



The effectiveness of the juvenile justice system

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Abstract

Systematic assessment of the substantial research evidence on 'what works' has shown that flagship programmes have a modest effect, on average, in changing the future behaviour of young offenders. Yet actual juvenile justice systems do not typically deliver the modest benefits provided by programmes selected for evaluation, and probably they never will. Comparative research shows that a passive and lenient juvenile justice system may produce the same level of youth offending as an active and punitive one. Evidence that some programmes work should not be used as a platform for expanding the scope and activity of the juvenile justice system. Instead, the influence of juvenile justice on the future behaviour of young offenders should be seen as just one element in the evaluation of a system that will always struggle to meet a complex range of partly conflicting objectives.

Key Words

behaviour change • effectiveness • evaluation • juvenile justice

In every country the juvenile justice system exists at a point of collision between competing principles. Everywhere, mature adults are treated as moral beings that make choices. These choices may often be ill-informed and may emerge from an impoverished social context, yet western legal traditions insist on treating most individuals in most circumstances as free moral agents, and pin responsibility for their actions onto them. To do otherwise would be patronizing and authoritarian: it would be a denial of

the individual's essential humanity. Children, on the other hand, are regarded as a force of nature, and not as independent moral agents. They are restrained, supervised, trained and prepared to assume that status when they reach maturity. Even after the flattening of hierarchies that has continued since the 1960s, few parents or teachers have qualms about making choices for young children, especially if they can explain and justify their choices as being in the best interests of the child.

Juvenile justice is the site of conflict between these two principles. There is no well-defined rite of passage from the status of incompetent, supervised child to that of autonomous and morally responsible adult. Instead, there is the ambiguous status of adolescence, which has become indefinitely extended since the mid-20th century, starting earlier, finishing much later. This ambiguity is central to the whole of criminal justice, because crime peaks in adolescence. We are uncertain whether to treat young offenders as children requiring help and guidance or as morally responsible agents who deserve to be punished. Each juvenile justice system represents a particular accommodation to this tension. Everywhere, children below a certain age cannot be prosecuted for criminal offences, whereas mature adults above a certain age can be prosecuted with few restrictions. In most jurisdictions, there is a special procedure for juveniles, who have an indeterminate status between childhood and mature adulthood (Doob and Tonry, 2004). Typically, these arrangements include procedures for diverting some young offenders from criminal justice process, a juvenile or youth court, and scope for this court to prescribe training, education, counselling, supervision, mediation and restoration, either instead of punishment, or in addition to it.

Because the system is an attempt to reconcile opposing principles, the question 'How effective is the juvenile justice system?' is bound to be contested. Depending on which principles and objectives are dominant, effectiveness will be defined and measured differently. The first section of this essay discusses alternative interpretations of effectiveness, some of which emphasize consequences such as behaviour change and crime reduction, whereas others emphasize justice, symbolic values and victim satisfaction. Given a primary focus on behaviour change and crime reduction, it is important also to distinguish between the effectiveness of exemplary interventions with selected youths and the effectiveness of the juvenile justice system as a whole. The second section summarizes the evidence on the effects of specific interventions and programmes on the behaviour of the young people exposed to them. The third section considers how much difference actual juvenile justice systems make to the behaviour of young people, bearing in mind that what they usually deliver may be much less impressive than the specific interventions and programmes that are the focus of most evaluations. The final section returns to a broader assessment of the effectiveness of the system in the light of the evidence of its effects on the behaviour of the young people exposed to it.

Interpretations of effectiveness

Not all interpretations of effectiveness in juvenile justice are consequentialist: not all are primarily concerned with using juvenile justice to bring about change in young offenders or in the wider social world. Instead, on some interpretations, juvenile justice is effective where it provides a response to youth offending that is fitting or satisfying in itself. The following are examples.

(1) Effective juvenile justice could mean providing a morally and legally appropriate response to criminal behaviour by young people. On this interpretation, responses to youth offending are constructed as sanctions or punishment, as in the adult system, even though the sanctions deemed to be appropriate for juveniles may be less harsh and qualitatively different. The emphasis is on retribution out of a sense of justice. Importantly, within the framework of ‘just deserts’ theory, the principle of retribution functions to limit the scope and severity of the sanction, whereas the scope for intervention on a treatment model is potentially limitless. The objective of delivering a just response to criminal behaviour by young people will have been achieved regardless of any change in the behaviour of the young people who have been sanctioned.

(2) Adopting a theory of punishment as communication, effective juvenile justice could mean communicating to the general public through appropriate symbolic gestures. As explained by Roberts (2004) in recent years juvenile justice has increasingly been viewed through the prism of ‘populist punitiveness’ not only in Britain and the United States, but also in a number of other countries. This has usually happened in the wake of famous cases where young offenders have committed serious crimes, such as the murder of 2-year-old James Bulger by two 10-year-old boys in England in 1992. Politicians have tried to demonstrate that the juvenile justice system is capable of communicating the right message in response to such serious crimes.

(3) Alternatively, effectiveness could be interpreted as satisfying the victims of crimes committed by young people, for example through mediation, apology or restoration, or again through retribution (but with the emphasis on the feelings of victims). Thus, innovative responses to youth crime using ‘restorative justice’ approaches are usually justified by the benefits provided to victims as much as by any influence on the behaviour of young offenders.

(4) Again, ‘caring’ in contrast to punitive responses to youth crime may be seen as primarily a response to the needs of children in trouble rather than a way of changing behaviour. At the same time, this distinction may well turn out to be artificial. The Scottish children’s hearing system has often been represented as concerned with ‘needs rather than deeds’, whereas it is more accurately described as holistic, seeking to address needs and to confront bad behaviour at the same time. In other systems, such as that in

England and Wales, the care and youth justice systems are separate. In either type of system, though, meeting the needs of young people who behave badly can be seen as necessary regardless of consequences.

By contrast, there are also various other interpretations of effectiveness as primarily behaviour change or crime reduction.

(5) The juvenile justice system may be judged to be effective if it deters most youths from becoming involved in crime. This interpretation emphasizes the general consequences of having a well-functioning juvenile justice system: it stresses the influence of the system on the majority of young people that do not have contact with juvenile justice, not on the minority that do. This is not, of course, the dominant interpretation of juvenile justice in public debate, but it is one that may have some influence. According to credible evidence (Roberts, 2004), the public believes that young people should not be allowed to think they can 'get away with anything', and that the juvenile justice system should stop them thinking that way.

(6) Also, an effective system could be one that keeps troublesome young people out of trouble by closely controlling and supervising them while they remain with their own families, through measures such as electronic tagging, or by keeping them in secure institutions, whether these are described as 'residential care', 'special schools', 'detention centres' or 'youth prisons'.

(7) Finally, effectiveness could mean changing the way that young offenders will behave when they are no longer under direct control or supervision. Here many different approaches are possible and have been tried, varying from those that primarily engage with the bad behaviour itself or its immediate causes (e.g. cognitive behaviour therapy, anger management) to those that address other needs that may increase the risk of offending (e.g. vocational training, social skills teaching). Also, punishment may be seen as a way of deterring the individual youth who is punished from offending in the future.

Many of the conflicts and tensions, both within the juvenile justice system and in public debate, arise because we want the system to do many different things that may be incompatible, or at least hard to reconcile. Summarizing the list above, these objectives include an appropriate response to criminal behaviour ('retribution', 'just deserts'), censure communicated to the general public, satisfying crime victims, taking care of children in trouble, general deterrence, incapacitation of young offenders and changing their future behaviour. It can be argued that some of these objectives should be disavowed, or at least de-emphasized. For example, in the Scottish system the objectives of retribution and deterrence are largely rejected, at least for children under the age of 16, except for a small minority accused of very serious offences who are tried in the adult courts. However, as argued by Bottoms and Dignam (2004), the Scottish system can give absolute priority to the needs of the child only because mid-

adolescents from age 16 onwards are dealt with by the adult courts. This illustrates how objectives other than child welfare tend to creep back in, however the system is structured. Although the emphasis given to different objectives varies between systems, it is likely that in possible social worlds that we can imagine, the juvenile justice system will have to meet a range of objectives, so that systems will need to be effective in a number of different ways.

The tension between objectives is heightened because, as confirmed for example by a study of children's hearings in Scotland (Waterhouse et al., 2000), frequent young offenders usually have multiple needs, and referral for non-offence reasons often precedes referral for offence reasons; in other words, these young people first present as children in need of special care and attention, and only later as young offenders. Because of multiple objectives, every system is extremely complex in detail, but accompanied by a simplified discourse on the basis of more general principles. Typically, public debate provides a very inadequate account of what actually happens within the system. For example, in England and Wales there has been a shift over the past 15 years from a guiding principle of minimum intervention accepted by most actors within the juvenile justice system up to the early 1990s towards a new emphasis on an efficient and prompt response to youth offending, with an insistence on making children and their parents responsible for the young people's bad behaviour. Yet under the umbrella of 'responsibilization' there is probably more being done to care for young offenders and address their needs than in the era when dealing with needs was supposed to be the top priority. As a contrary example, the welfare of the child is still paramount within the Scottish system, but this has led to high rates of custodial sentences when young people transfer to the adult system at the early age of 16 (Bottoms and Dignam, 2004: 72). In other words, avowed principles are not necessarily a good guide to what the system actually delivers.

Against this background of multiple objectives and principles, this brief review will focus on a consequentialist interpretation of effectiveness, with the emphasis on changing the behaviour of the young people who come into contact with the system. Even within this restricted field, there are still two entirely separate questions:

- If appropriate interventions are delivered to the right young people, how effective are they at changing behaviour?
- How effective is the youth justice system in changing behaviour, given its actual pattern of response to youth offending?

There is a gap between these questions, because even if appropriate interventions with the right children can work, it may be that the youth justice system in practice is ineffective in delivering such interventions. Hence I consider first the evidence on whether exemplary interventions in the most favourable conditions can work, then the very limited research on the impact of actually existing juvenile justice systems.

Effectiveness of interventions with young offenders

A famous article by Martinson (1974) was widely interpreted as arguing that 'nothing works' in changing the future behaviour of offenders, although in fact he stated more cautiously that 'instances of success . . . have been isolated, producing no clear pattern to indicate the efficacy of any particular method or treatment' (1974: 49). In summary,

According to his evaluation, the available studies were generally very poorly controlled in methodological terms, contained effects of external variables, were insufficiently grounded in theory, assessed very different and frequently too short follow-up periods, did not take enough system effects into account and were not replicated frequently enough.

(Lösel, 1995: 79)

This conclusion was in line with a number of pessimistic reviews of the research evidence at that time. From the end of the 1980s onwards, however, a growing number of commentators have begun to conclude that there is a coherent body of evidence showing that some types of intervention do work in changing the behaviour of offenders. Although most of this commentary is not explicitly about juvenile justice, the vast majority of the interventions that have been evaluated are with young offenders. A key factor in this change of view has been the development of techniques of meta-analysis, which make it possible to provide a systematic summary of the evidence from a large number of studies: the largest meta-analysis in the field covered evaluations of over 400 programmes or interventions (Lipsey, 1992, 1995). The evidence has become so complex that Lösel (1995) reviewed as many as 13 meta-analyses of the evaluations, and these were a selection from all the meta-analyses that had been published. Others have tried to draw out the policy implications from the complex web of evidence (e.g. Huizinga and Mihalic, 2003).

At its best, meta-analysis provides a more systematic and objective assessment of the findings from a large number of studies than is possible through traditional methods of scholarly review. Only studies that meet minimum design standards are included in the analysis. For example, Lipsey (1992) excluded studies that were based only on a measure before and after the intervention among the group exposed to it, without any comparison with a control group. The reason for this is that, as in an English study of 'intermediate treatment' (Bottoms et al., 1990), behaviour often improves among a control group not exposed to the intervention (for example, because offending declines as young people grow older) so that improvements cannot be attributed to a programme on the basis of pre- and post-measurements alone. Random allocation to experimental and control groups provides the most rigorous test of the effects of a programme, but Lipsey (1992) and other analysts have generally included other studies also in which a control group was matched with an experimental group. Meta-analyses are able to assess the size of the effect

produced by the programmes, not just whether it is statistically significant, and because the estimate of effect size is based on a large number of studies, it is relatively robust. They are able to examine systematic relationships between the methods of evaluation used by researchers and the size of effects shown, which indicates whether results are the spurious products of methodological quirks. Most important, these analyses can classify the characteristics of subjects and interventions covered by different evaluations, so as to show whether given types of intervention tend to be more or less effective, whether interventions tend to be effective with all or only some types of young person and whether specific types of intervention work best with specific types of youth.

The meta-analysis that included the largest number of studies—over 400—was the one reported by Lipsey (1992). Six years later, Lipsey and Wilson (1998) reported a further meta-analysis of the same (updated) database but restricted to 200 studies in which the target groups were relatively serious, frequent or violent offenders. There is a great deal of overlap between the studies covered by these and other meta-analyses, but between them the 13 meta-analyses reviewed by Lösel (1995) draw on the results of over 500 evaluations. Overall the findings show that the interventions in this very mixed bag tend to have a positive effect in reducing offending. The average effect size across all the assessed studies is probably about 0.1 of a standard deviation (Lösel, 1995: 89), equivalent to a reduction in re-offending rate of about 5 per cent, for example from 50 per cent to 45 per cent. On average, therefore, these programmes clearly do have an effect on subsequent offending, but these effects are small compared for example with the effects of psychotherapy for adults, which are two to three times larger, or the effects of more specific behaviour change and social skills programmes for children and adolescents (references in Lösel, 1995). The effects shown tend to be smaller where the methods of evaluation are more rigorous, except that random allocation and matched control group studies show about the same effect sizes (Lipsey, 1992; Lipsey and Wilson, 1998). It is possible that the size of the effect is depressed by technical features of the evaluations: for example, most studies rely on police or court records, which are inaccurate and insensitive indicators of actual offending; the intervention is not compared with nothing, but with the usual response to offending, delivered to the control group; and the effect of the intervention may be dwarfed by other influences, such as the tendency for offending to reduce with age. Nevertheless, the findings suggest that antisocial behaviour is hard to change compared with other behavioural or psychological problems.

These modest effects are an average across all of the 500 evaluations included in these meta-analyses. However, the size of the effects varied widely according to the type of treatment. Lipsey and Wilson (1998: Table 13.8) found that the most effective types of intervention had effect sizes of around .4, corresponding to a reduction in the rate of re-offending from 50 per cent in the control group to around 30 per cent in the experimental

group. Such findings suggest that the best interventions can have quite substantial effects. Nevertheless, two qualifications have to be borne in mind. First, the routine response to youth offending is not generally evaluated. Those interventions that are tested (usually in comparison to the routine response) are generally exemplary or special programmes at an early stage in their life cycle: they tend to be a focus of resources, energy and commitment. Second, where evaluations do not produce encouraging results, these may not be published, so that published evaluations may incorporate an inbuilt bias towards optimism. Most of the meta-analyses did not make special efforts to include the results of unpublished evaluations, and even where they did, the results of evaluations of unsuccessful interventions may have been unobtainable.

The programmes found to be most successful are those that directly address behaviour problems, by using a social learning approach, teaching social and interpersonal skills and helping young people to perceive and think about their own and other people's behaviour in a different way. In a single phrase, this can be summed up as the cognitive behavioural approach. Programmes using multiple approaches were also frequently successful. Examples of unsuccessful programmes from Lipsey and Wilson's (1998) analysis were wilderness challenge, early release, deterrence e.g. through shock incarceration and vocational training. There is some evidence from another meta-analysis (Andrews et al., 1990a, 1990b) that effects are much greater where programmes are selective and appropriate: where higher levels of service are reserved for higher risk cases, or services are matched to levels of need, or styles of service are matched to learning styles and abilities of offenders. However, Lösel (1995) considered that this finding could be misleading, since judgements by Andrews et al. (1990a, 1990b) as to whether services were appropriately matched to offenders could have been influenced by a knowledge of the outcome of the evaluation.

Interventions with offenders in the community tend to have greater effects than those with offenders in institutions (nearly all of which are juvenile justice institutions, although a few are under mental health administration). However, none of the primary studies that are summarized in the meta-analyses makes a controlled comparison between treatment in different settings; at the same time, young people sent to institutions tend to have different characteristics from those supervised in the community, and their offending tends to have been more frequent, serious and persistent. Therefore these findings are a fragile basis for generalization—but if anything they support the view that it is easier to change behaviour in a community setting than in an institution in which young people are confined.

These findings firmly establish that working with young people, especially using cognitive behavioural approaches based on social learning theory, can change their behaviour. On average the effects of the programmes that have been evaluated are modest, but there is clear evidence that certain types of programme can have quite substantial effects. How-

ever, the juvenile justice system does not usually deliver these exceptionally effective interventions to the majority of young offenders. Although it is well established that some interventions can work, an entirely different question that needs to be asked is whether the usual response of the juvenile justice system to youth offending tends to have a positive effect on the behaviour of the young people exposed to it.

Effectiveness of the normal juvenile justice system

Studies of the effects of the normal response of the juvenile justice system are rare and are usually based on very inadequate designs. There are few studies that include control groups of young people who have offended but have not been processed by the juvenile justice system. Because of insuperable practical and ethical problems, there are no studies in which young offenders were randomly allocated to an experimental group (to be normally processed by the system) or a control group (to be ignored by the system). In principle, the best way of studying the effects of juvenile justice is through a longitudinal study of a cohort of young people that collects information about their offending from self-reports and about their contacts with juvenile and adult criminal justice systems. If such a study is large enough, it should be possible to identify a group of offenders processed by the system and a matched group with similar levels of offending who were not processed by the system over the same period. Later levels of offending, as shown by police records and by self-reports, can then be compared between the two groups to see if offending was reduced among the group that had been in contact with the juvenile justice system. Alternatively, multivariate analysis instead of matching can be used to make a similar comparison. Very few analyses of this kind have been reported. The best example to date is Tracy and Kempf-Leonard's (1996) follow-up study of the 1958 Philadelphia birth cohort, in which they tracked delinquents up to the age of 26. They found that delinquent careers were shorter where there was early intervention by the juvenile justice system in the form of probation (supervision in the community) than where the first intervention came much later. Also they found that boys who were committed to a correctional facility at any stage were more likely to continue offending into adulthood than those who were not, after controlling for other influences.

From analysis of a cohort of 411 boys who grew up in a working-class district of London, Farrington (1977) found that those first convicted between the ages of 14 and 18 increased their self-reported delinquency compared with a matched group of unconvicted boys. The same result was obtained in studying the effect of first convictions between the ages of 18 and 21 (Farrington et al., 1978). However, these analyses were designed to test the effects of being publicly labelled as a criminal. They are weak for the present purpose because they do not take account of the nature,

intensity or length of contact between young offenders and the juvenile justice system. Within the next few years it will be possible to carry out the appropriate analyses on data from the Edinburgh Study of Youth Transitions and Crime (Smith and McVie, 2003).

Probably much of the experience that young offenders have of juvenile justice systems is of something very different from the flagship programmes that tend to be chosen for evaluation studies. In the United States, 'a national study of the conditions of confinement revealed that many juvenile correctional facilities were not meeting minimal professional standards' (Krisberg and Howell, 1998: 347). More information is available for the United States than for most other countries, but no doubt conditions are equally bad, or worse, elsewhere.

A considerable number of US studies have tracked the re-offending rates of young people released from correctional facilities. Many of these studies appear to show a suppression or slow-down of offending for a period after release, and statistical techniques have been used to estimate how much of this slow-down is attributable to the normal reduction that comes with ageing, and how much to the mathematical quirk known as 'regression to the mean' (offenders tend to be captured by the system at a time when their offending is close to its peak, so there will always tend to be a decline afterwards). However, interpretation of the results remains controversial, as explained by Krisberg and Howell (1998), and the problems will not be resolved until stronger research designs are used.

The most powerful evidence yet available of the effects of juvenile justice processing comes from a comparative study based on two longitudinal research projects in Bremen, Germany, and in Denver, Colorado (Huizinga et al., 2003). Both studies have followed high-risk samples of young people from the teenage years through to early adulthood. Both have obtained information at different stages of youth development about self-reported offending and about contacts with the juvenile and adult criminal justice systems. The juvenile justice system in Bremen is lenient and oriented to diverting young offenders from criminal justice process. In sharp contrast, the system in Denver is more severe, and oriented towards punishment. Many things are against the law for juveniles in Denver, but not considered criminal or deviant in Bremen. In Denver, young offenders are likely to be arrested, cited or taken into custody, and to end up in juvenile court and receive an intermediate-level sanction, for example community service. In Bremen, the great majority of juvenile offenders (aged 14–17) are dismissed by the prosecutor, perhaps with a warning, or diverted with a directive such as community service.

In spite of these major differences in the response of the justice system, the level of offending for comparable offences is similar in the two cities. The number of offences committed is higher in Denver, but this is largely because a number of behaviours are offences in Denver, but not in Bremen. Thus the much greater leniency of the system in Bremen did not lead to noticeably higher rates of offending there.

Police contacts and arrests begin at a younger age in Denver than in Bremen, and rates of arrest are much higher in Denver: for example, by the age of 18, 34 per cent of males had been arrested in Bremen, compared with 73 per cent in Denver. The longitudinal design of the two studies was used to examine the effects of arrest and different levels of sanctions on later behaviour. Various statistical techniques were used to estimate the effect of arrest after taking account of other factors: for example, in one type of analysis a matched control group of young people who had not been arrested was constructed. There was little effect of arrest on subsequent delinquent behaviour in either city. When there was an effect, arrest tended to maintain or increase delinquency. Comparisons were also made between those not arrested, those dismissed or diverted and those given some more serious sanction. Because of the extreme leniency of the response in Bremen, it was not possible to discriminate more finely between different levels of sanctions. The results were similar to those for arrest. They showed that the level of sanction had little influence on future involvement in delinquency. When an effect of sanctions was observed, it was those given more severe sanctions who tended to persist in delinquency or have higher levels of future criminal involvement.

Although the data on this point are incomplete, the likelihood of police contact given an offence was probably similar in the two cities, although the further consequences following police contact were very different. Huizinga et al. suggest that 'it may not be the severity of sanctions, but rather the simple certainty of a response for delinquent acts that is of importance both for the offender and for general deterrence in the society at large' (2003: 5).

It may be that a study such as this gives a better indication of the effects of juvenile justice than the evaluations of special interventions and programmes discussed in the last section. The findings do not suggest that a policy of 'minimum intervention' is likely to be effective, if that is taken to mean overlooking or ignoring juvenile crime, or responding inconsistently or after very long delays. They do, however, suggest that a system that deals with juvenile offending promptly and efficiently, but very leniently, may be just as effective as one that is far more severe.

Conclusion

There is evidence that training and treatment programmes delivered within the framework of juvenile justice, where these have been singled out as worthy of an elaborate scientific evaluation, have a modest effect, on average, in changing the future behaviour of young offenders. Just a few programmes have much larger effects, but these are a small selection from an already select bunch. Comparing behaviour change programmes aimed at juvenile delinquency with programmes in another field such as psychotherapy for adults, it is clear that the effects of the juvenile delinquency

programmes are much smaller. Probably there are fundamental reasons why these effects will always be relatively modest. Young offenders are often unwilling captives. They may not want to change, or may not recognize that a different pathway in life is a realistic possibility for them. Also, the setting of the training or treatment programme may have negative or stigmatizing elements even if the programme itself is entirely constructive. By contrast, most people with mental health problems consciously want to get better, even if there is unconscious resistance to the treatment; also, the stigma associated with medical treatment is less severe than that associated with criminal justice.

Yet actual juvenile justice systems do not typically deliver even the modest benefits provided by the flagship programmes that have been selected for the evaluations. Because most research focuses on the performance of particular initiatives, surprisingly little is known about the intensity and quality of intervention experienced by the general run of young offenders, although evidence will soon become available from the Edinburgh Study (Smith and McVie, 2003). However, the indications from earlier research are that many young offenders experience only fleeting and infrequent contact with social workers who are meant to be supervising them (Waterhouse et al., 2000). Evaluation of flagship programmes is a poor guide to the effects of the system because the system does not deliver the flagship programmes to most young offenders most of the time. It is likely that this will always be so, despite the increasing emphasis on 'service delivery', for example by the New Labour government in Britain. This is because the quality of the programmes will always be variable, because programmes launched by energetic and enthusiastic staff will not always remain at their peak and because the inevitable formalities of the justice system mean that appropriate programmes often cannot be delivered promptly to the right young people.

Consistent with this argument, the close comparison between the contrasting juvenile justice systems in Bremen and Denver has shown that a far more punitive and interventionist system produced a similar level of juvenile delinquency to a more passive and lenient system. Neither arrest nor the severity of sanctions was associated with a reduction in future delinquency among young people in either city. At the same time, the results of this comparative study were consistent with the theory that some minimum response by the system was a condition of maintaining control of youth offending.

These findings illustrate the danger of using the 'what works' evidence as a platform for extending the scope and activity of the juvenile justice system. In the first place, the evidence does not justify any such extension. At best it only shows that something useful can be done with those young people who are captured by the system—captured for a whole variety of complex reasons, and not primarily with the aim of changing their behaviour. It does not show that more could be achieved if more young people were captured and processed more intensively. Beyond that, it seems

certain that extending the scope and activity of the system will dilute its effectiveness still further. It seems unlikely that enough successful programmes can be created to maintain the average level of effectiveness.

The policy choices can be illuminated by drawing on Moffitt's (1993) distinction between life-course persistent and adolescence-limited offenders. If, as Moffitt argues, the causes of offending are distinctive among those who will continue to offend throughout their lives, and if they are manifest from an early age, then it is inevitable that these individuals will come into contact with a variety of agencies, including social services and the juvenile and adult criminal justice system. This argues that the system should focus its efforts on trying as far as possible to change this relatively small group. Widening the scope of intervention to include many adolescence-limited offenders will dilute the effectiveness of efforts to help the core group of life-course persistent offenders. The pay-off from targeting the core group will be much greater, because they offend more seriously, more frequently and over a longer period of their lives. Furthermore, extending programmes to adolescence-limited offenders may well be counter-productive, since stigmatizing effects may outweigh beneficial ones among young people who are likely to grow out of offending without intervention.

The evidence on 'what works' is important, but it should not be interpreted in the terms of a purely instrumental account of juvenile justice, which sees its aim as changing the future behaviour of young offenders, and nothing more. Of course it is helpful to know how successful different programmes are in changing behaviour. However, behaviour change should not be the principal justification for intervening in the lives of young offenders. In reality, the juvenile justice system captures young offenders in order to punish, to deter others from offending, to communicate a symbolic rejection of their behaviour, to satisfy victims, to meet offenders' needs and to deal with their problems. Given that punishment and deterrence are important elements, the process is inevitably damaging to the offender. The justification for constructive programmes of training and treatment in this context is to undo that damage. The programmes are justified because offenders must be offered the best possible opportunity to change, even if many of them do not accept it. Even if programmes of training and treatment have little success, they must still be provided. Evaluation studies help to show which kinds of programme are most useful, not whether they should be offered at all.

Progressives and reformers often base their analysis on the idea that the only function of the system is changing the future behaviour of young offenders, and deliberately repress or overlook the pressures for condemnation, retribution and victim satisfaction. That is a mistaken strategy on many levels. These demands will always reassert themselves. Success in changing behaviour patterns will never be striking, but the more that intervention is justified in terms of crime reduction consequences, the greater is the pressure to expand the scope of the system. Attempts to meet

offenders' needs, to rehabilitate, to reintegrate, will often be unsuccessful, but should always be justified by their intrinsic value, and because the criminal justice process deliberately degrades the offender.

The reformers' best strategy is to recognize the multiple aims of the system, rather than sweep them under the carpet. Once these aims are acknowledged, it becomes clear that they do not have to be expressed in the same way everywhere. The comparison between Bremen and Denver has shown that the need to communicate societal disapproval in a demonstrative way and to establish a bedrock of general deterrence are not constants across contemporary societies, and that the pressures leading to more punitive juvenile justice systems are not everywhere the same. The most consequentialist and instrumental analysis of the effects of juvenile justice comes from the United States, where the systems are punitive compared with those in western Europe. That suggests that progressives should set the evidence on the effectiveness of interventions with young people within a wider framework of analysis.

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