the interesting question of whether this is still the case today in a society where racism is less explicit and racial identity is more fragmented (email conversation with Geoff Ward). CISP officials and other African American POs working in the juvenile justice system in Allegheny County were fundamentally uneasy about the explicit race-based assumptions that increasingly appeared to guide administrative decision-making. They questioned whether it was true that black youth would not respond to kind-hearted white people who wanted to understand their perspective and help them. John Harper wondered out loud why everybody, including researchers and outside mentors, seemed to be afraid of getting to know "their kids." Likewise, another African American non-CISP PO complained about what she saw as the explicitly racist thinking among juvenile justice officials that tended to brand black youth as having completely different needs and issues simply because of their race. This same PO claimed that she has been repeatedly sought out to work for CISP because of her race. A common joke going around among POs is that there is a list of possible CISP employees that only includes African Americans.

Yet, in the end, it appears there was some consensus among juvenile justice officials that African-American youth living in the most disadvantaged neighborhoods would benefit from a program offering intensive mentorship by predominantly black officials who, aside from having a more in-depth understanding of the black experience, also had other credentials that qualified

them for these jobs.[10] While some CISP officials dislike the implication that, because of the color of their skin, they are necessarily "race experts," for a combination of reasons, they appear to be thrust into this role.

Black officials in CISP had specific reasons why they wanted to intervene intensively with "their youth." Some identified with black youth, felt kinship with them, but also felt that they as a race—including the overwhelming majority of law-abiding black people—were being judged negatively as a result of black teens' delinquent behavior. One high-ranking CISP official I interviewed wanted "their youth" to learn to "handle their race better" (conversation with Donna Nicholls, CISP administrator). During our interview, Nicholls asked rhetorically why there are no shopping malls in the Hill District, one of the poorest of Pittsburgh's urban neighborhoods in which there is a CISP center, like there are in wealthy suburban Mt. Lebanon. "Because in Mt. Lebanon, everybody's not robbing a mall."

Some CISP staff wanted their youth to see the problems they had in terms of race. When Horace Tinning's job as a CISP drug and alcohol counselor takes him to the Shuman Detention Center to process sanctions, he will often take a client aside and point to a line of kids that are being transported from one location to another, and ask them if they notice anything in particular about that line. Usually, the youth will say something like, "that's my homeboy over there" or "I don't like that guy." He'll then tell them what it is he's talking about: of the 75 people being transported, 74 are African-American. While youth are so used to this reality that they rarely

[10] For example, one black PO I interviewed opposed the CISP program because it authorizes greater amounts of social control such as electronic monitoring into the lives of African-American youth. However, she admitted that it made sense for an intensive treatment program dealing primarily with disadvantaged black youth to employ black mentors who might be able to understand their experience more fully.

think about it, for Tinning, “that’s a problem. That’s a freaking problem. Okay, something ain’t right.”

Russell Jones, CISP Supervisor, is pursuing a master’s degree in criminal justice, and is researching whether program youth who receive outside therapists do as well as youth to whom he and other staff provide a more intensive in-house therapy. He hypothesizes that the CISP therapeutic staff do a better job in part because they get to know a youth through spending so much time with him, whereas the outside therapists might only see him twice a month or less. He also believes that being African American and from a disadvantaged neighborhood gives him an advantage when dealing with CISP clients. He tells the story of a youth, whom he knows from talking with him, has a “racial problem.” Because of his in-depth knowledge of the youth and the situation, he knows that the recent decision by the judge to assign him a white therapist was not going to help him.

Likewise, hiring African Americans as juvenile justice officials may help get past black youths’ distrust of the criminal justice system, which is an impediment to CISP’s goal of behavior "change." By hiring staff who understand the black experience, they are able to draw on the coercive power of the state to enforce program rules and punish “negative behavior” in a way that might be perceived as more legitimate. According to CISP PO, Kyra Johnson, “One thing I tell my young people is that rules without relationships equals rebellion.” She thinks that regular POs can get caught up in the power part of their jobs and not the “relational” aspects of the profession. “A lot of our young people have no respect for the power aspect. That’s the reason they’re in trouble.” She prides herself on having a relationship with her kids.

> I’ve always been the kind of PO I can laugh with you and sanction you all in one day” (she laughs). “But that’s not because of a title and a badge. That came through spending time with the young person, getting to know what makes them tick, finding out why they gravitate to the people that they do, and building the rapport. That to

> me—especially with African-American youth—we are a relational people. If you're not interested in figuring out how a person ticks and you're only interested in the law, you're going to miss something, particularly with African-American youth.

Lisa Woodley, CISP administrator, is also head of a committee in Pittsburgh to reduce Disproportionate Minority Contact (DMC), a project funded partially by the MacArthur Foundation's Model for Change. Her role in CISP and as DMC coordinator has essentially led her to take a two-pronged approach to the issue of the conflict between police and inner-city African-American youth. First, she is trying to piece together information from multiple sources in the community on which police officers are the "bad apples" who are planting evidence, harassing people, and using excessive force. Then, she is trying to get the youth to understand the police perspective by bringing CISP youth to the DMC forums between the community and the police so that they can get a more personalized view of what the police are doing. The youth, she argues, view police as just people who harass you, not as human beings who are worth understanding. She's hoping to change that by at least showing them why they are being stopped by the police: for example, they might stop you because they are looking for a young, black male, certain height, wearing a blue shirt, and you fit the description, not because they are trying to harass you. One thing that she drives home to CISP clients is that they always have to have an ID on them in case they are stopped by the police. Acquiring an ID and carrying it at all times is one of the requirements of getting through Level I of the program.

In sum, CISP staff believe that having black role models who are able to talk about issues of race in direct and concrete ways may lead youth to view the juvenile justice system as having greater legitimacy—a claim that recent research shows may in fact result in more youth "buying into" law-abiding behavior (Tyler, 1990; Tyler & Fagan, 2008). Compared to the top-down efforts of the old interventionists seeking to spread white, middle-class values to an urban

immigrant population (Platt, 1969), the new model plausibly contained a more powerful method for bringing about immediate and long-term behavior improvement in youth through bolstering the law-abiding behavior standards already existing in disadvantaged minority communities.

Creating a Sympathetic Community

Because of the nature of the arrangement worked out between probation administrators and CISP, program staff retain a large amount of freedom in sculpting CISP's rehabilitative program. Administrative court officials regularly visit out-of-home placements to check up on the quality of the programming for which the court pays. Likewise, POs are required to visit their clients in placement facilities at least once a month. These oversight practices do not apply to CISP, as there is no such required check on day treatment programs because they are located in the community. As a result, CISP operates in an atmosphere of quasi-secrecy where outside court officials often have very little idea of the type of programming being run. Court officials' lack of knowledge about CISP's rehabilitative program is not an accident as CISP's therapeutic philosophy is not entirely consistent with that of probation administrators.

Current administrative thinking is not geared toward dealing with poverty and discrimination and other sociological issues that are often at the core of youths' problems. While a high-level probation administrator, John Tyne, acknowledges that neighborhood poverty breeds delinquency, he does not view most sociological explanations as useful for the occupation of a probation officer, where the goal is to promote better behavior. He teaches a course on juvenile justice at a nearby college and is required to teach structural theories such as sociologist Robert Merton's anomie theory, which he views as "useless" when trying to get youth to respond differently to their environments.

In Allegheny County, juvenile probation has gradually been moving away from trying to understand the root causes of youths' behavior. "The bottom line for us is you're in this situation. How do we turn you around? How do we move you in the right direction? We can talk all day about why you're here . . . maybe your mountain is steeper than the mountain that I had to climb, but whatever it is, it is. Let's set about getting up the mountain" (interview with John Tyne). Over the last ten years, there has been an increase in the number of probation officers with criminal justice degrees who are more likely to believe in this philosophy. These changes and the adoption of BARJ have resulted in a redefinition of the job of traditional probation officers away from therapist and toward an emphasis on enforcing the law and brokering therapeutic services in the community (Maloney, Armstrong, and Romig, 1988).

By contrast, CISP's existence and day-to-day functioning is characterized by a different dynamic: the interplay between staffs' knowledge about the role of discrimination and inequality in explaining delinquency, and the necessity of social control—of getting youth to respond better to those situations for society's good and for their own safety and well-being. When youth come to CISP, they often see themselves as victims, and there is some truth to that. As staff admit, in many ways youth are victims of their neighborhood environments as well as socioeconomic disadvantage, negative family circumstances, and police discrimination:

> We have a lot of kids that say, 'I wanted to get a job, no one will hire me. So then what am I supposed to do? You know I wanted to get the job.' So they turn toward negative means to get what they want because once they try to get their job and it did fall through. Some of them put together a great effort, a wholehearted approach but others, it doesn't take a lot to discourage them cause they've seen it from time to time again.

CISP considers it important to hire staff who understand youths' perspective and won't just dismiss it. At the same time, program administrators don't want staff to identify too much with youths' perspective, as has sometimes been the case, because this can easily distract from

the “accountability” mission of the program, which is geared toward getting youth to take responsibility for the poor decisions that landed them in court and on probation. They fight against some clients’ perception of “learned helplessness” and try to give youth strategies so that they can avoid being a victim of their surroundings (interview with Tillie Johnson, CISP PO). In this context, openly discussing the barriers of inequality and discriminatory treatment that CISP youth face is consistent with demanding that their youth seek inclusion in "white society" by demonstrating better behavior.

CISP formally teaches youth about black history and culture in the “Black Chronicles” therapy groups and also engages youth in informal activities that address these issues (conversation with John Harper). Along these lines, one center I visited had hung up youths’ drawings on the theme of fighting for racial equality, which was an assignment for Black History Month. In one of these drawings, there was a picture of the White House. Underneath in bold it proclaimed, “We Run It.” Another drawing read, “YOU HAVE THE RIGHT TO VOTE” in purple and green bold. To the left of this was a drawing of a school bus with a sign that said, “Blacks to the back, whites to the front.” On the left hand side, near the front of the bus, there was a blurb that read: “I have a dream that black people and white people will come together and be one.”

The program’s cultural programming is in many ways a conscious effort to strategically use the youths’ common racial and community heritage to create a sense of community. Several of the speakers I observed at the program’s monthly Family Support Nights discussed the history of slavery. For example, during Pittsburgh Police Chief Nate Harper’s presentation, he told the youth that by behaving as they were, they re-enslaving themselves and would end up losing their freedom. Likewise, a speaker at the Narcotics Anonymous noted “I don’t want to be play the

race card but our people, your ancestors have fought, but for what?" when imploring youth to take a different path from the one that led him to spend 28 years in prison. Connecting the history of slavery with drug addiction, another speaker elaborated: "there is a plan to keep you in slavery. Not physical slavery, chemical slavery . . ." Several speakers I observed also mentioned the school-to-prison pipeline and made an explicit link between slavery, street violence, and the current system of mass incarceration.

During one Family Support Night, a Muslim speaker was invited to tell his story of being incarcerated and then finding God while in prison. The purpose of this talk was not, of course, to convert the youth to Islam. Most of the staff are not Muslims and clearly this was not the goal. However, as the speaker, Charles Cook, noted, the goal was to help youth "find their focus." "Watch what happens if you walk out your door and don't know where you're going. Nothing good's going to happen." In a similar way, in a Family Support Night presentation, the CISP presenter exhorted the youth about reducing the violence in their community. "And you know Happensburg. Just about everybody in Happensburg is related. Think about that. You don't even know who you're killing. You're killing your relatives." Staff hope that youth will find this "focus" and sense of larger community in the program and this will lead them to change their lives before it's too late.

Perhaps in part because of the serious and violent nature of today's youth crime, CISP's main goal in talking about these issues is to help youth to change their behavior rather than primarily to fight inequality in the court system or wider society. Above all, the new treatment resources of BARJ juvenile justice gave largely African-American community members—who had an in-depth understanding of urban black youth—an enhanced ability to improve the behavior of and opportunities for "their kids."

Adapting the New Interventionism to Inner-City Neighborhoods

The new interventionism prescribed that intensive community supervision resources should be used to achieve the goals of short-term community protection, victim restoration, and immediate behavior change. During a time of serious and violent youth crime, the largely white administrative and predominantly black CISP officials were all in agreement about the need for 24-hour supervision and surveillance to protect youth from committing or being a victim of a crime, as well as to provide the "structure" necessary for youth to build competencies. CISP officials, drawing on their fuller understanding of the crime problem of urban neighborhoods, sought to use the short-term-outcome resources of the BARJ juvenile justice system in specific ways to achieve potentially long-lasting behavior improvement and recidivism reduction. They endeavored to use their coercive and persuasive powers, "rules and relationships," to create an ideal community that promoted "decent" values in contrast to the "street" values outside of their CISP community (Anderson, 1999). According to former Homewood CISP Supervisor Barry McCrary (2003: 1):

> This village or community is a place where chaos comes to order, where crises are resolved, and where everyone begins to work together. In this community, all young men have a mentor, a role model and someone looking out for their best interests. This community is a place where families have support; students have tutors and access to computers. This community is where education is being promoted, love and respect is valued and kids can be kids. Everyone is safe and secure, no one goes without a meal and expectations for young men are high. The community sets high standards, goals and has the power to enforce these standards if there are attempts to lower them. Outside of this community is another story. Outside of this community can be unhealthy and dangerous.

In this safer community, youth would be able to open up and be the adolescents that they naturally were in a better environment, unafraid of what their peers on the street would think and

less worried about the effect of showing weakness on their reputations and personal safety (*ibid.*). In this positive culture, they would learn the skills necessary to exist in the wider society; they would learn to control their emotions, manage conflict in a nonviolent way, and how more generally to interact with authority figures. With the help of the "structure" of the CISP, they would be compelled and persuaded to do better in school and, therefore, "taste success." The goal was never to remake youth, but to use the controlled environment of a neighborhood center to give youth the "tool kit" to more effectively navigate their neighborhood environments and teach them how to "code-switch" so that they could function more adeptly outside of their neighborhoods (Milton, 2011; interview with Yolanda Fulls, CISP official).

Sociologist Elijah Anderson (1999) draws a distinction between "decent" and "street" orientations that youth growing up in ghetto neighborhoods learn to adapt to their environments. "Decent" values are essentially middle-class strategies for success and involve deferred gratification and nonviolent forms of conflict resolution. "Street" values, by contrast, encourage living for the moment regardless of the consequences, and responding impulsively with violence to any perceived threat. Inevitably, though, even youth raised with "decent" values have to learn to act "street" in order to survive in the street culture, which Anderson refers to as "the code of the street." While scholars have raised legitimate objections as to whether Anderson's ideal type distinction adequately describes urban families, the heuristic distinction between "decent" and "street" values is useful for understanding CISP (Venkatesh, 2006). CISP administrator, Jenna Williams, decidedly views the point of the program as creating a culture that exposes youth to

law-abiding values.[11] The end result, she hopes, is that the smartest in the program might "switch teams" from the delinquent or "street" group to the law abiding or "decent" group.

One of the curricula meant to create this "decent" CISP culture is the Maleness to Manhood Therapy Group, which is held once or twice a week in each center. Maleness to Manhood is a metaphor coined by African American clinical psychologist Na'im Akbar (1991) to describe the maturation process for African American men. He argues that a central problem of African American males is that they don't develop into true men, which he views as the ability to support oneself, take care of others, and be a reliable person. According to his theory, many African Americans get stuck in the "male" stage of acting impulsively without thinking about the consequences of their actions.

Drawing on Akbar's teachings, in the Maleness to Manhood therapy group, CISP youth talk about what it means to be a man and to grow more mature, utilizing the "change" metaphor of moving from wearing diapers to tidy whities to boxers. Babies wear diapers and can't control their emotions, whereas men wear boxers, are in control of their behavior, and are able to support their families, have their own homes, and hold down a job that won't get them locked up. Youth talk about where they think they are on this continuum and then staff and the rest of the youth either agree or disagree (interview with CISP staff member, Ms. Kitt). When talking about Maleness to Manhood, a Community Monitor, Ms. Kitt, discusses how everybody makes mistakes, and the important thing is to learn from them and then make progress. She tells the boys who are exiting the program and still haven't changed their talk or behavior that they are still "babies" in her mind.

[11] Williams had read Anderson's *The Code of the Street* (1999). I later found out that Elijah Anderson himself had given a presentation before CISP youth a few years earlier.

In sum, staff want youth to realize that the strategies that get a person status on the streets, such as handling conflict through fighting and being impulsive, are seen as babyish according to the CISP culture (Anderson, 1999). Visually, CISP officials also want to impress upon youth that the culture of the street stops at the door of the center. For this reason as well as for public safety, youth in the program, are not allowed to wear colors, many of which are associated with gangs, and instead are required to wear white shirts, which they are required to tuck into their pants while also wearing a belt. "We have a gang. It's the CISP gang and now you belong to it," explains John Harper.

One advantage of being assigned to CISP is that youth are living at home. Therefore, staff are able to work directly with families: they can intervene when parents are making a youth's problems worse and also support the efforts of the majority of parents who are on the same page and want their youth to behave better. According to CISP staff, most parents have been trying to get control of their children for a long time. They are very happy to have the program's support in order to bring out "the kid" in them, which parents feel is not able to blossom because of the nature of peer relations in "the streets."

The juvenile justice system has always had a complex relationship with poor and ethnic and racial minority families. As historian Mary Odem describes, "Middle-class reformers and professionals created and administered the juvenile justice system to promote their own agenda: to control and reform the socially unacceptable habits of working-class youths and their parents" (1995: 158). Yet, as she and others have pointed out, this top-down social control image of the juvenile court is overly simplistic because it ignores the ways in which poor parents used the coercive power of the court to support their own efforts at instilling better behavior in their children (*ibid.*). Similarly, parents today draw on CISP to reinforce their own authority. For

example, one youth I interviewed would have received regular probation had his mother not requested that he be placed in CISP because she had heard good things about the program and believed he needed a more intensive intervention (interview with Carlton Johns). Several CISP officials likewise noted how parents who had heard good things about the program would bring their sons and ask to have them admitted to CISP even though they hadn't committed a crime. According to former CISP Supervisor Barry McCrary's account, "Some parents ask, 'Where is this community located?' 'How can my child and family benefit from this community?' 'It sounds too good to be true, so what do I have to do?' The only thing you have to do to benefit from this community is commit a crime. Yes, your child must commit a crime to get into this community" (McCrary, 2003: 2).

CISP clearly helps some parents re-establish control of their children and promote better behavior. On the previously mentioned parent survey, 19 percent of parents who answered the question of why they thought CISP had benefited their children specifically mentioned accountability, discipline, responsibility, being on time, respect, and attitude—adjectives that are suggestive of how the program's focus on "decent" values might affect youth. For example, one respondent wrote that her son had "become more responsible and he wants to do better, prayerfully long term." Another parent wrote that their son had more respect for them now. More specifically, a parent explained that CISP had piggybacked on "some of the things I was trying to teach Donovan about life. For example, being on time, being held accountable." In sum, the program seems to be at least partially successful at promoting behaviors that reinforce parental authority and boost the informal social control attempts of urban families (see Chapter 6 for more evidence).

Making Community Protection Work for "Change"

One of CISP's mottos is that youth need to change "people, places, and things." In many ways, the 24-hour supervision and surveillance that CISP provides force youth to immediately "change" their behavior. Youth necessarily change their "places" since they are required to be in school and their neighborhood center and then return directly home; they will be sanctioned if they fail to show up. For this same reason, they can't do the things that they want to do and often can't hang out with their friends. The new interventionist goal of controlled behavior in the community therefore in many ways removes clients from the natural influences of their home communities. CISP officials are therefore in the position of trying to convert the temporary "change" that their youth necessarily undergo as a result of the program's community protection measures into long-term "change."

One of the main goals of CISP is to use their "rules and relationships" to get youth to "taste success," through improved performance in school and better relationships with family members and staff. According to Kyra Johnson, a former CISP PO:

> From a retribution standpoint, a lot of people say, 'you're holding these kids accountable, this way or that way' but if you didn't hold them accountable they'd never understand what consistency looks like . . . and they get to see the difference that it makes when they do have it, improved grades, improved attendance, verbal praise, good job . . . So they begin to take pride in what they're doing because they can see that it works. If that means structure is the way to success, then so be it. You know, I think the ends justify the means.

While CISP officials do not necessarily believe that "tasting success" will necessarily lead to actual success, they feel they are opening up possibilities for youth by showing them what they can do with hard work through conventional means (Merton, 1938). Without the structure of the program, many of the youth return back to previous patterns of skipping school in favor of hanging out with friends (Nimick et al., 1994). Staff admit that some youth may have to

experience further justice system involvement before they decide to change. But CISP hopes that these youth will at least have confidence that success through legitimate means is possible, and this perception may speed up the desistance process. Likewise, if youth can "find their focus," either through religion, race, or more commonly, a family or a job, then they may have a similar type of structure in place as what they experienced in CISP, which can set them on the path to desistance from crime (Laub & Sampson, 2003; interview with Carlton Johns).

Staff also want to use the coercive aspect of the program to get youth to realize that they have choices other than continuing on the same path they are on and the negative consequences of the choices that led to their commitment to the program. The motto of CISP is that the program is about "rules and relationships." The relationships, as reviewed in previous sections, are trying to get youth to "buy into" behavior change through role modeling and offering a more individualized treatment program. The rules and "the consequences" for violating them are thought to mirror on a miniature level what would happen to youth if they continue to commit crime: violent death or long-term incarceration.

John Harper very explicitly wants to use the power of the criminal justice system to have youth realize that they have choices, both in the program and outside. "If you want to sell drugs, that's your choice. But be prepared to either die or go to jail." "You're acting out and you're throwing chairs, and you're cussing and fussing. What you've done now is forced me to deal with your behavior, not to deal with the problem that upset you," says Harper, alluding to the program's power to sanction as a lesser version of what society would do if youth were caught committing a crime as an adult.

Relatedly, the program tries to teach alternative strategies for handling situations with peers that might land them back into the juvenile justice system. The Thinking Errors curriculum is

particularly relevant to trying to help clients imagine different responses to situations they encounter in everyday life. For example, Ms. Kitt uses a scenario about whether youth should go with friends to steal a car. She tries to teach them to process these situations better and to consider the positives and negatives. She insists that they need to think about themselves, not their friends. She tells them, "whatever they (your friends) ask you, ask your mother in your mind." In another therapy group that she ran, she had the kids come up with every excuse for getting out of hanging out with friends who were engaging in illegal behavior. These excuses included, "I have to meet my grandmother" and, "I'm going to chill with my girlfriend."

Likewise, drug and alcohol therapist James Brownstone presents a situation to youth where a friend offers them a ride somewhere and says, oh by the way, on the way I'm going to go by PNC bank and rob it. Are you okay with that, he asks? Some of them say that they would go and he explains to them, "It's not reasonable to go. Think about the crime you committed and whether it makes sense." Similarly, the Aggression Replacement Therapy Group enacted a scene where a teen was walking with his girlfriend and somebody came and started "putting moves" on the girl. First, they enacted what the youth would have done in the past, which is "gone off on him" (attacking him). Then, they performed a second scene where the youth finds a better way to handle the situation. In this case, he said something to defuse the situation like "take a hike," and then walked away (interview with CISP client, JR).

In sum, officials want youth to learn to make better choices in and outside the program and learn that they have the power to control their own destiny. They want to give youth the ability to make better decisions, even as it is recognized that most youth can't simply change "people, places, and things" when they've completed the program. As sociologist Trevor Milton puts it,

the goal of this kind of programming is to give youth the "survival tool kit" for better navigating their peer and neighborhood cultures (2011: 3).

Extending Adolescence to Youth Suffering from "Categorical Inequality[12]*"*

An important part of this "tool kit" that CISP wants to develop is the capacity for clients to function outside of their communities. "We want you to be able to exist in the bigger world," insists John Harper. He gives the example of what it's like to live in New York City. "People are knocking into you all the time. Why? Because there are so many other people. So what do you do when that happens? You just leave it be. You have to communicate to youth that everybody is not disrespecting you." In order to give kids more experiences as well as to give them a break from the intensity of the program, using court funds and donations, the program takes the kids to Pirates games, to local amusement parks, bowling, bike riding and horseback riding (CISP 2009 Annual Report). Henry Hills, a former Army Sergeant, is planning a trip to the local Air Force Base, where he is going to put the kids on an aircraft and fly them around Pittsburgh. He says that they have kids who, when he takes them through downtown Pittsburgh, stare up at the buildings like it's Paris because they've never seen anything like that.

In general, staff want youth to have the interpersonal skills to exist in the work world, even if they can't put most of the youth on paths to legitimate careers themselves. One "success" case, Carlton Johns, notes that one of the things he learned from the program was "how to put on a white voice," when you are on a job interview. "Stop the slang, perk up." The goal of these efforts was not necessarily to get youth to talk like that all the time. In fact, black slang is commonly used informally among CISP staff and youth (informal observations). Part of the

[12] I borrow this phrase from sociologist Charles Tilly's *Durable Inequality* (1998).

advantage of having community members working with youth is that staff, knowing something about the youths' culture, are not judging it negatively or assuming that it is related to their delinquent behavior. At the same time, CISP tries to use their coercive and persuasive resources to teach clients how to effectively "code-switch," so that they can function in the dominant culture of "white society."

Just as CISP's persuasive efforts and recreational activities help communicate these lessons, the coercive aspect of the program lends itself to teaching youth some of the behavior standards of conventional society. For example, Ray Fletcher, community monitor, views the authority relationship he develops with clients as mirroring that of the relationship between a boss and an employee. The natural variation that results from staffs' personal styles for dealing with youth is a "teaching moment," he argues. It is important to get the youth used to having to deal with different staff because, later in life, you don't know if your boss is going to be the type who just lets things go or the one who says, "next time you do this you're out of here."

In certain ways then, CISP followed in the tradition of the old interventionism of trying to extend the behavior standards of the wider society to youth suffering from "categorical inequality" (Tilly, 1998). However, rather than trying to transform these youth by simply exposing them to the dominant society's standards of behaviors and resources, there was now a new plan to draw on the resources of the community to assist in the behavior change process. CISP and the new interventionism provided the resources to inner-city communities to enforce their own "decent" standards for the benefit of their youth and neighborhoods (Anderson, 1999).

Like their administrative counterparts, CISP officials admitted the weakness of the state in rehabilitating youth. Given the violent neighborhood environments youth grew up in and their bleak hopes of upward mobility, CISP, in a sense, recognized the powerlessness of the state to

make a large dent in this problem, and instead sought to achieve something concrete for their youth clients. "They may not be able to do anything about it for a couple of years given where they live and who their friends are, but eventually they might get it and decide to take a different path," was the mentality of ground-level court officials operating under the new interventionism (interview with Horace Grace, CISP official). If and when youth made a choice to "change" and found a path to a better environment, CISP officials wanted youth to have the skills for navigating these situations (Milton, 2011).

In sum, greater recognition of the limited powers of the state to secure long-term stability in family and career shaped CISP's development into a program that specialized, like it or not, in short-term "change." CISP's efforts in this regard highlight how the new interventionism is fundamentally a response to the constraints of deindustrialization and related bleak urban realities that make the transformative change promised by the rehabilitative ideal unachievable. The underlying realities of concentrated poverty, high crime and violence rates, and limited career options for "their kids" pushed officials to think through what they could accomplish for youth in the short period of time in which they had them under their supervision. In the end, they decided that there were long-term advantages to short-term "change" in the community if the program was well-planned and properly run. "Tasting success" and "code-switching" were now realistic possibilities for inner-city youth in the juvenile justice system because of the court's partnership with the community (Anderson, 1999).

Conclusion

To conclude, CISP emerged in the early 1990s and continued to expand in the 2000s because of the shared preference among court officials, and some black community members and

families for immediate community protection during a period of serious and violent youth crime. The development of innovative community-based treatment resources made it plausible that intrusive state intervention would be in the best interest of youth, not just public safety. Crucial to the implementation of this more potent therapeutic program was CISP's location in the community and staffing by residents of disadvantaged neighborhoods. Partnership with "the community" would, in theory, lead to the development of a more effective, locally-tailored program, offer clients positive black models, and make the juvenile justice system more legitimate in the eyes of urban youth. Likewise, keeping youth living in their home neighborhoods made it more likely that the "change" that youth underwent while under court supervision could be translated into reduced recidivism following completion of the program.

CISP officials followed in the historic legacy of "black child-savers" who attempted to use juvenile justice resources as an integrationist force to extend some of the behavior standards and resources of the wider society to disadvantaged black youth (Ward, 2012). In particular, CISP tried to harness the new interventionism's strategies of short-term behavior control to both protect youth from negative neighborhood influences and expose them to a positive culture that would more closely resemble what they would encounter in the work world and in other sectors of middle-class society. By keeping youth residing in their home communities, but protected from the environment of "the streets," and exposed to this positive culture, CISP officials hoped that youth would "taste success" and enjoy that feeling, and feel more confident that later success was possible. They also wanted youth to learn the ability to "code-switch" so that they could function more intelligently in their peer and neighborhood cultures but also know how to behave "outside of their narrow corner of the earth" (Anderson, 1999). As such, CISP represented both an acknowledgment of the state's weakness in "child saving" in a post-industrial urban landscape

that offered disadvantaged minority youth few chances at social mobility as well as a more targeted role for the justice system that took into account these realities (Platt, 1969).

In sum, the new interventionism articulated a more convincing vision than either the old interventionism or the new penology for how a more intrusive justice system would be in the best interests of inner-city minority youth (Cohen, 1985). As the next chapter explores in greater depth, CISP is relatively successful at reinforcing the "decent" behavior standards of parents and communities and getting youth to learn to "code switch" and "taste success." Thus, a plausible argument can be made for how forceful intervention in the community might do more good than harm from the standpoint of reducing later recidivism and ameliorating some of the inequalities responsible for urban crime and violence. For a variety of reasons though, there is a large gap between the ideal of bringing about "change" in disadvantaged youth and communities, and the reality of how CISP and the new interventionism work in practice.

Chapter 6

The New Interventionism at the Ground Level: Plausible Narratives and Underlying Realities

Introduction

In this chapter, I examine how the new interventionism works in practice, drawing on archival evidence, participant-observation, and interviews with CISP clients and parents. My evidence suggests that CISP is, in fact, a potent intervention that largely achieves the new interventionist project of generating immediate behavior change and community protection while keeping most youth residing in their home neighborhoods. The combination of "rules and relationships" offered in CISP exposes youth to a combination of persuasive and coercive influences, which are generally effective in achieving short-term behavior improvement. Many youth come out of CISP having improved their attendance, behavior, and performance in school, and others have gotten job experience and thought more clearly about their career paths. Likewise, the program's efforts to cultivate relationships with parents appears to result in clients leaving the program having better relationships with their family members. In general, clients come out of the program having better relationships with authority figures, having learned how to behave around CISP staff with respect and control their emotions even when they believe they are treated unfairly. As a whole, the role-modeling efforts of CISP officials and locally-tailored therapeutic program are often successful in teaching youth strategies to "code-switch" and function more effectively in their immediate peer and neighborhood groups as well as outside of these environments (Anderson, 1999).

At the same time, in other ways, CISP's efforts to make the juvenile justice system inclusionary may have failed. In the context of the aggressive policing of inner-city, minority communities, the school-to-prison pipeline, and the interventionist policies of the juvenile court, youth were already facing a punitive reality in which their everyday behavior was being policed and punished (Rios, 2011). In spite of CISP officials' efforts to make punishment "productive," they may have also unintentionally reinforced certain youths' sense that they were being treated unfairly, engendering a "fake it to make it" approach or outright resistance. Likewise, the lack of educational and employment options that youth faced makes the link between short-term and long-term "change" a fragile one. Even so, especially when compared to the pure surveillance approach of the new penology or the single-minded focus on rehabilitation of the old juvenile court model, CISP and the new interventionism offered a plausible argument—supported by the everyday realities of how the system worked in practice—for how a more intrusive juvenile court might do more good than harm for inner-city minority youth and communities.

CISP's Partnership with "The Community"

CISP represents the growing consensus that "the community" is a potentially therapeutic force, and that keeping youth residing in their own neighborhoods can be good for both public safety and rehabilitation (Cox, 2013).[1] As Chapter 5 examined in detail, CISP formed around the idea that hiring community members from the same neighborhoods as disadvantaged urban youth would build stronger relationships and, therefore, allow for a more effective rehabilitative

[1] Other recent partnerships between the criminal justice system and the community include restorative justice, community policing, neighborhood watch, problem-solving policing, and Operation Ceasefire. These can also been seen as efforts at improving the legitimacy of the criminal justice system with disadvantaged and minority communities (Garland, 2001).

intervention than the old interventionism's top-down efforts to expose ethnic and racial minority youth to persuasive influence of largely white juvenile court officials from outside of their neighborhoods. In a sense, this was the juvenile court's attempt to adapt the historic goal of individualized treatment to an era of both Disproportionate Minority Contact and the growth of serious youth crime in urban communities. In part because of the increased level of police surveillance and court intervention during this era, distrust between inner-city youth and traditional criminal justice officials, it was argued, prevented effective traditional rehabilitation methods from working. Having community members as the new representatives of the criminal justice system might increase the perceived legitimacy of the system in the eyes of disadvantaged minority youth living in the inner city (Tyler, 1990). Likewise, hiring staff who lived in the same neighborhoods as youth might mean that these individuals were more invested in their well-being, less likely to view the youth simply as irresponsible or bad people, and more interested in understanding "what makes a youth tick" (interview with CISP PO, Kyra Johnson; Milton, 2011: 77).

There is good reason to think that disadvantaged African-American youth may respond better to homegrown successful community members or "old heads," who try to mentor and direct neighborhood youth, than to traditional criminal justice officials (*ibid.*; Anderson, 1999). While fewer in number than in the past, these men may continue to have moral authority among some youth living in ghetto neighborhoods.[2] Nevertheless, the marginalization of black youth from American society and the increased salience of "street values" means that the influence of old heads on youth may be waning (Anderson, 1999). Likewise, the criminalization of black

[2] I base this in part on a conversation with Lizbet Simmons (Assistant Professor of Criminal Justice at San Francisco State University) on findings from her fieldwork on zero tolerance policies in urban schools and the role of community-based groups in promoting better more effective ways to control youth behavior.

adolescence through zero tolerance police and school policies means that many black youth view the criminal justice system with great suspicion (Brunson & Gau, 2011). There is next to no research on whether old heads endowed with moral authority can remain effective once they are seen as being criminal justice affiliated (though see Lopez-Aguado, 2012).

Because of gaps between the CISP hiring ideal and the on-the-ground reality of who works there, this analysis only allows for a partial investigation of this issue. Of the eleven staff hired to work at the newly opened North Side CISP Center, only three have any affiliation with North Side neighborhoods. Likewise, John Harper, who ran a CISP center for fifteen years in the 1990s and early 2000s did not come from Pittsburgh or reside in that neighborhood while he was Supervisor. CISP officials explain this discrepancy between the ideal and reality of who they hire as a byproduct of trying to attract the best-qualified applicants who enjoy working with children and have experience with "their population" of urban youth living in crime-heavy neighborhoods. If these staff also have personal connections with the neighborhood, that is even better since those networks can be a starting point for developing community service opportunities that involve personal interaction with area residents. The interviews I conducted with youth suggest that, while many staff may not be from the same communities as the youth or be of the same race, this may not necessarily hamper the program's efforts to develop relationships with young people.

The seven CISP youth I interviewed[3] viewed the program as decidedly better than being in an out-of-home placement in part because of who works in CISP. EG, for example, who had

[3] To examine youths' perceptions of staff, I conducted interviews with seven youth currently in the CISP program and one with a former client who had graduated several years before. Parents were given flyers with a description of the study and an informed consent form asking for their permission to interview their children for my study. While staff may have additionally hand-selected youth who they believed would be most responsive and open to the interview, the youth

previously been incarcerated for a different offense, viewed CISP as easier than placement because he wasn't subject to institutional rules such as having to get up really early in the morning to exercise. "Also, if you're not doing good, you can get extended. That's the same thing here but it's worse up there because then you're away from home. That's the worst part." There is also a general impression that CISP staff understood them and cared about them more than workers in placement. According to PD, "They don't care, they don't talk to you, they don't do nothing. They do their job. I think I met one staff that tried to help us. Every once in a while, you get one staff who's not just there for the job." By contrast, he believes that, in CISP, most of the staff care, though he thought one of the CISP workers was just there for the job.

In response to my question about whether CISP is more about rehabilitation or punishment, WA noted that he was lucky to be in CISP rather than in the adult system. Because he committed a firearms offense, he could in theory have been charged as an adult. All except one other youth agreed that CISP was more about rehabilitation than punishment. Illuminating of their perspective was one client's comment that, "If it was more about punishment they wouldn't care. They would just sit you in a room to make you stare at a wall. They're more trying to get you back in the community."

From this preliminary evidence, it's hard to know whether staffs' being from the same community and of the same race as a youth helps. EG, who had also been incarcerated, viewed CISP staff as better than placement staff because they're from their communities and used to "be on the streets." He added, "they overcame it so they be trying to give us knowledge so that we can obtain that." Likewise, when talking about the therapy groups, JL said: "The Groups can't

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I talked to were at different stages of the program, some had had previous difficulties in the CISP, and others were having serious problems in the centers around the time I interviewed them.

be taught be somebody who's uptight. "They can't be uptight with us, and treating us like it's a real placement." While he clearly viewed the CISP staff in general as not uptight, he viewed the current probation officer as somewhat "uptight."

An interview with another client suggested that being from the same community may not be what matters most to some youth. PD, a white youth who had just returned from almost two years in placement, said that he related most to the CISP staff who had been through the system as a juvenile and, therefore, had more of an idea of what he was going through. There were staff in CISP who hadn't had those experiences but believed they knew how they felt: "If you've been through a unit you know more than if you haven't been through . . . that's just natural. They mean well but sometimes it's a little far-fetched." In sum, youth believed that CISP staff are, by and large, much better than in a placement, though there may be other reasons for this general impression than those suggested by the narrative used by court administrators to promote CISP.

The results from parent surveys[4] conducted between 2008 and 2011 generally support the idea that CISP staff are able to cultivate positive relationships with youth and their family members. Twenty-eight percent of parents who completed the first survey question on which aspect of the program they found most helpful replied that it was positive relationships with staff; this answer was tied for the most common response. Most of the parents who wrote this just had generally positive things to say about CISP employees such as, "That the staff are all about helping these young men out and keeping them out of trouble." Others had more specific responses that were in line with the idea of CISP's offering individualized treatment. One parent

[4] The great majority of the surveys are from 2008 and 2009. CISP requires that parents have contact with them prior to their children being released to the program, which is when these surveys were distributed. Because of the low response rate, parent surveys are only a tentative measure of parents' opinion of CISP staff. I treat the survey responses as closer to observational evidence of some parents' experiences with the program rather than a survey that is representative of CISP parents' overall perspective.

wrote that the most helpful part of the program was, "The one-on-one time with DeShawn and the Group Sessions." For another parent, the best thing was, "That I could call Mr. Hines or Mr. Johns when things went wrong at home." Another parent praised staff for being "sincere in helping the child with school & home environment." These responses are suggestive of staffs' strong integration with families and the community and their reliability in being available to talk with parents when they have particular needs.

Several parents also believed that spending time with positive black men in particular had helped their son. One parent, for instance, wrote that the best thing about the program was, "Black men teaching him to be a productive citizen in society." Another wrote: "He got to see that there are positive black role models in the community as well as benefit from the counseling sessions." In sum, these responses suggested that CISP actually does offer beneficial treatment and one part of this equation is having black community members mentoring youth and advising parents.

Not surprisingly, parents were not uniformly positive about their experiences with staff. Fifteen percent of the parents who responded to the question about what needs to be improved about CISP talked specifically about problems with staff.[5] For example, one respondent believed "staff attitude" needed to be improved. Another wanted CISP to "not to be so hard on them," and, likewise, another complained about their son being picked on by CISP staff. CISP administrators are concerned with staff behavior and proper role modeling because of how

[5] Given that only 42% of parents answered this question compared to 79% for the question about what their child gained from the program, it is likely that other parents may have had some of the same concerns but not voiced them. Parents may have been careful about criticizing CISP staff because when youth are on probation, in many ways so are parents because of the intrusive effect of the in-person and electronic surveillance on home life. In case their children were placed back in the CISP for a later offense, a relatively common outcome, parents may have been hesitant to be overly critical.

important the relationships between staff and families are to the functioning of the program. The persistent problem of poor decision-making by staff was a topic of conversation at the North Side CISP Training undergone by new trainees. Alluding to problems that the court had had in the past with CISP employees, former Chief Probation Officer Jim Rieland and co-founder of CISP told the new trainees: "You are a court employee . . . That means that you are all role models at all times to the kids . . . If something goes bad in your personal life, it's bad for you and it's bad for the court." Jenna Williams, CISP administrator, then reminded them that sagging was not allowed by staff. "They are looking at you," she insisted, talking about the youth in the program, who looked up to staff as role models. Likewise, she highly encouraged them to eat the CISP food with the youth rather than bringing their own dinner since clients might view their bringing their own food as conveying that staff think they're above them. All in all, though, my observations and the responses from parents and youth support the idea that, with important exceptions, some clients and parents believe that the CISP staff are a positive resource.

As was true of the original rehabilitative ideal pioneered by juvenile court reformers in the early 20th century, the quality of the programming in CISP still depends heavily on the staffing and the proper use of discretion (Bortner, 1982). For example, several POs mentioned that they knew that CISP staff were substantially better in certain of the six neighborhood centers than in others; in the case of one Intake/Investigations PO, this sometimes affected the sentence she recommended in court. With these concerns aside though, my preliminary evidence suggests that CISP's hiring of community members to work with delinquent youth is potentially an improvement on the original design of the juvenile court.

It might be argued that regular probation achieves the same goals as CISP since some POs are also African-American and from disadvantaged neighborhoods. Nevertheless, School-Based

and regular probation officers do not have the same level of contact and cannot build the same strong relationships developed in CISP. For example, one former CISP PO who now works as a School-Based Probation officer complained that she didn't have the time to get to know her clients in the same way as she did in CISP. Even though she saw them everyday, often this was just to "touch base."[6] Getting to know youth and spending lots of time with them, she argues, is crucial for the population served by CISP. "One thing I tell my young people is that rules without relationships equals rebellion . . ." (interview with Evelyn Sparrows).

Thus, if the quality of juvenile justice is still dependent on the development of relationships with young people, CISP's hiring of community members potentially provides a better framework than sending a youth to out-of-home placement or placing him on regular probation, the two main rehabilitative methods of the old juvenile court model (see Appendix A).

Reasserting "Decent"[7] Values

The previous chapter argued that CISP continued the historic tradition of interventionism and integrationism in juvenile justice (Ward, 2012). Juvenile court officials, past and present, have consciously attempted to endow the urban poor with the opportunities and impose the behavior standards of middle-class society. The early juvenile court reformers wanted to expose immigrant youth to the more "cultured" behavior standards of middle-class, Protestant society, and to remove them from what they saw as the ineffective environmental influences of immigrant parents (Breckinridge & Abbott, 1912). By contrast, CISP's community-based

[6] Regular community-based POs, who average approximately 40 cases at any one time, generally see their clients once a month or less, which often means that they do not have an opportunity to develop as close bonds with clients as either School-Based Probation or CISP.
[7] I am drawing on Elijah Anderson's (1999) distinction between "decent" and "street" values within urban communities.

programming is built around bolstering the "decent" values that already exist in the community and providing a context in which they can thrive (Milton, 2011; Anderson, 1999).

Evidence from the parent surveys suggests that CISP helps some parents re-establish control of their youth and promote law-abiding values. Nineteen percent of parents who answered the question of why they thought CISP had benefited their children specifically mentioned accountability, discipline, responsibility, being on time, respect, and attitude, adjectives that are suggestive of the kinds of values the program attempts to cultivate. For example, one respondent wrote that her son had "become more responsible and he wants to do better, prayerfully long term." More specifically, another parent wrote that CISP had piggybacked on, "some of the things I was trying to teach Donovan about life. For example, being on time, being held accountable."

For some, it was specifically the coercive consequences for noncompliant behavior in CISP that helped their children. One parent who reported that their child had learned from the program "somewhat" tied this to the fact that, "At least he doesn't take his freedom for granted." Similarly, another wrote that urine testing was the best thing about the program because it helped "to move the child from smoking weed to a positive state of mind." For others, the development of a better attitude was related to the therapy youth received. "Attitude has improved a lot since being in CISP. Able to talk more instead of being angry."

In general, parents believed that their children had gained from the program's attempts to "change" or rehabilitate their children. Twenty-eight percent thought that the most helpful thing about CISP was the positive, rehabilitative effect the program had on their child; this answer was tied with "positive relationships with staff" as the most common response. Along these lines, several parents mentioned that their children had more respect for authority figures such as

teachers. Likewise, several noted that their children made better, more rational decisions. Other parents noted that their children were more in touch with and in control of their emotions: "Devon is more outspoken about his issues."

The survey responses also suggest that CISP is able to keep in touch with parents and involve them in the program's therapeutic efforts through the Level System. In order to move from one level of the program to the next—and eventually to aftercare and graduation from the program—a client's family member has to attend the monthly Family Support Night.[8] Eighty-four percent of parents/guardians completing the survey attended at least one Family Support Night. The individual case files (weekly and monthly reports) that I examined also suggest that CISP officials were successful in achieving their goal of having at least one contact with a parent per week, whether by phone or at the family's house after bringing their child home from the center. These preliminary findings are suggestive of the generally high level of involvement between CISP and parents.[9]

Perhaps for this reason, only seven percent of parents thought that CISP did not benefit their child at all. These parents generally had particular concerns. For example, one thought that the program did not help because she expected CISP to find their child employment and claimed that this had not happened. Likewise, another wrote that her child did not commit a crime and that therefore, the day he got out was the best thing about the program. Yet, interestingly, this

[8] Alternatively, if they cannot attend this event, they can arrange to meet separately with CISP staff that week.

[9] Nevertheless, the most common response (38% of respondents) to the question of how to improve CISP was that there needed to be more communication between staff and parents and more parental involvement. This finding suggests a gap between the ideal of high level of family involvement and the on-the-ground realities of the program, though the responses are unclear about what specifically needs to be improved.

parent also believed the program had benefited her son in some ways, commenting that, "he was able to attend some ball games and meet some good people."

In sum, the results of the survey generally support the idea that a solid portion of parents whose children graduate view CISP as a valuable program that reinforces their authority, offers much-needed supervision, and has a positive, therapeutic effect on their children. In other words, from some parents' perspective, the "rules and relationships" of CISP are successful at reasserting "decent" home and community values, at least in the short-term while youth are in the program.

Additional evidence from the case files provide a better sense of the relationship between parents and staff. Dewayne was placed in CISP for selling drugs. According to the Community Monitor's report on family sessions with his mother, "since Dewayne has been in the CISP, she has noticed a good change and Dewayne also taking school serious." Following CISP's instructions, the mother took her son to obtain a state ID and bank account. The Monitor wrote, "I explained that in the past some of our clients have been accused of wrong doing and have been detained by police because they matched someone's description and couldn't provide identification."[10] In the next session, a month later, the monitor and the mother talked about the kid not making his week because he was failing in school. The school was apparently letting him make up an exam because he had a medical excuse for missing it. The monitor wrote, "Ms. Cueto and I will talk about taking Dewayne to Noblestown Road to follow up on employment applications."

In the next report, apparently Dewayne had told the Monitor that he didn't want to live at home. There had been an argument between son and mother. "Ms. Cueto and I spoke we agree

[10] This comment was actually made in a different case but illustrates the reasoning behind why the program required Dewayne to get an ID.

that Dewayne has to follow the rules concerning entertaining females at home while Ms. Cueto is not home. Ms. Cueto stated she told Dewayne not to have company and she punished him because of his behavior in school and being sanctioned 72 hours at Hartman. I told Ms. Cueto I applauded her efforts to continue to hold Dewayne accountable which in the end will help save his life." In another case, a Community Monitor reported that the mother " . . . was upset when I told her he paid off his restitution. She wanted to pay it off on her own terms. She feels he will end up in placement again because his behavior is slipping at home and in school." A month later though, he was doing better and the mother reported he kept his room clean, and, although he still stayed up late at night, he was getting up on time in the morning for school, which had previously been a problem.

In sum, as this example suggests, CISP provides many parents extra support for reinforcing their own standards of behavior. This finding parallels historical evidence on the early 20th century juvenile justice system, which also found that parents used the coercive and therapeutic resources of the court for their own purposes (Odem, 1995). For certain parents, CISP has to actively intervene and teach them how to parent more effectively. However, in general, the program offers a resource to parents to enforce their own standards. Because of the negative influence of the streets and peers, many parents have been watching as their children descend into criminal behavior without being able to do anything about it. The coercive and persuasive influences of CISP are often enough to get a youth functioning at a much higher level in the home and moving in a better direction in terms of work and school.

Youths' Perspectives on "Change"

Consistent with the results of the parent survey and my conversations with officials, youth clients reported learning some of the "decent" community values promoted by CISP. In particular, youth believed that they were better able to control their emotions as a result of being in the program. Learning this lesson is necessary because CISP sometimes puts rival gang members and other groups together in the same neighborhood center and requires that they learn to get along. This happened to ES, who was forced to go through the "buddy system" with a client with whom he was having a disagreement. "Then you realize that either the situation was serious or it was dumb or you just didn't get along with him because your friend didn't get along with him." It happened a couple times with him when he was about to fight other clients in the center, and then they brought him to the office to have a meeting. I asked him, "You were going to fight them in here?" He responded, "Yeah, that's when I first came. I really didn't care cause I didn't know for real. If I seen you and I didn't like you. CISP, it helps somewhat for people that you don't get along with." Similarly, WA had a "beef" with a few guys from his neighborhood and was committed to CISP for carrying a gun for self-defense. While in the program, he "quashed it" (the conflict) using techniques he learned in the program, just making it seem like it was no big deal, telling them it was "silly."

CISP uses the Level System to require that clients learn the CISP culture. In order to "move," a youth has to pass a test of some of the principles discussed in the therapy groups. For example, in order to go from Level 1 to Level 2, clients are required to define Balanced and Restorative Justice, describe their victim, and name at least two "thinking errors." While CISP does not appear to require that youth show full mastery of all of the material, in my review of documents, I have seen cases where a client did not "move" until staff saw that he was making an effort to learn the lessons of CISP.

Several of the youth I interviewed were able to speak the CISP language and bought into the idea that, through utilizing better strategies to handle situations, they could avoid getting involved in conflict that would land them back in the juvenile justice system. WA, for example, talked about "avoiding negative power acts" such as being aggressive or passive aggressive. When I asked WA if it was difficult to avoid getting into a fight when he walked to school, he said that it wasn't in general and that you just had to avoid certain streets where you had enemies. When dealing with the police, WA uses the same techniques of "staying above the situation." "I won't say nothing to them." He believed he would have no difficulty using the CISP strategies for avoiding conflict once he was out of the program. Likewise, when I asked EG if it was hard to apply the ART curriculum to real situations, he said, "It's easy to apply in the moment. I mean just walk away. Think about the consequences if you really want to deal with that." Later, he revised this when talking about a particular situation—his enemies picking on him and trying to incite him because they knew he couldn't respond due to his being in CISP. "It is difficult, but I just don't do nothing. I just don't care about what they say."

While the majority of the youth I talked to had learned the CISP culture, for others, the Groups seem to just be time fillers, and it's unclear that they internalized the messages being taught. One youth had been in the program for approximately nine months and reported feeling like he'd been there for two years. He was sick of the Groups and had already been through the curriculum several times. Despite being there for so long, PD was only able to identify a couple of the Groups by name and didn't remember the curriculum taught in any of them.

There were mixed responses to the message being communicated in the Victims' Group. In these sessions, among other activities, youth write papers about their victims and are required to discuss what they are learning with their parents in order to reinforce the lesson that their

behavior has consequences for other people. In one apology letter, a client wrote: "I'm sorry for selling drugs to Jorge Johnson. I know that his family was probably trying to stop his addiction but I kept it going. I was taken money out of their [sic] family pocket and I feel bad for that." Another youth apologized to his family for the harm he caused them through his being involved with the justice system. "I am sorry for not listening to you when said it's going to come back around, you better stop. I am sorry for happen to make you pay for my restitution and phone line so I can come here and sorry for going to placement and having you go through that without me around." Several of the youth I interviewed were able to internalize the "consequences" message that the program attempts to drum home. For example, JL, who was referred to CISP for burglary, admitted that the victims of the house he burglarized probably don't feel safe now. The Group "just makes you think more about the situation. If I do this, I wonder how my Dad's going to feel about the situation."

However, the youth also had doubts that these lessons were easily applicable to the real world. JL noted that what CISP teaches is to avoid the situations that lead to fights, but this is often impossible outside of the program. Sometimes, "there's no way you could avoid the situation unless God really falls right in front of you." There is also seemed to be resistance to the idea that they have to not fight back against enemies who attacked them. Staff do not tell youth not to defend themselves if attacked, but discourage them from being the aggressor "after the fact" because the person who responds, rather than the one who instigates, is often the one who gets in trouble (interview with John Harper). They are aware that this lesson goes against the survival techniques that youth have learned on the streets and is therefore hard for them to accept. The youth decidedly rejected this message. "If somebody do something to me, I don't care what I do to you or how you feel about it. If you did something to hurt me, I'm going to

hurt you back," said EG. Similarly, JL noted, "There's not no man on earth that's really going to let somebody punch you."

One of the things that CISP staff stress to youth is that, in order to change "people, places, and things," clients need to make friends who are not going to push them into criminal behavior. In some ways, being on house arrest and electronically monitored, a program requirement, may facilitate youth choosing better friends by essentially making it so they can't easily hang out with the same group with whom they got in trouble. While some groups of friends are okay with CISP teens having to avoid participating in normal activities because of being on house arrest, others will not tolerate this. For this reason, clients are in a sense tested on a daily basis to see if they can resist peer pressure to cut off their electronic monitoring bracelets. JL reported having a falling out with some of his friends. He said that he learned who his true friends are through seeing who encouraged him to cut off his anklet bracelet. "I don't care how mad they (CISP staff) got me. I'll tell them I'll cut it but in reality, I'm not trying to go to Shuman (Detention Center), I'm not trying to go to placement for 90 days."

Perhaps because of this issue, he is no longer as good friends with his old group, who lives outside of his housing project. He is now better friends with teens from his housing project, which one might guess emerged as a result of not being able to hang out with his other group due to his being confined to his home. Another youth I interviewed also reported not being friends with a group of youth with whom he used to smoke marijuana. It is unclear what the long-term implications are of these somewhat artificial scenarios induced by the coercive aspect of the CISP program, whether youth permanently change friends, and if so, whether this change is for the better. One can see though how house arrest creates artificial scenarios that do not mirror the reality youth will face when they're free. In fact, staff report that they've had cases where the

day after a youth was released from CISP, he was re-arrested because friends, who had previously left him alone, threw him a party, in which illegal drugs were being used, in honor of his finishing the program.

On the other hand, some of the scenarios induced by being intensively supervised in CISP may, in fact, help young people to make better decisions when they leave the program. A couple of youth reported being treated worse by the people they didn't get along with in school, and not being able to do anything about it because they were under court supervision. In some ways then, electronic monitoring creates a test of whether a youth can control his reactions and manage his emotions. It is certainly plausible that some of the behavior strategies youth learn to cope with these types of situations would apply to other difficult circumstances they will face when released from CISP's supervision.

Overall, most CISP youth learned something from the locally tailored therapy program they received. In particular, clients seemed more capable of handling their emotions and thinking things through before acting. Similarly, they appeared more equipped with strategies for responding situations that could lead to violent conflict with their enemies on the street. These responses echo Trevor B. Milton's (2011) argument that alternative to incarceration programs provide youth with a "social survival kit" of behavior strategies for navigating urban neighborhoods that help young people find alternatives to "the magnetism of street life."

"Tasting Success"

According to program administrators, the main goal of CISP is to build youth competencies and put young people on the road to having conventional jobs and a family. Because of the obstacles to success for disadvantaged youth growing up in neighborhoods

deprived of legitimate work opportunities in the post-industrial era, there is a recognition that CISP should utilize "rules and relationships" to get youth to "taste success," knowing that many of their efforts may not be enough to "make success." Along these lines, CISP officials are insistent that clients demonstrate improvement in school—requiring that they exit with a C average or above.[11] CISP is not afraid of enforcing these conditions by holding youth back in the level system. For example, in one case, a client who was otherwise doing well was prevented from moving levels for over a month because he was failing in school.[12] Youth are additionally required to have teachers sign class cards, which certify that they attended and behaved appropriately in each class. Upon arriving at the center, the first thing youth must do is to show staff their class cards. If there are negative comments written by teachers, a youth may be given an in-house sanction.

Another part of the program's attempt to get youth to "taste success" is the assistance they provide for clients to find jobs. All youth participate in a Job Readiness Group that meets approximately twice a month. CISP eases its restrictiveness as youth move through the program, which allows them time to hold a job after school. Because of their connections to neighborhood organizations, CISP is able to procure jobs in community centers such as the Boys and Girls Club for most of the older youth who need to be employed. Staff report that they are also able to secure youth positions at McDonald's, Subway, and other fast food businesses with which they maintain connections and where they have former clients who are employees.

[11]CISP also helps older youth obtain their GED.

[12] In the Hill District Center, staff enforce the official CISP policy of sanctioning youth to detention for receiving two or more E's on a report card (CISP North Side Training Session), though my reading of several dozen case files suggests that this is not what occurs in the other centers.

Also, through individual mentoring, youths' Community Monitors can help clients seek out career and resume-building resources. One Monitor, for example, had his client apply for the City of Pittsburgh Mayor's Youth Council, which represents perspectives of the City's diverse youth. "Client seemed excited for the opportunity. We discussed this being an excellent opportunity for client to build his resume and this looking good on college applications." Similarly, this youth dramatically improved his grades, going from failing several classes to a 3.5 GPA for the second quarter, and a 2.473 GPA total for the year. The Monitor explained to him and his parents that he was only .03 away from being eligible for Pittsburgh Promise, a scholarship program that pays for four years of college in a Pennsylvania university for high-achieving, low-income youth. He explained to him the importance of bringing up his grades even further to be eligible for this opportunity. It is unclear from the files whether the youth was eligible or applied. In the meantime, he got a job working at McDonald's.

As a result of the program's "rules and relationships," it appears that youth who exit generally have fulfilled CISP's requirement of getting A's, B's, or C's in school.[13] Likewise, in the 50 or more case files I reviewed, this was the general pattern: youth coming into the program skipping school and/or failing classes, and leaving the program attending regularly and achieving at a higher level. The youth I interviewed also reported generally doing better in school. Several believed that CISP helped them with school through forcing them to attend and take their classes more seriously.

At the same time, it is unclear how much substantive progress they make in the program and whether this gives them marketable skills that will help them acquire stable employment. PD is a junior at The Academy, a charter school that is administered by the same private provider that

[13] While there is currently no data to show grades pre-and-post program, I am told it is starting to be gathered and I will be able to access it.

runs the court's other day treatment program. Describing his school, he says, "Basically it's like sitting in class for nothing. I mean you're still learning, but some of the stuff is just too easy." JL also concurs that school at The Academy is surprisingly easy. In some ways, he likes the Academy because in regular school, the teachers are trying to get them in trouble, especially when they see that a teen is wearing an ankle bracelet. This isn't true at the Academy. Because the Academy operates a Sanction Unit in the same building, "school be real calm," which he thinks is good in a sense.

But, in terms of the curriculum being offered, the classes are not high quality. "Some teachers make you earn your grade and some don't . . . do this crossword puzzle and call it a day." He adds, "Most of the kids make Honor Roll." Thus, at least for the substantial portion of CISP youth that attend this school, improvement in grades may not reflect real progress, and may result purely from the program's accountability measures that ensure that youth attend school and behave appropriately. Given the limitations of what they can do as a program, staff figure that, regardless of what youth learn in school or tutoring, the fact that kids are attending school and behaving better while they are in CISP will make it more likely that they will graduate and earn a degree (conversations with CISP POs).

The program encourages young people to think about their lives later down the road and discusses these issues in the Groups. When asked where they wanted to be in two years, my interviewees had pretty modest goals. WA, for example, planned to get a job working at the "The Craw," a local community center. A couple of the youth were more ambitious than this, though not surprisingly, like most teens, they hadn't constructed specific plans of how to pursue these goals. EG said that he "wanted to be something." WT aspired to be either a rapper or a

professional basketball player. [14] Several youth mentioned wanting to be employed and live in their own home. EG, for example, wanted to stay off the streets and remain active. His long-term goal was to "keep a house above my head." His father works in the construction business and he hoped to follow in his footsteps. Likewise, PD's goal was also to find work in his uncle's landscaping business and eventually to have a job and his own house.

JL initially hesitated to admit what he really wanted to do—research astronomy—and hadn't told his parents yet since they wouldn't believe that it is realistic. "I know we got all these planets out there. Why ain't we on them? Why ain't people landing on them when we have all this technology?" he curiously asked. Unfortunately, as he is entering the 12th grade at the time of the interview and his school does not offer coursework on astronomy, it is unlikely that he will be able to pursue this interest in his career.

Short-Term and Long-Term "Success"

CISP officials recognize that their program may only be helping youth at the margins and often does not have the intended long-term crime-reductive effect on behavior (interviews with John Harper and Horace Grace). In order to explain why short-term "change" often does not equal long-term "change," it is necessary to understand the intersection between the organizational ideology and practice of the BARJ juvenile justice system and the urban environment in which CISP take place. CISP operates on the assumption that it is possible to have a program that both uses the system's coercive power to insulate youth from outside influences so that they are forced to change, but also enables them to practice those strategies in

[14] Perhaps they were influenced by the Maleness to Manhood curriculum, which is geared to getting youth to think about what they need to do to be a full-grown man.

a “natural environment.” As some CISP officials recognize, there is a tension between these competing emphases.

The same techniques that are necessary to control behavior and create a safe environment in the program as well as protect the community—including intensive in-person supervision, electronic monitoring and the frequent use of sanctions—make CISP function in some ways similarly to the artificial environment of an out-of-home placement, the main site of behavior change under the old interventionism (see Appendix A) that most observers today believe was a failure (interview with John Harper; Krisberg, 2011; Miller, 1991). In some ways, the historic problem of out-of-home placement of translating short-term behavior change in an institutional environment into long-term recidivism reduction has now been transferred to a system of intensive community supervision.

CISP’s high level of structure and institution-like resemblance is no coincidence. This was part of the “reality” of urban life faced by CISP officials who translated the principles of the new interventionism into practice. The regular violence in CISP communities makes it necessary to create a safe zone in the neighborhood that works for everybody’s welfare and protects youth from this dangerous environment. Just recently, the newly formed North Side CISP Center had its van that was transporting youth to and from the center shot at, and this is not the first time events like this have taken place. Likewise, one of the clients recently threatened to kill a staff member after being sanctioned to detention, though he later apologized. Similarly, while I was conducting this study, several relatively recent former clients were murdered or charged with murder. Unfortunate events like these are enough to convince staff of the importance of solving the issue of safety first before attempting a rehabilitative intervention. Creating something of a bubble that protects youth from the streets and espouses positive

community values (McCrary, 2003) may also be what is necessary for youth to be stable enough to improve their behavior and do better at home and in school. Nevertheless, as staff recognize, when youth are no longer under court supervision and are back to living in the streets, the behaviors taught by CISP may not be practicable because of the violent and unpredictable nature of street life.

Carlton Johns is considered one of the "success" cases of the CISP program.[15] Since his graduation from the program in 2007, he has avoided further involvement in the juvenile justice system and has had modest economic success working with juvenile justice involved youth in his job working for the Allegheny County Human Services Administration Organization, the county behavioral health group. He has been chosen by CISP at several points to speak about his positive experiences in the program and administrators believed he would provide me information about how the program helped him.

Carlton was referred to court for robbery with a weapon and his case was originally heard in adult criminal court, where he was then decertified back to juvenile court. Perhaps because of Carlton's diminished culpability in the commission of the robbery, he was offered a Consent Decree, which allowed him to expunge his record immediately after completing the program. Had his mom not insisted that he be placed in the CISP program, he would have received regular probation supervision.

Like most youth who enter CISP, he had problems at the beginning and was "sent up," but he soon adjusted to the program and learned some of the techniques they were teaching him.

[15] One of the CISP supervisors I talked with objected to the use of the words "success" and "failure" when evaluating their program.

He bonded with his community monitor[16], the primary staff member responsible for his care, and this led him to learn and internalize the alternative strategies promoted by CISP for handling conflict in the program and in school. CISP, he believes, brought to the surface strategies for dealing with the work world that he had already learned from his mother. For example, unlike his friends, he had been taught that when you get a business call, you "stop the slang, perk up," and he also knew how to "put on a white voice."

Upon graduating from CISP, Carlton was asked to speak in front of an important group out of state about how the program had helped transform his life. CISP also helped him get a job working at the Boys and Girls Club, which he continued after the program. A few months after his graduation from CISP, he was asked to give a presentation to a group of boys in a program run by the Human Services Administration Organization (HSAO), the primary behavioral health provider utilized by Allegheny County. Soon after giving this presentation, they hired him as a full-time youth counselor; in this capacity, he is currently working with several youth in the CISP program as well as other non-CISP clients. Not surprisingly given CISP's direct role in his finding a job, he is adamant about how much CISP helped him. "I was shown another light. I was shown opportunity. Period." Before, he says he was looking at a "Do Not Enter sign" speaking metaphorically about the barriers to success for someone from his race and neighborhood. CISP, he believes, made that barrier go away.

While his story is suggestive about how the program can change a person's life, he is the first to admit that he was an atypical "luck case." He believes that several things came together for him: luck came his way, he says, and "I rode that." In particular, he was lucky to have already had some of the skills that CISP was teaching. Also, CISP recognized his leadership

[16] Each youth is assigned a community monitor, or a staff person who will serve as their mentor and is responsible for their safety and supervision.

capabilities and happened to need a speaker to promote their organization. Likewise, it was fortuitous that HSAO was looking to hire someone to speak to youth about the juvenile justice system. Last and certainly not least, because Carlton, unlike the majority of CISP youth, was committed on a Consent Decree, he was easily able to expunge his record after his case was closed. Otherwise, he would have had to wait at least until he turned 21. This would have been no small issue because, as he acknowledges, he would not have been able to secure the job that he currently has and might have been pushed into underground economic activity in order to make ends meet. He playfully says, "You know how hard it is to get a job with a record? Everybody want a job, but with a record. You might as well just get a lawnmower and start cutting grass . . ." If he had not been able to get a job after CISP, he would have been back on the streets and would have faced some stark choices. He says he knew how to be good and he knew how to be bad, but that being back in the same criminogenic circumstances would have been pushed him back to being bad.

While he has achieved some financial stability, his current situation and ability to remain law-abiding is tenuous according to his own account. He is protected during the workday because he has a job that takes him out of his neighborhood and usually spends a couple of hours hanging out downtown after work. He is "headstrong" now because he has a job, is his supporting his family, and hasn't been involved in the criminal justice system for four years, and all of the disputes he had from the past have died. Yet, he believes that the unpredictability of life in the hood makes his current success precarious. For example, just last week, while he was walking with some friends, he was shot by an errant round from a BB gun, but it could easily have been a real gun. He describes everyday life in the streets as " . . . playing hopscotch with your life." Carlton still encounters these situations because of the high-crime neighborhood in

which he lives; he doesn't make enough money to leave the neighborhood and is also trying to support his parents and siblings, which makes it difficult to leave. While he's in the neighborhood, he reports always being at risk of either being the victim or the perpetrator of a crime.

When I asked Carlton whether he would utilize the strategies for avoiding physical altercations that he learned in CISP on the streets, he was not so sure. He is not sure he would take the gamble of walking away, as CISP teaches, because then the other person would know he was scared of them. He would either have to avoid that person forever, possibly risk further victimization by this person or their friends, or get it over with and fight. The strategy he might take is to have a fist fight and get it over with, and hope that the other person doesn't try to kill him.

In sum, the precariousness of Carlton's "success" is apparent from his story. A combination of circumstances led to his being able to translate his CISP success into steady employment and staying away from the criminal justice system. His account is suggestive of how CISP might function to reduce recidivism when it does "work." In order to complete the program, CISP youth like Carlton have to learn new strategies that could indeed be relevant to living in a non-ghetto environment and holding a steady job. Nevertheless, once youth are back in the streets, the same techniques used to quell conflict and stay away from getting involved in petty crime are very difficult to apply because they contradict the strategies needed for survival in ghetto neighborhoods. The main lessons of CISP—learning the negative consequences of your actions and developing alternative strategies for dealing with conflict—may provide the tools needed for youth to code-switch and function in a work environment later in life (Anderson, 1999). But, unless clear linkages are made between the program and a job and a

future career—and, by extension, a set of circumstances that cultivate this "habitus"—these lessons on their own are not enough to keep most youth away from crime and the criminal justice system (Bourdieu, 1977; Milton, 2011).

"Productive Punishment" in Practice

As a result of CISP's intensive supervision and surveillance measures, the program uncovers numerous instances of misbehavior and responds with a combination of persuasive and coercive measures. As the last chapter explained, CISP tries to use both "rules and relationships" to teach youth core life lessons. The coercive aspect of the program is an attempt to enforce the "decent" values of the CISP community for the purpose of maintaining order and safety, but also to teach youth how to behave in this culture that differs greatly from the environment in which they've grown up (Anderson, 1999). The "negative consequences" that youth experience in CISP in response to noncompliant behavior are envisioned to mirror the harsh societal responses they will encounter if they continue to commit crime. Likewise, CISP's use of coercion is intended to teach youth better strategies for handling their emotions and dealing with authority figures inside the program, and hopefully once they've graduated as well. Kyra Johnson, for example, recognizes that, as a probation officer, youth view her as part of "the law," which affects how they relate to her as well as how she goes about her job. "All they think is, 'you're just trying to rock me. You're just like the po po.'" She tries to get them to, " . . . understand, since you see us as representative of the law, when you leave us, if you deal in society the same way you dealt with us you're probably going to be successful."

The dominant paradigm of "productive punishment"[17] does not go uncontested within CISP. While CISP does not appear to be an organization full of divisions and tensions, there is some disagreement between the therapists and community monitors, who work directly with youth on one side, and probation officers and the supervisors of each of centers on the other, who tend to emphasize community protection. One community monitor who was giving me a tour of a CISP center told me that she found it almost impossible to do meaningful therapy with the youth in part because of the punishment-oriented mentality of some staff. She tells the story of " a certain co-worker who would just lay into the kids verbally. I'm like you can't do that. So as I got to know this staff person I got to understand that he's very passionate about what he does and that's his personality, and he's talking to these young men like they're his children. And I'm like, okay I understand your passion, but you still have to speak to them in a manner that's respectful. And if you're yelling at me, I'm not listening to nothing you're saying. You're actually escalating me." She believes that there are other approaches other than punishment for handling disorderly behavior, but the program's traditions of punishment win out, and she is left in a situation of trying to use the sanctions and other punitive responses as teaching moments, which she finds difficult to do.

Likewise, another staff member at a different center remarked as soon as I told him that I was interested in understanding CISP's effect on real lives that it was much more punitive than he thought it would be. He had done his bachelor's degree at a well-known university, majoring in Psychology, and applied to work at CISP because he thought he would be able to put into practice some of the principles he learned in college to help youth in trouble. However, he found

[17] This is a term I developed to describe officials' acknowledgment that sanctions are viewed as punishment, but the belief that the right forms of coercion can support the treatment goals of intensive supervision programs.

that the program was really much more about punishment. He further explained that he continued to work there only because it was a job and he had a family to support, not because he thought he was helping youth.[18] Thus, there is variation, at least privately, in how CISP officials view the program and far from perfect consensus that the program's frequent use of punishment is productive for youth. This tension between productive punishment and pure punishment was also clear from youths' accounts of their experience of coercion in CISP.

For clients, the program represents a major life change. Because some youth have been involved in serious delinquency and the program houses rival gangs in the same center, staff constantly have to police youths' body movements. For example, I observed a client cleaning up in the kitchen after a family support session. As another client went to help him put food away, a staff member intervened, telling him to do something else. This staff member explained that they were in rival gangs and that it was dangerous to let them be unsupervised together in the same room. This stringent control of every body movement is complemented by the frequent use of in-house sanctions for small behavior infractions, which are referred to informally as "stay lates." As the name suggests, these generally consist of having youth stay late after the program is over to do extra chores. For example, one youth I observed at the Happensburg Family Support Night was required to stay for additional cleanup duties as a punishment for refusing to do his community service earlier in the week. Likewise, other youth were given stay lates for minor violations such as disrespectful talk and wearing sagging jeans.

Operating in an atmosphere of intolerance of crime, especially in the schools as well as in CISP neighborhoods, the program responds harshly with sanctions to detention for behavior that

[18] These comments came without my questioning them about the punitive and therapeutic aspects of CISP and were volunteered right away. Perhaps, staff had been advised about my project and were trying to feed me what they thought I wanted to hear, but their comments must have also represented discontent about the way the program currently operates.

they believe puts the community at risk. The sanctioning patterns I observed in my reading of several dozen case files reflect the program's belief in the importance of 24-hour supervision and surveillance. Not showing up for the program will usually result in a youth receiving a detention sanction or a 7-day wilderness program sanction, which PO Kyra Johnson says "takes the cake" in terms of the level of shock value sanctions have on the youth. Similarly, electronic monitoring violations almost always result in an out-of-home sanction.[19]

Not having a functioning phone line is also considered a sanctionable offense because it means that youth cannot be electronically monitored. For example, as soon as staff discovered that the power was out in fourteen-year-old John's house, they placed him in Shuman Detention Center. After a brief period of being released in which staff caught John playing on the street outside of his house, he was sanctioned to almost two weeks in detention. Similarly, HM was sanctioned for missing the school bus, even though he walked directly to school. He was told that the reason he was being sanctioned was that the program did not consider it safe for him to be in the community.

The program similarly responds harshly to drug use. CISP randomly drug tests youth two to three times per week, and because of this high level of surveillance, clients are deterred from using drugs, and only approximately 3% of youth test positive at any one point (1997, 2009 CISP Annual Reports). Youth are clearly aware that, should they test positive, that there are severe consequences, including short-term Drug & Alcohol placements lasting 30 to 90 days for even a first or second infraction (interviews with CISP staff).

Due to policies such as these, youth—who are used to being in charge of their lives and are often in rebellion against adult authority to begin with—have to suddenly adjust to being told

[19] In six case files I read in-depth, which included a range of clients' experiences with sanctioning, 13 out of 14 electronic monitoring violations resulted in sanctions to detention.

what to do all the time. It is a shock when they are all immediately placed on electronic monitoring ankle bracelets, which are clearly visible as a bulge underneath their sock and pants, and are also required to have their heads shaved. Likewise, clients must have their shirts tucked in and wear a belt at all times, both in school and while they're in the program. They are required to address teachers and staff as "sir" and "ma'am." In response to these restrictions, a few of my interviewees believed that one of the hardest things to get used to is "answering to somebody." One youth, for example, said that the most difficult part was, "Having to let staff yell at you for nothing without being able to say anything back, being sanctioned, being shackled." Likewise, another found it challenging to get used to addressing CISP staff as "Yes, sir," "No, sir."

Several of the youth told a similar story of acting out at the beginning and resisting what they viewed as the arbitrary authority of CISP, but then calming down and "realizing where I'm at." As this story line suggests, many CISP clients are sanctioned in their first few weeks, whether to a stay late or to secure detention.[20] For example, AZ, who by the time I interviewed was two weeks away from being released and had become a model CISP graduate, had major problems at the beginning of the program. In his second week, he was given a 3-day sanction for an electronic monitoring violation and then a 7-day wilderness program sanction for having dirty urine the next week. A few weeks later, he was given a stay late for inappropriate use of a computer, another for not having a belt, and another for not having a class card confirming his attendance and good behavior at school. While he received one more detention sanction for

[20] Staff, likewise, report trying to get youth used to the program from the start and being on guard for signs that a client is not conforming. They are looking to send a message right away to those youth that they are no longer in charge and that the strategies that they learned in the streets such as resolving conflict through yelling and fighting are not going to work in the program.

possessing marijuana a few months later, his number of detention and in-house sanctions subsided, which I'm told is the pattern for many clients.

Staff report that it is common for some youth at the beginning to try to avoid interacting with staff or other youth, thinking that they can get through the program without having to change their attitudes and behavior (interview with Ms. Kitt, community monitor). They therefore sometimes use confrontational approaches to try to challenge young people to make them reveal more of "who they really are." Staff argue that this approach is necessary so they get to know youth, understand their weaknesses, and can help them improve. For example, KP, who was in his fourth week of the program, told the story of how, while he was sitting in one of the Groups not paying attention, a staff member came over to him and started making fun of him for being in CISP. Then, when he got mad and they took him to the Supervisor's office, they told him that they just wanted to see how he'd get when provoked. According to his account, they said, "You got real low self-esteem. You get mad too quick."

While some youth come to the center thinking that they are in charge and don't have to listen to or engage with staff, others such as David, have already learned from their parents how to be polite and to take part in the CISP culture. But, in CISP, even these youth often encounter problems with staff at the beginning. David came to the center talking to staff as "yes sir" and "no ma'am." Yet, this was not enough, and he still found his behaviors being scrutinized and punished. His mother related, "Ms. Kitt, oh yeah, she called me and talking about, you need to tell your son how to talk to adults. I'm like he knows how to talk to adults, what are you talking about? She's like uh huh, you need to talk to him." For demonstrating better behavior, youth receive privileges such as "windows" to spend outside of the program. As David's mother notes,

"it's an earn program." In this way, youth are constantly being scrutinized, evaluated, and punished and rewarded for how they talk, move, and react to the situations produced by CISP.

KP is the only interviewee so far who is in the beginning stages of the program, which should be remembered when considering his responses. He was very upset and broke down crying halfway through the interview. He believes CISP is "like being in prison but you can go home and sleep in your own bed," and complains that the program has disrupted his life, claiming that he was on a successful track. CISP changed all that, he says, since now he can't hang out with his friends and launch his career as a rapper. Furthermore, he disliked being forced to get "an 80s box cut" or risk being brought back before his judge. He was in the process of grappling with having to adjust to CISP rules and had been sanctioned to detention three times in his first three weeks in the program. For these reasons, he says CISP "ain't making me mad but it's making me feel in some kind of way like they're keeping me hostage in a hole or something like that."

Part of his opposition to CISP is that he doesn't believe that the staff are there to help him, and this belief is tied to his perception that staff are just trying to provoke him into getting angry. "It just seems like they're treating us like we're dogs. I mean they tell us what to do but you gotta listen to what the staff and the PO says, but they be overdoing it for real." He continued, "the people they have on the walls for making their levels—half of them are killed and half of them went to jail. I don't want to be like that." "The only thing I want to be is successful," which he claims is the track he was on before being adjudicated delinquent for car theft.

It is hard to know what to make of KP's resistance to CISP. His experience at the beginning is similar to the difficulties that many youth experience when they give up the "freedom" that they formerly had before their commitment to the program. The other youth I talked to, who

were further along in the program, recounted having similar experiences where they initially believed CISP was against them, but then came to have a different perspective by the end of the program. AZ, for example, once believed that CISP staff were "rocking him," a common expression used by CISP youth for being treated unfairly. When I interviewed him, he was getting out of the program the next week and definitely didn't view CISP staff as "rocking him" anymore.

Likewise, while JR, who was also about to be released, criticized some of the probation officer's use of sanctions for minor program violations, he noted, "I don't think it's fair, for real, but the real outcome of it is he's just doing his job." In a sense, this represents one of the lessons that CISP staff want youth to learn from the program: how to understand the perspective of staff who are just doing their jobs, with the hope that the strategies that they learned for controlling their emotions would help them deal with authority figures in school and at work.

The Thin Line Between Productive and Pure Punishment

Juvenile delinquency stems from a multiplicity of individual, family, peer, and neighborhood risk factors (Loeber & Farrington, 1998; Welsh & Farrington, 2006; Wikstrom & Loeber, 2000). Yet, one of the most common findings in past and present research is that crime stems from a certain frame of mind: a sense of being looked down upon and poorly treated by parents, school authorities, and especially the police and the courts, and a decision to say "fuck it" (Milton, 2011; Duneier, 1999). This sense of common plight and poor treatment by the adult world is often what brings "gangs" together and encourages them to enjoy, without constraint, the feeling of power and the rush that they derive from committing crime (Thrasher, 1927; Katz, 1988). Probably the most famous delinquent displaying this attitude was Stanley from Clifford Shaw's

(1930) The Jack-Roller, who maintained the idea that people were looking down on him and he was being persecuted, even by the families and custodial institutions that were ostensibly trying to help him. Importantly, Stanley's defiant "definition of the situation," in combination with the actual rejection and poor treatment he received in society, prolonged his delinquent career.

Likewise, in his recent ethnographic work of justice system-involved youth in Oakland, CA, sociologist Victor Rios (2011) found: "It seemed, in the accounts of the boys, that various institutions were collaborating to form a system that degraded them on an everyday basis. As such, these young men's understanding of their environment as a punitive one, where they were not given a second chance, led them to believe that they had no choice but to resist" (93). As mentioned, the CISP intervention exists in the context of the increased presence of the police and the courts in the lives of disadvantaged African American youths in Pittsburgh (Alexander, 2010; Vera Institute of Justice, 2002). Like Rios, I found that CISP youth sometimes believed that they were being unfairly treated and punished severely for minor offenses.

For example, two respondents, JR and AZ, talked about their experience serving a 7-day Wilderness Camp sanction as a result of noncompliant behavior in CISP. At the sanction facility, they had to be extremely careful that they didn't do anything wrong that might get them extended, something that happened often. This was a problem in part because youth who were sentenced to the Camp program for a longer period were mixed in with the "7-day youth," and would try to provoke CISP clients into breaking the rules. According to JR, "They'll extend you in the blink of an eye, they'll give you another thirty days. Small stuff like not doing your work in school, not cleaning up. They'll nail you for anything." When I asked him if it was like that in CISP, he said it usually wasn't but it was now that they have a new PO. AZ, who attended a different center, however, denied that CISP was like Wilderness Camp.

On one Family Support Night, CISP invited the former Pittsburgh Police Chief Nate Harper to give a presentation. While I did not attend this particular event[21] and do not know what the speaker said, HM interpreted his message as being that police were going to be even tougher and "get you for minor offenses." He likewise described being stopped repeatedly by the police and patted down for no reason. HM later told me, "They'll get you for anything, the smallest thing," specifically talking about the Happensburg CISP staff. Throughout the interview, HM seemed to conflate the police and CISP and believed that the criminal justice system in general was out to "get him."

Another example of youth perceiving the criminal justice system as treating them unfairly is OS, who reported being jumped by a group of people while in school. When a teacher tried to break it up, he accidentally hit her and she decided to file a complaint, which led to his commitment to CISP. In this situation, despite CISP's intent to convince him that he was a victimizer not a victim, he still views the entire situation as unfair. "No, I really don't think it's fair because I was the one getting jumped." In terms of the actual CISP program, OS doesn't feel it operates unfairly and doesn't believe the other youth in the program, who think that CISP are "rocking them." He has only been sanctioned one time and seems to be trying to get through the program as quickly as possible.[22] He thinks that the criminal justice system is "getting really stricter" and he doesn't want to be a part of that. Concluding our interview, when I asked OS if there was anything he wanted to add, he said: "Even though like we got in trouble and stuff don't view us as criminals cause some of us like don't belong here. Cause I don't belong here." Although youth like OS may necessarily learn to speak the CISP language and deal better with

[21] However, I did see Police Chief Nate Harper speak at a different event and this was not his intended message.
[22] However, this same youth was almost sanctioned to detention for displaying disrespectful behavior toward staff several days after my interview.

the consequences of their actions for the short-term, they may also leave the program believing just as strongly that they were treated unfairly and that teachers, police officers, and judges are "against them."

As these responses illustrate, "productive punishment" in CISP is necessarily part of a larger story of how young people view the authority and power of the criminal justice system as a whole, including the court and the police and the schools, as well as their program. In this context, CISP's emphasis on immediate "consequences" for noncompliant behavior risks contributing, albeit unintentionally, to youths' perception that "everyone is against me," potentially leading them to resist or ignore the efforts of staff to get them to "change." In other words, there is a potential interaction between the punishment strategies adopted by a BARJ juvenile justice system geared towards short-term change and community protection and the wider social environment in which the intervention takes place.

As past and present research has shown, juvenile reform institutions often function more to generate conformity than to promote long-term skill development and recidivism reduction (Bortner, 1997; Miller, 1991; Krisberg, 2011). In the majority of cases, youth conform and show "progress" or "change" (Chávez-García, 2006; Myers, 2006). But, in reality, this short-term progress might bear nothing on whether a youth actually changes his or her attitude and develops skills and strategies that will lead to long-term improvement. It is well known that a certain percentage of youth are just trying to get through the program and have no intention of changing. This "fake it to make it" approach, also sometimes referred to by officials as "getting played," is apparently common in CISP. Sometimes, these youth are clearly identifiable because they haven't changed their talk or behavior (interview with CISP staff member, Ms. Kitt). In other cases, it is a surprise when "good kids" end up right back in court on a new offense after

graduating, despite their positive behavior in the program. Other clients respond to the program's high degree of intensity by not showing up or cutting off their electronic monitoring bracelets and going on the run. According to JR, what explains this is "peer pressure. Some people just can't handle it. Some people just make poor decisions at home and know that they're going to have to face the consequences here. They just don't feel like dealin' with that."

When I first walked into the Happensburg CISP Center to conduct an interview, I was surprised by how empty it was. Since I had come a little early and the youth were out doing community service, I assumed this was normal. Nevertheless, in my conversation with the probation officer, I learned that only six youth were expected. While Happensburg is the smallest CISP center, it has averaged approximately 15 to 20 youth at any one point since its founding in 2001 (conversations with CISP officials). According to official court documents, there were 16 boys on the PO's caseload. In other words, at the time of this research, 63 percent of the youth in the program had failed and most of these youth were in some form of detention. I later found out that the majority of the youth who were not in the center either had cut off their monitoring bracelets and were on the run, or had been committed to out-of-home placement---the majority for cutting of their anklet bracelets and committing crimes while AWOL from CISP.

Just eight months before, a CISP graduate had been killed. Even though he had reportedly cleaned up and become law-abiding, an old "beef" he had with somebody from his past led that person to murder him. This was understandably too much for the long-time Happensburg PO to take, and she suddenly quit after his murder, after which they reassigned the Drug and Alcohol Therapist to be the new PO. According to one of the community monitors I talked to, this transition drastically changed the functioning of the program. He noted that, while the former PO was friendly and got along well with the youth, she could also "hold them

accountable," and implied that the current probation officer was failing to perform this task. A couple of the youth I talked to had a different interpretation, however. One said that, "he's been trying to make a point that he's not playing." Another youth echoed this point. Regarding the former probation officer, "she didn't play around either but she wasn't so uptight, really strict."

CISP officials insist that the events in Happensburg do not usually happen and report that the PO was eventually able to earn the trust of the youth and they're no longer experiencing this problem.[23] However, this chain of events, while extreme, is not a complete anomaly. Another CISP PO at a different center reported having to "crack the whip" at the beginning by sanctioning youth and sending them to out-of-home placements for violations that would receive a lesser response now that he has established his authority. Something similar to the events at Happensburg appears to have happened when a new CISP Center opened in the 2000s. Six clients went AWOL between September and January of the year in question. Of the 24 clients listed in the program in January, 42% had either gone AWOL or were in residential placement. As the Center got more established, they seem to have gotten better at winning youths' trust and keeping them in the community and attending the program. In the following year, of the 20 youth in the program, 17 were actively attending. Still, youth going AWOL from the program is clearly a major problem. At the Graton Center, which was one of the centers originally established in the early 1990s, 30% (4/13) of their clients had gone AWOL in March 2013.

These events illustrate the importance of the personal relationships established between CISP staff and youth clients. CISP officials put a big emphasis on the relationships they develop with youth, rather than the coercion per se, as the main force that keeps youth from going on the run (interview with John Harper). In the context of the constant surveillance CISP youth undergo,

[23] In fact, this PO was given an award by the court for showing improvement in his ability to retain youth in the program.

small changes in the staffing and programming can lead to large changes in how youth experience and respond to being in CISP: whether through real change, fake it to make it, or outright resistance. Thus, at the micro-level of program decision-making, there is a very thin line between punishing with a purpose and being perceived as unfair and generating resistance to "change."

Child Saving in the Get-Tough Era

Especially over the past two decades, the juvenile court increasingly functions in the context of stark race-based inequality. Black youth are grossly overrepresented among juvenile court referrals. In the Allegheny County juvenile court, 68% of youth referrals in 2009 were African American, compared to 13.2% of the county population (2009 Juvenile Probation Annual Report; 2010 Census via www.socialexplorer.com). Disproportionate Minority Contact (DMC) in Allegheny County increased in the late 1980s and early 1990s with the rise of crack-cocaine related violence in urban, black communities, and has continued to rise in the late 1990s and 2000s, even as the influence of crack-cocaine faded. Whether DMC is a result of differential rates of criminal offending, the over-policing of black neighborhoods, court decision-making or most likely a combination of all of these factors, juvenile justice officials are confronted with the stark reality of the combined effects of many forms of race-based disadvantage among youth referred to court.

CISP is very much part of a system that reserves the most severe sanctions for African-American youth. Youth placed in CISP automatically receive electronic monitoring, whereas youth living in non-CISP neighborhoods, who are more likely to be white, receive the Academy Day/Evening Treatment program, which does not include this punishment. While CISP youth

are mandated to complete 100 community service hours, Academy youth only do 50 hours of community service work. Similarly, as I have demonstrated throughout this research, CISP is also fully part of a court system that is increasingly oriented toward both short-term community protection and early intervention. CISP was initially a product of the diversionary rationale of the juvenile court and, specifically, the goal of avoiding unnecessary incarceration of minority youth (Rothman, 1980). The program, which used to serve primarily repeat, serious offenders, now contains less "serious" youth, and it is increasingly utilized as a supplement, rather than an alternative, to out-of-home placement (see Chapters 4 and 5). These are all issues that bother some CISP staff, who view their program as doing good, in spite of the constraints placed on them by administrative court policies.

In particular, the major barriers that CISP youth face in turning short-term behavioral "change" in the program into long-term success—in part due to the system's emphasis on community protection—are not lost on staff. During Family Support Night, one of the issues that repeatedly comes up in discussions between speakers, CISP staff, and parents, is how program youth are supposed to find employment with a legal record of delinquency. As staff acknowledge, a record of delinquency matters even more because of recently adopted court policies that make them available to most private employers or, indeed, virtually anyone who inquires. Even as youth show positive signs of being able to turn "tasting success" into "making success," staff know that the simple fact of having a criminal record may be enough to completely wipe out that progress (conversations with CISP staff and non-CISP POs) (Pager, 2003).

The situation of a CISP youth whom staff considered one of the best behaved and most promising in the program illustrates the intractability of the problem. The police had caught

Thomas with a gun on his way to shoot a person who had threatened to kill him. This was his first referral to juvenile court and his parents believe that peer pressure was responsible for getting him involved with crime. Thomas was a star football and basketball player, and several well-known universities had expressed interest and offered him scholarships. He is about to be released from CISP and recently turned eighteen, and his parents are looking to have his legal record expunged so that he can get into the military or a university. Because his crime was a response to threats made by another youth, he was only adjudicated delinquent of a misdemeanor offense, but the fact that he had committed a gun crime made the situation more difficult. His mother believed, "It's not fair. I mean I know it's a bad thing, I know he shouldn't have had a gun. But for a child who felt like he had to defend hisself because his life was threatened, to suffer behind that the rest of his life is so unfair." His mother had served in the Air Force and was encouraging Thomas to go into the military, but his record of delinquency made it unlikely he'd be admitted.

At the time I interviewed her, Thomas's mother was amassing evidence that she hoped would help convince her son's judge to expunge his record. "I've gotten the letters from the coaches, I've gotten his certificate where he was selected to all conference . . . recommendations from his football coach and one letter that came from another coach from another team that thanked him for being such a sportsman." Given all of this evidence and the fact that she happened to know the judge personally (and had previously been offered a job by her), "I think I'm going to persevere."

For their part, CISP staff try to be realistic in explaining to parents just how much a delinquency record will affect their children's lives; they generally sympathize with how difficult it is for youth to find employment after being adjudicated delinquent. For example, at one

Family Support Night, the staff member facilitating the session acknowledged, "It's a form of discrimination." He explained to parents, "You have to assume that your employer is not going to forgive your felony. You better have a lot of credentials to try to smother that felony." Those credentials, of course, are precisely what CISP is supposed to help youth attain by compelling them to do better in school and getting them employment experience. Thus, while CISP officials are necessarily involved in a legal process that stigmatizes youth and has negative effects on their employment prospects, they can still point to their program as providing an intervention that may help to counteract these forces.

In sum, CISP officials, like the "black child savers" of the past, were bothered by discriminatory treatment in the court and the wider society, but remained focused on using juvenile justice resources to get "their youth" functioning better so that they were prepared to seek inclusion in conventional social and economic institutions (Ward, 2012). In creating their own more individualized therapeutic programs for urban black youth, CISP officials were similarly trying to save their children from a life of crime as well as the "slavery of iniquitous justice systems" (Ward, 2012: 127).

Partnership with The Community: Ideals and Realities

The creators of BARJ (Maloney, Romig, and Armstrong, 1988) supported partnerships with the community mainly because they would provide a more effective rehabilitative program, but also because they would give communities a voice in how the juvenile justice system works. One reason that there has always been a large gap between the promise and reality of the juvenile court is that its proper functioning depends heavily on the personalities and abilities of a few local judges and probation officials. The granting of great discretion to court officials exposes

both the strengths of some officials, such as the famous Judge Ben Lindsey, and the weaknesses and corruption of others such as the judges in the recent "kids for cash" scandal in Luzerne County, PA (Ecenbarger, 2012).

BARJ's emphasis on community partnerships was partially a response to this checkered history and was intended to ensure greater system accountability. Restorative justice specifically sought to return the power to make punishment decisions to the individual victims and communities victimized by crime, who were often ill-served by the decisions of unregulated court officials. Likewise, BARJ supporters specifically sought out the input of community members to improve the legitimacy of the juvenile court with the outside community. The main proponent of BARJ, Dennis Maloney, thus wrote: "One thing is certain. Negative attitudes towards the juvenile court will not change until citizens participate in a meaningful way in the juvenile court system."

In theory, CISP's hiring of community members provides the potential for the court to receive feedback on how well the juvenile justice system works for and is perceived by the inner city, minority residents that the court disproportionately serves. For a variety of reasons though, CISP officials report not being asked their opinion on administrative court policies and are generally not well organized to communicate their positions with administrative officials. Although CISP staff may disagree with many court decisions, there is currently no consistent forum in which they can voice their opinions.

Recently, for example, certain judges have been imposing massive restitution requirements, requiring youth to pay for the full value of the property they damaged rather than putting a reasonable cap on this amount and assuming that insurance companies would pick up the remaining balance, as was commonly the practice in the past. In a recent case of a youth

committed to CISP, the Judge ordered that he pay $37,000 in restitution, which was much more than he could ever make in CISP and possibly enough to keep him in debt to the government for the rest of his life. One high-ranking CISP official told me that some of his ground-level staff were angry about this decision[24], and they argued about it. While he can see their point about how over-the-top this punishment was, he points out: "I kept telling them, well, he shouldn't have stolen the car ok? Right?" Organizationally, the need for youth to immediately change their behavior or risk their lives appears to be the perspective that justifies CISP, even if many officials openly question the policies of the court and the police that work against the integration of their youth into conventional society.

As a result of the current arrangement between the juvenile court and CISP, the administrative policies of the court are not informed by the experiences of ground-level officials who are familiar with the perspective of their youth clients and how the court's programs work in practice, and this may work to the detriment of CISP and the court. Recent administrative court policies, which are geared specifically to improving the system's community protection capabilities, are exactly the kinds of changes that might be perceived as punitive by youth. Some CISP staff worry, for example, about the implications of placing twelve and thirteen year olds in such a highly structured program, a trend that has become more common in recent years (interview with John Harper). Regardless of how young or "low risk" a client is, he will be treated like all of the other youth in the program and exposed to the full range of sanctions for noncompliant behavior.

[24] It is not just this decision though that is the problem. There have been several cases in recent years of CISP youth being assigned excessive amounts of restitution. For example, in March 2013, a Homewood youth came to the program owing $20,663.27 in fines and restitution.

In general, CISP believes that they can help all youth to improve their behavior regardless of the offense for which they are referred. Even so, not being able to control issues such as which types of youth are referred to them may affect their ability to run a successful program. As I have argued, productive punishment relies on staffs' ability to form personal bonds with delinquent youth. These relationships may be more difficult to cultivate under conditions of perceived unfairness, where, in order to earn the trust of clients, staff sometimes have to openly admit to their youth that a solid portion of them were committed to the program for "minor things" (observation of Happensburg Family Support Night, Summer 2011).

The CISP officials I talked with also expressed concern at the racially disproportionate system of which they were a part. Several suggested to me that all youth in day treatment programs, regardless of where they live, should receive the electronic monitoring that until very recently was only mandatory for CISP youth.[25] Others complained that the court processed white, suburban youth very differently from their youth for the same offense. Along these lines, one CISP PO suggested that many of the youth in their program might not have even been placed on regular probation, which is much less intensive, if they were white and living in a suburban neighborhood. Others were critical of administrative court officials' reliance on racial stereotypes in general and wanted to hold a court-wide staff training to try to address this issue. Still other complaints centered more on the racially disproportionate effect of supposedly race-neutral court policies on disadvantaged black youth such as the move toward making delinquency records more easily available to employers and other outside parties.

While CISP officials involved in the court's Disproportionate Minority Contact reduction initiative have instituted reforms meant to hold certain police officers who use excessive force

[25] A new day treatment program operating in non-CISP neighborhoods now requires electronic monitoring.

and who racially profile accountable, in practice, they have limited power to affect the police. This point was drummed home recently at a Family Support Night that featured then-Chief of Police, Nate Harper.[26] A couple of years before, Jordan Miles, an 18-year-old was brutally beaten in Homewood by police, sustaining major face injuries, because he supposedly looked suspicious. The officers, who were on trial, were actually soon reinstated in the department and even received several police awards. Chief Harper, himself African-American, claimed at this event that he did not have the ability to have the officers fired, though he admitted that this kind of brutal beating should never happen. But he maintained that Miles should not have run from the police and this was one of the main messages of his talk. "Who is in control of interaction with the police?" he asked, following up with an answer: "you are." Some youth did not appear to accept this message though. One asked, "What if you get shot by the police for no reason?" and several youth interjected similarly skeptical questions. Similarly, a CISP employee told a story of how when he was growing up in the 1990s in a CISP neighborhood, he was regularly thrown up against a car and officers would stick a gun in his mouth. Several staff chimed in with similar though less dramatic stories.

In part because of CISP's lack of power to change police behavior and court decisions, they are focused on teaching youth to respond better to these unfortunate situations. Discussing youths' response to the police, one Community Monitor opined: "We've seen a lot of kids run and get killed. You know they end up shot in the back (of the head) and they (the police) come up with this elaborate story, and okay, you can't tell your story because you're dead." She's trying to teach them, "There are certain questions you ask. There is a certain mannerism, you

[26] Chief Harper recently resigned over allegations that he inappropriately used public funds for private use.

have to be calm, on the defensive end, just go through the process. So they're taught how to carry themselves in that situation even though that situation comes way too often . . ."

Conclusion

In sum, CISP excels at achieving the new interventionist goal of protecting the community and orchestrating immediate behavior "change." Somewhat understandably, CISP and administrative officials operate on the assumption that the same strategies that work in the short run will affect youth in the long run and lead to reductions in subsequent delinquency. CISP's partnership between the court and the inner-city communities most affected by violent crime has the potential to create stronger relationships between youth and court officials. It also holds the promise of promoting and sustaining "decent" values that already exist in these communities and giving a voice to once-disempowered parents (Anderson, 1999). These qualities make CISP a promising intervention for delinquent youth and a more effective one than sending a youth to institutional confinement or placing him with a probation officer with whom he rarely interacts. Likewise, the changes in behavior that CISP youth undergo while still living in the community are real and concrete improvements and hold the promise of leading to reduced crime.

Nevertheless, the violent environment in which CISP operates forces the program to adopt surveillance measures that essentially insulate youth from delinquent peers and other negative neighborhood influences. Although CISP youth formally reside in the community, in practice, the program in some ways replicates the artificial environment of a reform institution. Likewise, while sanctions and other punitive responses to noncompliant behavior may necessarily engender better behavior while youth are in the program, it is not known how youth

will respond once they are without their CISP super-parents. As the case of Carlton illustrates, the program's success in having a long-term impact relies on the program's ability to connect youth to the situations in which the behavior strategies that CISP teaches are functional. The program, therefore, may help certain youth—who already have the social and cultural capital necessary to find educational and employment environments in which these behavior strategies can thrive. Nevertheless, as some staff acknowledge,, CISP generally does not live up to the ideal of orchestrating long-term behavior change for many if not most youth, even if it does help certain youth at the margins to build competencies more effectively than the old interventionism or the new penology.

CISP may also unintentionally contribute to the tension between young people of color and the "youth control complex" of teachers, judges, and police officers who punish them for "minor things" (Rios, 2011). In this distrustful climate, the same punishment-oriented techniques that work for short-term behavior improvement may engender a "fake it to make it" approach, where youth don't really commit to changing their behavior. Alternatively, CISP's surveillance and frequent use of punitive sanctions may engender outright resistance, as illustrated by the large number of youth going on the run from the Happensburg Center in Summer 2011. CISP relies in large part on the relationships that staff develop with youth to keep their attention, but the program's therapeutic efforts may be thwarted both by aspects of violent neighborhood environments in which youth reside and court policies not under the control of program administrators.

We might ask how much it matters whether or not CISP "works" to reduce the prevalence or frequency of long-term delinquent behavior. Importantly, CISP and day treatment programs in general did not spread because of any evidence that they were effective in

rehabilitating. Rather, they were first developed because of their ability to achieve the goal of immediate behavior change in the community. Even so, part of what distinguishes the new interventionism from the pure surveillance and incapacitation approach of the new penology is the supposed connection between short-term behavior change in the community and long-term recidivism reduction. Along these lines, the CISP officials I spoke with, expressed a strong desire to do whatever it took to help "their youth" do well, including modifying current practices and programming. They are very much against just playing the role of being a cheap form of community protection for the court. Thus, if partnership with the community under BARJ means taking the views of community members seriously, the issue of whether CISP is effective at reducing recidivism is central to whether the program is worth doing at all (observations from North Side CISP training, 2011). Until more quantitative and qualitative data is collected though, it is an open question whether the program achieves this important goal.

My findings suggest that whether or not the program is effective in the short-term and the long-term will be a complex result of the interaction between the CISP therapeutic approach and staffing quality and the organizational environment of juvenile justice in which the program operates, as well as the neighborhood circumstances in which the youth reside. Given the persistent violence of CISP neighborhoods, implementing an intensive intervention program is necessarily an unpredictable and messy business. A finding that the program works at one point in time might need to be seriously revised within a couple of years due to changes in the overall context in which CISP functions. Likewise, whether or not CISP works may depend on the exact combination of staff and the neighborhood dynamics of each of the six CISP centers.

Even with much-needed social science evidence to guide decision-makers, there will always be the somewhat open question of how BARJ officials in the new interventionist juvenile

court should use their wide discretion to achieve the goal of short-term community protection in a manner that also fosters long-term "change." An equally pressing issue that often does not get addressed is how to perform an intensive community-based intervention that does not alienate youth and reinforce their sense of being treated unfairly by school and legal authorities. The working assumption of the new interventionism is that CISP's ability to foster short-term behavior improvement and temporary incapacitation in the community will pave the way for long-term recidivism reduction. While plausible in theory, this assumption should not prevent a meaningful dialogue between the court and community members on the possible ways in which the new interventionism's intrusive behavior change techniques can unintentionally do harm to young people living in disadvantaged communities (Rothman, 1980).

Conclusion

Final Thoughts on BARJ and the New Interventionism

In the end, what can we conclude about BARJ and the new interventionism? Should these new strategies of formal social control be celebrated as a novel way to respond to increases in violent youth crime and greater societal fear of youth offending that avoided the mass incarceration of the adult system? Or should they be viewed through a more critical lens as resurrecting many of the historic problems that the old interventionism's aggressive use of state resources made salient? Or did something different happen that requires a more nuanced interpretation? Given the recent nature of the new interventionist reforms, our answers must remain tentative.

One can modestly conclude that the new interventionism was, in fact, a much more effective system of achieving court officials' goal of short-term change in the community than either the old interventionism or the new penology. There was not such a glaring gap between the ideals of reformers and the reality of how the system worked, as was the case with the Progressives. True, BARJ reformers were arguably substantially more effective in achieving the more tangible and measurable goals of community protection and victim restoration than they were for youth competency development. Yet, even in this latter category, I argue, there was good reason to think that they had created a more effective system than in the past. The new interventionist juvenile justice system promised short-term "behavior change" in the community, not rehabilitation per se, and they were largely successful at achieving this more limited mission.

It would have been possible for the BARJ juvenile justice system to achieve the goals of immediate community protection, youth competency development, and victim restoration in an institutional environment. This would have been the sure-fire way to incapacitate youth and to ensure that they underwent a behavior change. By contrast, officials operating under the new interventionism were committed to serving youth in the community, and viewed the intensification of probation as a way to meet their goals without having to remove large numbers of youth from their home environments. How effectively, then, were officials able to keep youth in the community under this more intensive system of coerced behavior change?

Unlike the experience of adult community supervision with intensive probation programs, the juvenile justice system's increased power to monitor behavior in the community did not inexorably lead to more confinement. There was a more complex relationship between increased intensity of program and rate of failure than what was experienced in the adult Intensive Supervision Programs (ISPs) (Petersilia, 1998b; Grattet et al., 2009).[1] Under the new interventionism, the issue of intensive supervision leading to greater detection of noncompliance and then residential confinement was a problem, but was not nearly as big a problem as in the adult probation system. Unlike adult ISPs, the main way in which the juvenile intensive treatment programs maintained control of behavior was through in-person adult supervision of youth. Having a rich array of therapeutic resources in place to provide this monitoring function, as well as a variety of graduated sanctions to reinforce efforts at supervision, makes for a different situation than that of adult probation and parole officers supervising men with mainly

[1] Numerous studies have found that, in the adult system, intensifying community supervision, primarily through greater contact requirements, electronic monitoring, and drug testing, predictably generates greater detection of minor program violations without reducing new offenses, leading to more rather than less use of incarceration (Phelps, 2013; Petersilia, 1998a; Simon, 1993).

surveillance-oriented measures, limited treatment resources, and a narrower set of responses to noncompliance (Armstrong, 1991).[2]

In sum, compared to the adult court system and the old juvenile court, the new interventionist juvenile court was much more effective at managing clients in the community. More generally, while the intensification of probation may not have always served as an alternative to incarceration, the juvenile justice system did not experience anything close to mass incarceration, nationally, in Pennsylvania, or locally in Pittsburgh. Avoiding mass incarceration and also developing a probation system that practiced "productive punishment" in the community is in some ways, a success in itself.

Nevertheless, if the new interventionism continued in the direction of diverting youth from the pure punishment approach of the adult criminal justice system, it also resurrected some of the main problems that the pre-BARJ juvenile court encountered in its aggressive attempts at controlling delinquent behavior. Similar to the old interventionists that David Rothman (1980) describes in *Conscience and Convenience*, BARJ officials assumed that there was no conflict between treatment and punishment. So long as the main intervention occurred in the community, according to this mentality, the system could only do good, not harm. Some of the same policies that ensured immediate community protection and short-term behavior change were applied in a way that consciously widened the net and exposed a greater number of youth, including less serious offenders, to both intensive community supervision and short sentences of out-of-home placement. Officials assumed that the same policies that protected the community were also good for all of their youth clients, including those that didn't pose a serious threat to public safety.

[2] Interestingly, when adult ISPs offer treatment programming in combination with surveillance measures, they can have a small crime-reductive effect (Petersilia, 1998b).

They therefore didn't see the increase in the number of placements that occurred between the mid-1990s through the mid-2000s, at a time when serious youth crime had declined from the abnormally high levels of the early 90s, as a major problem so long as the placements were for short periods of time and were geared toward preparing youth for competency development in intensive supervision programs. Likewise, they adopted policies that expanded day treatment programs and school-based probation to less serious offenders on the assumption that what worked to "stabilize the behavior" of a greater number of youth would also work to their benefit, and certainly wouldn't do them any harm. With treatment and punishment thought to be in alignment in support of community-based behavior change, there were few limits on the amount of coercion authorized by this largely unregulated system.

Nevertheless, the BARJ juvenile justice system had a plausible and even somewhat persuasive justification for their interventionist tactics. The Community Intensive Supervision Program (CISP) represents the "new vision of social control" operating under the new interventionism (Cohen, 1985). As I demonstrated in Chapters 5 and 6, having community-based treatment resources that provided in-person supervision during the day and evening gave court officials and community members the ability to do something immediate for youth without having to remove them from the community (McCrary, 2003). The court's partnership with inner-city communities ignited local efforts to expose disadvantaged youth to some of the behavior standards and resources of middle-class society, not unlike the Progressive Era reformers of old, though now these interventions were more finely tailored to the unique situations of youth growing up in high-crime neighborhoods. Having members of the same communities as a disproportionate share of court-referred youth mentoring neighborhood boys led to a more potent therapeutic program that was better adapted to the realities faced by urban

African-American youth living in ghetto environments. Likewise, given the reality of Disproportionate Minority Contact (DMC), CISP made this more aggressive juvenile justice system more legitimate in the eyes of minority youth, and thus more effective (Tyler, 1990; Tyler & Fagan, 2008).

Nevertheless, CISP did not always serve as an alternative to incarceration as originally planned and was increasingly used for youth with less serious prior delinquency records. In practice, CISP is very much part of a juvenile justice system that reserves the most intrusive state interventions for disadvantaged minority youth. Similar to the Progressive Era reformers, the juvenile court administrators who planned out and implemented CISP " . . . never paused to reckon with their own limitations" (Rothman, 1980: 8). If more youth experienced short-term behavior change in the community, it was thought, perhaps erroneously, that this was necessarily good for them and for society. If youth resisted the system's efforts at change, then they needed to be exposed to the coercive consequences of their negative behavior so that they would learn to handle the situation of being on probation, as well as other difficult life situations, more effectively (interview with John Harper, CISP administrator). If large numbers of youth went "on the run" from the program (Goffman, 2009), it was their fault for not wanting to "change" rather than the policies of the program or the court.

In particular, BARJ officials never reflected deeply on how the new interventionism's intrusive tactics for less serious offenders fit in with the criminal justice system's expanding role in the lives of young black men and the hyper-surveillance and punishment for minor offenses that youth were already undergoing as a result of the aggressive tactics of the "youth control complex" (Rios, 2011). They never seriously considered the ways in which youths' negative

perceptions of the juvenile justice system could work against the goals of both short-term and long-term behavior change (*ibid.*; Tyler, 1990; Tyler & Fagan, 2008).

CISP and the new interventionism instead revolved around using whatever combination of persuasive and coercive measures—and especially the latter—to get youth to "taste success" in their home communities. Not incorrectly, CISP and BARJ officials held onto the hope that they were helping certain youth reduce the severity and frequency of offending, perhaps later on in life, if not right away. Even if some aspects of the system needed to be reformed, administrative court and CISP officials were confident that their community-based treatment and supervision resources did more good than harm for youth growing up in neighborhoods of concentrated disadvantage.

Especially given the lack of evidence on whether the new interventionism was effective, it made sense that officials would place confidence in programs that were seemingly well-thought-out and innovative. They were, in all likelihood, often correct that intrusive state intervention in the community worked to the advantage of "all parties." BARJ officials' enhanced ability to achieve immediate behavior change in the community, however, perhaps made them too confident that the same interventionist techniques that worked for the short-term would also be effective in generating long-term recidivism reduction.

My study is only suggestive along these lines, but there is reason to think that the juvenile justice system's enhanced ability to bring about short-term behavior change might lead to long-term "change" as well. Given that most justice-system involved juveniles desist from criminal behavior naturally, the system's "reality" focus may contribute to this outcome at the margins, building on youths' social and work-related abilities and expanding their repertoire of behaviors

so that they can function better outside of their immediate environments, as appears to be true for certain youth like Carlton (see Chapter 6).

We should also not rule out the possibility of the new interventionism doing harm to certain youth. This is a real possibility, especially because of the conscious widening of the net that has occurred and will probably continue to occur in the name of short-term behavior change in the community. If youth come away from their interaction with the juvenile justice system even more convinced that they are being treated unfairly by the police and the courts, research has shown that this can reduce commitment to law-abiding behavior and drive youth further in the direction of serious delinquency (Tyler & Fagan, 2008). Whether or not this is a common outcome or an anomaly that is counter-balanced by the system's beneficial effects for other youth is not yet known. The tendency of the micro-level program dynamics in CISP to change quickly depending on the quality of the staffing and the mix of youth in the program makes this a hard question to answer definitively. Nor does the research community have a clear answer to the question that officials in the new interventionist court must address in their daily decision-making: what level of coercion supports the treatment goals of community-based programs and under what conditions coercive techniques work against the goal of long-term recidivism reduction (Schwalbe, 2009).

To conclude, the new interventionist court's partnership with inner-city African-American communities is a promising response to the growth of serious and violent youth crime as well as the justice system's history of disproportionality in the punishment of racial minority groups. Nevertheless, as Chapter 6 makes clear, CISP's existence in a larger court community and relative powerlessness to affect administrative court decision-making does not lend itself to questioning the status quo focus of the system on generating behavior "change" in a wide range

of youth. Having more, rather than fewer voices at the table (including that of the research community) can lead to a more informed and better-reasoned effort make the new interventionism work for the benefit of "all parties," in the short-run as well as in the long-run.

Appendix A: Defining the New Interventionism

Dimension	Old Interventionism	New Penology	New Interventionism
Language/Discourse	Individualized treatment rather than punishment	Managing "risky" populations	"Productive punishment" and "competency development"
Resources and Methods	Office-Based Probation and Out-of-Home Placement	Surveillance measures (e.g., electronic monitoring) and prison	Partnerships with the community and intensive supervision
Objectives of Social Control Efforts	Long-term rehabilitation	Surveillance and incapacitation	Immediate behavior change
Site of Behavior Change	Custodial institutions	Prison	Community
Role of Coercion in Producing "Change"	Primarily a result of coercion	Fully a result of coercion	A result of therapeutic and coercive techniques
Techniques for Inducing "Change"	Individualized assessment, diagnosis, and out-of-home placement	Surveillance, revocation, and imprisonment	In-person supervision, service provision, and sanctions for noncompliance
Relationship Between Community Supervision and Imprisonment	Little relationship between probation and out-of-home placement	Probation/Parole becomes an appendage of the prison system	Placement is used strategically to support intensive community supervision
Change in the Amount of Social Control	Expands state intervention in the name of rehabilitation	Expands state intervention for the purpose of punishment	Expands state intervention to accomplish "behavior change"
Treatment of Racial/Ethnic Minorities	Inclusionary[3] in theory	Exclusionary	Inclusionary in theory

[3] It should be noted that, unlike European immigrants, blacks were often denied access to the rehabilitative resources of the old interventionism (Ward, 2012).

Appendix B: Data Sources on Out-of-Home Placement for Chapter 4

Juvenile Court Management System (JCMS)

For calculations of trends in the average length of stay in placement from 2000 to 2005, referrals were analyzed for the following offenses: aggravated assault, auto theft, criminal mischief, drug charges, receiving stolen property, robbery, simple assault, and theft. In examining the prior record of youth in out-of-home placement in 2005, referrals for burglary and aggravated assault on a teacher were added to the above referrals in order to cover a wider range of person and property offenses to facilitate comparison with the NCJJ report on CISP (Nimick et al., 1994). Cases had to be removed from the analysis because of incomplete data and other inaccuracies. As a result, the cases analyzed do not include the dispositions of all youth referred to court for those offenses. Still, the data are roughly representative of how a range of property, person, and drug offense referrals were handled by the court in the mid-2000s.

Not knowing how NCJJ counted prior adjudications in their report, I tried to be as inclusive as possible so as to maximize the likelihood of finding that youth in out-of-home placement today are more serious offenders than those in day treatment in the early 90s, as one would expect had their been no changes in court decision-making. In calculating the number of prior adjudications for youth receiving placement in 2005, I included Consent Decree dispositions as adjudications but excluded dispositions of Informal Adjustment from my count. Any review hearing or technical violations referral that led to a change of status (e.g., commitment to day treatment or placement program) was also counted as a prior adjudication. I excluded prior referrals to court from the past-present comparison because my data did not count VOP and FTA referrals that did not result in a change of status, which may have been counted by

NCJJ. In the future, I will attempt to find out how NCJJ researchers counted prior referrals and adjudications.

Placement Management Database

The placement admissions and discharge data I present does not include 7-day sanctions, even though this was included in the original documents from which I draw. Likewise, efforts were made to ensure that child welfare system placements, county jail placements, and Academy and Auberle Hartman Shelter sanctions were excluded, even though these appear in the original documents. For placement admissions, I am confident that—while there may be some small tweaking in terms of what should be included (e.g., should the two Act 53 placements in 2005 be counted?)—that these figures are accurate.

Commitment Data

There is good reason to think that commitment orders sometimes overestimate and underestimate the number of youth going into placement because of financial factors or other sometimes-inexplicable sources of variation. For example, between 2001 and 2002, the number of private commitments to the provider Cornell Abraxas doubled. This figure then declined the next year from 253 in 2002 to 90 in 2003. My conversations with officials suggest that the spike in Abraxas commitments in 2002 was a result of other factors than actual placement trends. Therefore, 2002 was excluded from Figures 3 and 4. In other years, there may be similar problems, which is why I use this source to analyze long-term rather than year-to-year trends.

Starting around 2002, the court began utilizing Vision Quest boot camp as a 7-Day Sanction program. Unfortunately, an unknown number of these sanctions are included in the

commitment orders beginning in 2002. The Annual Discharge Data from 2007 and 2008, along with my conversations with administrative court officials suggests that there were approximately 100 Vision Quest sanctions per year. Therefore, starting in 2003 (the year 2002 is removed from the analysis), I subtracted 100 from the number of private placement commitment orders each year to exclude these sanctions from my calculations. For similar reasons, I excluded 2009 from my analysis because there is a sharp increase in commitments to Auberle, which I am told is mainly a result of Hartman Shelter sanctions mistakenly being included in the counts. For reasons such as these, the most accurate placement data for the 2000s comes from the Placement Management database.

References

1974. "1974 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1979. "1979 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1981. "1981 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1988. "1988 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1990. "1990 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1993. "1993 Court of Common Pleas of Allegheny County Annual Report." Allegheny County Court of Common Pleas, Pittsburgh, PA.

1997. "1997 CISP Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

1998. "1998 Juvenile Probation Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2000. "2000 Juvenile Probation Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2005. "2005 Juvenile Probation Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2007. "Juvenile Justice and Delinquency Prevention Act: Overview and Perspectives." in *Committee on Education and Labor, Subcommittee on Healthy Families and Communities, U.S. House of Representatives*. Washington, DC.

2008. "2008 Juvenile Probation Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2008. "2008 CISP Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2009. "2009 CISP Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

2009. "2009 Juvenile Probation Annual Report." Allegheny County Juvenile Court, Pittsburgh, PA.

Akbar, Naim. 1991. *Visions for Black Men*. Nashville: Winston-Derek Publishers.

Alexander, Michelle M. 2010. *The new Jim Crow: mass incarceration in the age of colorblindness*. New York: New Press.

Allen, Francis A. 1981. *The Decline of the Rehabilitative Ideal: Penal Policy and Social Purpose*. New Haven, CT: Yale University Press.

Anderson, Elijah. 1999. *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W.W. Norton & Company.

Anderson, James and Blackburn, Susan. 2003. "Pennsylvania Juvenile Justice: A Commitment to Community Protection; Victim Restoration; and Youth Redemption." Juvenile Court Judges' Commission, Harrisburg, PA.

Applegate, Brandon K., Turner, Michael G., Sanborn, Jr., Joseph B., Latessa, Edward J., Moon, Mellssa M. 2000. "Individualization, Criminalization, or Problem Resolution: A Factorial Survey of Juvenile Court Judges' Decisions to Incarcerate Youthful Felony Offenders." *Justice Quarterly* 17.

Armstrong, Sarah. 2002. "Punishing not-for-profit: Implications of nonprofit privatization in juvenile punishment." *Punishment & Society* 4:345.
Armstrong, Troy L. 1991. "Introduction." in *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole*, edited by T. L. Armstrong. Monsey, NY: Criminal Justice Press.
Armstrong, Troy L. 1996. "Assessment of the Allegheny County Juvenile Aftercare System: Description and Recommendations." National Center for Juvenile Justice, Pittsburgh, PA.
Barker, Vanessa. 2009. *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*. New York: Oxford University Press.
Bazemore, Gordon. 1991. "Work Experience and Employment Programming for Serious Juvenile Offenders: Prospects for a "Productive Engagement" Model of Intensive Supervision." in *Intensive interventions with high-ris youths: promising approaches in juvenile probation and parole*, edited by T. L. Armstrong. Monsey, NY: Criminal Justice Press.
Bazemore, Gordon. 1992. "On Mission Statements and Reform in Juvenile Justice: The Case of the "Balanced Approach"." *Federal Probation* 56.
—. 1997a. "What's 'New' About the Balanced Approach?" *Juvenile & Family Court Journal* 48:1-22.
Bazemore, Gordon and Umbreit, Mark. 1997b. "Balanced and Restorative Justice for Juveniles: A Framework for Juvenile Justice in the 21st Century." Office of Juvenile Justice and Delinquency Prevention, University of Minnesota.
Beckett, Katherine. 1997. *Making crime pay: law and order in contemporary American politics*. New York: Oxford University Press.
Beckett, Katherine. 2004. "Race and Drug Law Enforcement in Seattle." Defender Association's Racial Disparity Project, Seattle, WA.
Belenko, Steven. 2001. "Research on Drug Courts: A Critical Review." The National Center on Addiction and Substance Abuse at Columbia University, New York.
Benekos, Peter J. & Merlo, Alida V. 2008. "Juvenile Justice: The Legacy of Punitive Policy." *Youth Violence and Juvenile Justice* 6:28-46.
Blackmore, John, Brown, Marci, and Krisberg, Barry. 1988. "Juvenile Justice Reform: The Bellwether States." Center for Study of Youth Policy, School of Social Work, University of Michigan, Ann Arbor, MI.
Blomberg, T.G. and Lucken, K. 1994. "Stacking the Deck by Piling Up Sanctions: Is Intermediate Punishment Destined to Fail?" *The Howard Journal* 33:62-80.
Blumstein, Alfred. 2000. *The crime drop in america*. Cambridge: Cambridge University Press.
Bortner, M.A. 1982. *Inside a Juvenile Court: The Tarnished Ideal of Individualized Justice*. New York: New York University Press.
Bortner, M.A. and Williams, Linda M. 1997. *Youth in prison: We the people of Unit Four*. New York: Routledge.
Bourdieu, Pierre. 1977. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.
Breckinridge, Sophonisba Preston. 1912. *The Delinquent Child and the Home*. New York: Charities Publication Committee.
Brodkin, Evelyn Z. 1997. "Inside the welfare contract: Discretion and accountability in state welfare administration." *Social Service Review* 71:1-33.

Brunson, Rod K. and Gau, Jacinta M. 2011. "Officer Race Versus Macro-Level Context: A Test of Competing Hypotheses about Black Citizens' Experiences with and Perceptions of Black Police Officers." *Crime & Delinquency* online.
Bureau of Justice Statistics. 1998. "Prisoners in 1998." U.S. Department of Justice, Washington, D.C.
—. 2009a. "Prisoners in 2008." U.S. Department of Justice, Washington, D.C.
—. 2009b. "Probation and Parole in the United States, 2008." U.S. Department of Justice, Washington, D.C.
—. 2010a. "Adult Correctional Population Trends."
—. 2010b. "Prisoners in 2008." U.S. Department of Justice, Washington, DC.
Chan, Janet B. and Ericson, Richard V. 1981. *Decarceration and the Economy of Penal Reform*. Toronto: Centre of Criminology, University of Toronto.
Chung, He Len, Schubert, Carol A. and Mulvey, Edward P. 2007. "An Empirical Portrait of Community Reentry Among Serious Juvenile Offenders in Two Metropolitan Cities." *Criminal Justice and Behavior* 34:1402-26.
Chávez-García, Miroslava. 2006. "Youth, Evidence, and Agency: Mexican and Mexican American Youth at the Whittier State School, 1890-1920." *Aztlán: A Journal of Chicano Studies* 31:55-83.
Clear, Todd R., Flynn, Suzanne, and Shapiro, Carol. 1987. "Intensive Supervision in Probation: A Comparison of Three Projects." in *Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance*, edited by B. R. McCarthy. Monsey, NY: Willow Tree Press, Inc.
Clouser, Megan. 1996. "Intensive Probation: An Alternative to Placement." National Center for Juvenile Justice, Pittsburgh, PA.
Cohen, Stanley. 1985. *Visions of Social Control*. Cambridge, UK: Polity Press.
Commission, Juvenile Court Judges'. 1997. "Balanced and Restorative Justice in Pensylvania: A New Mission and Changing Roles within the Juvenile Justice System." Harrisburg, PA.
—. 2005. "Juvenile Justice in Pennsylvania: Mission-Driven, Performance-Based, Outcome-Focused." Harrisburg, PA.
—. 2008. "The Juvenile Act: 42 Pa.C.S. Sec.6301 et seq. with appendix." Commonwealth of Pennsylvania, Harrisburg, PA.
Cox, Alexandra. 2013. "New visions of social control? Young people's perceptions of community penalties." *Journal of Youth Studies* 16:135-50.
Cremin, Lawrence A. 1976. *Public education*. New York: Basic Books.
Dalton, Erin. 2005. "Violence in Pittsburgh: An Analysis." One Vision, One Life.
Davis, Antoinette, Tsukida, Chris, Marchionna, Susan, and Krisberg, Barry. 2008. "The Declining Number of Youth in Custody in the Juvenile Justice System." National Council on Crime and Delinquency, Oakland, CA.
Dilulio, John J. 1995. "The Coming of the Super-Predators." *The Weekly Standard* 1.
Dohrn, Bernardine. 2002. "The School, the Child, and the Court." in *A Century of Juvenile Justice*, edited by M. K. Rosenheim, Zimring, Franklin E., Tanenhaus, David S., and Dohrn, Bernardine. Chicago: University of Chicago Press.
Dum, Christopher P. and Fader, Jamie J. 2011. "'These Are Kids' Lives!'": Dilemmas and Adaptations of Juvenile Aftercare Workers." *Justice Quarterly*:1-27.
Duneier, Mitchell. 1999. *Sidewalk*. New York: Farrar, Straus and Giroux.

Durkheim, Emile. 1951. *Suicide, a study in sociology: translated by John A. Spaulding and George Simpson*. Glencoe, IL: Free Press.
Dyer, Ervin. 2007. "Young men in trouble reflect on their lives: Garfield program helps youths deal with their crimes, street life, and absent fathers." in *Pittsburgh Post-Gazette*. Pittsburgh, PA.
Ecenbarger, William. 2012. *Kids for Cash: Two Judges, Thousands of Children and a $2.8 Million Kickback Scheme*. New York: The New Press.
Emerson, Robert M. 1969. *Judging Delinquents: Context and Process in Juvenile Court*. Chicago: Aldine Publishing Company.
Fader, Jamie J, Harris, Philip W., Jones, Peter R., and Poulin, Mary E. 2001. "Factors Involved in Decisions on Commitment to Delinquency Programs for First-Time Juvenile Offenders." *Justice Quarterly* 18.
Fagan, Jeffrey. 2008. "Juvenile Crime and Criminal Justice: Resolving Border Disputes." *Future of Children* 18.
Feeley, Malcolm M. and Simon, Jonathan. 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30:449-74.
Feinberg, Norma. 1991. "Juvenile intensive supervision: A longitudinal evaluation of program effectiveness." in *Intensive interventions with high risk youths: Promising approaches in juvenile probation and parole*, edited by T. L. Armstrong. Monsey, NY: Criminal Justice Press.
Feld, Barry. 1999. *Bad Kids: Race and the Transformation of the Juvenile Court*. New York: Oxford University Press.
Feld, Barry C. 2005. "Race and the Jurisprudence of Juvenile Justice: A Tale in Two Parts, 1950-2000." in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice*, edited by D. F. a. K.-L. Hawkins, K. Chicago: The University of Chicago Press.
Feld, Barry C. and Schaefer, Shelly. 2010. "The right to counsel in juvenile court: Law reform to deliver legal services and reduce justice by geography." *Criminology & Public Policy* 9.
Ferdinand, Theodore N. 1989. "Juvenile Delinquency or Juvenile Justice: Which Came First?" *Criminology* 27:79-106.
Forst, Martin L. and Blomquist, Martha-Elin. 1992. "Punishment, Accountability, and the New Juvenile Justice." Juvenile & Family Court Journal 23:1-9.
Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
Geertz, Clifford. 1973. *The interpretation of cultures; selected essays*. New York: Basic Books.
Glaze, Lauren E. and Bonczar, Thomas P. 2007. "Probation and Parole in the United States, 2006." Bureau of Justice Statistics, Washington, DC.
Goffman, Alice. 2009. "On the Run: Wanted Men in a PHiladelphia Ghetto." *American Sociological Review* 74:339-57.
Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge University Press.
Grattet, R. Petersilia, J. Lin, J. & Beckman, M. 2009. "Parole Violations and Revocations in California: Analysis and Suggestsions for Action." *Federal Probation* 73.
Gray, M. Kevin, Fields, Monique, Maxwell, Sheila Royo. 2001. "Examining Probation Violations: Who, What, and When." *Crime & Delinquency* 47:537-57.

Griffin, Patrick. 1999. "Juvenile Probation in the Schools." National Center for Juvenile Justice, Pittsburgh, PA.
—. 2003. "Following the Money: Funding of Juvenile Justice Services in Pennsylvania." National Center for Juvenile Justice, Pittsburgh, PA.
—. 2006. "Ten Years of Balanced and Restorative Justice in Pennsylvania." National Center for Juvenile Justice, Pittsburgh, PA.
Guarino-Ghezzi, Susan and Loughran, Edward J. 1996. *Balancing Juvenile Justice*. New Brunswick, NJ: Transaction Publishers.
Hannah-Moffat, Kelly and Maurutto, Paula. 2012. "Shifting and targeted forms of penal governance: Bail, punishment, and specialized courts." *Theoretical Criminology: An International Journal* 16(2): 201-19.
Hartney, Christopher. 2006. "Youth Under Age 18 in the Adult Criminal Justice System." National Council on Crime and Delinquency, Oakland, CA.
Hawkins, J. David, Oesterle, Sabrina, Brown, Eric C., Monahan, Kathryn, Abbott, Robert D., Arthur, Michael W., and Catalano, Richard F. 2012. "Sustained Decreases in Risk Exposure and Youth Problem Behaviors After Installation of the Communities that Care Prevention System in a Randomized Trial." *Archives of Pediatric Adolescent Medicine* 166:141-48.
Heath, Linda and Gilbert, Kevin. "Mass Media and Fear of Crime." *American Behavioral Scientist* 39(4): 379-86.
Hylton, John H. 1981. "Community Corrections and Social Control: The Case of Saskatchewan, Canada." *Contemporary Crises* 5:193-215.
Illinois Criminal Justice Information Authority. 2006. "Implementing Balanced and Restorative Justice." State of Illinois.
Jacobs, Mark D. 1990. *Screwing the System and Making it Work: Juvenile Justice in the No-Fault Society*. Chicago: University of Chicago Press.
Justice Policy Institute. 2013. "Common Ground: Lessons Learned from Five States that Reduced Juvenile Confinement by More Than Half." Washington, DC.
Katz, Jack. 1988. *Seductions of crime: moral and sensual attractions in doing evil*. New York: Basic Books.
King, Michael, Freiberg, Arie, Batagol, Becky, and Hyams, Ross. 2009. *Non-Adversarial Justice*. Sydney, AU: The Federation Press.
Kleiman, Mark. 2009. *When Brute Force Fails: How to Have Less Crime and Less Punishment*. Princeton: Princeton University Press.
Kramer, John H. & Ulmer, Jeffery T. 2009. *Sentencing Guidelines: Lessons from Pennsylvania*. Boulder, CO: Lynne Rienner Publishers, Inc.
Krisberg, Barry. 2005. *Juvenile Justice: Redeeming Our Children*. Thousand Oaks, CA: Sage.
Krisberg, Barry. 2011. "Juvenile Corrections: An Overview." in *The Oxford Handbook of Juvenile Crime and Justice*, edited by B. C. F. a. D. M. Bishop. New York: Oxford University Press.
Krisberg, Barry, Vuong, Linh, Hartney, Christopher and Marchionna, Susan. 2010. "A New Era in California Juvenile Justice: Downsizing the State Youth Corrections System." National Council on Crime and Delinquency, Berkeley, CA.
Kupchik, Aaron. 2006. *Judging Juveniles: Prosecuting Adolescents in Adult and Juvenile Courts*. New York: New York University Press.

Kurlychek, Megan. 1998. "A New Mission: Guiding Pennsylvania's Juvenile Justice System into the 21st Century." National Center for Juvenile Justice, Pittsburgh, PA.
Laub, John H. and Sampson, Robert J. 2003. *Shared beginnings, divergent lives: delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
Leiber, Michael J. 2003. *The Contexts of Juvenile Justice Decision Making: When Race Matters*. Albany, NY: State University of New York Press.
Lerman, Paul. 1975. *Community Treatment and Social Control: A Critical Analysis of Juvenile Correctional Policy*. Chicago: University of Chicago Press.
Lerner, Steve. 1990. *The Good News About Juvenile Justice: The Movement Away from Large Institutions and toward Community-Based Services*. Bolinas, CA: Common Knowledge Press.
Lindsey, Ben B. 1903. "The Reformation of Juvenile Delinquents Through the Juvenile Court." in *National Conference of Charities and Correction*. Atlanta, GA.
Lipsky, Michael. 1980. *Street-level bureaucracy: dilemmas of the individual in public services*. New York: Russell Sage Foundation.
Loeber, Rolf and Farrington, David P. 1998. *Serious & violent juvenile offenders: risk factors and successful interventions*. Thousand Oaks, CA: Sage Publications.
Lofland, John, Snow, David A., Anderson, Leon, and Lofland, Lyn H. 2006. *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis*. Belmont, CA: Wadsworth/Thomson Learning.
Lopez-Aguado, Patrick. 2012. "Working between two worlds: Gang intervention and street liminality." *Ethnography* Electronic.
Maloney, Dennis, Romig, Dennis, and Armstrong, Troy. 1988. "Juvenile Probation: The Balanced Approach." *Juvenile & Family Court Journal* 39:1-64.
Martinson, Robert. 1974. "What Works? Questions and Answers About Prison Reform." *The Public Interest*:22-54.
McCorkle, Richard and Crank, John P. 1996. "Meet the New Boss: Institutional Change and Loose Coupling in Parole and Probation." *American Journal of Criminal Justice* 21:1-25.
McCrary, Barry Shelby. 2003. "How Can the Insights of Juvenile Justice Workers Improve the Process of Preparing Youth Offenders for Functioning Successfully After Being Released from an Intensive Supervision After School Program?" School of Education, Duquesne University, Pittsburgh, PA.
Merton, Robert K. 1938. "Social Structure and Anomie." *American Sociological Review* 3:672-82.
Metzger, David S. and Tobin-Fiore, Danielle. 1997. "School-Based Probation in Pennsylvania." Center for Studies of Addiction, Philadelphia.
Mihailoff, Laura. 2005. "Protecting Our Children: A History of the California Youth Authority and Juvenile Justice, 1938-1968." History, University of California, Berkeley, Berkeley, CA.
Miller, Jerome G. 1991. *Last One Over the Wall: The Massachusetts Experiment in Closing Reform Schools*. Columbus, OH: Ohio State University Press.
Milton, Trevor B. 2011. *Overcoming the Magnetism of Street Life: Crime-Engaged Youth and the Programs That Transform Them*. Lanham, MD: Lexington Books.
Myers, Tamara. 2006. *Caught: Montreal's modern girls and the law, 1869-1945*. Toronto: University of Toronto Press.

National Center for Juvenile Justice. 2000. "Juvenile Transfers to Criminal Court in the 1990's: Lessons Learned from Four Studies." Pittsburgh, PA.
National Council on Crime and Delinquency. 1992. "National Juvenile Custody Trends, 1978-1989." Office of Juvenile Justice & Delinquency Prevention, San Francisco, CA.
National Research Council. 2012. "Reforming Juvenile Justice: A Developmental Approach." Committee on Assessing Juvenile Justice Reform, Washington, DC.
Nereim, Vivian. 2011. "Staff turnover at youth homes makes job more perilous." in *Pittsburgh Post-Gazette*. Pittsburgh, PA.
Nimick, Ellen, Halema, Gregg, Torbet, Patricia McFall. 1994. "CISP Final Report: Community Intensive Supervision Project, Allegheny County, Pennsylvania." National Center for Juvenile Justice, Pittsburgh, PA.
Odem, Mary. 1995. *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920*. Chapel Hill, NC: The University of North Carolina Press.
Office of Juvenile Justice and Delinquency Prevention. 2011. "Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders." U.S. Department of Justice, Washington, DC.
—. 2009. "Juvenile Residential Facility Census, 2006: Selected Findings." U.S. Department of Justice, Washington, D.C.
Ohlin, Lloyd E., Coates, Robert B., and Miller, Alden D. 1973. "'Radical correctional reform: A case study of the Massachusetts Youth Correctional System,' typescript manuscript supported by the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP, LEAA, US Department of Justice." Special Collections archive of the Harvard Law School Library, Boston.
Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108(5): 937-75.
Pager, Devah. 2007. *Marked: race, crime, and finding work in an era of mass incarceration*. Chicago: University of Chicago Press.
Paik, Leslie. 2011. *Discretionary Justice: Looking Inside a Juvenile Drug Court*. New Brunswick, NJ: Rutgers University Press.
Petersilia, Joan. 1998a. *Community Corrections: Probation, Parole, and Intermediate Sanctions*. Oxford: Oxford University Press.
Petersilia, Joan. 1998b. "A Decade of Experimenting with Intermediate Sanctions: What Have We Learned?" *Federal Probation* 62:3-9.
Petrosino, Anthony, Turpin-Petrosino, Carolyn T., and Buehler, John. 2004. ""Scared Straight" and other juvenile awareness programs for preventing juvenile delinquency." *Campbell Systematic Reviews*.
Petrosino, Anthony, Turpin-Petrosino, Carolyn, and Guckenberg, Sarah. 2010. "Formal System Processing of Juveniles: Effects on Delinquency." *Campbell Systematic Reviews*.
Pfohl, Stephen. 1985. *Images of Deviance & Social Control: A Sociological History*. Long Grove, IL: Waveland Press, Inc.
Phelps, Michelle S. 2011. "Rehabilitation in the Punitive Era: The Gap Between Rhetoric and Reality in U.S. Prison Programs." *Law & Society Review* 45(1): 33-68.
Phelps, Michelle S. 2013. "The Paradox of Probation: Community Supervision in the Age of Mass Incarceration." *Law & Policy* 35:51-80.

Platt, Anthony M. 1969. *The child savers: the invention of delinquency*. Chicago: University of Chicago Press.
President's Commission on Law Enforcement and Administration of Justice. 1967. "Task Force Report: Juvenile Delinquency and Youth Crime." U.S. Government Printing Office, Superintendent of Documents, Washington, DC.
Puzzanchera, Charles, and Sickmund, Melissa. 2008. *Juvenile Court Statistics 2005*. Pittsburgh, PA: National Center for Juvenile Justice.
Puzzanchera, C., Adams, B., and Kang, W. 2011. "Easy Access to FBI Arrest Statistics 1994-2008."
Regnery, Alfred. 1985. "Getting Away with Murder: Why the Juvenile Justice System Needs an Overhaul." *Policy Review* 34:65-68.
Reinarman, Craig and Levine, Harry G. 1997. *Crack in America: demon drugs and social justice*. Berkeley: University of California Press.
Rieland, James J. 2000. "The Allegheny County Community Intensive Supervision Program." Allegheny County Juvenile Probation Department, Pittsburgh, PA.
Rios, Victor M. 2011. *Punished: policing the lives of Black and Latino boys*. New York: New York University Press.
Rothman, David J. 1980. *Conscience and Convenience: The Asylum and its Alternatives in Progressive America*. Boston: Little Brown.
Ruth, Henry S. and Kevin R. Reitz. 2003. *The challenge of crime: rethinking our response*. Cambridge, Mass.; London: Harvard University Press.
Ryerson, Ellen. 1978. *The best-laid plans: America's juvenile court experiment*. New York: Hill and Wang.
Sanborn, Joseph B. 1994. "The Juvenile, the Court, or the Community: Whose Best Interests Are Currently Being Promoted in Juvenile Court?" *The Justice System Journal* 17.
—. 1996. "Factors Perceived to Affect Delinquent Dispositions in Juvenile Court: Putting the Sentencing Decision into Context." *Crime & Delinquency* 42:99-113.
Ryerson, Ellen. 1978. *The best-laid plans: America's juvenile court experiment*. New York: Hill and Wang.
Sanborn, Joseph B. 1994. "The Juvenile, the Court, or the Community: Whose Best Interests Are Currently Being Promoted in Juvenile Court?" *The Justice System Journal* 17.
Schilbrack, Kevin. 2005. "Religion, Models of, and Reality: Are We Through With Geertz?" *Journal of the American Academy of Religion* 73:429-52.
Schlossman, Michael B. 2012. “Less interest, less treatment: Mexican-American youth and the Los Angeles Juvenile Court in the Great Depression era.” *Punishment & Society* 14(2): 193-216.
Schlossman, Steven L. 1977. *Love & the American delinquent: the theory and practice of "progressive" juvenile justice, 1825-1920*. Chicago: University of Chicago Press.
Schmidt, Fred, Hoge, Robert D., and Gomes, Lezlie. 2005. "Reliability and Validity Analyses of the Youth Level of Service/Case Management Inventory." *Criminal Justice and Behavior* 32:329-44.
Schubert, Carol A., Mulvey, Edward P., Loughran, Thomas A., and Losoya, Sandra H. 2012. "Perceptions of Institutional Experience and Community Outcomes for Serious Adolescent Offenders." *Criminal Justice and Behavior* 39:71-93.

Schwalbe, Craig S. and Maschi, Tina. 2009. "Investigating Probation Strategies with Juvenile Offenders: The Influence of Officers' Attitudes and Youth Characteristics." *Law & Human Behavior* 33.
Scudder, Kenyon J. 1936. "Annual Report for the Year Ending December 31st, 1935." Los Angeles County Probation Department, Los Angeles.
Shaw, Clifford R. 1930. *The Jack-Roller: A Delinquent Boy's Own Story*. Chicago: University of Chicago Press.
Shelden, Randall G. and Macalair, Daniel. 2008. *Juvenile Justice in America: Problems and Prospects*. Long Grove, IL: Waveland Press, Inc.
Sherman, Jerome L. 2009. "Pittsburgh homicides jump 28% as other cities see declines." in *Pittsburgh Post-Gazette*. Pittsburgh, PA.
Simon, Jonathan. 1993. *Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990*. Chicago: The University of Chicago Press.
Snell, Tracy L. 1995. "Correctional Populations in the United States, 1993." Bureau of Justice Statistics, Washington, D.C.
Snyder, Howard N. and Sickmund, Melissa. 2006. "Juvenile Offenders and Victims: 2006 National Report." National Center for Juvenile Justice, Pittsburgh, PA.
Snyder, Howard N., Sickmund, Melissa, Poe-Yamagata, Eileen. 2000. "Juvenile Transfers to Criminal Court in the 1990's: Lessons Learned from Four Studies." National Center for Juvenile Justice, Pittsburgh, PA.
Sudnow, David. 1965. "Normal Crimes: Sociological Features of the Penal Code ina Public Defender Office." *Social Problems* 12:255-76.
Thomas, Lillian. 2005. "Second chance: House-arrest program for juveniles finds that community service helps rehabilitate offenders." in *Pittsburgh Post-Gazette*. Pittsburgh, PA.
Thrasher, Frederic M. 1927. *The gang: a study of 1,313 gangs in Chicago*. Chicago: The University of Chicago Press.
Tilly, Charles. 1998. *Durable Inequality*. Berkeley: University of California Press.
Tonry, Michael. 2004. "Why Aren't German Penal Policies Harsher and Imprisonment Rates Higher?" *German Law Journal* 5.
Torbet, Patricia McFall. 1996. "Juvenile Probation: The Workhorse of the Juvenile Justice System." Office of Juvenile Justice and Delinquency Prevention, Washington, DC.
Torbet, Patricia and Thomas, Doug. 2005. "Advancing Competency Development: A White Paper for Pennsylvania." National Center for Juvenile Justice, Pittsburgh, PA.
Torbet, Patricia, Gable, Richard, Hurst IV, Hunter, Montgomery, Imogene, Szymanski, Linda, and Thomas, Douglas. 1996. "State Responses to Serious and Violent Juvenile Crime." National Center for Juvenile Justice, Pittsburgh, PA.
Torbet, Patricia, King, Melanie, and Bender, Valerie. 2006. "Advancing Accountability: Moving Toward Victim Restoration." National Center for Juvenile Justice, Pittsburgh, PA.
Torbet, Patricia, Ricci, Ralph, Brooks, Carol, and Zawacki, Susanna. 2001. "Evaluation of Pennsylvania's School-based Probation Program." National Center for Juvenile Justice, Pittsburgh, PA.
Tyler, Tom R. 1990. *Why people obey the law*. New Haven: Yale University Press.
Tyler, Tom R. and Fagan, Jeffrey. 2008a. "Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?" *Ohio State Journal of Criminal Law* 6:231-75.

Vaughn, Joseph B. 1991. "Use of Electronic Monitoring with Juvenile Intensive Supervision Programs." in *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole*, edited by T. L. Armstrong. Monsey, NY: Criminal Justice Press.
Venkatesh, Sudhir Alladi. 2006. *Off the books: the underground economy of the urban poor*. Cambridge, MA: Harvard University Press.
Vera Institute of Justice. 2002. "Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree." New York, NY.
Ward, Geoff & Kupchik, Aaron. 2008. "What Drives Juvenile Probation Officers? Relating Organizational Contexts, Status Characteristics, and Personal Convictions to Treatment and Punishment Orientations." *Crime & Delinquency* 56.
Ward, Geoff K. 2012. *The Black Child-Savers*. Chicago: University of Chicago Press.
Welch, Michael, Price, Eric A., and Yankey, Nana. 2002. "Moral Panic Over Youth Violence: Wilding and the Manufacture of Menace in the Media." *Youth and Society* 34:3-30.
Welsh, Brandon C. and Farrington, David P. 2006. "Preventing Crime: What Works for Children, Offenders, Victims, and Places." Dordrecht, The Netherlands: Springer.
Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.
White Stack, Barbara. 2004. "Youth service hours pay off: Teens serve their community as they serve their time." in *Pittsburgh Post-Gazette*. Pittsburgh, PA.
Whitman, James Q. 2003. *Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe*. New York: Oxford University Press.
Wikstrom, Per-Olof and Loeber, Rolf. 2000. "Do Disadvantaged Neighborhoods Cause Well-Adjusted Chldren to Become Adolescent Delinquents? A study of Male Juvenile Serious Offending, Individual Risk and Protective Factors, and Neighborhood Context." *Criminology* 38:1109-41.
Wilson, David B., MacKenzie, Doris L. and Mitchell, Fawn Ngo. 2005. "Effects of Correctional Boot Camps on Offending." *Campbell Systematic Reviews*.
Wilson, James Q. 1975. *Thinking about crime*. New York: Basic Books.
Wilson, William J. 1987. *The truly disadvantaged: the inner city, the underclass, and public policy*. Chicago: University of Chicago Press.
Wolcott, David B. 2005. *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1940*. Columbus, OH: The Ohio State University Press.
Wood, William R. 2011. "Correcting Community Service: From work-crews to community work in a juvenile court." *Justice Quarterly*.
Zimring, Franklin. 1998. *American Youth Violence*. New York: Oxford University Press.
Zimring, Franklin E. 2002. "The Common Thread: Diversion in the Jurisprudence of Juvenile Courts." in *A Century of Juvenile Justice*, edited by M. K. Rosenheim, Zimring, Franklin E., Tanenhaus, David S., and Dohrn, Bernardine. Chicago: University of Chicago Press.
—. 2005. *American Juvenile Justice*. Oxford: Oxford University Press.
of Justice, Washington, DC.
—. 2011b. "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting." U.S. Department of Justice, Washington, DC.