Planning for the Future of Juvenile Justice

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OUR JUVENILE JUSTICE AGENCIES are in need of revitalization, but this cannot be accomplished by administrators alone. If a line staff person devotes himself or herself exclusively to managing a caseload and fails to interject into the organization's service delivery system, it is unlikely that the agency will change. Unfortunately, it is obvious that too many administrators are unwilling to listen to subordinates. The tragedy here is that revitalization will not be forthcoming, increasing the probability that the staff person will lose enthusiasm and take appropriate skills to another industry or to another career. The consequence, then, is a disconnect that not only perpetuates the *status quo,* it can lead to agency stagnation.

Our generation, similar to those in the past, recognizes that juvenile delinquency is not new, but it has reached significant proportions due to factors such as the increasing numbers of at-risk juveniles, the disparities of human existence, and the nexus of guns and drugs as they impact the adolescent population. The management of agencies as well as caseloads is fraught with difficulties and complexities unknown in generations past. As one thinks about the juvenile court and where it is headed, *it may be difficult to accept that all of the youths who will come before the juvenile court by the year 2020 have been born!*

Historically and in Western culture, juvenile offenders, regardless of age, were processed and punished in the same manner as adults. They were variously viewed in different eras as being possessed by demons, as having free will that led to seeking pleasure and the avoidance of pain, or as resulting from determinism—the pushes, tugs, and pulls of society. The English experiment in 1847 of holding separate hearings for juveniles and the creation of the juvenile court in the United States in Chicago in 1899, however, opened a new approach to the juvenile and to the problem of delinquency. Later, of course, the same juvenile court that dealt with the delinquent also began to deal with the dependent, the neglected, and the status offender.

This movement involved a change in emphasis from mere punishment to a new concern for the solicitous care of the adolescent offender. As the juvenile court evolved, including its modest beginnings, the juvenile was spared the formality and inflexibility of the adult criminal court. The "moral entrepreneurs" (Platt, 1969), as the founders of the juvenile court were called, subjected the offender to the jurisdiction of the judge, who was legally empowered to act as the "father" of the child, *in loco parentis* or *parens patriae.* Based on the "rehabilitative ideal" (Allen, 1964), which some later tried to discredit but which has experienced a rebirth, the juvenile court judge was authorized by law to make available the best treatment facilities and

resources to the juvenile in all matters coming before the court.

The judge, working collaboratively with the probation staff, relies heavily upon the social sciences for diagnosis and treatment, generally requiring a complete and thorough investigation into the juvenile's development and environmental relationships—an individualized social history (See Richmond, 1917). Thus, the judge and staff attempt to pass beyond a concept of social control through punishment in the desire to rehabilitate the youth at an age when he or she is believed to be most flexible and open to change (See, for e.g., Latessa, 2004 and Bank, et al., (2004).

With well over 100 years of implementation experience, the philosophy and practice of the juvenile court have been reviewed, criticized, and extolled. There have been many significant changes, most of them imposed upon the court by external agents; they include legislative changes to the juvenile code, appellate decisions concerning due process, and changes provoked by citizen-based groups. Questions pertaining to the rights of juveniles, the best methods for treatment of adolescents and youthful offenders, and the most effective methods of social control have gained prominence at one time or another.

But, to understand the dynamics of change associated with the court and its procedures, one must also address the context in which change has occurred both in earlier eras and today: heavy immigration, riots, excessive violence, and the development of settlement houses (Higham, 1963) at the turn of the century; the development of psychology and our understanding of behavior and maturation; and today, the continuing, gross inadequacies of modern urban education, changes in familial patterns and family roles and responsibilities; employment and unemployment coincident with economic conditions; the proliferation of guns and violence; and the use and abuse of illicit substances together with youths' eternal willingness to experiment even in the face of self-destruction.

The Role of the Juvenile Court

As these and other issues mount amidst debate over how best to deal with them and what is the appropriate role of the juvenile court, some earnestly believe that delinquency can be controlled simply by increasing the penalties for offending behavior, transferring (waiving) juveniles to adult criminal courts, and/or reducing the confidentiality of court procedures and thereby making public the names of offending juveniles. With similar superficiality, some believe that such approaches only harden the juvenile's negative attitude and cause the child to commit other violations as he or she enjoys the publicity of having his or her name spread in the public media. Still others, rightly or wrongly, believe that the best a society can do is to reduce opportunities for penetration into the juvenile system and allow the child time to mature (See Schurl, 1968).

We are keenly aware that juvenile delinquency is actually a problem of multiple variables, that it follows no monolithic pattern, but ranges widely among all kinds of personal and property offenses. Although many citizens, legislators, and concerned groups criticize the increase in delinquency and attribute it to lax morals and the deterioration of families, they also insist that it is due to the court's permissive probation practices as well as the failure of institutional services and programs. They fail to recognize and accept that the release of juveniles under community-based supervision, and with appropriate treatment, has been far more effective than commonly assumed (Sherman, 1996).

Whatever form the argument takes, the two basic positions discussed above were postulated more than a century ago by Cesare Beccaria, who argued that crime must be punished in relationship to the degree of pleasure that the offense gives, and Cesare Lombroso, who maintained that the individual's problem and action must be evaluated carefully in order to effect a meaningful rehabilitation—controversial positions that continue to claim adherents (Schafer and Knudten, 1970, viii).

Planning

The role and value of planning in juvenile justice must be presented in an organizational context. Here, as Selznick (1957: 27) dictates, there has to be an understanding of the difference between *organizational achievements* and *institutional success.* Organizational achievements include many activities within an organization in which one may take pride, including training hours, caseload size, intake data, case closings, educational achievements of staff, and budgetary figures. These may be important, and they clearly indicate how busy the organization and its staff are, but neither one item alone nor all collectively address the issue of how well the organization has performed in meeting declared objectives during a specific period of time.

Institutional success, on the other hand, deals exclusively with goal attainment; that is, the degree to which the organization accomplishes what it sets out to do in a given period of time. Institutional success indicates that the organization has clarity about what it wants to achieve and creates and deploys its resources toward that end. Additionally, it requires that staff at all levels be held accountable. It is an organization where top-level administrators participatively share responsibility for decision-making and goal achievement, and are held as accountable as staff for meeting explicit goals.

Planning for change, however, according to Katz (1977: 21 and Dror, 1968) "…is the process of preparing a set of decisions for action in the future, directed at achieving goals by optimum means." Note that being goal *directed* is identified as a critical issue in planning. That is, without explicit and understandable goals, it simply is not possible to engage in successful planning. It is also important to recognize the distinction between *planning as a task to be accomplished* versus *planning to obtain results.* Unfortunately, when there is planning in a juvenile justice agency, some may engage in planning activity merely as a means to seeking a grant or satisfying other personal or internal organizational goals. Far too many agencies engage in the reverse of the Midas touch: "anything that's gold, we touch!"

As Katz (1977: 21–22) states:

> Planning has been identified by many different philosophies, methodologies, and descriptions of technical manipulation. It has been viewed as both a savior and a nemesis. It has been severely criticized and complimented, but the ultimate evaluation is going to have to lie in the answer to the question: "Does it work?" Caution must be exercised when planning (in the juvenile justice arena) since the goals that are being set have profound and lasting implications on the lives of many, many people. We are continually refining the criminal justice planning process to be more responsive to the *system's* problems, but in that process of refinement, there must be an improvement upon the social situations which make it worth the cost of producing those refinements; *i.e., the consideration of appropriate social policy* (emphasis added).

In recent decades, space age technology has significantly influenced our culture, and the use of computers has spawned a new generation of management specialists (See, e.g., Reddick, 2003). Whether one's orientation is classical, human relations, or functionalist, the impact of this new technology is inescapable. Since so many of our juvenile justice managers are "social engineers" or "new utopians," as Boguslaw (1965:1) labels them, one has to exercise caution not only in the design of a planning activity, but in what is to be done with the results. That is, the extent to which an agency is forced to change as a consequence of "successful" planning may be problematic both for the agency and for the staff, especially if the planning efforts appear to be unsuccessful.

The administration of juvenile justice is not immune from the demands and processes of these social engineers. In an age when bureaucracy recognizes the value of scarce resources and attempts to reallocate them more efficiently and effectively, the *systems analyst* should and does

play a large role. However, in attempting to produce meaningful results, the systems analyst needs 1) *explicit* goals and 2) actual systems defined, without which effective and meaningful planning simply cannot occur.

In juvenile justice, neither of these is always known. Further, the process for clarifying goals and systems is not always identified and pursued by practitioners including staff or by theoreticians in any consistent manner. The result is muddy water. Following the works of Freed (1969), Cohn (1974) has commented on the *nonsystem* aspects of both criminal and juvenile justice. While juvenile justice is somewhat contained and can be viewed more as a system than adult criminal justice services, both demonstrate fragmentation, splintering, and divisions (if not competing goals) among agencies where programmatic goals are not always clear or understandable.

In addition to identifying explicit goals as a foundation for any planning effort, equal attention must also be given to pursuing a systems approach. This means that a juvenile justice agency should never engage in a planning effort without a clear understanding of how the agency "fits" within the total system of juvenile justice. Boundary agencies and groups, such as legislators, elected officials, law enforcement, prosecution and defense, community-based treatment organizations, as well as other important stakeholders, all must be identified and their roles explicated if one wants to deal in a systems approach.

Cohn (1977: 8–9) elucidates as follows:

> As we explore this total systems view, we can see in very sharp relief the many roles played by significant actors and the variety of functions served by their host agencies. Analyses also illuminate the serious conflicts experienced by those actors and agencies as they interact with one another.

Long ago, O'Leary and Duffee (1969: 2) commented on a situation that exists even today:

> Rarely are conflicts openly explored; even more rarely are they handled successfully. The notion that criminal—and juvenile—justice are systems whose parts must effectively articulate is more often employed as a pious aspiration than as something to be applied seriously.

Conflict within the system as well as within an agency should be viewed as healthy and constructive, especially when attempting to bring about change. Conflict should be seen as necessary for growth and constructive transactions among people and organizations. This, however, presupposes that the development of a true system within juvenile justice, with all its myriad components, is a desirable goal. While the merits of such a position may be obvious, it is possible that achieving such a true system may itself be dysfunctional in our kind of government. Without checks and balances, without competing goals, in a system devoid of conflict, complacency may take hold and change denied. Yet, change in one agency undeniably produces a ripple effect; that is, there must always be concern for how any given change may impact other groups and organizations, as well as the agency itself.

As an example, the development of drug courts within the juvenile justice system impacts the treatment agencies in the community not only in terms of needed treatment modalities, but in demanding from them, through the process of reporting back to the court on client progress, a style different from that of past reporting. Intake for a drug court may be substantially different from routine probation intake. Changes in how much time the court gives for completing a social history will affect not only probation officers' time and style of completing reports, but also how critical information is obtained from external agencies familiar with the youth and his or her family.

Notwithstanding such issues, each agency and service within juvenile justice probably could benefit from better planning, more coordination, and additional consideration of the needs and problems of others, especially "customers," clients, and communities. Moreover, in order to deal effectively with various stakeholders, the involvement of other agencies and community groups

in policy-setting and implementation should be encouraged—a democratic state demands such involvement. Collectively and collaboratively, a mandate to do something about juvenile crime, as well as dependency and neglect, could be better enunciated and put into practice. Such a liaison undoubtedly has a better likelihood of bringing about meaningful reform.

An ideal planning process requires not only the explication of organizational (if not systemic) goals, but a set of goals that can be translated into an action strategy to be implemented by all those in the organization regardless of hierarchical rank. While there has been progress in this area of management activity, the state-of-the-art in juvenile justice management training may fairly be summarized as *deficient;* many simply do not know how to plan and find excuses and rationalizations for this failure. Too many managers learn how to run their organizations only through trial and error, through prolonged experience—sometimes too long!—and through the dictates and pressures of others, especially superordinates and other stakeholders.

Through a kind of naiveté, these managers often think that planning is merely a process for delineating what programs they would like to have, without first identifying organizational mission and goals, availability of resources, and without conducting a responsible needs assessment. Planning is not words, communications, or public relations. It is not merely the setting down on paper what is desirable. Instead, it should be treated as a vigorous process that demonstrates a responsiveness to needs, an awareness of resources, and an honest approach to matching needs with resources (available and to be developed) in a manner likely to produce significant results—results, which can and should be measured to determine the extent to which goals are explicit and are being attained.

Although writing for the corporate and business worlds, Ewing (1968: 17–18) expands upon our definition of planning—a definition that is as apt today as it was when he stated:

> …(planning is) a method of guiding managers so that their decisions and actions affect the future of the organization in a consistent and rational manner, and in a way desired by top management.

He goes on to say (p. 19) that "desired by top management" is of great significance for it is a phrase which implies *goal setting*. "It implies a conscious management effort to look at itself and its environment and, on the basis of facts and aspirations, makes the best choice possible in the range of alternatives."

It was previously suggested that conflict can be viewed as healthy for an organization as it strives to harness the inevitability of change and to avoid its dysfunctional aspects. Mary Parker Follett, a keen observer of administrative practice, once said: "When we think we have *solved* a problem, well, by the very process of solving, new elements or forces come into the situation and you have a new problem on your hands to be solved" (1937: 166).

Moreover, as Blau and Scott noted some time ago:

> New problems are internally generated in organizations in the process of solving old ones. However, the experience gained in solving earlier problems is not lost but contributes to the search for solutions to later problems. These facts suggest that the process of organizational development (*change*) is dialectical for problems appear, and while the process of solving them tends to give rise to new problems, learning has occurred which influences how the new challenges are met (1962: 250-251).

The administration of juvenile justice services in the United States currently is undergoing considerable change, as it has in the past. Today, however, there is change with a new self-conscious dimension, namely *direction;* and this is the nitty gritty of *development.* Goals, measures, tempos, and agencies have been added to the sense of change everywhere throughout juvenile as well as criminal justice systems. Thus, the winds of change are blowing in some well-sensed direction and, one hopes, practitioners (including managers as well as line staff) and

academicians are at least feeling the breeze.

Many people are questioning the direction of this wind and whether or not it is promising a brave or even a new world as the second century of juvenile court services begins. Some portend a "future shock." Others believe that the change process—even through appropriate planning—is much too slow and not in the best interests of all identified stakeholders (customers). Some demand radicalization. Still others believe that change is occurring, however slowly, but not necessarily in a positive direction. They ask for a slow-down and time for reflection; an opportunity to re-group. Thus, even those who are concerned with change are in conflict, not only in terms of substance, but with regard to the process itself.

The juvenile court has never been without critics and the likelihood of diminished criticism in the future is nil.

The great learning, moreover, may not lie in designing appropriate change mechanisms —the planning process. It may be, as a famous social psychologist, Kurt Lewin, once wrote, that a social organism becomes understandable only after one attempts to change it. It often happens, therefore, that management's awareness of a new organizational design emerges only *after* the start of an intensive change process. And even were it possible for a manager to be omniscient in developing a master blueprint before introducing any organizational change—through the planning process, it is doubtful that colleagues and/or staff will readily accept the new design or have the requisite skills for making it work. Furthermore, without input from colleagues and staff, it is doubtful that there will ever be a "buy-in." For these reasons, managers need to be as skillful in handling the question of *how* to introduce change as they are in diagnosing what needs to be changed.

While managers must perceive themselves as change agents and develop change strategies in goal-directed ways, it is critical that they also recognize the inherent relationship between change and social policy. Developing goals is insufficient. These goals and the processes needed to implement them must be placed in proper context. This context can appropriately be defined as a social policy that explains why a certain goal is appropriate for the organization at a given time and place and how it "fits" the organization's mission and stakeholder expectations. Social policy is needed to assist the manager in understanding the social environment in which the organization operates.

Thus, what values, what philosophies, what needs—and from what groups, are all aspects of social policy development. Therefore, ignorance of or insensitivity to external and internal environments perpetuates the isolation of juvenile justice agencies many observers have criticized for decades.

To involve the various communities is, of course, difficult, for in the short term it slows down movement and development. Yet, as many have noted, in the long term, greater coordination, improved communication, and consensus over direction and goals are quite likely to improve the state-of-the-art in juvenile justice administration, all of which must be taken into consideration when attempting to plan for change.

However, organizational change can be seen as an outcome jointly determined by motivation to change, opportunity to change, and capability to change. It is a risky process; therefore, an understanding of the literature on individual and organizational risk-taking is critical not only for effective planning but for enhancing organizational productivity. As Hambrick, et al. (1993) argue, too many executives tend to become committed to the organizational *status quo*, including existing strategies and policies, which compromises their ability to recognize the need for change; thus, no real planning, strategic or tactical, occurs.

Changing organizations requires leadership that may not always be available in juvenile justice. Yet, while management training is viewed as crucial, as well as in business and industry, and while the number of management training programs that is available is considerable and continues to grow at an increasing pace, the scarcity of sound research on training (i.e., its

effectiveness) has been among the most glaring shortcomings in the leadership area.

The Identification of Juvenile Justice Problems and Issues

Juvenile justice and the court, as the second century of practice begins, are not in turmoil. While there is considerable debate over practices and direction, the system is not broken, though there are areas needing attention and repair. They include:

1. Excessive caseloads that preclude meaningful interventions by an assumed well-trained staff.

2. The failure to recognize that not the offender but the community is the real "customer" of services.

3. Little understanding of the relationship between planning, change, and social policy.

4. Political, hard-line rhetoric leading to inappropriate changes in the juvenile code, including automatic waivers to criminal courts.

5. The changing character of youthful offenders, especially in terms of substance abuse and the use of weapons when committing offenses.

6. Inadequate kinds and availability of treatment programs for detained youths and for probationers and those in after-care, and, for those that work, inadequate replication efforts.

7. A stubborn refusal by some significant actors to work collaboratively in defining and resolving problems of a mutual nature, such as diversion or graduated sanctions.

8. The failure of the "leadership" to deal head-on with inappropriate and "wrong" changes in juvenile codes, especially in terms of waivers.

9. The failure of judges to provide the leadership when it comes to advocacy.

10. The lack of meaningful diversion programs, including the need for more informal processes for non-violent offenders.

11. The lack of meaningful programs that involve the families (parents) of offenders.

12. The failure to engage in advocacy for needed programs in the community for youths and their families.

13. Too much complacency (status quo), which results in lack of appropriate planning.

14. The failure to involve critical stakeholders in the development of agency-based policies and procedures.

15. Inadequate involvement of subordinate staff in identifying and implementing agency mission and goals.

16. Inadequate staff development and training programs that are based on the identification of core competencies.

17. The failure to recognize the need for and value of wrap-around services and programs, resulting in poor case management by too many case managers in too many agencies in any given case situation; i.e., the failure to recognize that too few offenders and their

families receive disproportionately high levels of human services.

18. Inadequate development of ongoing and meaningful communication with superordinates and appropriate stakeholders, which results in too many being unaware of "what works."

19. The failure to design and implement a total, systems-based information technology program that enhances data sharing.

20. The ongoing failure to evaluate programs to determine worthwhileness that should lead to decisions about program continuation, expansion, or abandonment.

21. The failure to develop and implement program and operational standards.

22. The failure to think system.

23. *The problem of too much stupidity!*

*In the final analysis, these issues and concerns reflect the fact that these are not **problems** to be solved, but a **set of conditions** needing to be managed.*

The problems will not go away by themselves nor should they be solved piecemeal. Change is inevitable, but it takes a competent and skillful manager to provide clear and explicit goals and appropriate direction. It requires a collegial approach that includes colleagues, subordinate staff, and critical stakeholders. It requires skillful planning. It demands goal-directed efforts toward meaningful change. It requires that the manager continually incorporate a systems view and a responsible and responsive stewardship of his or her agency.

Although change may be inevitable, it should never be reckless. Instead, it must be planned and viewed as beneficial for the court, its staff, the community (the real customers) being served, as well as all its stakeholders.

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