

6-21-1994

New Directions in Juvenile Justice: School-Based Crime Prevention

Paul F. Walsh Jr.

Follow this and additional works at: <https://scholarworks.umb.edu/nejpp>



Part of the [Curriculum and Instruction Commons](#), [Education Policy Commons](#), [Juvenile Law Commons](#), and the [Social Control, Law, Crime, and Deviance Commons](#)

Recommended Citation

Walsh, Paul F. Jr. (1994) "New Directions in Juvenile Justice: School-Based Crime Prevention," *New England Journal of Public Policy*. Vol. 10: Iss. 1, Article 12.

Available at: <https://scholarworks.umb.edu/nejpp/vol10/iss1/12>

This Article is brought to you for free and open access by ScholarWorks at UMass Boston. It has been accepted for inclusion in New England Journal of Public Policy by an authorized editor of ScholarWorks at UMass Boston. For more information, please contact scholarworks@umb.edu.

New Directions in Juvenile Justice

School-Based Crime Prevention

Paul F. Walsh, Jr.

This article considers the role of the district attorney as a catalyst for aggressive school-based educational programs to help young people avoid trouble with the legal system. Walsh argues that while it may be unfair to burden classroom teachers with additional responsibilities concerning drug and alcohol issues, school is the logical site at which to provide these services and that a district attorney is well suited to act as a catalyst and resource for providing these additional services.

Since the first humans banded together in loose social arrangements, people have been concerned with preserving order in society. Historically, Massachusetts and New England have placed a high value on creating and maintaining a court system capable of redressing grievances on the civil side and preserving the peace in the criminal courts. Today, even as changing values and demographics pose new challenges to policymakers and citizens, we as a society still must rely on the rule of law as a foundation of a just society. Similarly, while not enabled by any constitutional mandate, providing education to all has been another anchor of our civic culture. Without good schools to prepare young people to become full participants in society, many citizens would not be able to share in the promise of our state and nation.

One hundred and fifty years ago Horace Mann convinced a skeptical public that the economic and social interests of society could best be served by establishing a system of universal public education that would enable all people to earn a productive living and fulfill the responsibilities of citizenship. Mann saw the public schools as the “balance wheel” of society, providing quality universal public education that would equalize opportunity and enable all to contribute to the greater good. A century and a half after Mann’s service, we must examine the educational system in terms of what can be done in the schools to reduce and prevent crime. After all, keeping the peace required the participation of good citizens, and producing good citizens is the main function of an educational system.

Massachusetts and other New England states have historically had a strong interest in the rights and responsibilities that shape a legal system. During the years

Paul F. Walsh, Jr., is district attorney of Bristol County, Massachusetts.

preceding the War of Independence from Britain, colonists guarded their individual liberties scrupulously. Much of the impetus for the revolution came from England's running roughshod over the rights of the colonists — quartering troops, seizing goods, a more intrusive presence of Britain on American soil.

During the early national period after the British surrender at Yorktown, Massachusetts grappled with determining exactly what form of government would best meet the needs of the commonwealth. The Massachusetts Declaration of Rights established the rules for governing for the commonwealth and became the model for the United States Constitution, which was adopted in 1789.

As we head toward the end of the century that perhaps saw the greatest application of the legal concepts upon which American government is based, our court system faces formidable challenges. An increasingly litigious society and seemingly intractable social and domestic problems create court congestion and fail to resolve our problems. In the criminal justice system, mandatory sentencing and an increasing rate of crime have produced overcrowded jails, which are dangerous to both inmates and correction officers.¹

High-profile criminal cases often exacerbate the racial and class stresses that are part of modern American culture. And as more citizens feel alienated from one another and removed from any common notion of community, perceived shortcomings of the criminal justice system become fodder for emotional diatribes that call for simplistic "get tough" solutions to complex social problems. All the while, most Americans feel less safe and more threatened by crime and violence. Indeed, crime — not foreign war — has become our clearest and most present danger.

The Schools and the Courts

Observers have not generally thought of education and criminal justice as related pieces of the social matrix, but despite clear differences, each is important in stabilizing society. The courts and our justice systems are constitutionally mandated, while the notion of mandatory public education gradually evolved during the decades after the ratification of the U.S. Constitution. Schoolhouses and courthouses are found in every nook and cranny of this nation; they are institutions as strongly rooted as any in American society. Over the years almost every American has had a personal connection to school. Increasingly, Americans are being touched by the criminal justice system as victims, witnesses, or as defendants accused of committing crimes.

Even with some obvious differences, however, our courts and classrooms have much in common. In a sense, both institutions are charged with maintaining order in society. The schools help preserve order by transmitting the civic values of society as well as by giving students the skills and knowledge needed to succeed in the workplace. While there has been some controversy over the role of the schools, many argue that the goal of our system of public education is simply to prepare young people to be productive citizens. The criminal justice system keeps order in society through more direct means, primarily by apprehending accused criminals, adjudicating cases, determining guilt, and meting out punishment.

In theory, our public schools utilize resources up front to build a solid social system while the criminal justice system acts after the fact. Scratch the surface of any criminal's behavior, history, or profile and you will probably find poor education,

illiteracy, no job training, and few life skills. Research from across the country demonstrates the link between failed education and criminal behavior. In Massachusetts, surveys have shown that inmates on average read only at about a fifth-grade level.²

After spending more than a decade working in criminal law, I have concluded that unless the criminal justice system and our public schools begin to work together on problems of mutual concern, both public education and the courts will find themselves less able to deal effectively with the challenges of contemporary life. It is increasingly apparent that the problems of society are expanding more rapidly than the ability of government to deal with them. Unless policymakers develop fresh approaches to dealing with old problems, the new century will likely dawn over a country beset with rising health care costs, a sputtering economy, an uneven educational system, severely overcrowded courts and jails, and inner cities so crime ridden that they are virtual war zones.

Responding to social needs over the near future will not be easy. Finding new money for social purposes will be difficult as fixed costs — the Massachusetts “budget busters” of health care, debt service, public transportation, and welfare — continue to consume a disproportionate share of public resources. With a multitrillion-dollar deficit, the federal government’s role in paying for social services will likely continue to be minimal, regardless of which political party runs the country. An aging population will need more extensive and more expensive support systems, and new Americans may be less likely to speak English or to come from traditional families and require more social services in order to thrive and contribute to the nation. Thus, the elected and appointed officials and concerned citizens will have to move beyond just thinking up new ideas — they will have to work together to create new approaches to meeting social needs.

The District Attorney

The district attorney is an elected official who is directly responsible for representing the people’s interests in criminal matters. Politically, the district attorney is a bit of an anomaly. The office is filled through the election process, yet being a successful district attorney requires more than waging a successful campaign. It involves having a solid professional background, preferably in criminal law. The district attorney typically represents relatively large areas — in Massachusetts, counties — often with diverse populations. Traditionally, district attorneys have focused their attention on relatively well-defined areas of the criminal law — investigations, indictments, trials. Because of the nature of the job, the work of the district attorney affects many people — victims, defendants, and those who want a safer society.

It is clear that the United States faces significant social and political challenges as the decade winds down. It is also apparent that finding and implementing solutions to our problems is not an easy task. Breaking through the perennial gridlocks that stall change in the civic culture necessarily involves bringing different policy interests to the table to work out new ways of dealing with old problems. Even developing modest programs that require no legislation requires seeking and respecting the opinions of several interests. Anyone in public life who has attempted to craft a program, or even schedule a workshop, is keenly aware that unless all players are involved in the

planning process, an ignored advocate may undermine any initiative by complaining of exclusion.

Unlike most elected officials with relatively small electoral bases and an agenda that is of necessity primarily political, district attorneys are well positioned to bring people together to work on issues that relate to stability and safety and society. As public resources continue to be scarce, district attorneys and other criminal justice professionals would be well advised to craft policies and programs that move beyond the prosecutor's traditional bailiwick of dealing only with crime after the fact and institute prophylactic activities that move beyond merely identifying, prosecuting, and punishing criminals.

Any study of crime reveals that criminal activity does not usually occur in a vacuum. People who break laws tend to be products of broken homes, drug and alcohol abuse, and poor school experiences. Emerging literature on crime increasingly reflects the fact that criminal activity is often the result of some other underlying factor, and my own experience in the criminal courts gives ample evidence that more crime, especially youth crime, is as much the result of problems in the perpetrator's life as it is the result of a lack of moral or ethical base. Unless we begin to deal with the basic causes of illegal behavior, we will be on the losing side in the war against crime.³

The office of the district attorney has changed little since the first occupant assumed the post. Generally, the chief law enforcement officials in Massachusetts's counties have confined their work to the nuts and bolts of criminal investigation and prosecution, although some individual district attorneys and other criminal justice professionals have experimented with new approaches to criminal justice.⁴ Given that it is better to prevent crimes than to attempt to build enough courts and jails to incarcerate criminals, it may be time for law enforcement officials to redefine their missions and begin to work to reduce crime before it happens. By interacting early with young people in a school setting, criminal justice professionals may well be able to reverse the unsettling statistical trend that shows a substantial increase in juvenile crime between 1985 and 1989.⁵

The district attorney's office is an appropriate setting from which to develop efforts, in conjunction with the schools, to educate parents, teachers, administrators, and students about crime and crime prevention. The assets a district attorney's office brings to the effort for broadened social involvement include:

- being the senior elected official in a large geographic area;
- a large countywide population base that provides ready access to schools and systems;
- having the responsibility for dealing with crimes increasingly seen as related to an underlying social pathology;
- having solid experience as an advocate who in the course of day-to-day work must define and articulate positions clearly and concisely;
- being accustomed to dealing with a primary element of societal order — the law, both in terms of formulation and administration;
- being accustomed to losing. Every district attorney knows that some cases are won and some are lost, with interests constantly competing and being balanced against each other. Being accustomed to such give-and-take forces a district

attorney away from dogmatic, inflexible, and self-righteous stands and encourages the civil, cooperative spirit so necessary in today's charged debate on the issues.

While many elected officials might in theory be able to bring together a coalition to work on a particular project, a district attorney has more resources than a legislator, is more focused on state issues than a member of Congress, and is less thinly spread than a governor, who may have little time to conceptualize, develop, and implement a relatively small program with a narrow focus. It is especially appropriate that a district attorney work with schools, the first line of defense in any rational effort to keep young people in the classroom and out of the courtroom. So many factors that contribute to criminal activity are related to poor performance in school that a partnership between the criminal justice and education communities can be very effective in helping keep students out of trouble.⁶

Juvenile Crime

One of the more unsettling trends of the closing years of this century is an increase in crime committed by juveniles. According to the U.S. Department of Justice, between 1979 and 1986, the number of juvenile offenders held in public and private correction facilities increased by 19.2 percent. Between 1986 and 1991, juvenile crime increased 10 percent, with a disproportionate increase in crimes of violence.⁷ Former U.S. attorney general William P. Barr wrote, "Between 1965 and 1989 the arrest rate for juveniles for murder almost tripled, the arrest rate for aggravated assault tripled, and the arrest rate for weapons violations by juveniles increased two and a half times. Indeed, the increase in crimes by juveniles is responsible for a large share of the increase in violent crime."⁸ Every week the newspapers contain stories of heinous crimes committed by young people. My office has observed a definite increase in both the incidence and the seriousness of crimes committed by juveniles. While some of this activity represents youthful indiscretions rather than hard-core behavior, teenagers are involved in many of the serious crimes committed in the county.⁹

Our criminal justice system was established to deal with crimes committed by adults. There has been an assumption throughout most of our history that young people could not be fully culpable in criminal activity, that if a crime were committed by a juvenile, a stern warning and good family support would stem any incipient tide of criminality. And when all of that failed, youngsters could still be rehabilitated to become productive members of the community. Father Flanagan's maxim, "There is no such thing as a bad boy," captured the spirit of that approach. Unfortunately, time has proved the view that all youth could be rehabilitated incorrect.

Eugene Methvin observed, "Historically, most juvenile offenders committed property crimes. But in the mid-1980s the crack epidemic hit, and new high-tech automatic weapons flooded the streets. The result: mayhem and murder. Between 1987 and 1991, juvenile arrests for murder were up 65 percent, for aggravated assault 36 percent, and for robbery 29 percent."¹⁰ Stephen Bogacz, New York City's deputy chief prosecutor for juveniles, states, "The system was set up when we were dealing with delinquents throwing rocks and stealing hubcaps, not armed robbers and gang hit-men. The system is failing badly."¹¹

Today the assertion that there is no such thing as a young criminal, just a misguided youth, finds little support among criminal justice professionals. "The criminal justice system must recognize that some youthful offenders are simply criminals who happen to be young."¹² District attorney's offices everywhere routinely deal with serious crimes committed by young people. Bristol County is prosecuting a defendant who was fourteen years old when he was involved in the cold-blooded murder of a "Good Samaritan" citizen. While such violent crimes committed by young people are relatively rare, they occur with increasing regularity. In Boston, youth gangs bring death and destruction to neighborhoods as a matter of course. Even citizens in our suburban communities are affected by crime committed by their sons and daughters. The cold-blooded murder of a freshman at Dartmouth High School, outside New Bedford, established that vicious crimes are no longer confined to troubled inner-city neighborhoods.

The reasons more and more young people are becoming involved in crime during their formative years are probably as complex as our society. Dr. Eli Newberger, director of the Family Development Program at Children's Hospital in Boston, said that "the unending stream of violence" we are exposed to should make us review our notion of childhood. "What we adults regard as the sanctity of childhood that might have prevailed in our own youth simply does not prevail today."¹³ Dean James Alan Fox of Northeastern University's College of Criminal Justice completed a study of juvenile crime which showed that, despite a decrease in the number of the most violence-prone segment of the population — eighteen- to twenty-four-year-olds — "juveniles and young adults are committing murder and violent crimes in the U.S. at higher rates than ever before." Experts in the field list a number of reasons for the increase in murder by youth, including "the drug epidemic among the urban poor, the growing number and firepower of guns, the eroding quality of public schools and the glorification of violence on television and in the movies."¹⁴

Demographic and economic change certainly has been a factor. The increase in single-parent households and of those in poverty certainly poses a constant threat to an ordered society. In Lawrence, 17.4 percent of the population is comprised of single mothers with children under eighteen, almost triple the state mean. The figure is 10.7 percent in New Bedford and 9.1 percent in Fall River.¹⁵ Barbara Whitehead of the Institute of American Values has evaluated several longitudinal studies of the American family and discovered that more than 70 percent of all juveniles in state reform institutions come from fatherless homes. In a recent article she concludes that "a number of scholarly studies find that even after the groups of subjects are controlled for income, boys from single-mother homes are significantly more likely than others to commit crimes and to wind up in the juvenile justice, court, and penitentiary systems."¹⁶

Drug and alcohol use among the young, a fact of modern life today, is a powerful catalyst for criminal behavior. In a survey conducted during the first half of 1989, two out of three students between twelve and nineteen reported availability of drugs at their school. While public school students generally reported greater availability, more than 50 percent of those attending private schools reported that drugs were available.¹⁷ According to the U.S. Department of Health and Human Services, "The number of patients who had heroin or cocaine in their blood while being treated in Boston area hospital emergency rooms more than doubled in the last year, far outstripping the national rate of increase."¹⁸ In 1979, 66.1 percent of high schools sen-

iors saw drug abuse as “a problem they worried about.” By 1991, that figure had climbed to 79.5 percent.¹⁹

In Massachusetts the statistics are troubling. According to the January 1993 *Youth Risk Behavior Survey* of the state Department of Education, one in five Massachusetts students carry guns to school and one in three reported “having five alcoholic drinks in a row on one or more occasions in the last month.”²⁰ The disappearance of high-paying manufacturing jobs for relatively uneducated workers may have made a life of crime more attractive to some people, as has the erosion of hundreds of thousands of jobs in New England, with more than 60,000 jobs lost in Massachusetts since January 1992.²¹

Even as we undergo major changes in our population and our economy, there is another factor that may well have as much to do with the rise in juvenile crime as anything else: the criminal justice system simply has no place to put young people convicted of crimes. Young offenders quickly learn that they can “get away with it” as long as their crimes are not so savage as to draw the condemnation of society at large. As reported in a U.S. Justice Department report, “The juvenile does not get the message that crime does not pay because he is not made to pay for his crime.”²² Juvenile probation officers and police increasingly see more young people who are confident that they will face little if any real punishment for their crimes because of lack of punishment facilities. On the national level, between 1984 and 1990, prison capacity increased 60 percent, but the number of prisoners increased 70 percent.²³ In Massachusetts the courts cannot handle the caseload. In a March 1990 report, the Boston Bar Association reported that while the judicial system was organized to operate with 6,310 staff positions, there was adequate funding for only 4,100.²⁴

While the courts are processing more youthful offenders, there are still relatively few correction options available to judges and prosecutors. In Massachusetts, the Division of Youth Services (DYS), an agency of the Division of Social Services, is charged with dealing with young criminals. While the concept behind DHS is sound — segregate young offenders in settings separated from older, hardened criminals — owing to budget cuts DHS can commit only fewer than a thousand of the 18,000 to 22,000 young people arraigned each year. In 1985 DHS committed 878 young offenders to secure facilities, the highest number since 1981.²⁵

In Massachusetts, unless a youth commits a very serious crime and has a previous criminal record, he or she is highly unlikely to be incarcerated in DHS. DHS has experienced \$6.6 billion in budget cuts between 1989 and 1991. “At the same time, the state has seen an increase in the severity of crimes being committed by juveniles. Several categories of violence against people went up dramatically in 1991. Man-slaughter offenses increased by 43% over 1990, armed robbery was up 50% and unarmed robbery increased by 75%. There was also a 13% rise in the number of youths charged with committing crimes against persons who were detained by DHS for the courts.”²⁶

Obviously, we need to move in new directions in order to cope with the new criminality that involves youth. Given the increasing numbers of crimes committed by young people, it is important for policymakers to develop responses to crime that are appropriate for the young, responses that recognize that proper education is absolutely essential to diverting a youngster away from crime. With a good education, a person has a chance to find a good job; without solid skills there is little chance of finding satisfying work.²⁷ Young people who come under the control of the state

should receive education services as part of their correction program. The state has an interest in educating these people to enable them to become productive citizens, and youthful inmates have an interest in becoming educated.

Responses to Juvenile Crime

Rehabilitation is a concept that has varying applicability depending on the circumstances of each individual case. A serial murderer is unlikely ever to become socially responsible, but a two-time teenage car thief may well be ripe for rehabilitation. Unfortunately, we do little to provide any type of positive service to young offenders who likely are not hard-core criminals. With the overwhelming percentage of youthful defendants being released rather than being placed in a structured situation, it is no surprise that prosecutors see the same faces appearing in juvenile court over and over.

It is clearly time to develop a system of flexible responses to juvenile crime. Today young defendants know that there will be no sanction to any but the most heinous crimes. With an innovative and comprehensive range of juvenile justice options in place, young criminals would no longer be able to commit crimes with impunity. Various groups, including the Criminal Justice Foundation and the Boston Bar Association, are working to identify new ways of dealing with juvenile crime, and it is beyond the scope of this article to present alternatives to the prevailing system.²⁸

While we do not know what a new, improved youth justice system would look like, one point is evident: a strong emphasis on providing educational services to juveniles at every level of the process should be the unifying element of any new programs. A linchpin of this strategy would, to the extent practical, be to utilize schools as the locus of delivery of services targeted at reducing violence, drug and alcohol use, and crime among the young. I am not proposing that we further burden teachers by charging them with instructing students in good behavior. I am suggesting that, since it is the most stable institution in many young people's lives, school should be the setting for the kind of constructive prophylactic activities we know can reduce social anomie among youth. The Elementary School Center, in its report *The School as Locus of Advocacy for All Children*, makes compelling arguments for providing services to young people in school buildings, but also notes that this "does not mean that the school itself must provide or perform the necessary services."²⁹

Because it is better to stop criminal behavior before it occurs, we need to make a concerted effort to reach students and help them avoid situations that may lead to running afoul of the law. The schoolhouse is the logical place to do that. While the criminal justice system plays a critical role in keeping the peace in our communities, the schools are the foundation of our civic culture. It should be possible to bring social service and criminal justice professionals to the school building to provide classroom and after-school programs.

In *Why Johnny Can't Tell Right from Wrong*, Boston College professor William Kilpatrick describes the violence and crime that have become the tattered backdrop to U.S. education in the 1990s.

An estimated 525,000 attacks, shakedowns, and robberies occur in public high schools each month. Each year nearly three million crimes are committed on or near school property — 16,000 per school day. About 135,000 students carry

guns to school daily; one-fifth of all students report carrying a weapon of some type. Twenty-one percent of all secondary school students avoid using the rest room out of fear of being harmed or intimidated.³⁰

The Massachusetts Department of Education has surveyed students and confirmed Professor Kilpatrick's observations. In 1992, 22 percent of all students and 36 percent of all students surveyed reported that they had carried a weapon to school in the last month.³¹

Kilpatrick makes a strong case that there are relatively few opportunities in modern society for many young people to receive even a basic grounding in minimal values. As a result, "in addition to the fact that Johnny still can't read, we are faced with the more serious problem that he can't tell right from wrong."³² There are no simple cures for the criminal ills that plague our society, but it is increasingly clear that many of our young people who do run afoul of the law lack even a rudimentary sense of right and wrong. Being concerned about the lack of basic values in society is no longer the province of right-wing zealots.

The dramatic increase in violent crimes committed by juveniles is unsettling evidence that some of our young people are not being taught the importance of respecting one another and observing the basic rules of a civilized society. Children who lack these basic values are more likely to turn to crime than those who do have a basic sense of civility.

While any discussion of values in public education tends to create controversy, certain values that do not impinge on any individual's rights can be taught. Teaching children that crime is wrong may be beyond the curricula of our schools, but it is not beyond the mission of public education as conceptualized by Horace Mann one hundred and fifty years ago. Mann convinced his peers that "the common school, improved and energized . . . may become the most effective and benignant of all the forces of civilization."³³ School was the medium through which society would educate its children to become productive citizens who embodied the root values of the society.

Today many schools are overwhelmed with mandates and crippled by budgetary shortfalls, but school still could be the appropriate place to permit members of the community to come into the classroom and help students understand that certain behavior leads to problems. Schools could provide a forum for criminal justice and other professionals to educate the school community about drugs, alcohol, violence, and the criminal justice system. If presented in a focused, persistent manner, such activities would do much to reduce substance abuse, violence, and criminal activity. The classroom is a good place to address the frustrating problem that many people, especially youngsters, simply are not aware of the potential dangers of drugs and alcohol.

Dealing with the Root Causes of Crime through Education

Consider the following:

- With about 10 percent of the world's population, the United States consumes more than half of the world's drugs. Fifty percent of our young people do not

think cocaine is harmful. The United States continues to have the highest rate of teenage drug use of any nation in the industrialized world.³⁴

- Forty percent of youth incarcerated in long-term state facilities said they were actually under the influence of drugs. Sixty-three percent had used on a regular basis.³⁵
- Between 1974 and 1986, the proportion of state prisoners under the influence of an illegal drug at the time of the offense for which they were incarcerated grew from 25 percent to 35 percent.³⁶
- The Massachusetts Department of Youth Services has found that drug-related youth crime has increased 343 percent over a three-year period, and that 80 percent of youth crime today is drug or alcohol related.³⁷

It is clear that there is a major link between crime and drug and alcohol use, especially among young people who often do not have the personal maturity or family support necessary to turn away from potentially destructive behavior. It is also clear that crime related to substance abuse is increasing in our society. According to a National Institute of Justice survey, the percentage of parole supervisors reporting a need for more drug and alcohol treatment resources increased from 78 percent in 1986 to 85 percent in 1990.³⁸

Beyond a specific prosecutorial mandate, however, the district attorney has a further responsibility to reduce crime against citizens. One obvious way to curtail crime is to reduce drug and alcohol abuse among the population. The costs of crime related to substance abuse among the young are a serious drain on the commonwealth's public resources, especially during these times of reduced funding for most state agencies. It costs the taxpayer \$20,000 to \$35,000 per year to incarcerate a criminal, and approximately \$50,000 to build a new jail cell in Massachusetts. Even for those who are not sentenced, court and administrative costs often reach thousands of dollars per case. It is interesting to note here that the average per pupil expenditure for education in Massachusetts is approximately \$5,600, significantly less than the cost of failed education as reflected in the bill for incarceration of an individual.³⁹ Beyond these direct costs related to crime, our schools must divert precious dollars to try to educate students with personal drug problems or those who come from homes characterized by such problems.

A School-Centered Approach to Reducing Crime

The long-term solution to the problem of juvenile crime falls largely outside of the law enforcement system. It requires strengthening those basic institutions — the family, schools, religious institutions, and community groups — that are responsible for instilling values and creating law-abiding citizens.⁴⁰

— U.S. Department of Justice, 1993

We must recognize that most drug problems are local in nature and that most solutions to drug problems require a prolonged partnership among citizen activists, police and politicians.⁴¹

— *The Winnable War*

Because so much criminal activity is related to substance abuse, making a concerted effort to educate students, teachers, and the community at large about the downside of drug and alcohol use is essential to reducing crime among the young. Because law enforcement alone is not enough to prevent juvenile crime, criminal justice professionals and policymakers must look beyond the nominal judicial apparatus to develop approaches that do work to reduce youth crime.

To provide direct educational services to the two hundred schools in Bristol County, my office has organized the Bristol Alliance, a nonprofit foundation that is a consortium of county public school districts that have banded together to share resources related to preventing drug and alcohol abuse in young people. The purpose of the Alliance is to provide educators with effective training and support programs to achieve their goal.

The Alliance brings together the resources of public education, the private sector, and the criminal justice system in a joint effort targeted at preventing drug and alcohol abuse among students. One of the most effective ways of keeping students away from drugs and alcohol is through school-based activities. While schools today are called upon to take on more and more social responsibility, working with the district attorney's office offers a way for financially strapped educators to develop effective ways of helping students. The Alliance began providing services to schools during the 1991–1992 school year and has provided more than 200 programs to more than 80 schools and 20,000 students since its inception. These include in-service training programs for teachers and administrators, presentations to parents and businesspeople about how to recognize and deal with substance abuse problems, basketball and sports exhibitions with an antidrug message, mock trials that increase young people's understanding of the legal consequences of drug and alcohol abuse, and the development of resources to help schools cope with violent behavior.

Staircase Responses to Juvenile Crime

Education programs like the Bristol Alliance and the Alliance Against Racism and Violence that operates out of the Norfolk County district attorney's office⁴² are effective in helping youngsters thrive through adolescence, but education programs cannot reach everyone. The next level of response should present first-time offenders with an opportunity to avoid the stigma of a permanent record. Judge Robert Kane's New Bedford program gives selected adult offenders an opportunity to receive counseling and education services instead of jail sentences. Juvenile diversion programs work out of district courts and provide a way to apply some sanctions for socially repugnant behavior while giving students counseling and guidance. Instead of processing a young person through the court system, juvenile diversion provides education and support services. The program helps young defendants cope with their problems — sexuality, drugs and alcohol, difficulties at home and in school — and learn how to make good choices in life. There has been remarkably little recidivism among various programs' clients.⁴³

For adolescents who do not respond to such ministrations and continue to get into trouble, a work program operated out of district courts sometimes can be effective. At this level, juveniles convicted of crimes can be assigned unpaid work in public service projects as part of their probation. The U.S. Justice Department has stated,

"One promising possibility [for rehabilitation] is boot camps. Another is mandatory highly structured community service or public works programs."⁴⁴ The last step before being tried as an adult is commitment to a DYS facility or program. These range from secure facilities where freedom is greatly restricted to less onerous programs. One of the more promising approaches involves assigning offenders to the Forestry Program in Brewster, Massachusetts, which helps build self-confidence and discipline among participants.

Beyond these programs we have to look at the feasibility of developing secure institutions that give young offenders a measure of discipline coupled with intensive education and life-building skills. While we should shy away from the notion of the rigid reform schools of the past, as responsible citizens and public leaders we must acknowledge that some youngsters who repeatedly get in trouble need more support and discipline than can be provided through the present system. With one-quarter of our children being born to single mothers and with many of our cities having more than 10 percent of households headed by single mothers with children under eighteen, there often is no family support for adolescents who run afoul of the law.⁴⁵

The old model of sending a child home to be loved, nurtured, and rehabilitated by the family simply does not work in the 1990s. It makes sense to utilize unoccupied state buildings as a secure environment in which to offer experimental projects. These must be designed to supply troubled adolescents with the educational, substance abuse treatment, and psychological help they need if we are to prevent juvenile offenders from becoming full-fledged criminals. Texas has authorized the construction of 25,000 new prison slots, half of which will provide concentrated substance abuse services to inmates, including youthful offenders.⁴⁶

Since taking office early in 1991, I have learned much about criminal behavior and the criminal justice system. As is the case with anyone in a new job, I had to move along the learning curve, picking up the knowledge I needed to be effective. Fortunately, there were few surprises along the way; the reality of running a district attorney's office generally comported with my vision of that job. Over the past few years, however, I have witnessed a significant increase in the incidence of violent crime committed by adolescents who should be in a classroom, not a courtroom. National and state trend lines confirm my observations. While these people will be prosecuted and convicted if guilty, the court has remarkably few sentencing options. As a society, in the 1980s, we "got tough" with drug and other offenders. As a result, we used mandatory sentences to jail more people. In the 1990s, crime continues to be a pernicious problem that must be dealt with on levels other than mere incarceration.

In some ways, the challenge of improving the criminal justice system is similar to that of reforming public education. The obvious, easy answers — building more jails, increasing education funding — have not produced the desired results. We must explore nontraditional approaches to solving these public policy problems. We know that it is much better to prevent criminal activity in the first instance; that is where much of our attention should be focused. School is the logical place to reach youngsters, but we must be careful not to throw additional burdens on educators without giving them the resources necessary to success. Programs like the Bristol Alliance and the school-oriented youth outreach activities of other district attorneys are important in reducing crime, and they should be replicated and encouraged. A key element

of these programs is that they bring their own resources into the schools. By having the education and criminal justice systems work more closely together, we will be able to reduce criminal activity among the young, which will help our schools better meet the enormous challenge of preparing all our children to succeed and prosper. ❧

Notes

1. American Bar Association, *The State of Criminal Justice: An Annual Report* (Washington, D.C.: American Bar Association, February 1993), 13.
2. See Senator Richard A. Kraus and the Commonwealth of Massachusetts Senate Committee on Post Audit and Oversight, *The Adult Correctional Education Program of the Massachusetts Department of Correction: A Performance Audit* (Boston, November 1990). See also Robert C. Rufo, "Mandatory Literacy Programs: An Examination of New Prison Educational Developments," Harvard University, Kennedy School of Government, January 9, 1991, 7; Appendixes 3, 4.
3. Barbara Whitehead, "Dan Quayle Was Right," *The Atlantic Monthly*, April 1993.
4. Suffolk County Sheriff Robert C. Rufo, Norfolk County District Attorney William Delahunt, Essex County District Attorney Kevin Burke, and Middlesex County District Attorney Thomas Reilly have all developed proactive programs designed to reduce crime, especially among young people.
5. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Court Statistics 1989* (Washington, D.C., 1990), xxi.
6. For example, Sandra Pimental of Norfolk County district attorney William Delahunt's office has developed legislation that promises to help schools cope with violent students.
7. U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1991* (Washington, D.C., 1992), 596; *ibid*, *The State of Criminal Justice*, 11.
8. U.S. Department of Justice, Office of the Attorney General, *Combatting Violent Crime: 24 Recommendations to Strengthen Criminal Justice* (Washington, D.C., 1992), 25.
9. *Ibid*.
10. Eugene H. Methvin, "We Must Get Tough with Killer Kids," *Readers Digest*, June 1993, 4.
11. *Ibid*.
12. U.S. Department of Justice, *Combatting Violent Crime*, 29.
13. *Boston Globe*, November 21, 1992, 20.
14. Fox Butterfield, "Seeds of Murder Epidemic: Teenage Boys with Guns," *New York Times*, October 18, 1992, A-8.
15. U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *1990 Census of Population, General Population Characteristics — Massachusetts* (Washington, D.C., June 1992), Table 2. See also *Summary of Social, Economic, and Housing Characteristics*, available from the Bureau of the Census, for selected cities and towns.
16. Whitehead, "Dan Quayle Was Right," 77.
17. U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics*, 16.
18. Sean P. Murphy, "Hospitals in Area See Surge in Drug Abuse," *Boston Globe*, October 30, 1992, 1.
19. U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1992* (Washington, D.C., 1993), 215.

20. Massachusetts Department of Education, *Youth Risk Behavior Survey* (Malden, January 1993), 18.0.
21. U.S. Bureau of Labor Statistics, as reported in the *Boston Globe*, October 28, 1992, 43.
22. U.S. Department of Justice, *Combatting Violent Crime*, 26.
23. U.S. Department of Justice, *The State of Criminal Justice*, 6.
24. *Ibid.*, 2.
25. Interview with Carolyn Waters, Massachusetts Division of Youth Services Public Relations Office, November 4, 1992.
26. Massachusetts Division of Youth Services, *Annual Report 1990–1991* (Boston, 1992).
27. Rufo, "Mandatory Literacy Programs," Appendixes 3, 4.
28. One point of emerging consensus is that the problems of youthful crime are complex and not susceptible to any quick solution. "From the law enforcement standpoint, however, we must deal better with two groups of juveniles. The larger group have only one or two brushes with the law and then straighten out as they mature, and the smaller, the hardened chronic offenders, commit the majority of all violent juvenile crime." U.S. Department of Justice, *Combatting Violent Crime*, 25.
29. Elementary School Center, *The School as Locus of Advocacy for All Children* (Washington, D.C., 1991), 9.
30. William Kilpatrick, *Why Johnny Can't Tell Right from Wrong* (New York: Simon and Schuster, 1992), 14.
31. Massachusetts Department of Education, *Youth Risk Behavior Survey*, 18.
32. Kilpatrick, *Why Johnny Can't Tell Right from Wrong*, 14.
33. Eric Foner, *The Reader's Companion to American History* (Boston: Houghton Mifflin, 1991), 698.
34. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *School Crime: A National Crime Victimization Survey Report* (Washington, D.C., September 1991).
35. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Drugs and Crime Facts, 1992* (Washington, D.C., 1993), 4.
36. Interview with Carolyn Waters.
37. U.S. Department of Justice, National Institute of Justice, *Research in Brief*, August 1992, 4.
38. Boston Bar Association, *Report* (Boston, March 1992), 14.
39. Interview with Robert Gaudet, Horace Mann Foundation, Boston, November 23, 1993.
40. U.S. Department of Justice, *Combatting Violent Crime*, 25.
41. American Alliance for Rights and Responsibilities, *The Winnable War: A Community Guide to Eradicating Street Drug Markets* (Washington, D.C., 1991), 1.
42. This program, run by Sandra Pimental of the Norfolk County district attorney's office, has had good success in helping several school systems deal with issues of violence and civility.
43. The Bristol County district attorney's juvenile diversion program, which is run out of the Fall River and New Bedford juvenile courts, is typical. First-time offenders are given education and life-skill services instead of being processed through the juvenile courts.
44. U.S. Department of Justice, *Combatting Violent Crime*, 27.

45. U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *1990 Census of Population, General Population Characteristics — Massachusetts, 1992* (Washington, D.C., June 1992), Table 2.
46. Houston Post, November 19, 1991, 1.

“Local school boards will not set a high quality standard. They dare not flunk any large fraction of students because they could not get elected. They don’t dare set a high quality standard because they must compete with local towns in terms of lower tax rate.”

— Lester Thurow