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Clinical supervision of court-referred juvenile offenders: Are juvenile referrals the least among equals?

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abstract

In the counseling field, clinical supervisors operate between the line-level counselor and the organizational administration. They are responsible for both the efficient operation of the therapeutic aspect of the organization, and the supervision, training, and management of the therapists. The quality of the treatment offered by an institution can be assessed by a number of measures, including the ratio of clinical supervisors to counselors, the training and experience of the clinical supervisor, and the number of different tasks the clinical supervisor is asked to perform. Through a survey of clinical supervisors in five western states we compared the differences among clinical supervisors who had large versus small numbers of court-referred juveniles in their programs. Data indicate that therapeutic programming and clinical supervision are different in programs with a high proportion of court ordered juvenile offenders relative to those with a high proportion of private referrals. This programming, however, may be superior to the programming and clinical supervision received in programs with fewer court-ordered juvenile offenders.

1. Introduction

Ben Lindsey, known as “the kid's judge” in Denver, Colorado in the early 1900s (Hiner & Hawes, 1985), once said that juveniles are neither moral nor immoral, but rather “unmoral” because they have yet to fully develop. They are, he said, “little savages, living in a society that has not yet civilized them” (Lindsey & O'Higgins, 1911:134–135). Judge Lindsey believed that the juvenile court had a duty to offer juveniles the opportunities necessary to make them fully functioning members of society. His point of view, while popular at the time, represented a perspective more enlightened and in many ways quite different than the beliefs that had preceded it.

1.1. History of the American juvenile justice system

The history of the juvenile justice system in America is in many ways similar to that of the adult system. Both have gone through significant changes, often brought about by public pressures and economic realities, and both have cycled between treatment and punishment as ways to control criminal behaviors. The juvenile system, however, is unique because it has always dealt with a relatively weak segment of the population, and many abuses within the system went undetected and uncorrected for years. Abuses also occurred within the adult justice system, but the victims were usually less likely to remain quiet, and therefore their experiences were more likely to come to the attention of the public. As a result, abusive treatment of adult offenders was typically less prolonged than that of the juvenile population.

During the earliest period of social development in Anglo-American culture, there was little legal differentiation between adults and juveniles. While placement in a workhouse was a common response to crime for both juveniles and adults in the 16th century, the response was aimed toward punishment, rather than reform. Both adults and juveniles arrived at the workhouse through the same legal process, and there were not separate courts for juvenile offenders. That began to change in the 19th century, and the belief that juveniles, because of their still “incomplete” status, deserved a justice system response that reflected that status (Binder, Geis, & Bruce, 2000). The New York House of Refuge opened in 1825 to address the needs of these juvenile offenders and to focus on their reform, rather than their punishment. Similar houses of refuge opened in Boston in 1826 and Philadelphia in 1828, indicating a growing interest in reforming wayward youth. The legal system soon followed with court cases, which strengthened the state's powers over these youths, allowing the state to act in the best interest of the child, even if this action was against the will of the parents (Ex Parte Crouse, 1839). Prior to this change, much of society had been operating under the ideals set forth by the church, known as Paterna Pietas. The principle of Paterna Pietas implied that God, as a heavenly father, treated his earthly children with care and concern, and parents were to act in the same way with

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