

MORAL REMEDIATION, MULTI-SYSTEMIC THERAPY AND EFFECTIVE INTERVENTIONS FOR SERIOUS JUVENILE OFFENDERS.

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ABSTRACT

Our juvenile hall population is at an all time high, 2.2 million inmates at an average cost of about \$35,000 per inmate (OJJDP, 2006). In fact, we lead the world in incarcerated juvenile offenders and the juvenile system is fast becoming a breeding ground for adult prisons. In Washington State alone, 73% of adult inmates served time in a juvenile detention facility (OJJDP, 2005). This paper describes how a “Moral Remediation” program could be employed as an adjunct to the most successful intervention programs as defined by a recent study in the Office of Juvenile Justice and Delinquency Prevention Bulletin (April, 2000). The Bulletin defined 200 intervention programs and the methods they used to lower the recidivism rates of serious juvenile offenders in non-institutionalized and institutionalized facilities.

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Introduction

We begin our discussion with the incarceration vs. rehabilitation dilemma. Of course, incarceration without rehabilitation doesn't work. It doesn't reduce the recidivism rate; it only adds to it. This does not imply that correctional facilities are failing, only that many of the rehabilitation programs they are using simply are not working as effectively as they should. Therefore, the question raised is what kind of rehabilitation works best for serious juvenile offenders? A study of 200 rehabilitation programs for serious juvenile offenders, ages 14 to 17 years old, male, mostly white or of mixed ethnicity in non-institutionalized and institutionalized settings, was recently released by the U.S. Office of Juvenile Justice and Delinquency Prevention. The great majority of the subjects were either adjudicated delinquents or those who had records of prior offenses that involved person or property crimes or other more serious acts of delinquency (but not primarily substance abuse, status offenses, or traffic offenses). According to the report, as described by acting administrator, John J. Wilson: *"although research indicates that intervention programs can reduce overall recidivism rates among juvenile offenders, inadequate attention has been paid to their impact on serious juvenile offenders. A meta-analysis that addresses the following questions: Can intervention programs reduce recidivism rates among serious delinquents? If so, what types of programs are most effective? While the effects measured across the 200 studies reviewed varied considerably, there was an overall decrease of 12 percent in recidivism for serious juvenile offenders who received treatment interventions (Lipsey, et al (2000).*

According to the report, intervention programs that showed the strongest, most consistent impact on recidivism rates for non-institutionalized serious offenders were interpersonal skills training, individual counseling and behavioral programs. For institutionalized serious offenders, the most effective programs involved interpersonal skills training and community-based family-type group homes:

[According to Lipsey, et al], *"until relatively recently, the common wisdom was that "nothing works" in rehabilitating juvenile offenders. Recent research demonstrates that there are effective programs for rehabilitating juvenile offenders, even chronic, serious or violent offenders. The percentage reduction in recidivism among juveniles enrolled in effective treatment programs varies (typically between 10-40%, with 10-20% the average). However, one of the most effective interventions - **Multi systemic Therapy** - reports recidivism rates as low as 22% with serious and violent juvenile offenders. However, there still is no "magic bullet" or no single treatment that will rehabilitate all classes of juvenile offenders, and many questions remain to be answered by future research. But significant advances have been made in the last fifteen years in our understanding of the characteristics of effective treatment and intervention programs. Current research findings are relatively consistent in identifying the characteristics that effective intervention programs share in common. The research also has identified those specific treatments that appear to be the most effective in reducing recidivism Lipsey et al (2000).*

So now we have some concrete information about interventions that work, and they all seem to correlate or support why Moral Remediation should be a necessary ingredient or addendum to the successful programs cited in the study. The most effective interventions all encompassed some form of “multi-systemic therapy” to support individual counseling, interpersonal skills training and behavioral programs for non-institutionalized offenders and interpersonal skills and family teaching homes for institutionalized offenders.

Let’s now look at how Moral Remediation would support successful multi-systemic intervention programs cited in the study. First, Moral Remediation is **interactive**. All parties are involved: volunteers, teachers, counselors, line staff, parents, psychologists etc. For example, Moral Remediation has been successfully employed in one-to-one or group counseling sessions because it allows the therapist to center in on the **cognitive and moral stages** of the counselees, very much like a teacher who is attempting to remediate a child with reading deficiencies. A successful teacher must know what the student’s strengths, weaknesses and grade level are to remediate successfully. In other words, there are many factors that affect interventions, but the one factor is that not all inmates’ cognitive and moral reasoning are the same. Moral Remediation provides interventions that use a cognitive or moral baseline to operate from, and which brings us to the second point. Moral Remediation is **developmental**; it defines a juvenile offender’s stage of cognitive and moral reasoning. A major reason why our correctional institutions are filled with inmates is because a large percentage of incarcerated inmates are cognitively and morally delayed or deficient in problem-solving and decision-making skills, particularly when such is associated with rules and laws. A study by Kuhn et al (1977) showed that only 30 % to 35% of high school seniors reasoned at a formal operational stage or a cognitive stage supportive of understanding and respecting rules and laws. An adolescent reasoning at a 7-to 10-year-old stage often lacks the cognitive and moral reasoning to resist adult temptations, think abstractly, or take the perspective of societies’ rules and laws. In other words, they view rules and laws concretely, or from a “what’s-in-it-for-me” perspective. Such reasoning by adolescents leads to a natural conflict and helps explain why juvenile offenders become habitual law breakers. They do not equate societies’ rules and laws as supportive of their immediate needs. However, when you employ a systems approach, such as Moral Remediation, with successful intervention programs, you have a baseline to remediate or operate from, with not only the cognitive, but moral judgment as well. In short, you are defining your population’s ability to understand the specific interventions enacted. When you define specific developmental stages, you are recognizing the delays, which also helps illuminate the adolescents’ inability to respect and understand the rules and laws of society.

The systemic strength of Moral Remediation is that it brings to the table a structural component as well, which brings us to our last multi-systemic point. “Moral remediation” and systemic approaches are **structural**. They can be effectively employed in **any setting** that seeks to teach, counsel, and rehabilitate juvenile offenders. Effective multi-systemic therapy should be structural in the sense that staff can be trained to use the approach just as teachers

are trained in effective methods to use in a curriculum to teach and remediate students. The number of staff who are involved in an inmate's life is extensive. It makes sense for those individuals to have a structure or system to implement interventions successfully. Further, Moral Remediation (as other successful interventions) has shown to be equally effective in many different environments for both institutionalized and non-institutionalized serious juvenile offenders: in the classroom, the unit, and counseling sessions, as well in group homes, community-home schools, and other juvenile detention and treatment locations.

I believe that Moral Remediation can take the multi-systemic intervention a step further and helps explain why the studies' interventions were successful. If you remember, many inmates exhibit cognitive and moral delays. The delays represent a level of thinking of a 7-to 10-year-old or the "what's-in-it-for-me" perspective. Inmates need to affiliate with individuals who they respect but who represent the rules and laws of the environment they live in, such as group homes and correctional settings. ALL the successful interventions cited reinforced Kohlberg's stage 3, or the stage he calls "Conformity/interpersonal," or what I like to call the "affiliation" stage, which is the stage where most successful juvenile inmates begin to operate and reason at. The successful interventions, in other words, raised the adolescents' cognitive and moral development. Kohlberg's theory stresses that individuals can only understand the stage they reason at, the next highest stage, and all stages below their level of reasoning, which for most juvenile offenders is stage 2. According to Moral Remediation theory, our studies' successful interventions all reinforced stage 3, a higher level of reasoning. In my opinion, the successful interventions' recidivism rates of 10 to 40% occurred because the majority of offenders moved up to stage 3, or learned to conform and respect the rules enacted by the intervention. More importantly, and more supportive of Kohlberg's theory, the interventions exposed them to Kohlberg's stage 4, the "Law and Order" stage.

Lastly, a major strength of the successful intervention programs in our study was effective communication among juvenile offenders and adults. Moral Remediation's major strength is that it facilitates better communication among staff and inmates, because instead of juvenile offenders viewing adults as either "you are either with me or against me" or "what's in it for me," (Kohlberg's moral stage 2), offenders were learning to communicate, and take the perspective not only of the group (Stage 3), but of adults in power who represented these groups, such as line staff, police, probation officers and others in authority. Furthermore, those in power who learn to implement Moral Remediation theory will know why they were successful and understand the language and reasoning of juvenile offenders. In short, they will not only hear the delays in problem solving and decision-making, but understand how to communicate or engage these adolescents at a level the juvenile offenders understand, which again supports the environment and its rules and laws.

Finally, in implementing the Moral Remediation approach, staff do not need to intuit a juvenile offender's stage of moral reasoning but can learn to assess and define a juvenile offender's moral reasoning through the use of hypothetical and real-life dilemmas,

individually or in groups, thus making the intervention understandable to all parties involved. Once this is achieved, staff will have a baseline for a better understanding of how to communicate with juvenile offenders, not only through structured counseling sessions, but also through spontaneous discussions on the unit, where much valuable interaction among staff and juvenile offender often occurs. Perhaps this would explain why interpersonal skills training was one of the most successful interventions defined by the juvenile justice study because staff were inadvertently reinforcing Kohlberg's moral development stage 3, interpersonal/conformity.

Kohlberg used other more sophisticated approaches to accelerate inmates' moral development by creating a prison environment that was more conducive to democratic settings. He called such environments "Just Communities." (please see: "Implementing Kohlberg's 'Just Community Concept' in an Alternative High School" (1978), Niantic Women's Prison Project, (1971) and Cheshire Reformatory, (1970)With the permission of prison administration, Kohlberg was allowed to pull selected female inmates from the main prison and place them in cottages, yet still within the confines of the prison proper. Instead of staff creating all the rules for the correctional unit in which the inmates lived, inmates and staff collaborated and created the rules and consequences for their cottage-living unit, hence making the experience more democratic. In the scheme of Kohlberg's five moral development stages, democratic environments are at the top of the food chain, or more simply, the stage upon which the US Constitution is founded. Unfortunately, most correctional units operate at stage 4, law and order, where the rules are set-up by the institution. Inmates who come into law and order environments experience an immediate sense of disempowerment, which reinforces moral development stage 1, "punishment and obedience" or the "I-respect-prison-rules-because-I-don't-want-to-do-more-time" stage, and stage 2, the "reciprocity" stage, the belief that "I respect prison rules because I can get points, which leads to more privileges." The "Just Community" experiment sought to remediate the inmates' moral development by giving them the power to experience what it is like to be a part of a community in which they had the chance to create the rules and consequences for the cottage environment they lived in and giving them exposure to higher stages 3, 4 and 5. The inmates and staff created a rulebook with consequences; a jury of peers and staff sat on what was called "the discipline committee." When a rule was broken by an inmate, or even staff, the offender was brought up before a designated jury of peers and staff and given the agreed-upon consequence. Inmates were now being placed in a position to make a greater commitment to the community they lived in because they now felt more a part of the law and part of a law-abiding group or community. Further, inmates who live in such communities and participation the rule-making of their living unit have the advantage, when they leave and return to a democratic society, to be better able to adjust to rules and laws. It is hoped that after a year in the "Just Community" inmates will not only begin thinking abstractly (cognition) but will have moved to a higher moral stage, one in which they see that the law is not only needed for society to exist but to protect them as well.

Here's a typical scenario of how the "Just Community" might work in a correctional setting:

A staff member and an inmate develop a close trusting relationship. The inmate has a child whom she wants to visit on furlough over Christmas. The staff member vouches for the inmate, and the inmate receives the furlough to visit her child. The only problem is that the child lives with her grandmother, who now lives out of state, and to go out of state would be breaking furlough rules. The inmate goes out of state, but when she returns, she confesses her violation of the furlough rule to the trusted staff member. The staff member feels her trust was broken and tells her supervisor. The inmate loses furlough privileges for three months for breaking the rule. The inmate feels betrayed by the staff member and withdraws from all unit activities. From a moral remediation perspective, the staff member, who represents the institution of rules and laws (stage 4) must go to her supervisor and report the incident. The inmate, whose moral stage was probably at a split stage between 2 and 3, regresses to stage 2. This situation could have been one of rehabilitation if the moral remediation approach was in place. In other words, if inmates were allowed to participate in the development of furlough rules, the furlough violating inmate would have to meet with her peers to discuss the violation and punishment. This would create more of a learning experience for the inmate. She would have heard from her peers that she broke a rule, and the consequence is to lose furlough for three months, a consequence that had been voted on and agreed upon by all staff and inmates. The strength of the Just Community is that it eliminates staff from being the "bad guy" because staff are only following the rules that inmates and staff created and agreed upon.

This is a classic problem that comes up repeatedly between staff and inmates. But with the "Just Community," inmates and staff share equal power, which reinforces exposure to the stages of moral development necessary to begin to develop an understanding and respect for the rule of law.

There is one problem with the "Just Community" paradigm: it requires a great deal of staff training to implement, as well as an environment that is conducive to creating a cottage-like community outside of the prison proper. Some years ago, I served as a principal of a residential school for seriously emotionally disturbed female juvenile offenders. The school was started by two of Kohlberg's graduate students. Our success recidivism rate of 25% was slightly higher than the Niantic Women's Prison Project recidivism rate of 18%. However, as with some of the successful interventions in our study, (in my opinion) group homes and residential treatment facilities would be an excellent place to implement the "Just Community" concept with serious juvenile offenders.

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