

***Pennsylvania's Juvenile Justice System
Enhancement Strategy (JJSES)***

James E. Anderson

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Pennsylvania’s Juvenile Justice System Enhancement Strategy (JJSES):

Achieving our Mission through Evidence-Based Policy and Practice

Pennsylvania has been at the forefront in the development of juvenile law and social policy in the United States for more than a century. Several key legislative actions were especially critical to the development and evolution of a juvenile justice system that is uniquely positioned to continue as a model for the nation, including the legislation creating the Juvenile Court Judges’ Commission (JCJC) in 1959; the adoption of Pennsylvania’s Juvenile Act in 1972 in response to the rulings of the United States Supreme Court in the cases of *Kent v. United States* (1966),¹ *In re: Gault* (1967),² and *In re: Winship* (1970);³ the enactment of Act 148 of 1976 to create a fiscal incentive for the provision of private sector, in-home and community-based services to dependent and delinquent children; and the enactment of Act 274 of 1978 establishing the Pennsylvania Commission on Crime and Delinquency (PCCD).

Pennsylvania’s status as a national leader in juvenile justice policy and practice was further enhanced by its approach to addressing increasing rates of violent juvenile crime in the early to mid-1990s. While, at that time, the juvenile justice reform strategies of most states consisted primarily, if not exclusively, of placing more juvenile offenders within the jurisdiction their respective criminal justice systems, Pennsylvania re-defined the very mission of its juvenile justice system.

In January of 1995, then-newly elected Governor Tom Ridge called the General Assembly into special session the day following his inauguration to focus exclusively on the issue of crime. Special Session No. 1 of 1995 would see the passage of 37 separate bills, 15 of which affected the juvenile justice system in some way. Together, these laws represented the most dramatic legislative changes in the history of the Commonwealth’s juvenile justice system.

The most significant of the new laws was Act 33 of Sp. Sess. No. 1 of 1995. This new law included provisions that excluded designated felonies from the definition of “Delinquent act,” subjecting these crimes to initial criminal court jurisdiction, but with the possibility that such cases could be transferred from criminal proceedings if a judge determined that it was in the public interest to do so based on criteria set forth in statute. However, the most important provisions of Act 33 amended the purpose

¹ *Kent v. United States*, 383 U.S.541 (1966).

² *In re: Gault*, 387 U.S.1 (1967).

³ *In re: Winship*, 397 U.S. 358 (1970).

clause of the Juvenile Act to establish the following mission for Pennsylvania's juvenile justice system based on a legislative proposal developed by the Juvenile Court Judges' Commission:

“consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.”⁴

This statutory mission for Pennsylvania's juvenile justice system has been in effect since March 1996 and is rooted in the philosophy of “restorative justice,” which gives priority to repairing the harm done to crime victims and communities, and defines offender accountability in terms of assuming responsibility and taking action to repair harm. The “balanced attention” mandates in the Juvenile Act provide the framework for restorative justice in Pennsylvania's juvenile justice system, and are premised on the concept that the clients of the juvenile justice system include the crime victim, the community, and the offender, and that each should receive “balanced attention” and gain tangible benefits from their interactions with Pennsylvania's juvenile justice system.

PCCD's then-Juvenile Advisory Committee (JAC), the predecessor to the current Juvenile Justice and Delinquency Prevention Committee (JJJPC), would play a critical role in ensuring that this new system mission was understood and would be achieved. In a letter to former JAC/JJJPC Chair, Dr. Ronald E. Sharp, dated June 25, 1996, Governor Ridge charged the JAC with the responsibility for..... *“developing a strategic plan to take Pennsylvania's juvenile justice system into the next century.”*

The JAC immediately began the process of determining how to accomplish this task. The JAC believed that that the new legislative “balanced attention” mandates must be at the heart of any juvenile justice reform efforts, and serve as the foundation for the development of the strategic plan. On the basis of this belief, the JAC adopted the following mission statement for Pennsylvania's juvenile justice system:

“JUVENILE JUSTICE:

COMMUNITY PROTECTION;

VICTIM RESTORATION;

YOUTH REDEMPTION.”

⁴ 42 Pa.C.S. § 6301(b)(relating to purposes).

Community Protection refers to the right of all Pennsylvania citizens to be and feel safe from crime.

Victim Restoration emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Youth Redemption embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

Furthermore, all of the services designed and implemented to achieve this mission and all hearings and decisions under the Juvenile Act – indeed all aspects of the juvenile justice system – must be provided in a fair and unbiased manner. The United States and Pennsylvania Constitutions guarantee rights and privileges to all citizens, regardless of race, color, creed, gender, national origin or handicap.

This mission statement which, in the words of former JAC member Judge Emanuel A. Cassimatis, described the purpose of the system “briefly, and yet completely,” was presented to Governor Ridge on July 21, 1997 in conjunction with the presentation of the strategic plan.

The JAC also adopted a set of “Guiding Principles for Pennsylvania’s Juvenile Justice System,” and PCCD, upon the recommendation of the JAC and subsequently the JJDPC, provided significant funding to support comprehensive system-wide training, technical assistance, and an exceptional array of high quality written materials to ensure that the system’s balanced and restorative justice mission was being achieved.

Pennsylvania’s *Models for Change* Partnership with the MacArthur Foundation

Pennsylvania’s strong commitment to its statutory mission, and its comprehensive approach to juvenile justice reform, continued to garner national attention and, in 2004, The John D. and Catherine T. MacArthur Foundation selected Pennsylvania as the first state to participate in its *Models for Change* juvenile justice reform initiative. According to the MacArthur Foundation... “Pennsylvania was chosen because it is considered a “bellwether” state in juvenile justice, it has a favorable reform climate, and it seems poised to become an exemplary system. There are strong partnerships among Pennsylvania’s stakeholders – judges, district attorneys, public defenders, probation departments, community leaders, and city, county, and state officials – and considerable consensus about the strengths and weaknesses of the state’s juvenile justice system.”

The MacArthur Foundation’s choice of Pennsylvania as the first *Models for Change* state was a tribute to all of the juvenile justice reforms that had already been accomplished. The Foundation explicitly sought to partner with a “bellwether” state – that

is, a state whose leadership would be followed by other states, and whose example would be watched nationally. The Foundation chose Pennsylvania following an extensive multi-state search, citing the commitment and vision of the state's juvenile justice leadership, including specifically the JJDPC, PCCD, JCJC, and the Department of Public Welfare (DPW)⁵; the high level of communication and cooperation among its juvenile justice stakeholder groups, especially the Pennsylvania Council of Chief Juvenile Probation Officers; and the broad consensus that had formed around the system's strengths and weaknesses, and the state's efforts to address its priorities. The importance of the JJDPC in the MacArthur Foundation's selection process was especially noteworthy. As described by Robert G. Schwartz, Juvenile Law Center Executive Director and former JJDPC member,...."The Foundation recognized JJDPC's leadership role, and it gained enormous synergy by aligning its *Models for Change* themes with those that the JJDPC had identified as important....The JJDPC partnership with *Models for Change* demonstrates how valuable public-private partnerships can be, especially in terms of innovation and major policy shifts."⁶

Pennsylvania's *Models for Change* partnership with the MacArthur Foundation focused on three targeted areas of improvement: (1) the system of aftercare services and supports, (2) the coordination of mental health services for juvenile justice-involved youth, and (3) disproportionate minority contact with the juvenile justice system; each of which was already a priority of the JJDPC.

Models for Change accelerated the pace of Pennsylvania's efforts at reform at both the state and local levels, and supported a series of evidence-based practices, including the introduction of screening and assessment instruments and targeted evidence-based interventions.

Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES)

In June 2010, with the Commonwealth's five-year partnership with the MacArthur Foundation drawing to a close, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges' Commission (JCJC) staff agreed, at their annual strategic planning meeting, that it was essential to develop a strategy to consolidate the various *Models for Change*-related initiatives "under one roof," and to sustain and enhance the gains of the previous five years. Following an intensive review of the impact of and the many lessons learned through this partnership, it was agreed that the JCJC and Pennsylvania Council of Chief Juvenile Probation Officers would work together with PCCD and other system partners to develop and implement a comprehensive "Juvenile Justice System Enhancement Strategy" (JJSES) as the means to achieve this goal, and that then-JCJC Deputy Director Keith Snyder would assume responsibility for coordinating the initiative.

⁵ The Pennsylvania Department of Welfare (DPW) is now the Department of Human Services (DHS)

⁶ Robert G. Schwartz, *Pennsylvania and MacArthur's Models for Change-The Story of a Successful Public-Private Partnership* (Juvenile Law Center, 2013) Chapter IV.

The first concrete step in developing Pennsylvania's JJSES was to articulate the purpose of the initiative. On November 4, 2010, the Juvenile Court Judges' Commission (JCJC) unanimously endorsed the following Statement of Purpose as the foundation for Pennsylvania's Juvenile Justice System Enhancement Strategy:

JJSES Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by

- **employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;**
- **collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,**
- **striving to continuously improve the quality of our decisions, services and programs.**

In addition to the JCJC, the JJSES Statement of Purpose has been endorsed by the JJDCP, the Pennsylvania Council of Chief Juvenile Probation Officers, the Juvenile Court Section of the Pennsylvania Conference of State Trial Judges, the Juvenile Detention Centers Association of Pennsylvania (JDCAP), the Pennsylvania Council of Children, Youth and Family Services, the Pennsylvania Community Providers Association, and many individual service provider agencies.

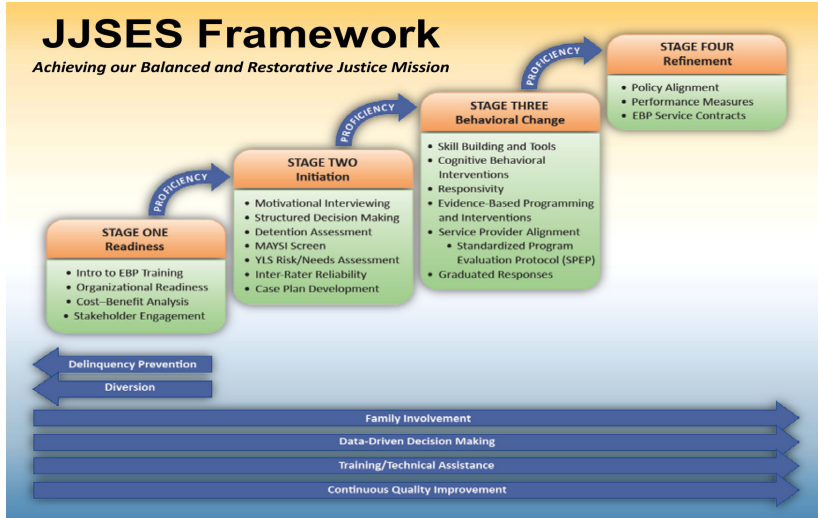
The JCJC is coordinating the implementation of the JJSES with the assistance of the JJSES Leadership Team, comprised of key leaders from the Pennsylvania Council of Chief Juvenile Probation Officers, PCCD's Office of Juvenile Justice and Delinquency Prevention, DHS's Bureau of Juvenile Justice Services, and the JCJC.

The JJSES Foundation: Evidence-based juvenile justice practices

Essential to the underlying philosophy of the JJSES is the concept that juvenile justice interventions and programs are considered effective when they reduce a juvenile's risk to reoffend and that the application of evidence-based practices will enhance public safety. As explained in the JJSES Monograph, **“Evidence-based practice’ simply means applying what we know in terms of research to what we do in our work with youth, their families, and the communities in which we live. It is the progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective services.”**⁷

⁷ Pennsylvania's Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice (Juvenile Court Judges' Commission and Pennsylvania Council of Chief Juvenile Probation Officers, April 2012) p.5.

The architects of the JJSES believe that it is through the use of research evidence and the demonstration of outcomes that Pennsylvania’s juvenile justice system can achieve and confirm the effectiveness of its statutory balanced and restorative justice mission.



As explained in the monograph *Pennsylvania’s Juvenile Justice System Enhancement Strategy – Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice*, the JJSES, which is the framework within which evidence-based practices will become a reality throughout Pennsylvania’s juvenile justice system, consists of four stages of implementation: **Readiness; Initiation; Behavioral Change; and Refinement**.⁸

Essential to the underlying philosophy of the JJSES is the concept that juvenile justice interventions and programs are considered effective when they reduce a juvenile’s risk to reoffend, and that the application of evidence-based practices will enhance public safety. The principles of *risk*, *need*, and *responsivity* form the foundation of evidenced-based juvenile justice practices. As summarized in the JJSES Monograph, the *risk principle* helps identify *who* should receive juvenile justice interventions and treatment. The *need principle* focuses on *what* about the young person must be addressed. The *responsivity principle* underscores the importance of *how* treatment should be delivered, with behavioral and cognitive behavioral skill-building techniques being the most effective.⁹

⁸ Pennsylvania’s Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice (Juvenile Court Judges’ Commission and Pennsylvania Council of Chief Juvenile Probation Officers, April 2012) p.4.

⁹ *Ibid.*, p.8.

Statewide implementation of the YLS risk/needs assessment

Equally important as tenets of the JJSES are the concepts of fundamental fairness and structured decision making as a tool to help system professionals make consistent, appropriate, effective, and fundamentally fair decisions. The JJSES Leadership Team recognized that if Pennsylvania's juvenile justice system was to achieve a reduction in recidivism through the prevention of delinquent behavior, an essential step in addressing the principles of risk, need, and responsivity would be the use of a valid and reliable assessment instrument to measure both a youth's risk and needs. This information can then be used to determine appropriate levels of supervision, to establish measurable, case-specific goals, and to better allocate resources in order to achieve effective outcomes for juveniles who come within the jurisdiction of our courts.

In June 2008, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and staff from the JCJC undertook a comprehensive review of various risk assessment tools designed specifically for juvenile offenders. With the assistance of the National Youth Screening and Assessment Project (NYSAP) and support from the MacArthur Foundation, members of the Executive Committee chose to pilot the **Youth Level of Service/Case Management Inventory (YLS/CMI)** risk assessment instrument. The YLS/CMI is a valid and reliable risk instrument that assesses risk for recidivism by measuring 42 risk/need factors within the following eight domains:

- prior and current offenses (antisocial history)*
- attitudes/orientation (antisocial thinking)*
- personality/behavior (antisocial temperament)*
- peer relations (antisocial companions)*
- family circumstances/parenting
- education/employment
- substance abuse
- leisure/recreation

* domains that research has shown to be the strongest predictors of recidivism

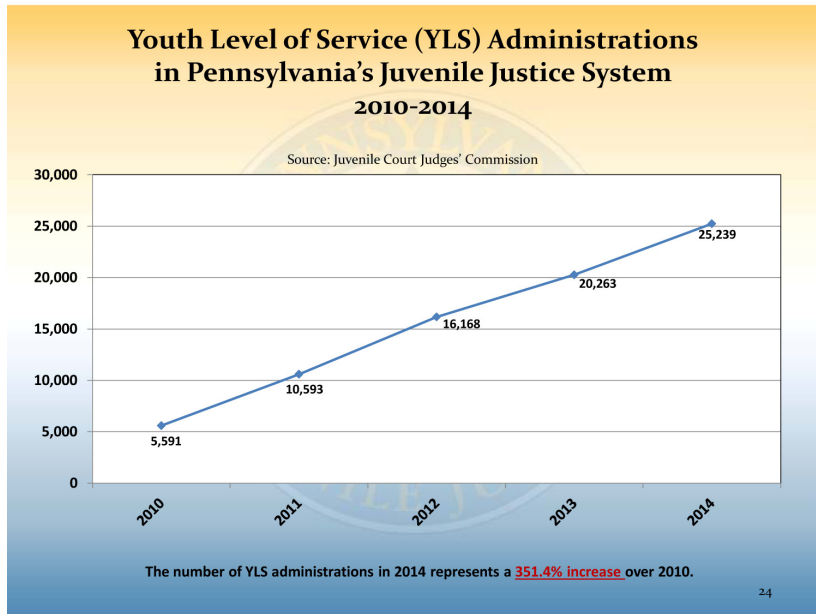
Any of the domains may also be identified as an area of strength. Ultimately, a youth is assigned an overall risk level of **Low**, **Moderate**, **High**, or **Very High**, based on the aforementioned domains and other factors gathered through a structured interview/information-gathering process. The assessed risk level is to be used to inform the juvenile probation officer and juvenile court judge throughout the process of determining case dispositions, as well as supervision and intervention targets for juvenile offenders.

Early in the pilot phase of the YLS/CMI, the JJSES Leadership Team determined that statewide implementation of the YLS/CMI would necessitate the integration of the YLS/CMI into the JCJC's Pennsylvania Juvenile Case Management System (Pa-JCMS). However, the Leadership Team concluded that the case plan section of the YLS/CMI did not appropriately meet the needs of Pennsylvania's juvenile justice system, and that there was the need to develop a standardized case plan format and structure to address the key elements of balanced and restorative justice, as well as the risk and needs identified by the YLS/CMI. As a result, a standardized, goal-focused, and strength-based case plan was developed that is being fully integrated into the Pa-JCMS. The success of the YLS pilot confirmed that statewide implementation of the YLS should be pursued as a key component of the JJSES.

With the strong support of the Pennsylvania Council of Chief Juvenile Probation Officers, the JCJC, and PCCD, implementation of the YLS/CMI throughout Pennsylvania's juvenile justice system became a realistic goal. In 2013, the JCJC approved a new allocation methodology for the agency's Juvenile Probation Services grant program to counties, following endorsement of the concept by the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers. The new methodology included a requirement that a county's eligibility for any JCJC grant funds would be contingent upon the submission of a plan to the JCJC that must address:

- The implementation of the YLS risk/need assessment instrument;
- The development of recommendations to the court based upon the YLS results, including the identified risk and needs of each juvenile; and
- The development and implementation of a case plan based upon YLS results, which targets services to meet the identified risk and needs of each juvenile.

This policy decision of the JCJC has had a dramatic impact on the pace of YLS implementation. Currently, 66 of Pennsylvania's 67 counties are in the process of implementing the YLS, and juvenile delinquency dispositions and case plans throughout the juvenile justice system are increasingly being crafted and implemented to meet the specific risk and needs of each juvenile based on the results of the YLS.



The availability of YLS scores, as a result of the JJSES, is becoming increasingly important to judges in crafting, implementing and monitoring dispositions in juvenile delinquency cases, and in complying with both statutory and procedural rule mandates. Prior to entering an order of disposition in a juvenile delinquency case, the judge is required to state the disposition and the reasons for the disposition on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out-of-home placement, the judge must also state the name of the specific facility or type of facility to which the child will be committed, and the judge’s findings and conclusions of law that formed the basis of his/her decision, consistent with the Juvenile Act’s “balanced attention” mandates. In addition, the judge is required to explain why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the child’s treatment, supervision, rehabilitation and welfare.¹⁰

Statewide Baseline Recidivism Rates for Pennsylvania’s Juvenile Justice System

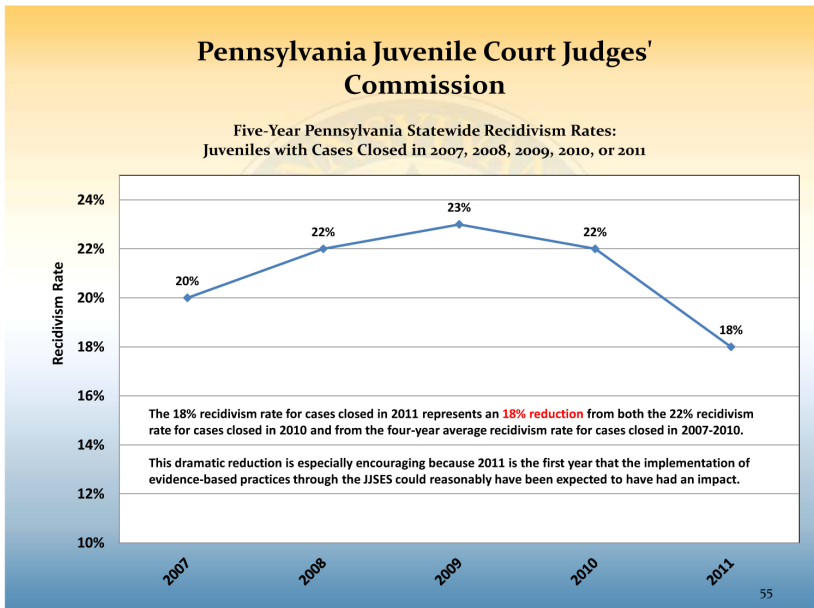
The completion of recidivism research and the development of statewide and county-specific baseline recidivism rates is a particularly noteworthy JJSES accomplishment. For the purposes of this research, recidivism is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense

¹⁰ 42 Pa.C.S. § 6352(c) and Pa.R.J.C.P. 512(D).

within two years of case closure; with the exception of expunged cases, which were not available for inclusion in this research. These rates, will be one important benchmark against which the impact of the JJSES can be measured in individual jurisdictions, and on a state-wide basis.

State-wide recidivism rates, by year, for the five years studied thus far are as follows:

- 20 % (cases closed in 2007 n=18,882 cases)
- 22 % (cases closed in 2008 n=18,910 cases)
- 23 % (cases closed in 2009 n=18,439 cases)
- 22 % (cases closed in 2010 n=16,800 cases)
- 18% (cases closed in 2011 n=18,203 cases)¹¹



The 18% recidivism rate for cases closed in 2011 represents an 18% reduction from the 22% recidivism rate for cases closed in 2010, as well as an 18% reduction from the four-year average recidivism rate of 22% for cases closed in 2007, 2008, 2009 or 2010. This dramatic reduction in the statewide recidivism rate for cases closed in 2011 is especially significant because 2011 is the first year that the implementation of

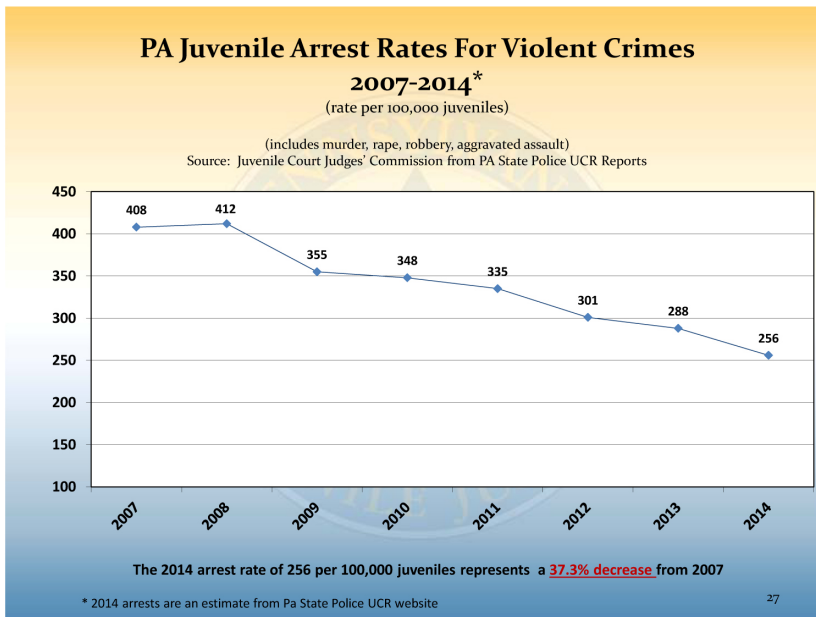
¹¹ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, or 2010* (Pennsylvania Juvenile Court Judges' Commission, 2014). The final report including 2011 data is forthcoming; however, the statewide recidivism rate has been calculated for cases closed in 2011.

evidence-based practices through the JJSES could reasonably have been expected to have had an impact.

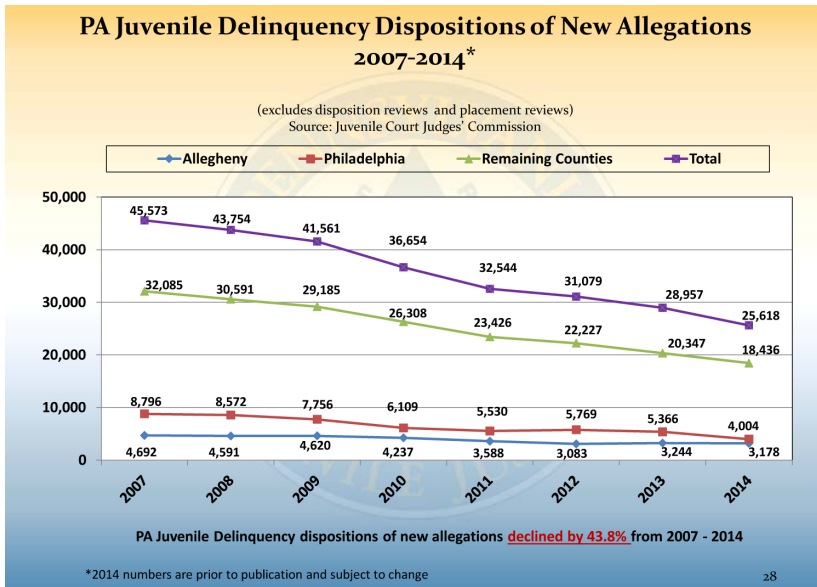
Pennsylvania’s Juvenile Justice System Trends

Recent trends regarding juvenile violent crime arrest rates, juvenile delinquency dispositions, juvenile delinquency placements, juvenile detention center admissions, and juvenile delinquency placement costs all serve to confirm the efficacy of the evidence-based practices that now form the foundation of Pennsylvania’s juvenile justice system.

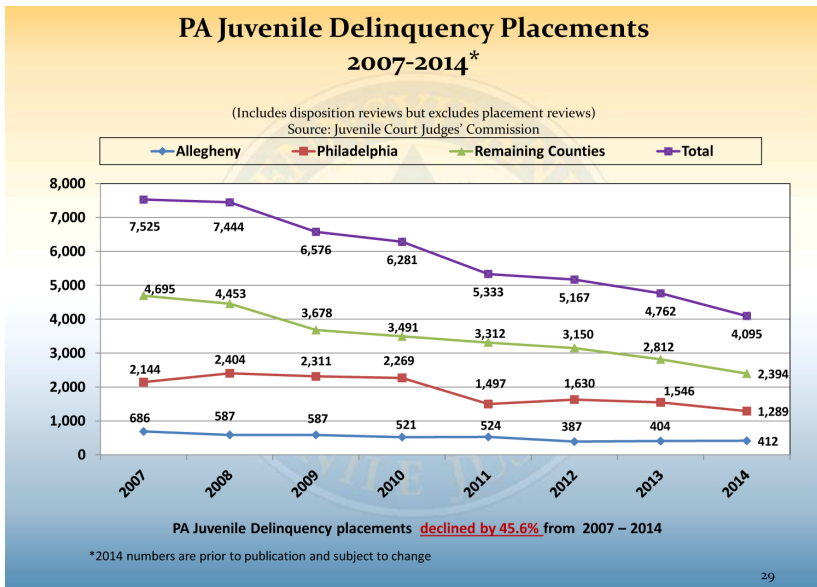
- In 2014, the juvenile arrest rate for violent crime, 256/100,000 juveniles, represents a 37.3% decrease from the 2007 rate of 408/100,000 juveniles.



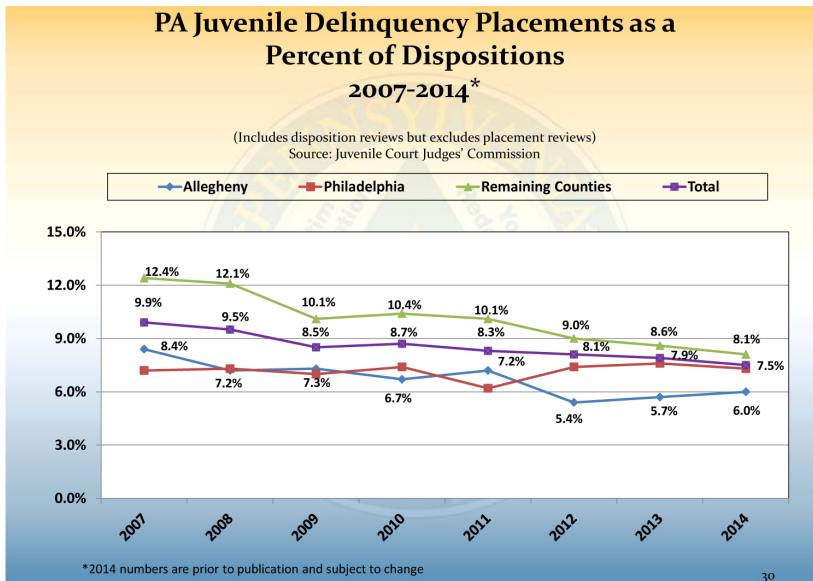
- From 2007 through 2014, statewide juvenile delinquency dispositions declined by 43.8%.



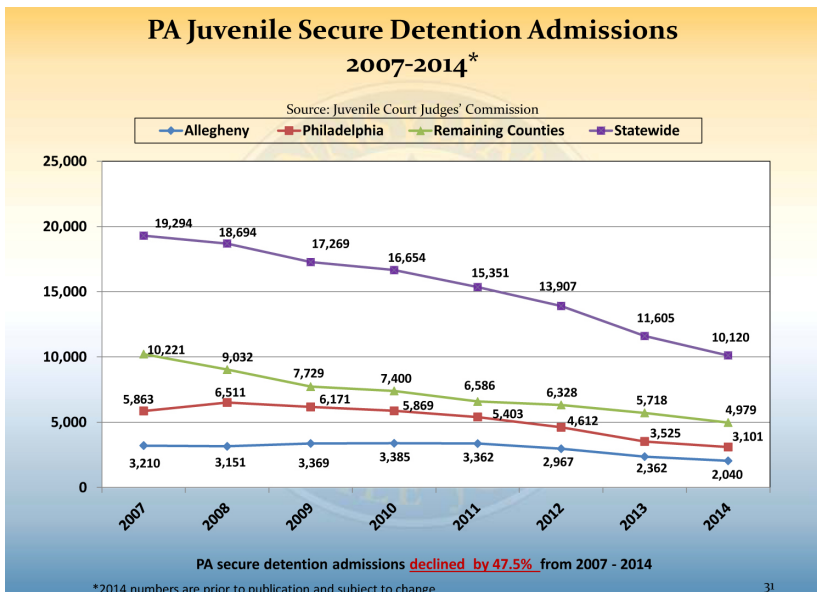
- From 2007 through 2014, statewide juvenile delinquency placements declined by 45.6%.



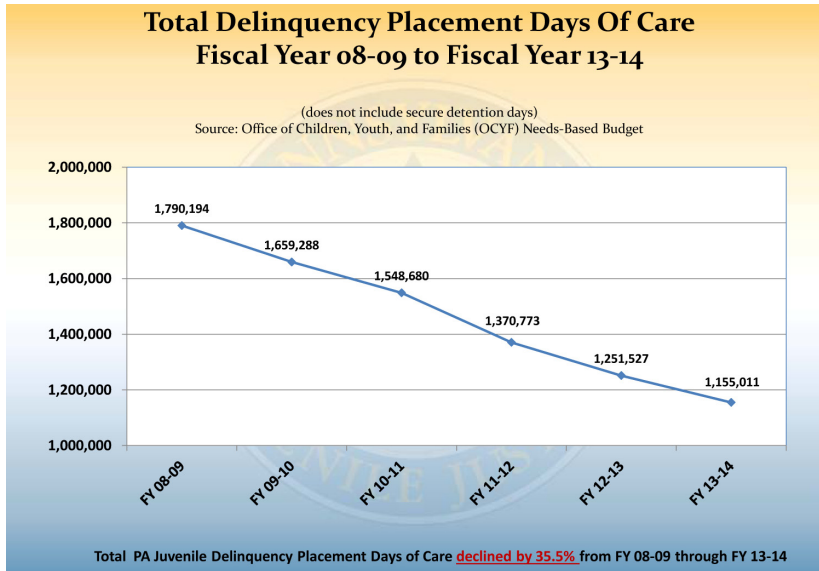
- In 2014, only 7.5% of statewide juvenile delinquency dispositions resulted in out-of-home-placement, representing a steady decline from the 2007 placement rate of 9.9 %.



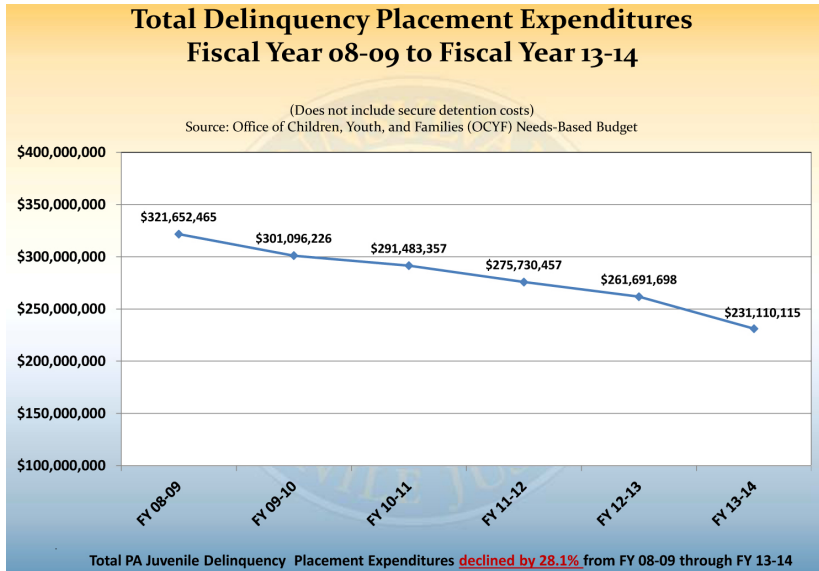
- In 2014, there were 47.5% fewer admissions to secure juvenile detention centers in Pennsylvania than in 2007, representing a steady decline over the last seven years.



- From FY 2008-2009 through FY 2013-1014, juvenile delinquency dispositional placement days of care declined by 35.5%.



- From FY 2008-2009 through FY 2013-1014, juvenile delinquency dispositional placement expenditures have declined by \$90,542,350 (-28%).



In 2013, *Reforming Juvenile Justice: A Developmental Approach*¹² was published by the National Research Council (NRC). In that report, a committee charged with assessing recent initiatives in juvenile justice strongly endorsed a framework of reform based on a scientific understanding of adolescent development. The report was very well received nationally, and shortly after its publication the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) discussed the possibility of a follow-up study with the NRC to develop an implementation plan for OJJDP. With funding from the John D. and Catherine T. MacArthur Foundation and the Annie E. Casey Foundation, the project was funded and an expedited study was undertaken. Early in 2014, *Implementing Juvenile Justice Reform: The Federal Role*¹³ was completed to provide specific guidance to OJJDP regarding the steps that OJJDP should take to facilitate juvenile justice reform throughout the nation based on knowledge about adolescent development. *Implementing Juvenile Justice Reform: The Federal Role* identified seven hallmarks of a developmental approach to juvenile justice, which would put into practice what is known from research about adolescent development and about the effectiveness of various juvenile justice interventions. According to the report, these seven hallmarks provide a template to guide system reform:

- Accountability without Criminalization;
- Alternatives to Justice System Involvement;
- Individualized Response Based on Assessment of Needs and Risks;
- Confinement Only When Necessary for Public Safety;
- A Genuine Commitment to Fairness;
- Sensitivity to Disparate Treatment; and
- Family Engagement.¹⁴

The report explains in detail how these hallmarks of a developmental approach to juvenile justice should be incorporated into policies and practices within OJJDP, as well as into the policies and practices of state juvenile justice systems. It is notable that the JJSES embodies these principles, further solidifying Pennsylvania's status as a national leader in juvenile justice reform, and placing Pennsylvania in a unique position to provide a template for other states seeking to undertake juvenile justice reform based on the principles of the developmental approach.

¹² National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

¹³ National Research Council. (2014). *Implementing Juvenile Justice Reform: The Federal Role*. Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education Washington, DC: The National Academies Press.

¹⁴ *Ibid.*, p.2.

Recent trends regarding juvenile violent crime arrest rates, juvenile delinquency dispositions, juvenile delinquency placements, and juvenile detention center admissions all serve to confirm the efficacy of the evidence-based practices that now form the foundation of Pennsylvania's juvenile justice system. If these trends are to continue, it is essential that the Commonwealth of Pennsylvania aggressively pursue implementation of the Juvenile Justice System Enhancement Strategy (JJSES).

The JJSES has already had a profound impact on juvenile justice practices. The JJSES was the impetus for amendments to the purpose clause of the Juvenile Act contained in Act 204 of 2012, which requires Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by... **“employing evidence-based practices whenever possible...and by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child...”**¹⁵

It is essential that the Commonwealth of Pennsylvania continues to aggressively pursue implementation of the JJSES to both ensure that evidence-based practices are, in fact, being implemented whenever possible, and that the positive trends in juvenile arrests, juvenile delinquency dispositions, and juvenile delinquency placements continue.

¹⁵ 42 Pa.C.S. § 6301(b)(3)(i).

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