

Juveniles within Adult Correctional Settings: Legal Pathways and Developmental Considerations

Jennifer L. Woolard, Candice Odgers, Lonn Lanza-Kaduce, and Hayley Daglis

An increasing number of juvenile offenders are being processed through adult correctional systems in the United States. Changing conceptions of juvenile offenders and expansions to the criteria for juvenile transfer laws have created a number of new challenges for correctional systems, policy makers and researchers. In this article, we detail the legal mechanisms that bring adolescents into the adult system. Basic profiles of juveniles in adult settings are constructed and the unique challenges posed by this population of offenders are discussed. Issues related to the safety and management of juveniles within the adult system are evaluated within a developmental framework. Finally, we examine research and policy implications that emerge when a significant number of juveniles are required to spend their formative years of adolescence in an environment designed for adults.

During the late 1980s and early 1990s, the rate of violent crime among juveniles peaked and the image of juveniles as dangerous and out of control led to an expansion of mechanisms for processing and incarcerating youth within the United States adult criminal justice system. The number of juveniles admitted to state prisons more than doubled from 3,400 in 1985 to 7,400 in 1997 (Bureau of Justice Statistics, 2000). Those who advocated incarcerating youth within adult correctional settings charged that the juvenile court was unable to handle this new class of violent offenders. It was argued that these dangerous youth would age out of juvenile court jurisdiction too quickly and would fail to respond to the services available within the juvenile system.

These recent crime-control trends are incongruent with the juvenile court's historical emphasis on the welfare and rehabilitation needs of juvenile offenders. The juvenile justice system was founded, in part, on the perceived need to separate adolescent offenders from their adult counterparts. The objective of this separation was to create a system that was better equipped to address the core causes of delinquency and provide services in a context that did not involve exposing vulnerable children and

adolescents to hardened adult criminals. A fundamental premise of the position taken by child advocates at the time was that youth differed from adults in fundamental ways, particularly with respect to amenability to treatment, and needed to be separated from adult offenders for their own safety and well-being (Fox, 1970).

The expanding prosecution of juvenile offenders as adults contradicts this long-held assumption. As a result, estimates suggest that over 10,000 U.S. juveniles are housed within adult criminal justice settings each year. While the options available to transfer juveniles to the adult system have expanded exponentially research has not kept pace. In turn, youth, families, and practitioners have been left with very little theoretical or empirical guidance as they navigate across the blurred boundaries of the juvenile and adult system. Moreover, the basic profiles and treatment needs of this population are largely unknown. As a consequence, observers are beginning to raise a number of important, yet complex, legal and policy questions regarding this population (Glick & Sturgeon, 2001).

The aim of this article is to piece together the disparate body of available research in order to review what we know, and what we need to know,

Jennifer L. Woolard, Department of Psychology, Georgetown University; Candice Odgers, Department of Psychology, University of Virginia; Lonn Lanza-Kaduce, Center for Studies in Criminology and Law, University of Florida; Hayley Daglis, Department of Psychology, Georgetown University.

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Correspondence concerning this article should be addressed to Jennifer Woolard, Department of Psychology, Georgetown University, 306H White Gravenor Bldg., 37th & P Streets NW, Washington, DC 20057 (E-mail: jlw47@georgetown.edu).

about juvenile offenders in adult correctional systems. First we define the population, briefly outlining the mechanisms that move youth to the adult criminal justice system. An estimate of the number of youth in adult corrections is provided along with a preliminary descriptive profile of their psychological, physical and vocational needs. We then review the current state of the discipline with respect to the management of juveniles within adult facilities, highlighting unique developmental considerations and outlining directions for policy and research with this population.

DEFINING THE POPULATION

It is important to note at the outset that the dearth of systematic descriptive information on the number and characteristics of youth in the criminal justice system makes it difficult to construct a comprehensive profile of this group of offenders. With these limitations in mind, we draw on multiple sources throughout this section in order to create an initial portrait of these youth and outline the procedural mechanisms that filter youth into the criminal justice system.

Pathways to the Criminal Justice System

Historically, judicial hearings determined which juveniles should be transferred from the jurisdiction of the juvenile court to that of the criminal court (known as judicial waiver). Almost all states currently provide for judicial waiver (Griffin, 2003). After the U.S. Supreme Court required basic due process procedural protections during waiver hearings (*Kent v. U.S.*, 1966), most states adopted some version of the District of Columbia's criteria listed in *Kent*, which stated that transfer decisions were to consider the following: (1) the seriousness of the alleged offense, (2) whether the offense was committed in a willful, aggressive, or violent manner, (3) whether it was committed against a person or property, (4) the prosecutorial merit of the complaint, (5) the desirability of trial and disposition, (6) the sophistication and maturity of the juvenile, (7) the prior record and history of the juvenile, and (8) the prospects of protecting the public and the likelihood of rehabilitation. The *Kent* criteria, as they have come

to be known, were offered as guidelines; in any individual case, courts are neither required to consider all factors nor limited to those enumerated. Even so, prosecutors bear the burden of persuading the juvenile court that adult criminal jurisdiction is appropriate. The implication, therefore, is that *transferred youth should comprise a relatively narrow range of juvenile offenders*—the screening should identify a relatively serious group of young offenders who are thought to be a risk to public safety and/or less amenable to juvenile treatment programs (although this latter assumption may be premature).

Over the last 20 years, however, nearly every state has gone beyond judicial waiver, implementing or expanding other mechanisms for bringing juveniles into adult jurisdictions that usually do not require an equivalent level of case scrutiny. Twenty five states have created a compensatory mechanism to return criminally charged youth to the juvenile justice system through a judicial hearing often termed reverse waiver, but its use is unknown. A number of states have also enacted blended sentencing statutes that provide juvenile judges with sentencing options in adult facilities for certain classes of juvenile offenders. These processes notwithstanding, the shift in transfer procedures from individualized determinations to reliance on age and offense-based criteria has increased the heterogeneity among juveniles in adult systems. The result of this selection process is a rather ill-defined population of youth whose needs can vary widely—something that can present a number of challenges when attempting to manage them within adult correctional systems.

Fifteen states give prosecutors the authority to forego the juvenile courts and file charges against juvenile offenders directly in criminal court (Griffin, 2003). Statutory provisions for prosecutorial waiver or direct file vary with respect to the degree of structure present within prosecutorial discretion. Where discretion is narrow, the population of transfers is better defined; where discretion is broad, the heterogeneity of the population presents a range of needs and challenges to corrections.

Legislatures in 28 states and the District of Columbia remove some youth or some cases from juvenile court jurisdiction through legislative exclusion (Griffin, 2003). Statutes define offense categories (generally more serious kinds of crime) excluded from juvenile court jurisdiction, at least for

juveniles of a certain age or offense history. Other states make no distinction among offenders by lowering the maximum age of juvenile court jurisdiction. By 1998, 10 states lowered juvenile jurisdiction to 16 years of age and three states to 15 years of age (Butts & Harrell, 1998). Although the 16- and 17-year-olds in these jurisdictions are often not referred to as transfers, the fact remains that they are tried and sentenced as adults. Legislative exclusion by offense can focus on serious crimes but it discourages making finer distinctions among offenders on other characteristics. Because lowering the age of juvenile court jurisdiction results in no screening mechanism, these teens run the gamut in terms of maturity and background, thereby forcing adult corrections to adapt to their wide range of special developmental needs.

Like transfer laws, blended sentencing statutes also grew out of policies shifting increasingly toward punishment. Simultaneously lauded and condemned as a combination of juvenile and criminal courts, blended sentencing laws expand the sentencing options available to judges by allowing them to impose juvenile sanctions, criminal sanctions, or both. These laws target serious and/or violent juveniles whose crimes merit serious consequences but who may nonetheless be amenable to rehabilitation. In contrast to transfer provisions, which clearly state that a juvenile is inappropriate for juvenile court jurisdiction either through a lack of amenability or the seriousness of the crime and threat to public safety, blended sentencing represents a compromise between those who believe in the rehabilitative ideals of the original juvenile court and those who support the “adult crime, adult time” notion that serious offenses warrant criminal consequences.

Legally, the trend is toward expanding the eligibility for adult criminal sanctions—either through prosecution in the criminal system or blended sentencing schemes that are imposed in juvenile court. In practice, states often enact different combinations of judicial waiver, legislative, exclusion, direct file provisions, and blended sentencing schemes; few states rely on a single mechanism (Griffin, 2003). The expanded use of criminal prosecution means that what was originally intended as a safety valve for the juvenile court has been opened to allow a free flow of juveniles into the adult system.

The creation of blended sentencing schemes provides an additional entry point to criminal corrections, regardless of which court has jurisdiction over sentencing. Both pathways potentially increase the number and heterogeneity of juveniles; bringing, for example, first-time offenders with serious charges into an adult corrections system that is not positioned well to respond to juveniles’ developmental needs. As we see in the next section, adult corrections can no longer view juveniles as rare exceptions in the adult population or as the mature or hardened offender who has exhausted the resources of juvenile court. Rather, they have become a small but significant new class of offenders, some without extensive juvenile court or corrections exposure, who will spend the formative years of adolescence in an environment designed for adults.

Estimating the Number of Juveniles in Adult Corrections Systems

There are no systematic national counts of the number of youth who are transferred or waived to criminal court. Similarly, only sparse information is available regarding the associated conviction rates, sentencing patterns, and correctional placements of juveniles within adult systems. The following section pieces together the limited data on adolescents transferred to adult court that is available from across the country. While more research is needed, it is apparent that the population is *significant* with respect to the absolute number of youth and *varied* with respect to basic profiles.

Youth Tried and Convicted within Adult Systems

A recent national survey of prosecutors estimated that about 27,000 cases involving offenders under the age of 18 were prosecuted in felony criminal courts in 1996 (DeFrances & Steadman, 1998). Their estimate, however, did not include youth under 18 who were tried as adults in states that had excluded 16- and 17-year-olds from the jurisdiction of the juvenile court. Sickmund, Snyder, and Poe-Yamagata (1997) estimate that an additional 180,000 criminal cases (felony and misdemeanor) were tried in adult criminal courts in states that have reduced the maximum age of juvenile court jurisdiction below

18. The combined estimates put the number of youth under 18 who are tried annually as adults at over 200,000. According to one study, youth prosecuted in adult court had comparable conviction and incarceration rates to similarly charged adults; approximately two thirds of 7,100 juveniles facing felony charges in a sample of adult criminal courts were convicted and of those, about 60% were incarcerated (Rainville & Smith, 2003).

Estimates and extrapolations are not a sufficient basis for determining the number of youth charged and convicted in criminal court. Even so, these data suggest that the nationwide pipeline into criminal corrections is not trivial. Our review of population estimates from corrections sources in the next section supports this presumption.

Youth Housed within Adult Correctional Settings

Again, no national estimates exist regarding the number of youth under federal, state, local, and private system control. In an attempt to construct comprehensive profiles of this population we have synthesized multiple data sources that rely on a broad range of methodological approaches. While this type of integrative summary goes beyond what has been attempted in previous reviews, it also has the potential to produce sparse and sometimes conflicting data. First, the counting method varies across studies. Some sources report the number of juveniles present in a given year while others provide a one day count (a method that underestimates the total number of youth who rotate through a facility in a given year). Second, the source of data varies. Available studies rely on samples that are aggregated based on geography (Rainville & Smith, 2003), type of facility (Sickmund, 2004) or some combination (e.g., Austin, Johnson, & Gregoriou, 2000). For example, Austin and colleagues (2000) conducted a nationwide study of juveniles in adult correctional facilities using federal statistical reporting programs and an extensive survey of federal, state, and local agencies. While this recent census provides one of the most comprehensive profiles of youth within adult facilities, the authors caution that the data are not representative of juveniles in adult facilities in part because key systems such as the Federal Bureau of Prisons and 16 of 19 major metropolitan jail

systems declined to participate; in addition, the study relied on state officials' identification of appropriate facilities and local officials' willingness to provide data.

Despite these limitations, the following section presents estimates of the number of youth present within secure federal facilities, state prisons, local jails, and private facilities. Table 1 briefly summarizes the major data sources and methodologies used to derive the estimates.

Federal facilities. Federal facilities have jurisdiction over offenders tried and convicted in the federal criminal justice system, primarily for offenses committed on federal properties or Native American tribal lands. The Federal Bureau of Prisons does not have the capacity to house offenders under the age of 18 in its facilities, so the federal government contracts juveniles under their supervision to state or local juvenile facilities. By all accounts, only a handful of juveniles fall into this category. In 1997, for example, 189 juveniles under federal supervision were admitted to juvenile correctional facilities (Bureau of Justice Statistics, 2000). It is impossible to determine what proportion of the 189 juveniles under federal supervision were convicted as adults rather than adjudicated as juveniles because the Department of Justice does not track the number of youth under federal jurisdiction that are referred for transfer or successfully transferred (Scalia, 1997).

State prisons. Juveniles in state prisons represent a small percentage of all state prisoners (2%) and a small percentage of all juveniles held in confinement across juvenile and adult facilities (5%; Bureau of Justice Statistics, 2000). Although their relative proportion is small, they represent a significant absolute number of juveniles. Data from a census of state and federal correctional facilities (Stephan & Karberg, 2003) indicates that approximately 3,927 of 4,095 juveniles under state or federal adult correctional authority as of June 30, 2000, were housed in state adult correctional confinement facilities (defined as facilities in which less than half of the population was able to leave unaccompanied for employment or education activities). Of these, 2,007 were held in maximum security, 1,427 in medium security, and 437 in minimum security. An additional 56 youth were held in minimum or medium security community-based facilities in which more than half the population was eligible to leave the institution unaccompanied.

Table 1

Methodology for Primary Sources of Information about Juveniles in Adult Correctional Facilities

Austin et al. (2000): In 1998, all state corrections systems (including the District of Columbia and Federal Bureau of Prisons) and 19 major metropolitan and small jail systems were surveyed. All states responded but only 3 jail systems did so. One hundred ninety six facilities within those jurisdictions responded to a facility-level survey, but response rates were not reported.

Harrison & Karberg (2004). Data were used from multiple sources. The National Prisoner Statistics program uses count data from 50 state departments of corrections and the Federal Bureau of Prisons. The Annual Survey of Jails selects a sample of jail jurisdictions from the most recent full census of jails (conducted in this case in 1999). A multistage sampling strategy included all (1) multijurisdictional jails; (2) jails with juveniles and an average daily population of 250 inmates or more; and (3) jails with no juveniles but an average daily population of 500 inmates or more. In addition, stratified probability sampling was used with the remaining jurisdictions. A response rate of 100% was obtained for core items on the survey.

Rainville & Smith (2003): Population sample of all juvenile felony cases processed in adult court drawn from the State Court Processing Statistics 1998 project sample of 40 large urban counties. Two county substitutions were made from the original SCPS dataset. Once identified, case data was collected through adjudication or maximum one year of processing.

Stephan & Karberg (2003). The census used state departments of corrections to identify facilities (government and 264 private contract) that housed primarily state or federal prisoners as of June 30, 2000. The survey obtained a 100% response rate to produce a custody count of the number of persons confined.

Strom (2000): Data were used from multiple sources. The National Corrections Reporting Program includes calendar year admissions and releases from State prison for prisoners with minimum sentences of one year. The National Prisoner Statistics program uses count data from state departments of corrections and the Federal Bureau of Prisons. The Survey of Inmates in State Correctional Facilities is an occasional survey of samples of correctional facilities and inmates. The Annual Survey of Jails includes inmates held in local jails (see description of Harrison & Karberg, 2004, above). The National Judicial Reporting program provides court and prosecutorial record data on felony convictions in state criminal courts. Each of these data sources varies in the response rate among state and local agencies.

Since that time, rates of juveniles in state prisons has decreased consistently, with 3,147 and 3,055 youth being housed in state prisons in 2001 and 2002 respectively (Harrison & Karberg, 2004). The most recent estimates document a total of 3,006 state prisoners under the age of 18 at year end 2003 (Harrison & Karberg, 2004), representing 0.2% of all state prisoners nationwide. This number represents a significant degree of variability across states, with a handful of states (e.g., Maine, Kentucky, West Virginia) reporting no juveniles within state prisons, and ten states (e.g., Texas, Connecticut, Florida, New York) reporting estimates that range from 100 to 500 juveniles being held in state prisons. Between 2002 and 2003 Texas more

than doubled the number of youth held within these facilities.

Local jails. The number of youth held in adult jails peaked at 9,458 in 1999, dropping to 6,869 in a one-day census of adult jails on June 30, 2003 (Harrison & Karberg, 2004). Approximately 80 percent of these juveniles were charged as adult offenders in criminal court. It is unclear what percentage of the remaining juveniles were held under blended sentencing schemes or other legally permissible temporary exceptions to the statutory limitations on juvenile placement in adult facilities.

Private facilities. Private institutions provide a limited but growing amount of criminal justice system bed space. At midyear 2000, 93,007 U.S.

citizens age 18 and older were held in private facilities, representing 7.1% of all inmates under state or federal jurisdiction. In June 2000, only 168 juveniles sentenced as adults were serving their time within private facilities (Stephan & Karberg, 2003). Within this small number of juveniles, the majority were housed in community-based facilities (97), with 70 individuals being housed in medium and low security correctional institutions and one in maximum security.

In contrast, privately operated facilities play an important role in the juvenile justice system, outnumbering public facilities two to one. A one-day census of juvenile residential facilities identified 108,931 offenders, 30% of whom were located in private facilities (Sickmund, 2004). Private facilities for juveniles typically specialize in a particular method of treatment or in one type of offender (Bilchik, 1997).

Characteristics of Youth in Criminal Justice Corrections Systems

Although estimates vary, national statistics and recent survey data consistently identify a significant number of youth under the age of 18 that are placed within adult correctional settings. Whether housed in state, local, or private facilities, juveniles present unique challenges to corrections staff. In this section we examine what is known about the demographic characteristics and criminal offending profiles among this group and how they might differ from the general adult population.

Basic Demographics

Approximately 97% of youth sentenced to adult facilities are male, a percentage remaining relatively stable from 1985 to 1997 (Rainville & Smith, 2003; Strom, 2000). Although youth ages 16 or 17 comprise two-thirds of the population, the proportion of younger youth admitted to state prison has increased since the mid-1980s and extends as low as age 13 (Austin et al., 2000; Rainville & Smith, 2003; Strom, 2000).

When educational attainment is compared to age, it is clear that a substantial number of juveniles were below grade level upon admission to state prison. For example, 99% of juvenile admissions were age

15 or higher, but only 72% achieved a 9th grade or higher education level (Strom, 2000). Approximately 75% of state prison inmates have not completed high school (Harlow, 2003). The main difference between youth and adults is that, with adequate educational intervention, youth have the possibility of getting “back on track” developmentally by remaining on-grade or obtaining grade-level proficiency during their adolescence.

As with adults, most youth in adult correctional facilities are black or Hispanic, but the disproportionate representation of minority youth in the adult system appears to exceed that of minority adults. In a 2003 midyear census of prisons and jails, 43.8% of adult inmates were black, 19.1% were Hispanic, and 34.9% were white (Harrison & Karberg, 2004). In contrast, black youth comprise approximately 60% of youth in state prisons (Strom, 2000) and local jails (Rainville & Smith, 2003). Between 1985 to 1997, the number of black youth admitted to state facilities increased from 1,900 to 4,300, while the number of white inmates grew from 1,300 to 2,600 (Bureau of Justice Statistics, 2000). Hispanic and Latino youth represent 13% (Strom, 2000) to 30% (authors’ analyses of data from Rainville & Smith, 2003) of the youth in adult facilities. Whites comprise 19% of this population (Strom, 2000).

Charges/Convictions

Although violent crimes accounted for the majority of juvenile offenders admitted to state prison, the offense profile varied for those sent to jail. In 1997, juveniles convicted of violent crimes comprised 69% of all juveniles under the age of 18 in adult prisons (Strom, 2000). Another 15% of youth were serving time for property offenses, 11% for drug crimes, and 5% for public order offenses. In contrast, only 31.4% of the juveniles in jail were convicted of violent crimes, 29% for property offenses, 19% for drug offenses, and the rest for other felony or misdemeanor charges (authors’ analyses of Rainville & Smith, 2003). This difference is not surprising given the weight placed on offense severity and type when deciding to transfer youth into the adult system. It is interesting to note, however, that a significant proportion of youth within the adult prisons (30%) are not serving time for a violent crime; thus, while

it is often assumed that the transfer mechanism is reserved only for the most serious violent crimes, it appears that other offense and individual characteristics (e.g., ethnicity, drug offenses, perceived amenability to treatment) may carry significant weight in these decisions.

During the mid-1990s increasing numbers of juveniles transferred to adult court coincided with increasing rates of violent crime among juveniles. From 1985 to 1997 the number of juveniles in adult prisons who had committed violent crimes increased from 1,730 in 1985 to 4,510 in 1997. While increases in violent charges accounted for the majority of the increase among both black and white males (accounting for 65% and 73% of the growth respectively), drug offenses were the second largest contributor to the rate of growth during this time, with the ratio of black to white youth admitted to state prison for drug offenses shifting from 2:3 to 5:1.

Sentences and Recidivism

Youth who are sentenced within the adult system spend a significant amount of time incarcerated. Although the average state prison sentence length among persons under the age of 18 decreased from 86 months in 1985 to 82 months in 1997, sentencing reforms increased the average time served from 35 months to 44 months during the same period (Strom, 2000). As expected, sentence length varies by offense. The average sentence for youth convicted of a violent offense in 1997 was 98 months, with an estimated 59 months to be served. Offenders sentenced for property and drug offenses received, on average, sentences of 57 and 54 months respectively. Overall, 3% of offenders under the age of 18 admitted to adult facilities were sentenced to life imprisonment. Although juvenile and adult defendants face comparable likelihoods of conviction and incarceration for property and violent crimes, juveniles are more likely to spend that time in prison than adults (Rainville & Smith, 2003).

Juvenile offenders who are sentenced to adult prison are also more likely than both their same-aged peers within juvenile facilities (see Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Fagan, 1996; Podkapacz & Feld, 1996; White, 1985) and adults serving time alongside them (Langan & Levin,

2002), to re-offend upon release from prison. For example, official recidivism statistics from 15 states indicates that that 82% of prisoners under the age of 18 were rearrested within three years of their release from state prison compared to 66% of adults (Langan & Levin, 2002).¹ Although the studies controlled for a number of variables related to offense severity, the higher recidivism rates found in these studies must be interpreted with caution due to the selection process that governs the transfer process. It is likely, for example, that youth who are transferred into the adult system represent a more serious class of offenders who have been deemed to be less amenable to treatment than juveniles who remain in juvenile court (as the rationale for the legislation infers). It is also possible that the iatrogenic effects of confinement with adult offenders increase their recidivism risk. Nonetheless, the discussion thus far of pathways into adult corrections and the possibility that the exit of adolescents from these systems may be short lived, raises questions regarding the experiences of adolescents within adult corrections. The potential for the incarceration experience to arrest normal development and interact exponentially with the youth's current risk status are explored within the following section.

MANAGING YOUTH IN ADULT CORRECTIONAL PLACEMENTS

Although legally processed as adults, many of the youth who are transferred have likely not crossed key social, cognitive and psychological milestones. General knowledge of adolescent development indicates that many of these youth are likely to present unique challenges within a system designed for adult offenders. In this section, we briefly highlight some of the developmental differences between adolescents and adults and delineate implications for education, classification, and other issues. Finally, we review strategies for responding to transferred youth within a general adult population or as a separate group of youthful offenders.

¹ Calculations for adults include weighted percentages of all offenders between the ages of 19-49 as reported by Langan and Levin (2002).

Developmental Differences between Youth and Adults

Multiple aspects of youths' development are changing during adolescence (Lerner & Galambos, 1998; Steinberg, 1999). Biological transitions encompass changes in physical appearance, reproductive capacity, and hormones that not only affect the physical body but are associated with the way people respond to adolescents and the way adolescents feel about themselves. Cognitive transitions refer to the ways that adolescents think about things, such as memory and problem solving. As they mature, adolescents are capable of more sophisticated thought processes such as thinking about hypothetical situations and considering abstract concepts (e.g., friendship, morality). Adolescence is also a time of social transitions. Legal rights, responsibilities, and privileges begin to accrue, changing youths' social status to be more like adults than children, particularly for youth who are tried and/or sentenced as adults in the justice system. These changes can be more or less developmentally appropriate depending on the skills and abilities required to meet them.

Although transitions occur in each of these domains, there are five sets of psychosocial tasks or issues that are particularly important during adolescence (Steinberg, 1999). The first is identity development, which encompasses self-esteem and conceptions of who we really are. The adolescent may experiment with various identities (e.g., "jock," intellectual, or rebel), trying different activities and personalities to find his true self. The second task is autonomy development, in which adolescents struggle to establish themselves as independent individuals who control their own lives. As part of this process, youth become less emotionally dependent on parents, establish their own values, and make decisions with increasing independence. The capacity for intimacy is the third developmental task of adolescence. Youths grow in their ability to establish true friendships. Fourth, sexuality and sexual activity become increasingly important. This affects relationships and forces adolescents to incorporate a sexual self into their identity exploration and development. Finally, adolescents focus on achievement in a variety of realms. Choices

they make about education and career goals can have a long lasting impact on their futures.

Because it is a period of broad and fundamental change, adolescence is a time of incredible diversity within and among youth. This heterogeneity in individual growth challenges adult correctional systems to sort and manage a young population that can appear simultaneously adult-like and immature. Individuals may differ from each other, but the same adolescent may be more or less advanced in various specific capacities. For example, he may be able to think in quite sophisticated ways, but be emotionally immature. Also, age is not a consistent marker of maturity. Two fifteen-year-olds may vary widely in their physical appearances, cognitive abilities and social experiences. Adolescents face common developmental tasks but approach them in different ways and at different rates; variability is the norm.

Normal developmental differences between youth and adults are relevant to correctional management because "children are not simply miniature adults" (Task Force on Youth, 2001, p. 39). Thus, while the law facilitates categorical distinctions based on physical age, the expressed rationales for transfer legislation are tied to developmental maturity—which often are not equivalent. If the historical intent of transfer laws were met, i.e., the removal of a small number of serious offenders who are unamenable to treatment or pose a serious risk to public safety, one *might* argue that the youth who end up in the criminal justice system indeed represent the mature, hardened criminal for whom development differences are nonexistent or irrelevant.² In contrast, the expansion of transfer mechanisms has resulted in a larger, more heterogeneous population with some for whom that maturation is likely not yet complete.

Arguments about the appropriateness of transfer aside, the reality of managing young offenders in criminal justice correctional settings is not simply a matter of adjusting existing adult programs and practices; rather, it requires qualitative changes in

² Although even in this situation, it is not clear that these youth would be fully mature in the ways described above. The combination of serious crime with perceived lack of amenability or risk to public safety is neither a necessary nor sufficient guarantee of mature development.

approach. For example, some clear challenges to correctional management accrue because transferred juveniles have special requirements in education and housing arrangements. Other challenges occur because of less obvious but no less important developmental differences between youth and adults. Youths' foreshortened time perspective, for example, can mean that the same amount of time in isolation imposed for disciplinary sanctions for adults can have a more severe or excessive impact on youth.

Based on these developmental differences, two primary issues related to youth within adult settings emerge, namely: (1) concerns regarding the safety and management of youthful offenders within these settings, and (2) how to meet the treatment and programming needs of this diverse, yet still developing, sub-group of offenders.

Safety and Management of Juveniles in Adult Facilities

Juvenile offenders in adult facilities are at greater risk for victimization and self-inflicted harm as compared to adult inmates and adolescents in the juvenile justice system. Beyer (1997) reported that juvenile inmates in adult facilities were 500 times more likely to be sexually assaulted, and 200 times more likely to be beaten by staff than juveniles held within juvenile facilities. A recent Justice Policy Institute survey found that young inmates within adult prisons make up the "prototype" of a rape victim in prison (Schiraldi & Zeidenberg, 1997). Reports also indicate that youth in adult prisons and jails are eight times more likely to commit suicide than their counterparts within juvenile facilities who are already at high risk (Beyer, 1997; Schiraldi & Zeidenberg, 1997). Suicides among adolescents incarcerated in the juvenile justice system have been estimated at 165 times the rate of suicide among adolescents in the general population (Krisberg & DeComo, 1991).

Clearly, juveniles are a vulnerable population within adult correctional facilities. While the victimization of juveniles within adult institutions is widely recognized, there are few safeguards in place to prevent such incidents. One potential prevention tool is the accurate use of classification systems to appropriately house juvenile offenders at risk for victimization or perpetration. However, as

opposed to serving a protective function, the inaccuracy of adult classification tools has been cited as a contributing factor to the high rates of victimization and self harm documented above. Specifically, the inability of adult classification instruments to correctly separate aggressive and non-aggressive inmates, as well as to account for the victimization and self harm potential of juveniles, has been cited as contributing to increased security risks (Reddington & Anderson, 1996).

There are two types of classification systems in adult corrections: external and internal. External classification systems are used to make placement decisions, such as determinations as to whether an inmate should be assigned to the general population or placed within a specialized unit, whereas internal classification systems are designed for use within specialized units. For example, many mental health, medical, and protective custody units have tools that are designed to assist with the management of inmates within these units. Additional assessments that are common within adult facilities include those that are related to treatment and programming needs and transfers between institutions.

Classification tools designed for adults are typically actuarial in nature - described within correctional terminology as "objective classification systems" (for a review see Austin & Hardyman, 2004). That is, offenders are rated on a set of items that determine their "risk level". Although actuarial assessments provide a quick and objective method for processing offenders through the system, few empirical studies support the use of correctional classification and risk instruments. In some cases the construction and utility of these instruments have been well documented (e.g., the Level of Service Inventory; Andrews & Bonta, 1995); however, in the majority of cases these tools have been developed and implemented on a state by state basis, without an empirical foundation and/or prospective testing. The problems that stem from unreliable and untested classification tools are compounded when the downward extension is made to adolescents within these contexts—a population that requires the decision-maker to incorporate a unique set of developmental considerations.

As Austin and colleagues (2000) acknowledge, a number of the classification systems designed for use with adults do not take into consideration the

needs of juvenile offenders and have not been validated with adolescent populations. Due to the perceived limitations of these models with youthful offenders, observers have argued that adult facilities that house juveniles should either a) adopt systems that have been tested within juvenile systems, or b) construct new systems for making assessments that would take into account the special developmental, educational, psychological, and physical needs of youth (Glick & Sturgeon, 2001).

A number of instruments have been designed to assess and manage adolescents within juvenile justice system correctional settings (Krisberg & Austin, 1993; Office of Juvenile Justice and Delinquency Prevention, 1995). Traditionally, classification decisions involving juveniles have been largely informal, experientially based, and directed towards meeting treatment needs (Baird, 1984). Recently, however, the concern for order and safety within juvenile correctional institutions has become paramount. Classification schemes designed to separate aggressive inmates from other vulnerable youth within juvenile institutions are now required in practice (*Alexander S. v. Boyd*, 1995), with the need to protect juveniles from sexual aggressiveness being cited as a paramount concern (*Guidry v. Rapides Parish School Board*, 1990). The legal requirements for the use of such instruments has resulted in an increasing number of formal classification methods (Office of Juvenile Justice and Delinquency Prevention, 1995) that are designed to prevent security/management problems, such as disruptive behavior, assaults on staff and others, escape potential and victimization potential.

Tools designed for juveniles also have problems but are more likely than adult instruments to include age appropriate items and definitions. For example, juvenile instruments are more likely to include items such as previous level of psychological and physical maturity, and family, school and peer difficulties, whereas adult based instruments are more likely to focus on previous offending and institutional history. Juvenile instruments are also more likely to include “dynamic” risk factors. Because juveniles’ behavioral and psychological maturity is still changing, instruments designed for use with juveniles often include items that are seen as malleable or changeable, meaning that the youth’s rating on these risk items can change. In contrast, the behavior of

adults is more likely to be viewed (rightly or wrongly) as crystallized and assessment decisions emphasize unchangeable historical factors and fixed scores. Thus, unless adolescents transferred to adult systems truly are miniature adults, the assessment schemes that are used with adult populations are likely to miss their mark with adolescents by failing to correctly identify age dependent manifestations of disorder and risk.

It should be noted that attempts have been made to extend one of the most popular violence risk assessment instruments for adults, the Psychopathy Checklist Revised (PCL-R, Hare, 1991) downward to adolescents. The *Psychopathy Checklist—Youth Version* (PCL-YV: Forth, Kosson, & Hare, 2003) was adapted to assess the interpersonal, affective, antisocial and behavioral features of psychopathy among youth. While the PCL-YV has demonstrated predictive validity among incarcerated adolescents with respect to future offending (Forth & Burke, 1998; Vincent, Vitacco, Grisso, & Corrado, 2003), the research is limited regarding the ability of the PCL-YV to predict violence within institutional settings—particularly within adult correctional settings. Perhaps most importantly, there is very little guidance with respect to how these newly emerging findings can be translated into correctional practice. In fact, the PCL-YV manual explicitly cautions against placing too much emphasis on these assessments, stating that “the PCL-YV should not be the sole criterion used to make decisions about a youth for dispositions within the mental health and criminal justice systems” (p. 4). Thus, while the PCL-YV may be one type of instrument that will eventually provide assistance in the classification and management of adolescents within adult settings, the body of research has not accumulated to the point where it could—or should—be directly translated into practice (Edens, Skeem, Cruise, & Cauffman, 2001; Odgers, Moretti, & Reppucci, in press).

Improving the classification systems for youth within adult facilities is a key issue. Although classification systems have been developed for adults within the criminal justice system, it is not clear to what extent these instruments can be extended to adolescents. More research is needed regarding the application of adult based classification schemes to adolescents, not only to ensure the physical safety of juveniles within adult facilities, but also to assist

in the identification and delivery of programming and treatment needs.

Treatment and Programming for Youth

The adult corrections system provides limited medical and mental health treatment to the general adult inmate population, usually providing no additional services that are specifically targeted for youth under 18 (General Accounting Office, 1995). Criticized for failing to meet adult inmates' needs, the "same" programming is likely to fall short when faced with meeting the unique developmental challenges that juvenile offenders present. The adult system must accommodate different assessment and service provision needs in the traditional areas of medical and mental health and education. In addition, juveniles require special attention to issues less salient for adults such as developmentally appropriate programming, parental visitation, and peer interactions.

Mental Health

International standards, US laws and national correctional standards explicitly provide that children deprived of their liberty are entitled to mental health care services (Amnesty International, 1998). Yet, despite the fact that both juveniles and adults are constitutionally entitled to adequate mental health care (see *Ruiz v. Estelle*, 1998), many adult prisons are ill equipped to identify and respond to the mental health needs of inmates. These findings are particularly troubling when one considers the mental health profile of adolescents within the juvenile justice system. The most recent estimates from a large epidemiological study of approximately 1,900 youth detained in the juvenile system indicate that as many as two-thirds of males and three-quarters of females meet criteria for one or more psychiatric disorders (Teplin et al., 2002), with 15 to 20% meeting criteria for a serious mental disorder (Cocozza & Skowrya, 2000; Grisso, 2004). For example, Teplin and colleagues (2002) documented prevalence rates of substance use disorders of 50.7% for males and 46.8% for females, and rates of Major Depressive Disorder of 13.0% among detained boys versus 21.6% of detained girls. To complicate matters

further, a significant percentage of incarcerated juveniles (46-83%) also meet criteria for two or more mental disorders (Abram et al., 2003; Otto et al., 1992).

It is reasonable to expect that juveniles in the adult system would experience similar, if not greater, rates of mental disorder and related problems. Legally, the state can not be "deliberately indifferent" to inmates' serious medical needs (see Cohen & Dvoskin, 1992). It is important therefore, that the institutions in which these youth are housed have both 1) appropriate screening and assessment tools to identify developmentally-based manifestations of psychological disorders and mental health problems, and 2) developmentally appropriate treatment programs that respond to their mental health needs.

What are the unique challenges in mental health screening and assessment during adolescence? Due to the high degree of turmoil and transitions during adolescence, the presentation of disorders and traits are likely to vary significantly with the adolescents' stage of emotional and psychosocial development. While there is some research that suggests personality constructs and behavioral patterns can be assessed reliably during adolescence (e.g. McCrae, Costa, Ostendorf, Algleitner, Hrebickova, Avia, et al., 2000); many observers argue that variability on these key dimensions is the norm and that adolescent personality development may not have stabilized sufficiently to extract the information required to make mental health diagnoses and conduct risk evaluations (Vincent & Hart, 2002). Thus, in general, adolescents are likely to unique assessment challenges and have been described as rapidly moving targets within these contexts (Grisso, 1998; 2004).

Can developmental research be translated into correctional settings? It should be noted that there is a larger body of evidence from normative clinical and developmental research that points to the ability of assessment schemes and clinicians to assess children and adolescents on key dimensions of personality and general mental health functioning (e.g., McCrae et al., 2000). When moved into a correctional context, however, the challenges with respect to accurate classification and assessment increase, along with the stakes in terms of legal consequences and restrictions on liberty for the adolescent. One of the key issues that arise when

importing instruments and assessment principles from normative contexts is how the institutional context influences our ability to assess adolescents on key psychological and behavioral dimensions (Grisso, 2004). While a growing body of evidence is accumulating with respect to the sound psychometric properties of diagnostic interviews (Kamphaus & Frick, 1996); these interviews are dependent on the access of the child to experiences within normative contexts (e.g., problems in school, with friends and family) while the content of many scales (e.g., depression subscales) may reflect the circumstances of imprisonment more so than a stable disposition of the youth. While developmental psychology has made significant progress with respect to the assessment and treatment of mental health problems among children, as Grisso (2004) observes, we still know very little about the variations in how mental disorders affect the risk of, for example, violence among young people of different ages, cultural background, or genders.

In addition to assessment problems, the lack of treatment programming within adult correctional facilities leaves few options for juveniles even if we were to “get the initial assessment right.” Hubner and Wolfson (1996) concluded that youth who are confined in the United States receive little or no treatment or rehabilitative programs and services in correctional facilities. While the treatment conditions and access to mental health treatment for juveniles in general is poor, for youth who are confined in adult facilities the problems are compounded by a lack of developmentally appropriate programming. For example, a study in New Mexico found that while 84% of those in juvenile facilities participated in a substance abuse program, only 30% of those on probation did and only a handful of those in prison did (8%) (LaFree, 2002). After reviewing the current state of mental health treatment within the juvenile justice system, Grisso (2004) recently concluded that we have little information regarding the effectiveness of different treatments for mental disorders *within these settings*; arguably, we know even less about the treatment of mental disorder among adolescents once we move them into adult correctional settings. The majority of our “best practices” have been validated using different populations and contexts. It appears, therefore, while researchers and clinicians should continue their attempts to import mainstream

knowledge garnered from developmental psychology into the correctional system, the challenges of doing so should also be acknowledged. While there is no reason to assume that children who engage in serious criminal behavior and end up at the deep end of the justice system follow entirely different developmental processes—the context of assessment, treatment, and for some of these youth, development, should not be underestimated.

Physical Health

Inmates are also constitutionally entitled to medical care, including both screening and treatment services (Austin et al., 2000). The practical implementation of this right, however, has not been ideal. For example, many states have non-medical personnel performing screening tasks and have failed to provide adequate minimal levels of medical service (Austin et al., 2000). While this is a problem for all inmates, it is particularly troubling for adolescents due to their stage of physical and sexual development. Unfortunately, there is no reliable data available regarding the extent to which adult systems are providing adequate and developmentally appropriate education on sexual and physical development and healthy relationships. Youth require proper nutrition to maintain adequate physical growth patterns and pubertal development. Vision and dental health are two additional areas that change during adolescence and require special attention. Systems must have knowledge of normal and abnormal development to promote healthy development and identify when intervention is required.

Educational Needs

By definition, because of their age, most juveniles will not have completed their high school education. As such, expanded options for high school equivalency or vocational education are important. A number of youth will also present special education requirements. A 1997 study found that majority of juveniles sentenced to adult prison had not completed their high school education (Bureau of Justice Statistics, 2000). Specifically, 96% of blacks, 95% of Hispanics and 90% of whites had not gone beyond the 11th grade. Although this might be expected because youth under 18 would not have completed

high school if they were not incarcerated, many youth are below grade level upon system entry (Strom, 2000) and access to educational services is a critical factor in the likelihood that they will stay on track for high school completion. LaFree (2002) compared the services available to violent juvenile offenders in New Mexico adult facilities (mostly prison) with those available to violent offenders in juvenile institutions and to those available to violent offenders on probation. The imprisoned juveniles were much less likely to be enrolled in an educational program (34%) as compared with their counterparts who were on probation (52%) or in juvenile facilities (59%).

Court cases and legislation affirm that children held in correctional facilities are entitled to receive special education (Austin et al., 2000; Tulman & McGee, 1998). For example, special education classes became required within adult facilities in the 1997 reauthorization of the Individuals with Disabilities Act (Glick & Sturgeon, 2001; Tulman & Hynes, 1998). In a survey of juveniles incarcerated in adult prisons, Leone and Meisel (1997) found that between 42 and 60% of the youth in Arizona, Florida and Maine were classified as being in need of special education services. The extent of compliance and adequacy of special education services in adult facilities is unknown. Furthermore, a lack of systematic documentation makes it difficult to determine the extent to which vocational opportunities are available to youth or how many youth access and successfully complete those programs.

Developmentally Appropriate Programming

In the absence of legal requirements for treatment programs, many state criminal justice systems have adopted special initiatives for responding to the practical challenges of managing increasing numbers of juvenile offenders (Torbet et al., 1996). Some states (e.g., Florida, Virginia) designate young people in the criminal justice system as “youthful offenders” which in turn provides them with special programming and legal protections (Torbet et al., 1996). For example, Florida youthful offender facilities include GED programs, special education programming, vocational training, mental health treatment services, including substance abuse programming (Austin et al., 2000). Other initiatives include a quasi-boot camp structure known as the

Extended Day Program that attempts to “wear offenders down” and provide a high level of structure.

Other states (e.g., Delaware, Georgia, Maryland, Missouri, North Dakota, Ohio, Oregon, Tennessee, Utah, Washington, and West Virginia) apply graduated incarceration where inmates under the age of 18 begin serving their sentence in a juvenile facility that provides specialized programming, and are then transferred to adult facilities, typically once they reach the age of 18. A final strategy has been to segregate incarceration of youthful offenders from adults. In this case, juveniles are housed in separate facilities and sometimes, although not always, provided with specialized programming. Many of these initiatives fall short of meeting the unique needs and this population and in 27 states very little has been done (see LIS, Inc., 1995, for state-level summaries of strategies).

Role of Parents and Visitation

Connection to family and friends can provide supportive networks to adult and juvenile offenders alike. For some juveniles, parental involvement can play an important positive role in their social and emotional development; for others, parents may be uninvolved, unavailable, or less than helpful to youths’ progress. For corrections staff, facilitating positive relationships between parents and young inmates may help some juveniles’ psychological and behavioral adjustment to the institutions. Facilities should consider how to facilitate constructive parental and familial contact in light of differences between the juvenile and adult populations. For example, the foreshortened life experience and time perspective of can make one month feel much longer to adolescents than adults. Juveniles have litigated the definition of reasonable visitation (Austin et al., 2000) but the potential mutual benefit for juveniles, parents, and institutions go beyond meeting minimal legal requirements.

Peer Interactions

While researchers have identified a sub-set of antisocial adolescents who can be identified at an early age and persist with respect to their engagement in crime into adulthood (Moffitt, 1993), the vast

majority of adolescents who engage in antisocial behavior desist from a criminal lifestyle (Loeber & Farrington, 1998). Although some of the risk factors for persistent offending overlap with factors potentially considered in waiver decisions and statutes (e.g., offending that starts early, is of a serious nature, and repeats), our review indicates that youth in the criminal justice system are not limited to these characteristics; instead, they are a heterogeneous group. One of the dangers therefore, is that housing youth within adult prisons will lead to iatrogenic effects, causing youth who would otherwise exit their delinquent trajectory to become entrenched in a criminal lifestyle. By exposing juveniles to a criminal culture where inmates commit crimes against each other, adult institutions may socialize juveniles into true career criminals (Forst, Fagan & Vivona, 1989). An early study by Eisikovits and Baizerman (1982) reported that the daily survival of the inmates requires that young inmates find ways to fit into the inmate culture: this often involves adopting an identity that hides their youthful status with respect to both physical and intellectual ability and forces them to accept violence as a routine part of institutional life.

Discipline

Juvenile offenders produce approximately twice as many disciplinary reports than adult inmates yet correctional staff are typically not trained, or encouraged, to provide differential responses based on age (LIS, 1995). Instead, the tactics that they employ with juveniles are derived from their adult-based training. Advocates, scholars and consultants have repeatedly argued that adult systems must take a proactive and age-appropriate approach to managing these young offenders (e.g., Amnesty International, 1998; Glick & Sturgeon, 1998, 2001).

One notable example of the failure of adult correctional facilities to make appropriate developmental adaptations when managing juveniles can be illustrated through the continued reliance on solitary confinement - namely that 1) many institutions continue to use solitary confinement for punitive purposes with juveniles despite international, national and state regulations that prohibit its use (Parent, Dunworth, McDonald, & Rhodes, 1994) and

2) a number of adult facilities do not have separate sections for children, resulting in children being kept in their cells for extended periods of time or confined to extremely small areas (Amnesty International, 1998).

One of the chief concerns raised by observers of the management of youth within adult systems has been the need for additional staff training focused on alternative methods of deescalating incidents that replace typical techniques using force (such as chemical agents, physical restraints, special resource teams). This recommendation is also echoed in a recent report on human rights violations by adult correctional agencies where a recommendation was made for the federal and other authorities to take action against the use of restraint chairs, chemical agents and electro-shock weapons (Amnesty International, 1998).

In sum, the developmental needs of juvenile offenders require adult institutions to reconsider their existing service provision and augment current programming. A generation of adolescents is growing up in adult correctional settings designed for adult offenders who presumably have finished growing and maturing. Careful attention to developmentally appropriate services and interventions may help promote more successful management of juvenile offenders.

RESEARCH AND POLICY ISSUES

Our review of juvenile offenders in adult correctional systems raises several key considerations for research and policy initiatives. First, the need for basic descriptive information about youthful offenders cannot be underestimated. Second, corrections staff require appropriate training in developmental issues to increase the likelihood of responding effectively. Next, explicit planning to develop, implement and evaluate programming for juvenile offenders is an essential step in determining their effectiveness. Finally, the broader developmental impact of spending the adolescent years in criminal justice institutions must be conceptualized and evaluated.

Basic Descriptive Information about Offenders

Although several recent publications provide important information about subgroups of juvenile offenders in various parts of the criminal justice system, the lack of the basic data on this population seriously impairs effective research, program development and policy responses. Corrections officials are forced to manage their offender populations without a clear picture of their characteristics and needs. Policymakers must operate in a virtual vacuum as they make important statutory changes and budgetary allocations. Researchers have a limited grasp of general processing trends and cannot evaluate the needs of and responses to juvenile offenders. If these stakeholders would coordinate efforts to build the knowledge base about juvenile offenders in the criminal justice system, their multiple interests and goals would be well served.

Staff Training in Developmental Issues

The lack of training among staff regarding developmental issues can result in a number of problems in the day to day management of juveniles. For example, juveniles may experience unique or magnified effects of incarceration such as emotional distress which staff may interpret as noncompliance or hostility. Alternatively, their symptoms of various psychological disorders and markers of acute risk for violence against themselves and others may be markedly different than those of their adult counterparts. In this case, staff may not be able to make an accurate assessment of treatment needs or risk towards self and/or others. Austin et al. (2000) recommend that the staff within adult facilities should include individuals who have experience within juvenile facilities as well.

Offenders themselves report important differences in staffs of juvenile and adult prisons. For example, a study by Forst et al. (1989) compared the experiences of 59 chronic juvenile offenders in juvenile facilities with the experiences of a matched group ($n = 81$) of juveniles in adult facilities. One of their main findings was that the youth in juvenile facilities rated staff as more helpful in assisting them with meeting their personal goals, teaching them skills and improving their interpersonal relations; here counseling was integrated into the daily

management routine, whereas in the adult facilities counseling was compartmentalized. The case management staff within juvenile institutions was also rated as more competent in assisting the juveniles to obtain services, orienting them to the facility, and meeting their medical, psychological and educational needs.

Lane and colleagues (2002) also compared the perceptions of youth transferred to the adult system with those retained in the juvenile system. Over 60 % of the youth rated prison as having a negative impact on their attitudes and behaviors, in part because staff treated them negatively or apathetically. Youths reported that juvenile sanctions had an effect because they gained something (e.g., skills, hope, services); adult sanctions tended to have an effect on attitudes and behavior because they cost something (e.g., loss of hope, safety, respect).

These studies can not conclusively link staff characteristics with youth attitudinal and behavioral outcomes, but they indicate that youth are sensitive to the different environments that staff in adult and juvenile facilities create. Further research is needed to determine whether developmentally appropriate training for staff in adult facilities would affect behavior management within the institution, the nature of interactions between staff and inmates, or recidivism outcomes.

Intervention and Program Development, Implementation and Impact

Individual states and institutions have been developing their own management and programming strategies for juvenile offenders, but the field could benefit from systematic and sustained attention to what works, for whom, and under what conditions. While not all states will have the juvenile population to justify investment in specialized housing and youthful offender programming found in states such as Florida, proactive and deliberate attention to the goals and outcomes of infrastructure and program investments are warranted. Limited dollars invariably lead to tension between the provision of direct services and planning and evaluation. This tension should not be allowed to foster the mistaken assumption that states and institutions cannot afford to invest in planning and evaluation. On the contrary, the criminal justice system cannot afford *not* to invest

in these activities. All system stakeholders want to have effective and efficient system components that meet their intended goals. Planning and evaluation can help and resources are available to start that process (e.g., Glick & Sturgeon, 2001).

Responding to the unique needs of juvenile offenders can be complicated but does not have to be overwhelming. Although the criminal and juvenile justice systems differ in fundamental ways, the juvenile system has had over a century of experience in the management of juvenile offenders. Developmental differences between youth and adults indicate that adult classification schemes, educational and vocational programming, and health services cannot simply be extended to youth but will likely need to be modified or new schemes developed. It is well documented that adolescents present unique challenges to both mental health screening and treatment. It is insufficient, therefore, to simply assume that the same mental health screening tools and treatment programs can be used for adults and adolescents. The adult system can learn from the practice of including age-appropriate items and dynamic items in assessment instruments. While we cannot simply transplant scales developed for juveniles into adult settings due to the different contextual factors, instruments from juvenile justice can nonetheless serve as a valuable starting point.

Developmental Impact of Placement in Adult System

The issues raised above operate from the presumption that significant numbers of youth will continue to be placed in the adult criminal justice system, some for extended periods of time. Stepping back from the more practical issues of describing and managing these offenders, research and policy must examine the broader implications of young offenders spending their adolescence in criminal justice correctional facilities. It is widely recognized that the mental and physical health needs of adolescents differ from adults with respect to both the manifestation of the illness and treatment needs. The unique educational needs of adolescents and other developmental considerations in programming alternatives for juveniles have also been neglected. Beyond these specific examples, we must consider correctional settings as an important developmental

context for a significant number of youth. This concern also holds for recent changes in juvenile corrections that have led to extended determinate sentences in adult-like facilities, but the adult system is fundamentally different in terms of its philosophical orientation, goals, and implementation. It is incumbent upon researchers and policymakers to ask questions about outcomes that extend beyond recidivism to include pathways of development (e.g., appropriate relationship formation, individual capacities) and positive engagement in the larger society (e.g., employment, contributions to society).

CONCLUSION

The limited information on juvenile offenders in adult criminal justice corrections belies the growing importance of this group for practitioners, policymakers, advocates, and scholars alike. Legislative changes have created wholesale shifts in the processing of juvenile offenders by moving large numbers to a criminal justice system that was not intended to meet their unique needs. We do not mean to suggest that corrections systems are uniformly unprepared for handling young offenders; indeed, several states have focused attention and resources on developing tailored responses to this heterogeneous population. The evidence suggests it is more common for systems to have been, perhaps understandably, more reactive than proactive in their approaches. In this paper we have gathered the available evidence to describe the population itself, the issues that systems are facing, and to raise some important concerns that lie ahead. Our fundamental conclusion is that policymakers and practitioners are more usefully informed by systematic information than by anecdote; gaps in our current knowledge have left a shaky foundation from which they can operate.

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