

# Unclogging the Court System through Juvenile Justice Reform

by

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## Executive Summary

The United States currently faces a severe juvenile crime wave. Youths violate the law with increasing frequency, and criminologists believe things are likely to get worse before they get better. States have responded to this crisis in a number of ways. Perhaps the most popular option is to “crack down” on violent offenders. These juveniles are often tried as adults and incarcerated at adult facilities.

But officials at all levels of the juvenile justice system warn that prevention and early-intervention programs are essential to deter at-risk youth from a career in crime. Non-parental role models are particularly needed to steer troubled adolescents—many of whom do not have adequate parental guidance—away from a life of crime. One way to involve such non-parental figures in the lives of minor and first-time juvenile offenders is through community juvenile courts. These programs remove an offender from the formal juvenile court process. Participants in community juvenile courts agree to appear before a panel comprised of volunteers from the local neighborhood. The panel meets with the youth to discuss his or her criminal act, and then decides on the type of “contract” the offender must perform. The contract can involve community service, academic work or the payment of a fine or restitution.

Proponents of community juvenile courts believe their approach to handling lesser offenders produces many benefits: tax dollars are saved through the participation of unpaid judges, and thus legal resources are freed to address the problem of chronic, dangerous offenders. In addition, since judges are chosen from a youth’s own community, a direct connection exists between all participants in the process. Also, diversion to a community justice panel removes the gang “badge of courage” often earned from incarceration.

Successful juvenile community courts have been established in a number of states, including New Jersey, Pennsylvania and Texas. Nevada’s neighbor California recently began to organize such a program. Community juvenile courts have proven their value in King County, Washington, and display encouraging signs in Maricopa County, Arizona.

Nevada’s system of juvenile justice is currently strained to the breaking point. Detention facilities are overrun with cases, and a lack of funding constrains officials’ ability to develop innovations and alternatives to incarceration. The state could benefit from the implementation of a system of community juvenile courts. Not only would such a program save legal costs and reduce overcrowding, it would directly involve positive adult figures in the lives of the state’s at-risk youth. Nevada’s juvenile justice officials are willing—and in fact, explicitly seek—to implement community-based solutions to the problem of youthful offenders. Community juvenile courts are a good place to start.

## Introduction

In *The Index of Leading Cultural Indicators*, William Bennett described the results of polls taken of public school teachers asked to identify the top problems with their students. Bennett noted that in 1940, teachers identified gum chewing and dress code violations as serious infractions. When asked the same question 50 years later, “teachers identified drug abuse; alcohol abuse; pregnancy; suicide; rape; robbery; and assault.”<sup>1</sup>

Times certainly have changed. Sadly, the nation’s children have played a large role in the explosion of social pathologies that has occurred in recent decades. It is now almost impossible to overstate the serious nature of juvenile crime in the United States. The arrest rate for violent juvenile crimes has tripled since 1965. Children now comprise the fastest-growing segment of the criminal population. Over 16,000 incidents of theft occur on school campuses every day, for a total of over one million a year. It is estimated that 20 percent of all children regularly carry some type of weapon to school.<sup>2</sup> Experts may disagree over the causes of the youth crime wave, but no one can question the urgent need for effective strategies to fight it.

The federal government has never had a large role to play in the nation’s system of juvenile justice, but in February of 1997 President Clinton unveiled his plan to combat juvenile crime during a speech in Boston. Employing characteristic hyperbole, he stated “we know we’ve got about six years to turn this juvenile crime thing around or our country is going to be living with chaos.”<sup>3</sup> There is certainly some truth to his warning, because adolescents who are not deterred in any real way from committing crimes as teenagers will in all likelihood continue to commit more frequent—and more serious—crimes as adults. Indeed, the juvenile crime rate is not expected to decrease. In fact, most experts believe the situation will get significantly worse. The Council on Crime in America, a bipartisan commission chaired by Bennett and former U.S. Attorney General Griffin Bell, estimated the crime rate for males between the ages of 14, and 17 will increase 23 percent between 1995 and 2005. Federal Bureau of Investigation Director Louis Freeh once stated the current trend in juvenile crime “portends future crime and violence at nearly unprecedented levels.”<sup>4</sup> An *Investor’s Business Daily* editorial in April 1997 warned that criminologists foresee a “bloodbath” of teenage crime in coming years. The editorial referenced a study that projected one in every 20 children born in 1997 will spend some time in jail.<sup>5</sup>

## The Response

The increase in juvenile crime has placed severe strain on states’

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juvenile justice systems. Thirty-seven states and the District of Columbia charge those under 18 who have violated the law as juveniles. Nevada is included in this group. In 10 states, the age limit is 16, and in three states, the limit is 15. But exceptions to age limits do exist, and states are trying violent juvenile offenders as adults with increasing frequency.<sup>6</sup> A broad consensus is now shared by many in the criminal justice system: Violent, habitual juvenile offenders should be tried as adults. A number of other strategies have been developed to deal with serious offenders, but as more and more teens commit assaults, murders, and rapes, get-tough policies will continue to be pursued. While criminals under the age of 17 sentenced as adults remain less than one percent of the total prison population, the juvenile prison portion is growing so rapidly that some states are currently constructing special facilities for youths sentenced as adults. (Many prison officials find that juveniles are often much more dangerous to handle than older inmates, and thus require their own quarters.)<sup>7</sup>

For the first time since Illinois established the first criminal code for juveniles in 1899, several states are considering abolition of their juvenile codes and turning all offenders over to their adult criminal systems.”<sup>8</sup>

But the surge in youth crime is in no way limited to violent offenses. The Justice Department’s Bureau of Justice Statistics reports that nationally, nearly half (49 percent) of 1994’s 885,000 juvenile delinquency cases processed in state systems were property offenses, not serious crimes such as murder or rape.<sup>9</sup> What to do with minor (as well as first-time) offenders is a different matter altogether. Many wonder if a juvenile who has committed an act of petty theft, curfew violation or vandalism should be processed through a system increasingly geared towards cracking down on hard-core offenders. A recent study by the Manhattan Institute warned: “... it is a serious mistake to think of and treat all juvenile offenders as if they are clearly candidates for long-term incarceration.”<sup>10</sup> Many officials in the juvenile justice system are looking for alternative methods to deal with “the vast middle ground of juvenile behavior which is not harmful enough to require formal court intervention but which cannot be overlooked by the community.”<sup>11</sup>

### **Community-Based Juvenile Justice**

One such alternative is to establish community juvenile courts. These entities, staffed by local volunteers, divert an offender from the traditional court system. Rather than face a trial and possible sentence at a juvenile detention facility, the youth instead agrees to appear before a panel comprised of his or her fellow citizens. Guilt or innocence is not determined by community courts—by agreeing to diversion, the

juvenile agrees to accept the judges' decision. The volunteer panel meets with the youth and his or her parent(s)/guardian(s) to discuss the criminal act, and then adjourns to discuss a proper punishment. The youth is informed of his or her punishment, which in actuality is a "contract"—the offender agrees to perform community service, academic work, pay a fine or attend counseling. The community courts monitor the youth's fulfillment of the contract, and upon adequate completion, the process is over.

As the Manhattan Institute's report observed, "... public safety concerns dictate that the most dangerous community-based youth offenders get monitored more closely than the least threatening ones. On another level, however, the system is backwards. For as ... almost ... every veteran big-city juvenile probation official knows, today's 'least threatening' case is often tomorrow's most threatening one. This is true at least in part because of the institutionalized failure to monitor [lesser offenders], hold them accountable, and divert the most easily diverted youth offenders from further criminal mischief."<sup>12</sup>

Proponents of community juvenile courts believe their approach to handling lesser offenders produces a myriad of benefits. Tax dollars are saved through the participation of unpaid judges. Thus, legal resources formerly devoted to lesser offenders are freed to address the problem of chronic offenders. Volunteers offer guidance to first-time youth offenders, and since judges are chosen from the youth's own community, a direct connection exists between all participants in the process. Also, diversion to a community justice panel removes the gang "badge of courage" often earned from incarceration.<sup>13</sup> Successful juvenile community courts have been established in a number of states, including New Jersey, Pennsylvania and Texas. Nevada's neighbor California recently began to form community courts, first in San Bernardino County, then in Sacramento County.<sup>14</sup>

Both Maricopa County, Arizona and King County, Washington currently divert qualified youthful offenders to community justice panels, and a closer examination of each program follows.

### **King County's Conference Committee Diversion Program**

Washington's King County includes the greater Seattle metropolitan area, and extends inland approximately 50 miles from Puget Sound. King County's juvenile community court system, called the Conference Committee Diversion Program (CCDP), was formally established in 1978 and operates under the jurisdiction of King County Superior Court. But the first diversion program in King County began much earlier, with the Renton Conference Committee in 1959. In the 1960s and 1970s many adjacent towns began similar programs. In 1973, the

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King County Juvenile Court hired a full-time staff member to serve as an area manager for all conference committee programs. Today, King County’s CCDP has four full-time staffers, 90 contracted employees and 26 separate conference committees with a total of 450 volunteers. In 1990, the CCDP processed about 5,000 diverted juveniles.<sup>15</sup>

### **CCDP Philosophy**

King County’s program is based on the ideal that “a community can and should respond to youths’ problems.”<sup>16</sup> The central goal of the CCDP “is to reinforce community values and personal responsibility for one’s actions.”<sup>17</sup> Each conference committee “represents a community response to a community problem,” and the King County Superior Court “has made a consistent effort to keep as much decision making as possible at the community level.”<sup>18</sup> The CCDP “maximizes citizen participation in the justice system” by allowing qualified volunteers to meet with, and decide the punishment for, local youths who have committed minor and/or first-time offenses.<sup>19</sup>

### **The Volunteers**

All volunteers for the CCDP must act within strict guidelines set forth in several documents, including the Revised Code of Washington, the Washington Administrative Code, and the Service Agreement of the Department of Youth Services (DYS). Volunteers are “carefully recruited, screened, and trained,” provided with clearly-defined responsibilities and “given support, supervision, and recognition.” Each volunteer receives training from the CCDP’s full-time staff through a 10-hour orientation session and subsequent training. After the initial orientation, volunteers are required to sign a “Statement of Commitment.”<sup>20</sup>

### **How a Conference Committee Works**

The CCDP process begins when King County’s Office of the Prosecuting Attorney (PA) concludes a youth arrested or cited by a law enforcement officer meets the requirements for diversion. Cases are sent to diversion because the PA has determined the crime is minor and/or the offender does not have a previous criminal record. CCDP staff members then decide if the referral is acceptable—they have the right to reject any referral, but not for reasons of “race, color, creed, religion, national origin, cultural heritage, sex, age, education, economic status, marital status, sexual orientation, or handicap.” If a case is accepted, the secretary of the conference committee where the juvenile lives is notified and diversion conferences are scheduled.<sup>21</sup>

The local conference committee holds two separate interviews—the youth offender is interviewed first, followed by a meeting with the adolescent’s parent(s)/guardian(s). (Information from either interviews cannot be divulged without the participants’ permission.) Upon completion of both meetings, the conference committee members discuss the case privately. Once a decision is reached, the committee meets with the offender and his or her parent(s)/guardian(s) to render its decision. If the juvenile does not agree to the terms of his or her proposed contract, the case is sent back to the court.<sup>22</sup>

The committee’s ruling can include “requiring the youth [to] attend up to 20 hours of informational/educational sessions; requiring up to 10 hours of professional counseling; requiring full or partial restitution; assigning a fine; and/or assigning community service hours. The dispositional options may also include an order for youth to stay at home, school or work during certain hours.”<sup>23</sup>

### **CCDP Effectiveness**

Youths who participate in the CCDP program have a 92 percent completion rate.<sup>24</sup> The only recidivism study in King County, conducted in 1977, showed 84.5 percent of youths sent to community diversion programs did not re-offend.<sup>25</sup> In 1989, the CCDP conducted a client survey of both parents and youths. Parents gave the program high marks, with 84 percent rating their experience with conference committees “very helpful,” and 14 percent responding “somewhat helpful.” Juveniles concurred, with 92 percent giving their experience a combined “helpful” rating. The CCDP has been recognized numerous times as an outstanding volunteer program. Awards have included the Governor’s Award for Excellence, presented in 1985, and the Outstanding Business/Organization Award for Excellence, given by the Municipal League in 1992.<sup>26</sup> Comments by actual CCDP participants further illustrate the program’s effectiveness. Volunteer Will Washington stressed the CCDP’s value is to inform youthful offenders that “People in the community are concerned with their well being.”<sup>27</sup> His view is shared by a youth who went through the program: “I learned that people in the community actually wanted to help out the offender. I always heard that there were people in the community who want to help, but actually seeing them in action made a big impact on me.”<sup>28</sup>

Betty Hayman, who participated in the CCDP process when her daughter was charged with a crime, believes the program’s main benefit is allowing the offenders to put their crimes behind them. “They have done something wrong,” Hayman stated, “they should stand up to it and accept their punishment and then go on with life. It’s over.”<sup>29</sup> One parent believed the CCDP played a role in strengthening family bonds: “I cannot say enough about the conference committee. They

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were sensitive, fair, effective, authoritative. I believe that not only the theft situation is resolved, but as a family, this has brought us closer."<sup>30</sup>

King County Prosecuting Attorney Greg Hubbard believes that the CCDP is a benefit to his office as well. "From the prosecution viewpoint," Hubbard stated, "the conference committee program does hold the kids accountable. A lot of people might say that it is just a slap on the wrist, as for the community service hours or fines, restitution or counseling. But the fact of the matter is, for many offenders, and in fact for most offenders in the juvenile system, simply being processed by the system and being held accountable for their criminal behavior is significant enough to deter them from future mischief, if you will. So yes, from a prosecutor's viewpoint, the Conference Committee Diversion Program does hold the kids accountable. You bet it does."<sup>31</sup>

As for economic benefits, King County estimates that the CCDP saves taxpayers over \$1 million annually by reducing court congestion.<sup>32</sup> "We're saving taxpayer dollars," noted volunteer Cleo Kelly. "We're meeting in the community, we're not utilizing court time."<sup>33</sup>

"It's the jewel of the juvenile-justice system," said Bob Brunswig, a CCDP area manager. "It's something that really works."<sup>34</sup>

### **Maricopa County's Community Justice Committees**

Maricopa County, Arizona encompasses the entire Phoenix-Tempe metropolitan area. In October of 1995, the Juvenile Probation Department of Maricopa County Superior Court initiated the first Community Justice Committees (CJCs).<sup>35</sup> As one reporter described it, "The concept is simple: Take a small group of representatives from a neighborhood and let them do the job that would normally be done by the overworked Maricopa County Juvenile Court, only with a little more personal attention." The burdensome caseload Maricopa County faced prompted the formation of CJCs. "We feel with our backlog, we are not doing a good job, and the community would do a better job," explained CJC supervisor Ed Estfan.<sup>36</sup>

The CJC program was initiated by Superior Court Judge John Foreman, who presides over the court's Juvenile Division. Foreman's plan was based on King County's program as well as a similar program in New Jersey. Community-based justice is permitted under Arizona statutes passed in 1970, but the concept was never actually tried until Foreman proposed the CJC program.<sup>37</sup> In less than two years, over 300 members of the community have volunteered to serve on CJCs and the program's short-term goal is to double that number.<sup>38</sup>

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## CJC Philosophy

CJC promotional literature states, "Communities as well as the children benefit greatly if concerned citizens have the opportunity to help. Additionally, it frees up an overburdened Juvenile Court to give more attention and services to serious offenders."<sup>39</sup>

Probation officer Jill Lopez, of the Tempe branch of Juvenile Court, stressed the practical need to divert minor offenders from formal court proceedings: "... most of these kids are really pretty good kids who don't need to be in the court system. Our goal is to get these kids to take responsibility for their actions, realize that what they did was wrong, go through this program and not come back to us again."<sup>40</sup>

"This is true reform," said Maricopa County Attorney Richard Romley. "This is not a slight step. There is a commitment to reform the system. It's a major shift in philosophy."<sup>41</sup> As Judge Foreman put it, "It's easy to sit back and look at the TV with a beer in your hand, and complain about the world as it goes by. But we're asking these kids to take responsibility for their actions, and the community is going to be held responsible for its actions, too. We're the surrogate parents for these kids, and we'd like the community to get more involved so that they'll know what the problems are. If the community does it in cooperation with the courts, we'll both be better off."<sup>42</sup>

## The Volunteers

CJC volunteers represent "a mosaic" of backgrounds, including educators, local activists and parents.<sup>43</sup> To participate in the program, volunteers are required to submit a formal application, undergo a background check, attend a three-hour orientation/training session and be present for one CJC interview. Volunteers serve for six months, must attend all meetings and be well-prepared for each interview. The Maricopa County Juvenile Probation Department looks for the following characteristics in every volunteer:

- I. Exhibits a strong interest in today's youth.
- II. Willingness to be open minded (non-judgmental).
- III. Willingness to listen to youth and family.
- IV. Willingness to treat youth and family with dignity and respect.
- V. Willingness to accept people operating out of a value system other than your own.
- VI. Willingness to respect the confidentiality of clients.
- VII. Willingness to work with and problem solve with other volunteers.<sup>44</sup>

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*“Community judges may require written or verbal apologies to victims, drug/alcohol rehabilitation, curfews and contact with youth or service groups.”*

### **How Community Justice Committees Work**

The Maricopa County Juvenile Court Center first receives a complaint from one of three sources: schools, police or parents. The Center then makes a determination of eligibility for diversion to a CJC. If all requirements are met, the CJC where the youth lives is notified. The local CJC secretary then contacts the offender and his or her parent(s)/guardian(s) to schedule a meeting. Participants may be told to bring relevant documents to the meeting. The chair of the committee—which has three to six members—explains the proceedings to all parties and the discussion begins.<sup>45</sup> First the youth’s school activities are covered, followed by questions about his or her home life. The committee then explains the ways the complaint can be resolved through the CJC, versus possible outcomes at juvenile court. The youth is then asked which method he or she prefers—the CJC or an appearance in a courtroom. If the youth chooses to accept the decision of the panel, he or she is then asked to give an account of the action that resulted in the complaint. The panel then adjourns to deliberate and the youth is notified of its decision. The juvenile’s parents are then required to pay a \$30.00 processing fee.<sup>46</sup>

Punishment options available to CJC volunteers are somewhat more extensive than those allowed by King County’s CCDP. Community judges may require written or verbal apologies to victims, drug/alcohol rehabilitation, curfews and contact with youth or service groups. Judges may also suspend driving or hunting licenses, impose a loss of privileges (such as dating), or prohibit an offender from certain areas of the community.<sup>47</sup> Greater latitude is allowed in order to grant the CJC opportunities to make the punishment fit the crime—one youth who used a fire extinguisher in an act of vandalism was required to write a report on fire safety.<sup>48</sup> “We expect the community to be very creative, as long as they’re within the law,” said Estfan.<sup>49</sup>

### **CJC Effectiveness**

Maricopa County’s community juvenile justice effort is not yet two years old, and thus extensive studies on the program’s efficacy do not yet exist. However, preliminary findings are encouraging. A study of CJC offenders compared with juveniles processed through the standard system showed CJC youths “committed slightly fewer offenses after their interview than the normal intake group.”<sup>50</sup> The difference was small, but with the program still so young, long-range studies will present a more accurate analysis.

But there is great hope for the program, and ample anecdotal evidence to suggest CJs are indeed having an impact, not just on offenders but

on the members of the community who have taken the time to volunteer. "We don't like to see [offenders] a second time, and we haven't seen anybody a second time, so far," noted volunteer Lloyd Buscher, who serves on a CJC in Chandler.<sup>51</sup>

"It works," stated Estfan, "because a kid has a hard time conning a group from his area; he won't play games. It's a little more embarrassing for the kid having to face the neighbors."<sup>52</sup>

"I'm here because I live in this community and so do you," said volunteer Debbie Mander to one youth during an interview. "And I care about you."<sup>53</sup> One 13-year-old who appeared before a CJC after being caught shoplifting responded immediately to the concern displayed by her volunteer judges: "I think it's great. They talked to me, and let me know it was wrong and what I had to do because I did it. To send me here, they do care. I won't do it again."<sup>54</sup>

### **Nevada's Juvenile Justice System: An Overview**

Nevada's juvenile justice system is authorized by Chapters 62, 210 and 214 of the Nevada Revised Statutes. It has jurisdiction over youths aged eight to 17 who have committed either crimes or "status offenses," such as running away or truancy. The system is "bifurcated," with roles for both counties and the state. The state is charged with long-term correctional placements as well as parole. Counties deal with probation, short-term incarceration, community-based programs and early intervention services.<sup>55</sup>

The relationship between governments—state and county—has ranged from "cooperative to adversarial" at various times. Currently an effort is being conducted (called the Work Study Group of the Juvenile Justice Commission) to focus on cooperation between the governments as Nevada faces a serious increase in the number of juvenile delinquents handled by its system.<sup>56</sup>

Currently, Nevada citizens do not have the opportunity to play the kind of direct role in their state's juvenile justice system that community courts offer. At the county level, citizens can have input—state law directs each board of commissioners to establish a citizen's advisory committee to confer with the county's department of family, youth, and juvenile services.<sup>57</sup> But beyond serving on an advisory panel or participating in prevention programs administered by private agencies, individuals have not been given a definitive role to play in Nevada's juvenile justice system.

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### Nevada Juvenile Crime in 1995

In 1995, the most recent year for which statistics are available, Nevada police made 19,518 juvenile arrests. Youths were not responsible for a substantial portion of arrests for serious crimes such as rape and murder—10 and 12 percent, respectively. Youths were arrested, however, for significant portions—and even majorities—of crimes that typically qualify for diversion to a community juvenile justice court. Examples of these crimes are listed below.

Offense of Total Arrests	Juveniles Arrested	Percent
Robbery	321	24
Larceny	3,251	28
Burglary	1,000	28
Car Theft	500	42
Arson	53	56 <sup>58</sup>

As the chart indicates, juveniles comprised over 20 percent of all arrests for robbery, burglary, and acts of larceny in Nevada in 1995. Youths 17 and under made up over 40 percent of all arrests for motor vehicle theft and over half of all arrests for arson. In addition, 1995 saw 2,011 arrests for curfew violations, 729 for acts of vandalism, 510 for weapon possession and 484 for disorderly conduct. In total, in 1995 a juvenile was arrested once every 27 minutes in Nevada.<sup>59</sup>

Since accurate statistics from past years is not available, it is impossible to decisively compute the growth of Nevada’s youthful crime wave. But those working in the state’s juvenile justice system have no doubts regarding a juvenile crime surge in the Silver State. “The incidence of violent juvenile crime in Clark County has risen dramatically over the past 12 years,” noted Kirby L. Burgess, director of Clark County Family and Youth Services. (Burgess, writing in the *Las Vegas Sun*, listed “prevention and early intervention services” as an important way to combat the rise in youth crime in Clark County.)<sup>60</sup>

Larry Carter, the juvenile justice specialist with the Nevada Department of Human Resources, estimates juvenile crime in the state increased nearly 100 percent between 1991 and 1994. By Carter’s count, non-traffic related referrals to Nevada juvenile courts numbered approximately 24,000 in 1991. By 1994, the Nevada juvenile justice system was swamped with over 42,000 referrals—almost a doubling, in only three years.<sup>61</sup>

“Not only are we going through an adolescence boom in terms of sheer numbers,” noted *A Legislator’s Guide: Juvenile Justice in Nevada*, a report prepared by the Nevada Association of Juvenile Justice Administrators, “but we are also seeing adolescents who are more violent, younger, and more culturally diverse than we have seen in the past.”<sup>62</sup>

Youth involvement in gangs in particular is on the rise in the Silver State. Without question the center of Nevada gang activity is metropolitan Las Vegas, where police estimate 157 gangs (with more than 5,000 members) currently operate. Gang-related murders in Las Vegas rose more than 100 percent from 1995 to 1996. Las Vegas Metro Police will add 50 additional gang officers to its current staff of 32 during the next five years. The head of the Las Vegas gang unit, Lt. Bill Conger, believes early intervention is the only way to halt the dramatic rise in gang membership. “You’ve got to get to these kids before they’re eight, nine, 10 years old,” he stated, adding that police crackdowns cannot be the only strategy employed.<sup>63</sup>

### **Problems with the System**

As the Work Group summarized last year, “no matter how well certain parts of the system operate in isolation, the system as an integrated effort does not work as well as it must.”<sup>64</sup>

Carter bluntly summarized Nevada’s juvenile justice system’s problems: “We have a crisis happening as far as facilities and resources in the state.”<sup>65</sup> The increased willingness of juveniles to commit crime, coupled with the state’s booming population, has placed a huge burden on state resources. The two biggest difficulties faced by the system are substantial overcrowding at detention facilities and an overall lack of funding.

As this study goes to press, Reno and Las Vegas are under court orders to reduce the number of inmates in their respective juvenile detention centers. The *Las Vegas Sun* minced no words in its assessment of Nevada’s juvenile detention centers, calling the facilities “a disgrace” in an April 1997 editorial.<sup>66</sup> The overcrowding problem has persisted for some time. As far back as 1989, Nevada’s Legislature adopted a concurrent resolution ordering a study of the state’s juvenile justice system. The resolution specifically mentioned the overcrowding problem: “The unprecedented burden upon our system of juvenile justice is obstructing the desirable goal of placing youthful offenders in the least restrictive environment appropriate to the offense committed and has instead necessitated the placement of youthful offenders in any facility available, sometimes requiring the placement of male and female offenders at the same facility.”<sup>67</sup>

*“The increased willingness of juveniles to commit crime, coupled with the state’s booming population, has placed a huge burden on state resources.”*

*“Community justice panels seem tailor-made to address both the overcrowded and underfunded natures of Nevada’s juvenile justice system.”*

Severe overcrowding may have something to do with the rate at which Nevada incarcerates its youthful offenders. In September of 1990, the legislative subcommittee studying the state’s juvenile justice system published the results of its investigation. It found “Several sources have put Nevada at or near the top nationally in the per capita incarceration of juveniles. One study ... ranked Nevada the highest among the 50 states in incarcerating juvenile offenders, exceeded only by the District of Columbia ... The study indicated that Nevada incarcerates 40.7 offenders per 10,000 juveniles and in fact, has increased the incarceration rate by nearly 47 percent in the period from 1979 to 1987.” The subcommittee noted that Nevada’s 40.7 incarceration rate was more than double the national average of 16.6.<sup>68</sup>

In March 1997, Burgess told the *Las Vegas Sun*, “We are inundated with juveniles.”<sup>69</sup> The ongoing struggle over overcrowding, in the words of one *Reno Gazette-Journal* reporter, has “no quick fix in sight.” Assemblywoman Jan Evans, the vice chairman of the Senate Finance/Assembly Ways and Means subcommittees examining the matter, expressed the immediacy of the problem: “We’re desperately seeking solutions here.”<sup>70</sup>

In addition to overcrowding, many feel the state simply does not provide enough funds to adequately combat juvenile crime in Nevada. A strong sense of frustration with the level of funding allocated to the system is shared by almost every individual directly involved with Nevada juvenile justice (additional funding is currently pending before the state legislature). In April of 1997, retired youth corrections official David Bash III told the Nevada Legislature that his former department is not getting nearly enough money to deal with Nevada’s juvenile delinquents. Bash stated that youth corrections is the “odd man out” in the state’s Division of Child and Family Services, which is also comprised of welfare and child services divisions.<sup>71</sup> That view is shared by a Washoe County official. “Everyone wants to talk about juvenile justice, but it gets no funding,” stated Assistant Director of Juvenile Services Leonard Pugh. “All the dollars continue to go to the adult systems. People have to pay attention to these kids and increase the services we can provide.”<sup>72</sup>

### **Community-Based Juvenile Justice for Nevada?**

In its 1990 study of Nevada’s juvenile justice system, the legislative subcommittee made note of the necessity for long-range strategies to handle minor and first-time offenders: “... trends nationwide indicate a need for more community-based programs for nonviolent offenders.

For example, the ... National Council on Crime and Delinquency ... states in part that 'states relying on institutions alone to handle violent and nonviolent offenders are costing their citizens more money and returning to society a youth who is virtually unchanged.' Additionally, the publication indicates that the American Bar Association and the Institute for Judicial Administration have urged states to reform their juvenile corrections system arguing that programs must be small to be effective and that more community-based residential programs are needed for nonviolent offenders."<sup>73</sup>

Nevada juvenile justice officials appear willing to attempt such programs. When asked about the creation of community juvenile justice courts in the Silver State, Washoe County District Attorney Dick Gammick replied, "I'm willing to try anything to try to stem the tide [of juvenile crime] that we have going here."<sup>74</sup>

The Work Study Group, in an October 1996 initial report, concluded "refashioning the Juvenile Justice system cannot begin with the governmental processes of placing a youthful offender in detention."<sup>75</sup>

Community justice panels seem tailor-made to address both the overcrowded and under-funded natures of Nevada's juvenile justice system. And perhaps more important than saving court costs, community-based juvenile justice could play a large role in strengthening bonds in Nevada's neighborhoods—a particularly worthy goal in the fastest-growing state in the nation.

As the Manhattan Institute's study found, "the key to producing more resilient youth is to get more caring, non-parental adults into the lives of the at-risk children who so desperately, and so obviously, need them."<sup>76</sup> Working together, Nevada's legislators and juvenile justice officials could find a way to get such "caring, non-parental" adults into the lives of the state's troubled youth. With proper planning and foresight, the success enjoyed by King County's program and the encouraging results of Arizona's recent efforts could be realized in Nevada.

## Conclusion

Juvenile crime is booming. Both at the national level and throughout Nevada, the crime rate for adolescents has never been higher, and criminologists warn that the worst is yet to come. While no single proposal can serve as a comprehensive solution to the problem of kids committing crimes, community courts that divert youthful offenders from the traditional juvenile justice system have shown promise in several states. Nevada officials should be willing to establish such programs here.

*"With proper planning and foresight, the success enjoyed by King County's program and the encouraging results of Arizona's recent efforts could be realized in Nevada."*

*“... copying successful elements from community justice courts elsewhere ... could produce a workable system of community juvenile courts in the Silver State.”*

“Ideally,” wrote Supreme Court Justice William O. Douglas, “our task should be in organizing the neighborhood—the grass roots level—so that there is an identifiable group of responsive and responsible people whose aim is not living for themselves but for others. We will in time discover that that is the only path to self-fulfillment.”<sup>77</sup> The Heritage Foundation’s Mary Kate Cary concurs with that notion: “The real answer to [the rise in juvenile crime] lies outside the criminal justice system ... it is the basic institutions of society—family, schools, churches, and neighborhood groups—that instill values and mold children into good citizens ... Only when these institutions once again intervene effectively in shaping the lives of young Americans will juvenile crime be cut substantially.”<sup>78</sup> But unfortunately, as pollster Daniel Yankelovich wrote, “society now places less value than before on what we owe others as a matter of moral obligation; less value as sacrifice as a moral good.”<sup>79</sup>

Community juvenile courts defy Yankelovich’s assertion. They are excellent examples of citizens’ moral obligation to society as a whole. Volunteers willing to speak with troubled youths about the crimes they have committed—and trained to render an appropriate punishment—have proven their worth as effective tools at combating juvenile crime. As King County volunteer Cleo Kelly observed, “Certainly we live in difficult times. We could say, young people continue to repeat, we shouldn’t have the conference committees, we should just have these young people go to court. But within society, and within your immediate surroundings, you just cannot give up.”<sup>80</sup>

Community juvenile courts’ role as an early-intervention tool cannot be discounted. Neither can their value as a cost-saving measure which allows resources to be devoted to more serious juvenile offenders. The Nevada Association of Juvenile Justice Administrators believes the state’s juvenile justice system must “look toward change if it is going to meet the challenge” of the state’s growing juvenile justice problems.<sup>1</sup> Community juvenile justice courts could be a large part of meeting that challenge. Without question, it would take time to properly plan and implement such a program. But copying successful elements from community justice courts elsewhere—while at the same time recognizing and addressing Nevada’s social and cultural uniqueness—could produce a workable system of community juvenile courts in the Silver State. Such a program could significantly relieve the state’s overburdened juvenile justice system as well as permit Nevadans to play an active role in the lives of the state’s at-risk youth.



## Notes

- <sup>1</sup> William Bennett, The Index of Leading Cultural Indicators (New York: Simon & Schuster, 1992), p. 26.
- <sup>2</sup> *Ibid.*, p. 31.
- <sup>3</sup> President Bill Clinton, "Remarks By The President To Parents, Educators, Law Enforcement Officials, Students And The Community On Juvenile Justice," White House Virtual Library, February 19, 1997.
- <sup>4</sup> James Wooton and Robert O. Heck. "How State and Local Officials Can Combat Violent Juvenile Crime," Heritage Foundation State Backgrounder No. 1097/S, October 28, 1996.
- <sup>5</sup> "When the Crime Lull Ends..." Investor's Business Daily, April 4, 1997.
- <sup>6</sup> "Juveniles Prosecuted in State Criminal Courts," U.S. Department of Justice, Bureau of Justice Statistics, March 1997.
- <sup>7</sup> J. Taylor Buckley, "Growing Up ... And Growing Old in Prison," USA Today, April 9, 1997.
- <sup>8</sup> "Nevada's Community Approach to Juvenile and Family Justice," Work Study Group, Nevada Juvenile Justice Commission, October 1996.
- <sup>9</sup> "Juvenile Delinquents in the Federal Criminal Justice System," U.S. Department of Justice, Bureau of Justice Statistics, February 1997.
- <sup>10</sup> "Preventing Crime, Saving Children: Monitoring, Mentoring, & Ministering," The Council on Crime in America, Manhattan Institute, February 1997.
- <sup>11</sup> "Juvenile Probation Department Guide for Community Justice Committees," Maricopa County Juvenile Court Center, Phoenix, Arizona.
- <sup>12</sup> "Preventing Crime, Saving Children: Monitoring, Mentoring, & Ministering."
- <sup>13</sup> "Juvenile Justice: Community Courts," Nevada Policy Research Institute Issue Brief, January 27, 1997.
- <sup>14</sup> Mareva Brown, "Communities take a hand in disciplining young criminals," Reno Gazette-Journal, May 26, 1997.
- <sup>15</sup> "Conference Committee Diversion Program Volunteer Manual," King County Superior Court Juvenile Division.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> Conference Committee Diversion Program promotional video, Puget Power Visual Communications, 1993.
- <sup>18</sup> "Conference Committee Diversion Program Volunteer Manual."
- <sup>19</sup> "The Legal System's Best Kept Secret," Conference Committee Diversion Program brochure, undated.
- <sup>20</sup> "Conference Committee Diversion Program Volunteer Manual" pp. 5-6.
- <sup>21</sup> *Ibid.*, p. 21.
- <sup>22</sup> *Ibid.*, p. 38.
- <sup>23</sup> *Ibid.*, p. 48.
- <sup>24</sup> "The Legal System's Best Kept Secret"
- <sup>25</sup> "Juvenile Justice: Community Courts," Nevada Policy Research Institute Issue Brief, January 27, 1997.
- <sup>26</sup> "Conference Committee Diversion Program Volunteer Manual" p. 4.
- <sup>27</sup> Conference Committee Diversion Program promotional video.
- <sup>28</sup> "The Legal System's Best Kept Secret"
- <sup>29</sup> Conference Committee Diversion Program promotional video.
- <sup>30</sup> "The Legal System's Best Kept Secret"
- <sup>31</sup> Conference Committee Diversion Program promotional video.

- <sup>32</sup> "The Legal System's Best Kept Secret"
- <sup>33</sup> Conference Committee Diversion Program promotional video.
- <sup>34</sup> Judi Villa, "Community panels work elsewhere," Arizona Republic, October 26, 1995.
- <sup>35</sup> Ed Estfan, letter to author, May 13, 1997.
- <sup>36</sup> Leslie Shames, "Community justice committee to form," Paradise Valley Independent, February 28-March 5, 1997.
- <sup>37</sup> Judi Villa, "New program puts juvenile justice in neighborhood's hands," Arizona Republic, October 26, 1995.
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- <sup>39</sup> "It Takes A Whole Village To Raise A Child," Community Justice Committee brochure, undated.
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- <sup>44</sup> Community Justice Committee instructional packet, Maricopa County Juvenile Probation Department, undated.
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- <sup>49</sup> Sonja Lewis, "Youth 'community justice' effort starts," Arizona Tribune, October 28, 1995.
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- <sup>52</sup> Barker.
- <sup>53</sup> Kris Axtman, "After crime, residents set punishment," Arizona Tribune, February 12, 1996.
- <sup>54</sup> Villa, "New program..."
- <sup>55</sup> "A Legislator's Guide: Juvenile Justice in Nevada," Nevada Association of Juvenile Justice Administrators, 1996 edition, p. 4.
- <sup>56</sup> *Ibid.*, p. 6.
- <sup>57</sup> NRS p. 48.
- <sup>58</sup> "Crime and Justice in Nevada," Department of Motor Vehicles and Public Safety, 1995.
- <sup>59</sup> Computation from "Crime and Justice in Nevada."
- <sup>60</sup> Kirby L. Burgess, "Where I Stand: Agency tries to steer at-risk youths away from crime," Las Vegas Sun, September 5, 1996.
- <sup>61</sup> Telephone interview with Larry Carter, April 21, 1997.
- <sup>62</sup> "A Legislator's Guide: Juvenile Justice in Nevada," p. 3.

<sup>63</sup> Angie Bluethman, "Las Vegas gangs on the rise; police searching for answers," Reno Gazette-Journal, May 18, 1997.

<sup>64</sup> "Nevada's Community Approach to Juvenile and Family Justice," Work Study Group of the Nevada Juvenile Justice Commission, October 1996, p. 7.

<sup>65</sup> Telephone interview with Carter.

<sup>66</sup> "Detention for youths disgraceful," Las Vegas Sun, April 19, 1997.

<sup>67</sup> "Study of the Youth Services Division and the Juvenile Justice System in Nevada," Legislative Counsel Bureau, State of Nevada, September 1990, p. i.

<sup>68</sup> *Ibid.*, p. 2.

<sup>69</sup> Karen Zekan, "Overcrowding plagues Juvenile Hall as authorities cope with rising youth crime," Las Vegas Sun, March 8, 1997.

<sup>70</sup> Mike Henderson, "Juvenile hall crowding in lawmakers' laps," Reno Gazette-Journal, April 16, 1997.

<sup>71</sup> Jennifer Crowe, "Importance of juvenile justice overlooked, retired official says," Reno Gazette-Journal, April 16, 1997.

<sup>72</sup> You Think About It, produced by the Nevada Policy Research Institute and KTVN Channel 2, Reno, Nevada, airdate February 1, 1997.

<sup>73</sup> "Study of the Youth Services Division and the Juvenile Justice System in Nevada," pp. 60-61.

<sup>74</sup> You Think About It.

<sup>75</sup> "Nevada's Community Approach to Juvenile and Family Justice," p. 3.

<sup>76</sup> "Preventing Crime, Saving Children: Monitoring, Mentoring, & Ministering," p. 4.

<sup>77</sup> "The Legal System's Best Kept Secret"

<sup>78</sup> Mary Kate Cary, "How States Can Fight Violent Crime: Two Dozen Steps to a Safer America," Heritage Foundation Backgrounder No. 944/S, June 7, 1993.

<sup>79</sup> Bennett, p. 9.

<sup>80</sup> Conference Committee Diversion Program promotional video.