

Advocating the End of Juvenile Boot Camps: Why the Military Model Does Not Belong in the Juvenile Justice System

JAIME E. MUSCAR^{*}

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^{*} Associate, King & Spalding LLP, Atlanta, GA; J.D., Vanderbilt University Law School, 2007. I would like to thank Professor Terry Maroney of Vanderbilt Law School, who first brought juvenile boot camps to my attention and who provided invaluable guidance throughout the writing process. This article is dedicated to the memory of my grandfather, James A. Wary.

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In the 1990s, the fear of rising rates of juvenile crime caused policymakers, and those within the juvenile justice system, to explore new methods of addressing youth offenses.¹ Several articles published in the 1990s predicted an age of the juvenile “super-predator” and a “coming storm of juvenile violence.”² As the sheer number of juvenile offenders rose, lawmakers developed intermediate sanctions as a way to manage this growing population.³ Intermediate sanctions provide a range of alternative sentences that are less severe

¹ For a compelling argument that such fears were largely unfounded, see FRANKLIN E. ZIMRING, AMERICAN JUVENILE JUSTICE 105-122 (2005); cf. John J. Dilulio, Jr., *The Coming of the Super-predator*, WEEKLY STANDARD, Nov. 27, 1995, at 23-28. Despite evidence that juvenile crime actually dropped throughout the 1990s, almost every state changed its juvenile justice laws between 1992 and 1997. It was in this atmosphere that juvenile boot camps developed as an alternative sanction.

² Zimring, *supra* note 1, at 105-106; see, e.g., John Dilulio, *The Coming of the Super-Predators*, Weekly Standard, Nov. 27, 1995, 23.

³ Doris Layton MacKenzie and Claire Souryal, *A “Machiavellian” Perspective on the Development of Boot Camp Prisons: A Debate*, 2 U. CHI. L. SCH. ROUNDTABLE 435, 437 (1995).

than correctional facilities but more severe than probation.⁴ One such alternative is boot camps.⁵ Modeled after military basic training, juvenile boot camps seek to first “break down” an offender through rigorous physical training, hard labor, and strict discipline and then rebuild the juvenile into a better member of society. Studies indicate that public support for intermediate sanctions like boot camps is high when applied to nonviolent offenders.⁶

Debate over the effectiveness of juvenile boot camps has continued for over a decade, however.⁷ Despite the boot camp model’s potential, there is little evidence that it reduces recidivism or has other lingering effects on participants once the residential phase ends.⁸ Although proponents argue that incorporating more therapeutic programs during the residential phase as well as a supportive aftercare program can lead to success, this paper argues that the military model itself is problematic. The military aspects of a boot camp program undermine other rehabilitative efforts by endangering participants and creating an atmosphere of aggression and intimidation.⁹ When boot camps work, they do so because of these secondary programs and not the core military aspects of the camp.¹⁰ Thus, resources should not be spent on boot camps in the juvenile justice system.

⁴ A “Machiavellian” Perspective, *supra* note 3, at 437-38.

⁵ Depending on the state, boot camps are also known as Special Alternative Incarceration, Basic Training Programs, Intensive Motivational Program of Alternative Correctional Treatment, Regimented Inmate Discipline, Challenge Incarceration, and shock incarceration. Carol Ann Nix, Boot Camp/Shock Incarceration—An Alternative to Prison for Young, Non-Violent Offenders in the United States, PROSECUTOR, Mar.-Apr. 1994, at 15-16. For simplification, this paper will refer to all such programs as boot camps.

⁶ Francis T. Cullen et al., *Public Opinion about Punishment and Corrections*, 27 CRIME & JUST. 1, 42 (2000) (addressing both adult and juvenile boot camps).

⁷ See discussion *infra* Part II.

⁸ See discussion *infra* Part III.

⁹ See discussion *infra* Part III.A.1.

¹⁰ See discussion *infra* Part III.B.

Instead, more promising programs incorporate some of the non-military features of the best boot camps, such as fostering close relationships with the staff and other participants; providing rehabilitative services like education, vocational training, counseling, and drug treatment; and creating a structured environment, without the stressful and intimidating atmosphere of a traditional boot camp.¹¹ These programs remove the intense military basic training as a model and decrease the risk of injury or staff abuse to program participants. Programs like these are more likely to reform juvenile offenders and reduce juvenile crime than boot camp programs. Over a decade of research has shown that boot camps rarely work, and it is time to abandon this military model in favor of other alternatives.

Part I of this paper summarizes the core characteristics of juvenile boot camps and briefly articulates the primary arguments for and against their use. Part II outlines the evolution of boot camps from their origin in 1983 to the present and examines the use of juvenile boot camps in Florida as a case study. Part III argues that current data show boot camps do not fulfill any of their proffered purposes. This part further argues that non-military aspects of these programs, such as rehabilitative and aftercare programs, are responsible for any measurable success. Finally, Part III discusses studies that show boot camp participants have more positive attitudes about their environment than those at correctional facilities. It argues, however, that the results of these studies should not support the continued use of boot camps because there is little evidence that participants' attitude changes last beyond the length of the program. Part IV examines alternative programs that combine the educational and rehabilitative aspects of boot camps without using the military model. It describes two specific programs, an intensive supervision program in San Francisco, California, and a vocational apprenticeship program in Alexandria, Virginia. Finally, this paper concludes that juvenile boot camps should be abandoned in favor of such alternative non-military programs.

¹¹ See discussion *infra* Part IV.

I. Boot Camps: An Overview

Boot camps are an intermediate sanction offered as an alternative between probation and correctional facilities.¹² Generally, both adult and juvenile boot camps are either all-male or all-female.¹³ The specific characteristics of boot camp programs can vary greatly by state, depending on whether the focus is punishment or rehabilitation.¹⁴ Punishment-centered boot camps focus primarily on physical tasks and military training. Rehabilitation-centered boot camps focus more on supportive programs, such as education, counseling, and drug treatment. Juvenile boot camps generally combine elements of both.¹⁵ Although juvenile camps offer treatment programs, such as academic education, vocational training, drug treatment, and counseling,¹⁶ they also include some degree of physical punishments like push-ups.¹⁷

¹² Nix, *supra* note 5, at 15. Other non-government juvenile boot camps operate in the United States. Some privately-run “shock programs” housed outside of the United States also appeal to parents of troubled juveniles. This paper will limit its scope to government programs, but many of the concerns about state boot camps also apply to these private programs.

¹³ Focus is often placed on male boot camps, but there are female juvenile boot camps in operation as well. *See, e.g.*, Florida Department of Juvenile Justice, Polk County Juvenile Boot Camp—Female Program: A Follow-up Study of the First Seven Platoons, May 1997, available at http://eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/17/8e/44.pdf (last visited Nov. 25, 2007).

¹⁴ *See* Doris Layton MacKenzie et al., *Part II: Research Findings from Prevention and Intervention Studies: Effects of Correctional Boot Camps on Offending*, 578 ANNALS AM. ACAD. POL. & SOC. SCI. 126, 127 (2001) (stating boot camps differ in their focus on discipline and physical activity versus therapeutic programming).

¹⁵ Doris Layton MacKenzie, et al., *A National Study Comparing the Environments of Boot Camps with Traditional Facilities for Juvenile Offenders*, at 1-2 (Aug. 2001), available at <http://www.ncjrs.gov/pdffiles1/nij/187680.pdf> (last visited Nov. 25, 2007).

¹⁶ *Id.* at 2.

¹⁷ Jessica Ann Garascia, *The Price We are Willing to Pay for Punitive Justice in the Juvenile Detention System: Mentally Ill Delinquents and Their Disproportionate Share of the Burden*, 80 IND. L.J. 489, 500 (2005); Nix, *supra* note 5, at 16.

Boot camps incorporate military aspects throughout the program. Life at boot camp often begins with an intake ceremony where participants¹⁸ shave their heads.¹⁹ After intake, many boot camps organize participants into squads or platoons.²⁰ During the program itself, participants engage in a rigid schedule consisting of strict discipline, hard labor, drills, and physical training,²¹ simulating military basic training. The boot camps further enhance the militaristic environment by requiring participants to address the staff using military titles²² and requiring both the staff and participants to wear uniforms.²³ Even the end of the program may mirror basic training; some boot camps conclude with a graduation ceremony that families may attend.²⁴

The day to day operations of juvenile boot camps can vary widely, even within the same state. For example, Brazoria County, Texas operates a non-residential boot camp.²⁵ Juveniles are sent to boot camp either by the school district after expulsion or by the court as a condition of probation.²⁶ Participants are bussed to the camp at 6:00 AM and are not allowed to leave until 5:30 or 6:00 PM, when their

¹⁸ This paper will refer to juveniles in a boot camp program as “participants,” although many scholars refer to them as “inmates” or “wards.” See e.g., *Part II: Research Findings, supra* note 14, at 127 (calling boot camp participants inmates); Jean Bottcher and Teresa Isorena, *First-Year Evaluation of the California Youth Authority Boot Camp*, in *CORRECTIONAL BOOT CAMPS: A TOUGH INTERMEDIATE SANCTION*, at 161 (Doris L. MacKenzie and Eugene E. Herbert eds. 1996), available at <http://www.ncjrs.gov/pdffiles/bcamps.pdf> (last visited Nov. 25, 2007) (referring to juvenile boot camp participants as wards). The author believes “participants” is a neutral term that maintains the distinction between the adult and juvenile system without attaching any stigma.

¹⁹ *Id.*

²⁰ *Id.*

²¹ A “Machiavellian” Perspective, *supra* note 3, at 436.

²² *Part II: Research Findings, supra* note 14, at 127.

²³ *Id.*

²⁴ *Id.*

²⁵ Brazoria County Juvenile Justice Alternative Education Program, available at <http://www.brazoria-county.com/juvenile/bcjjjaep.asp> (last visited Nov. 12, 2006).

²⁶ *Id.*

parents pick them up.²⁷ The daily schedule consists of activities like military drills, marching, physical training, and classes.²⁸ The boot camp's website makes no reference to rehabilitative programming, other than academic classes, or to any aftercare program after the boot camp ends.²⁹

In contrast, the Texas Youth Commission ("TYC") boot camp located in Sheffield, Texas is a residential program that tries to balance military aspects with other therapeutic programming.³⁰ The camp can house up to 128 participants, males between 14 and 20 years old who committed a lesser-level violent offense.³¹ Describing itself as a "not a typical boot camp," the TYC program prohibits verbal abuse and corporal punishment.³² Instead, it focuses heavily on the rehabilitative aspects of the boot camp.³³ The program claims to promote "self-esteem and self-worth, respect for others, personal accountability, physical fitness for self-improvement, constructive use of time, appropriate discipline, positive reinforcement, education, interpersonal skills, problem solving skills, job-training, victim empathy, and community re-integration."³⁴ The schedule includes group and individual counseling sessions as well as classes.³⁵ Nevertheless, it still uses "basic and advanced military-style training." Its website

²⁷ *Id.*

²⁸ *Id.*

²⁹ *See id.* (listing the specific schedule for "a day at boot camp").

³⁰ Texas Youth Commission Boot Camp Program, *available at* http://www.tyc.state.tx.us/programs/boot_camp.html (last visited Dec. 2, 2007). The boot camp webpage does not define what constitutes a lesser-level offense, but general information from the Texas Youth Commission website suggests it includes non-violent or property crime offenses.

³¹ *Id.* Some non-violent offenders participate in the program as well, however.

³² *Id.*

³³ *See id.* ("TYC has learned discipline alone is not effective in permanently rehabilitating young offenders. In addition, it takes a well balanced rehabilitation program such as the one developed by TYC professionals—Resocialization.")

³⁴ *Id.*

³⁵ *Id.*

does not specifically mention an aftercare program.³⁶ The only reference to the post-residential phase is that “[g]raduates should carry with them positive leadership skills, physical fitness, and increased self-esteem and self-discipline.”³⁷

Despite differences in structure and operation between boot camp programs, all incorporate military aspects such as discipline, physical punishment, strict routines, and physical training to some degree.³⁸ This is traditionally the heart of both adult and juvenile boot camp programs.³⁹ But this military dimension remains rather controversial.⁴⁰ Proponents of boot camps believe the military programming is essential to success,⁴¹ but critics worry that military training may merely give juvenile offenders the tools to become better offenders by making them “more physically fit, more disciplined, and more mentally sharp criminals than their prison counterparts.”⁴² And unlike traditional incarceration, both adult and juvenile boot camps are short term programs, generally lasting between three and six months.⁴³ The short term residential phase is designed to “shock” participants through intense physical demands, making them receptive to personal change and deterring them from committing another offense.⁴⁴ At the same time, boot camp programs attempt to impart positive characteristics to the participant, including self-discipline, self-responsibility, self-respect, self-esteem, self-motivation,

³⁶ Given that the Texas Youth Commission calls its boot camp model “Resocialization,” an aftercare program seems essential to its mission. *Id.* It is certainly possible that it does have an aftercare program, but it is not mentioned on its website.

³⁷ *Id.*

³⁸ Nix, *supra* note 5, at 16; see Michael Peters, et al., *Boot Camps for Juvenile Offenders*, at 2-3 (1997) available at <http://www.ncjrs.gov/txtfiles/164258.txt> (last visited Nov. 25, 2007) (listing common boot camp characteristics).

³⁹ Garascia, *supra* note 17 at 500; Nix, *supra* note 5, at 16.

⁴⁰ See Nix, *supra* note 5, at 18 (listing arguments against boot camps).

⁴¹ A “Machiavellian” Perspective, *supra* note 3, at 442.

⁴² Nix, *supra*, note 5, at 18. In a 1991 national survey of adult boot camp programs, “[o]ne critic said that people go in[to boot camp] feeling like Rambo and come out feeling a whole lot like Rambo.” *Id.*

⁴³ *Id.* at 16.

⁴⁴ *Id.*

and a strong work ethic.⁴⁵ Juvenile boot camps in particular also integrate education and treatment programs into the residential phase, resulting in varying degrees of success.⁴⁶ Both adult and juvenile boot camps also typically have a post-residential phase called aftercare where the boot camp participant is re-integrated into the community, sometimes with lingering supervision.⁴⁷

A. *Overview of Arguments For and Against Boot Camps*

Proponents of boot camps generally list five purposes behind these programs: deterrence, punishment, incapacitation, rehabilitation, and cost control.⁴⁸ With the exception of cost control, all of these are traditional rationales underlying criminal punishment.⁴⁹ Boot camp administrators cite rehabilitation, deterrence, and cost control as their major goals,⁵⁰ whereas the public and policy makers tend to focus on deterrence and punishment.⁵¹ The underlying purposes may be the same as a traditional correctional facility, but proponents believe boot camps are uniquely capable of meeting these goals.⁵² Often staff members believe strongly in the potential of the camp to transform its participants.⁵³ It is

⁴⁵ *Id.*

⁴⁶ Garascia, *supra* note 17, at 500. Many adult boot camps also incorporate rehabilitative programming during the residential phase, but generally juvenile boot camps implement these programs more often than their adult counterparts. In particular, education programs are much more common in juvenile boot camps.

⁴⁷ Peters, et al., *supra* note 38, at 3.

⁴⁸ Peters, et al., *supra* note 38, at 4.

⁴⁹ Kenneth R. Feinberg, *The Federal Guidelines and the Underlying Purposes of Sentencing*, 3 Fed. Sent. Rep. 326, 326 (May/June 1991) (stating that in creating federal sentencing guidelines, Congress laid out four traditional justifications of criminal punishment: deterrence, incapacitation, retribution, and rehabilitation).

⁵⁰ See A “Machiavellian” Perspective, *supra* note 3, at 437 (stating administrators rank rehabilitation, reducing recidivism, and reducing prison crowding as their “key objectives”).

⁵¹ *Id.*

⁵² See discussion *infra* Part III.A.

⁵³ See A National Study *supra* note 15 at 1.

also common for visitors to boot camps to come away with a very positive impression.⁵⁴ Supporters further argue that using military basic training as a model allows participants to develop close relationships with their peers and to view the staff as role models.⁵⁵

Critics argue that current research into adolescent psychology suggests that teenagers do not respond to a short term physical program that includes threats and humiliation.⁵⁶ They believe the true purpose of juvenile boot camps is to punish, not rehabilitate.⁵⁷ A hostile environment involving physical and mental intimidation, they argue, works against

⁵⁴ A deputy prosecuting attorney described her visit to an adult boot camp in the 1990s:

I encourage everyone interested in the criminal justice system to visit a boot camp. The one day I spent at Camp Sauble in Freesoil, Michigan was an unforgettable experience. Something important was happening at Camp Sauble. I could sense it. Former young street punks were engaged in a transformation process. The probationers were clean, healthy, and exhibited more self-discipline, self-esteem, and motivation than any of the thousands of criminal defendants I had seen in court during my ten plus years in prosecution. I was impressed.

Nix, *supra* note 5, at 20. Camp Sauble closed in May 2005. See Michigan Department of Corrections, Camp Sauble, available at http://www.michigan.gov/corrections/1,1607,7-119-1381_1388-5191--00.html (last visited Dec. 11, 2006).

⁵⁵ See *A National Study*, *supra* note 15, at 1.

⁵⁶ See Garascia, *supra* note 17, at 501 (arguing juvenile boot camps are “[b]ased on a vague, if not unstated, theory of crime and an absurd theory of behavioral change”); Margaret Beyer, *Juvenile Boot Camps Don’t Make Sense*, 10-WTR CRIM. JUST. 20, 20-21 (1996) (stating juvenile boot camps “violate the basic principles of adolescent development” that teenagers demand fairness, reject imposed structure, and respond to encouragement); see also Stephen A. Campbell, *Alternatives in the Treatment of Juvenile Offenders: Current Options and Trends*, 19 J. JUV. L. 318, 323 (1998) (“To be effective, boot camps must satisfy the fanatic demand for fairness seen in most adolescents, and provide encouragement, not punishment.”)

⁵⁷ Garascia, *supra* note 17, at 502.

any rehabilitative programming.⁵⁸ It may also be difficult for juveniles to transition back into the community after being in this type of environment for three to six months.⁵⁹ Because so many boot camps are focused primarily on the residential phase, most camps do provide a proper aftercare program.⁶⁰ When first conceived, however, many policymakers in the juvenile justice system thought boot camps could be an effective solution to the growing problem of juvenile crime.⁶¹ Over time, the attitudes of many of these legislators and policymakers have changed.

II. The Rise and Fall of Boot Camps

A. *The Early Years: 1983-1989*

The first adult boot camps opened in Georgia and Oklahoma in 1983.⁶² Correctional boot camps were conceived from observing the effects of military basic training on young men.⁶³ As adult boot camps became popular alternatives to incarceration, states opened boot camps for juveniles as well.⁶⁴ What prompted this expansion is unclear, but policymakers may have been attracted by the military structure of boot camps, which promised both punishment and rehabilitation in the same sanction. Juvenile boot camps grew rapidly in the 1990s.⁶⁵ In developing the juvenile boot camp model, the camps kept the military aspects of the adult programs while

⁵⁸ See *A National Study*, *supra* note 15, at 1 (“[B]oot camp critics say that the camps’ confrontational environment is in direct opposition to the type of interpersonal relationships and supportive atmosphere that are needed for youths’ positive development.”)

⁵⁹ *Id.* at 2.

⁶⁰ *Id.*

⁶¹ See *Part II: Research Findings*, *supra* note 14, at 127.

⁶² *Id.*

⁶³ See *A “Machiavellian” Perspective*, *supra* note 3, at 437 (stating in the United States it has traditionally been accepted that “sending a young man to the military ‘will straighten him out and make a man of him’”).

⁶⁴ *Part II: Research Findings*, *supra* note 14, at 127.

⁶⁵ *Id.*

trying to incorporate more rehabilitative components like an academic curriculum.⁶⁶

B. The Promise of Juvenile Boot Camps: 1990-1992

1. OJJDP Pilot Program

In 1990, the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) began developing a juvenile boot camp pilot program.⁶⁷ It awarded grants to three groups to fund three pilot camps: the Cuyahoga County Court of Common Pleas in Cleveland, Ohio; the Boys and Girls Clubs in Mobile, Alabama; and New Pride, Inc. in Denver, Colorado.⁶⁸ The OJJDP structured each program differently to study the effects of various residential phase and aftercare models.⁶⁹ Some initial criteria applied to all three, however.⁷⁰ The camps only included males between the ages of thirteen and eighteen.⁷¹ All participants selected for the programs had to be non-violent offenders.⁷² The OJJDP evaluated the programs primarily over a period of eighteen months: six months of planning and one year of operation.⁷³ Each program was designed to include a selection process with screening mechanisms, a three month residential phase, and a six to nine month aftercare phase.⁷⁴ The three programs began

⁶⁶ *Id.* at 127-28. Unlike adult boot camps, some juvenile boot camps may have to offer educational programs due to state compulsory education laws. For example, the Sheffield Boot Camp in Texas, which houses juveniles as young as 14, employs teachers from a local independent school district. TYC Boot Camp Program, *supra* note 30.

⁶⁷ Daniel B. Felker and Blair B. Bourque, *The Development of Boot Camps in the Juvenile System: Implementation of Three Demonstration Programs*, in CORRECTIONAL BOOT CAMPS: A TOUGH INTERMEDIATE SANCTION, at 144 (Doris L. MacKenzie and Eugene E. Herbert eds. 1996) available at <http://www.ncjrs.gov/pdffiles/bcamps.pdf> (last visited Nov. 25, 2007).

⁶⁸ *Id.*

⁶⁹ Peters et al., *supra* note 38, at 14.

⁷⁰ See Felker and Bourque, *supra* note 67, at 144, 147-48 (listing criteria).

⁷¹ *Id.* at 148.

⁷² *Id.* at 147.

⁷³ *Id.* at 144.

⁷⁴ *Id.* at 147.

operation in 1992.⁷⁵ A brief overview of the three boot camp programs and the OJJDP's evaluation follows.⁷⁶

a. Cleveland: Camp Roulston⁷⁷

Several features distinguished Cleveland from the other two boot camps. First, the demographics of the participants in Cleveland were more diverse than those in Denver and Mobile. Cleveland's boot camp program included more juveniles with prior criminal records and who had committed more serious offenses.⁷⁸ For example, 33 percent of participants were assigned to boot camp for committing a violent offense, compared to 13 percent in Mobile and 12 percent in Denver.⁷⁹ Cleveland was also the only camp that admitted juveniles with a prior violent offense.⁸⁰ Although fewer Cleveland participants had two or more prior adjudications than Mobile participants, Cleveland juveniles were more likely to have a prior felony offense.⁸¹ The Cleveland camp was used entirely as an alternative to confinement at a correctional facility.⁸² It was also the only program that required participants to volunteer.⁸³

The structure of the Cleveland program was also different from the other programs. The residential phase was designed to have the greatest emphasis on treatment out of the three camps.⁸⁴ For its educational classes, the camp employed teachers from an alternative school.⁸⁵ It also held weekly Guided Group Interaction sessions designed to encourage

⁷⁵ *Id.*

⁷⁶ Although this paper will only provide a brief overview of the pilot program, for an excellent in-depth review of the three boot camp models, *see id.* at 147-58.

⁷⁷ *Id.* at 145.

⁷⁸ *Id.* at 152.

⁷⁹ Peters et al., *supra* note 38, at 18.

⁸⁰ Felker and Bourque, *supra* note 67, at 148.

⁸¹ *See* Peters et al., *supra* note 38, at 18 (stating 63 percent of Cleveland participants had two or more prior adjudications, compared to 70 percent at Mobile).

⁸² *Id.* at 14.

⁸³ Felker and Bourque, *supra* note 67, at 148.

⁸⁴ Peters et al., *supra* note 38, at 14.

⁸⁵ Felker and Bourque, *supra* note 67, at 154.

participants to “air and resolve their problems” and foster “a positive peer culture.”⁸⁶ Discipline procedures were designed to be less punitive and less intimidating than the other two camps.⁸⁷ Staff only used physical punishments after first trying other measures.⁸⁸ It was also the only camp not to use a brig, or punishment cell, for serious offenses.⁸⁹ Verbal confrontation and intimidation by the staff were less intense than at the other two camps.⁹⁰ Cleveland’s aftercare program had three phases lasting a total of eight months, using a case management and point system.⁹¹ Later, the camp hired a private organization to provide educational services during the aftercare program to help participants earn high school credits.⁹²

b. Denver: Camp Foxfire⁹³

In contrast to Cleveland, Denver was used equally as an alternative to probation and confinement.⁹⁴ Without the boot camp program, 56 percent of participants would have been sent to a state facility, while 44 percent would have been placed on probation.⁹⁵ Its residential phase had the greatest emphasis on military aspects.⁹⁶ Treatment programs, including education, were secondary to physical labor, discipline, and other military features.⁹⁷ The aftercare program was supposed to consist of six months of mostly educational curriculum with graduates monitored by a probation officer or client manager.⁹⁸ The Denver boot camp shut down in March 1994, however, due to continuing problems with “[t]ransportation, attendance, confusion over

⁸⁶ *Id.* at 155.

⁸⁷ *Id.* at 152.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Peters et al., *supra* note 38, at 14.

⁹² *Id.* at 16.

⁹³ Felker and Bourque, *supra* note 67, at 145.

⁹⁴ Peters et al., *supra* note 38, at 14.

⁹⁵ *Id.* at 13.

⁹⁶ Felker and Bourque, *supra* note 67, at 152.

⁹⁷ Peters et al., *supra* note 38, at 14.

⁹⁸ *Id.*

lines of responsibility, and lack of a shared understanding among program staff, probation officers, and client managers.”⁹⁹ Denver had the smallest staff at 12, half of that at Cleveland and Mobile.¹⁰⁰ But because it never operated at capacity, the participant-to-staff ratio was similar to the other camps: 1.3 compared to 1.1 in Cleveland and 1.2 in Mobile.¹⁰¹ It never fully developed its aftercare program.¹⁰²

c. Mobile: Environmental Youth Corps¹⁰³

Mobile attempted to balance many of the features of Cleveland and Denver while adding some unique environmental programs. Mobile participants were on average slightly younger and had committed fewer offenses than those in the other programs.¹⁰⁴ The average age of its participants was 15.6 years, compared to 16.5 at Cleveland and Denver.¹⁰⁵ Participants were predominantly those who had failed on probation.¹⁰⁶ The residential phase attempted to balance military aspects with offering treatment programs.¹⁰⁷ It also emphasized heavily on education, including an environmental awareness component.¹⁰⁸ The camp featured an outdoor obstacle course and a mountain biking course,¹⁰⁹ but these outdoor activities were not consistently offered.¹¹⁰ Furthermore, some of the practices at Mobile incorporated more military aspects than the other two programs.¹¹¹ For example, it was the only camp to house participants in barracks instead of dormitories.¹¹² Also, early in the program,

⁹⁹ *Id.* at 17. Unfortunately, the OJJDP did not provide any further details to explain why the Denver program ended prematurely.

¹⁰⁰ Felker and Bourque, *supra* note 67, at 146.

¹⁰¹ *Id.*

¹⁰² Peters et al., *supra* note 38, at 14.

¹⁰³ Felker and Bourque, *supra* note 67, at 146.

¹⁰⁴ *Id.* at 148, 152.

¹⁰⁵ *Id.* at 148.

¹⁰⁶ *Id.* at 147.

¹⁰⁷ Peters et al., *supra* note 38, at 14.

¹⁰⁸ *Id.*

¹⁰⁹ Felker and Bourque, *supra* note 67, at 146, 154.

¹¹⁰ *Id.* at 154.

¹¹¹ *Id.* at 152.

¹¹² *Id.*

participants were forced to dig and fill large holes.¹¹³ The aftercare phase consisted of nine months of participation at a local Boys & Girls Club.¹¹⁴

d. OJJDP's Conclusions After the Pilot Program

The OJJDP summarized its findings in the 1997 report *Boot Camps for Juvenile Offenders*.¹¹⁵ Most participants in these three boot camp programs completed the program.¹¹⁶ Cleveland had the highest graduation rate at 93 percent, and Denver had the lowest at 65 percent.¹¹⁷ All three sites showed significant academic improvement in the participants during the residential phase, although the comparable data was not available for the control groups.¹¹⁸ The data concerning recidivism was not as encouraging. In comparing the recidivism rate of boot camp graduates with control groups, Cleveland and Denver boot camp participants had a higher recidivism rate.¹¹⁹ Most strikingly, 72 percent of Cleveland boot camp graduates committed a new offense, excluding technical offenses, compared to 50 percent for the control group.¹²⁰ Mobile boot camp participants did have a slightly lower rate of recidivism at 28 percent, compared to 31 percent with the control group.¹²¹

Despite the problems that occurred at all three sites, the ODDJP was optimistic that juvenile boot camps could be effective by implementing the lessons learned from the pilot program.¹²² Its recommendations largely addressed operational problems, ranging from placing facilities in gang-

¹¹³ *Id.*

¹¹⁴ Peters et al., *supra* note 38, at 14.

¹¹⁵ Peters et al., *supra* note 38.

¹¹⁶ *Id.* at 19.

¹¹⁷ *Id.* The most common reasons for not graduating were participants leaving the facility without permission and inability to keep up with the physical activity due to a medical condition. *Id.*

¹¹⁸ *Id.* at 20-21, 30.

¹¹⁹ *Id.* at 21-22.

¹²⁰ *Id.* at 22.

¹²¹ *Id.*

¹²² *Id.* at 28.

neutral areas with public transportation to educating the staff about all phases of the program.¹²³ One of its major conclusions was the importance of aftercare.¹²⁴ None of the three programs was able to fully implement its original plans for the aftercare phase due to the unexpected difficulty of reintegrating participants into the community.¹²⁵ The OJJDP recommended that future programs take more care to develop the aftercare model at inception, designing services that are “broad based and flexible in order to adjust for diverse youth experiences, social/home environments, and program needs.”¹²⁶ Aftercare programs should specifically incorporate vocational skills and employment placement.¹²⁷

The OJJDP emphasized that success should be measured in broader terms than simply the rate of recidivism, encompassing factors like attitude changes, long-term academic performance, and employment.¹²⁸ During the pilot program, participants’ attitudes about the boot camps were surprisingly positive compared to traditionally confined juveniles.¹²⁹ The OJJDP speculated this might be related to confidence gained from significant academic improvement, more personalized attention, and less exposure to antisocial attitudes.¹³⁰ It summarized its conclusions by noting that although juvenile “boot camps do not appear to be the panacea that many hoped they would become,” it believed they did have some advantages warranting further development and research.¹³¹ A decade later, after further developments in the

¹²³ *Id.* at 25-28.

¹²⁴ *Id.* at 25.

¹²⁵ *Id.* at 25.

¹²⁶ *Id.* at 27.

¹²⁷ *Id.*

¹²⁸ *Id.* at 28.

¹²⁹ *Id.* at 30-31. For an in-depth discussion of positive participant attitudes toward boot camps, see discussion, *infra* Part III.C.

¹³⁰ Peters et al., *supra* note 38, at 30-31.

¹³¹ *Id.* at 32-33.

evolution of juvenile boot camps, the OJJDP would revisit this conclusion.¹³²

2. *Juvenile Justice and Delinquency Prevention Act § 5667f*

In addition to the OJJDP's pilot program, 1992 brought an important federal endorsement of juvenile boot camps when Congress added § 5667f to the Juvenile Justice and Delinquency Prevention Act.¹³³ The Act allowed states to receive federal funds for juvenile boot camps if they met the Act's requirements.¹³⁴ At the time, Congress believed boot camps were a promising solution to perceived increases in juvenile crime.¹³⁵ Not surprisingly, this access to federal funding greatly increased the number of juvenile boot camps.¹³⁶ By 1996, forty-eight boot camps were in operation, only one of which was open before 1990.¹³⁷

The Act provided some safeguards to ensure only appropriate juveniles were sent to boot camp.¹³⁸ Prior to assignment, states had to assess each juvenile to determine if:

- (1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

¹³² See James Austin, Kelly Dedel Johnson & Ronald Weitzer, *Alternatives to the Secure Detention and Confinement of Juvenile Offenders*, JUVENILE JUSTICE BULLETIN, Sept. 2005, at 22, available at <http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf> (last visited Nov. 25, 2007) (stating in its review of alternatives that boot camps were "unsuccessful in reducing recidivism," citing MacKenzie's research).

¹³³ Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5667f (repealed 2002).

¹³⁴ Teresa E. Ravenell, *Left, Left, Left, Right, Left: The Search for Rights and Remedies in Juvenile Boot Camps*, 35 COLUM. J.L. & SOC. PROBS. 347, 350-51 (2002).

¹³⁵ *Id.* at 351. See also discussion *supra* note 1.

¹³⁶ Ravenell, *supra* note 134, at 351.

¹³⁷ See *A National Study*, *supra* note 15, at 3.

¹³⁸ See Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5667f (repealed 2002) (listing required assessments for juveniles).

- (2) the juvenile is physically and emotionally capable in participating in the boot camp regimen.¹³⁹

The Act further required states to provide “regular, remedial, special and vocational education” as well as “counseling and treatment for substance abuse and other health and mental health problems” during the boot camp program.¹⁴⁰ These requirements were meant to ensure juveniles were capable of handling the intense stress of the program while receiving complete rehabilitative services.¹⁴¹ As a result of the Act’s federal funding, states began to embrace juvenile boot camps as a method of reducing recidivism in juvenile offenders.

C. *Growing Pains: 1993-1999*

Many states took advantage of the funding offered by § 5667f of the Juvenile Justice and Delinquency Prevention Act.¹⁴² In 1995 alone, Congress appropriated \$24.5 million for states to open boot camps.¹⁴³ By 1999, 52 juvenile boot camps were in operation, housing a total of 4,500 juveniles.¹⁴⁴ In 2000, that number increased to 70 juvenile boot camps.¹⁴⁵ By the end of 1999, however, several states—including Georgia, Colorado, North Dakota, and Arizona—closed their juvenile boot camps, many due to widely publicized boot camp deaths.¹⁴⁶ Legislators in these states expressed skepticism about the success of the juvenile boot camp model and increasing worry that boot camps were potentially harmful

¹³⁹ Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5667f (repealed 2002).

¹⁴⁰ *Id.*

¹⁴¹ Ravenell, *supra* note 134, at 357-58.

¹⁴² A “Machiavellian” Perspective, *supra* note 3, at 435-36.

¹⁴³ *Id.*

¹⁴⁴ Francis X. Clines, *Maryland is Latest of States to Rethink Youth “Boot Camps”*, N.Y. TIMES, Dec. 19, 1999, § 1, at 1.

¹⁴⁵ Part II: Research Findings, *supra* note 14, at 127.

¹⁴⁶ Clines, *supra* note 144, at 1; see also Jayson Blair, *Ideas & Trends: Boot Camps: An Idea Whose Time Came and Went*, N.Y. TIMES, Jan. 2, 2002, § 4, at 3.

to its participants.¹⁴⁷ Furthermore, in 1997, the National Institute of Justice classified boot camps as an ineffective crime prevention program.¹⁴⁸ Despite these growing concerns, many juvenile boot camps continued to operate into the twenty-first century.¹⁴⁹

D. *The Fall: 2000-2006*

A series of events in the early 2000s slowed the growth of juvenile boot camps. In 2001, Dr. Doris MacKenzie, one of the leading boot camp researchers, published a national review of boot camp evaluations and found no difference in recidivism rates between juvenile boot camp participants and those in traditional detention facilities.¹⁵⁰ Then in 2002, Congress repealed § 5667f of the Juvenile Justice and Detention Prevention Act, eliminating a specific grant incentive program for states to open new juvenile boot camps.¹⁵¹ Although the legislative history is not clear on exactly why Congress eliminated these incentive grants,¹⁵² growing research indicating that juvenile boot camps did not reduce recidivism as well as highly publicized boot camp deaths may have influenced this decision. Congress had reconsidered its endorsement of boot camp programs, introducing a bill to repeal § 5667f as early as 1999.¹⁵³ Eliminating this provision had the primary effects of reducing financial incentives to open and operate juvenile boot camps and removing the federal screening requirement.¹⁵⁴ At least one article has argued that the repeal eliminated federally protected rights to an assessment, treatment, and counseling

¹⁴⁷ Clines, *supra* note 144, at 1.

¹⁴⁸ Lawrence W. Sherman, et al. *Preventing Crime: What Works, What Doesn't, What's Promising*, July 1998, at 1-2, available at <http://www.ncjrs.gov/pdffiles/171676.pdf> (last visited Nov. 25, 2007).

¹⁴⁹ See, e.g., Marc Caputo, *Two Boot Camps Close, One Left*, MIAMI HERALD, June 30, 2006 (discussing Florida boot camps).

¹⁵⁰ *Part II: Research Findings*, *supra* note 14, at 130. See discussion *infra* Part III.

¹⁵¹ See H.R. 5194, 102d Cong. (2002).

¹⁵² See *id.*

¹⁵³ See H.R. 1150, 106th Cong. (introduced March 17, 1999).

¹⁵⁴ See *id.*

for boot camp participants.¹⁵⁵ It is not clear that § 5667f created these rights, however.

A further setback for proponents of juvenile boot camps was the OJJDP's apparent reconsideration of boot camps as an effective program for juveniles.¹⁵⁶ By 2005, the OJJDP stated in a review of alternatives to secure detention and confinement that boot camp programs were unsuccessful in reducing recidivism.¹⁵⁷ Despite the OJJDP's optimism following the pilot program and their emphasis that success should encompass more than just recidivism, it appears to have abandoned boot camps in favor of other alternatives.¹⁵⁸ Juvenile boot camps had gone from a promising solution to juvenile crime to becoming just one in a list of apparently failed experiments. This rise and fall may be best illustrated by studying the evolution of juvenile boot camps in Florida over a period of seventeen years.¹⁵⁹

E. A Case Study: Florida

Florida was one of the first states to embrace juvenile boot camps after a state statute was revised in 1989 to allow their operation.¹⁶⁰ The first Florida juvenile boot camp opened in 1992.¹⁶¹ Boot camps became particularly popular in 1996 and 1997.¹⁶² In the mid-1990s Florida had the most

¹⁵⁵ See Ravenell, *supra* note 134, at 349 (arguing § 5667f created federally protected rights enforceable under § 1983).

¹⁵⁶ See Austin, *supra* note 132, at 22 (stating in its review of alternatives that boot camps were "unsuccessful in reducing recidivism," citing MacKenzie's research).

¹⁵⁷ *Id.* This study did not compare boot camps with probation.

¹⁵⁸ See discussion, *infra* Part IV.

¹⁵⁹ See discussion, *infra* Part II.E.

¹⁶⁰ Elizabeth S. Cass & Neil Kaltenecker, *The Development and Operation of Juvenile Boot Camps in Florida*, in *CORRECTIONAL BOOT CAMPS: A TOUGH INTERMEDIATE SANCTION*, 179, 180 (Doris L. MacKenzie and Eugene E. Herbert, eds., 1996), available at <http://www.ncjrs.gov/pdffiles/bcamps.pdf> (last visited Nov. 25, 2007). See discussion *infra* Part III.

¹⁶¹ Cass & Kaltenecker, *supra* note 160, at 181.

¹⁶² Rod Smith, *Toward a More Utilitarian Juvenile Court System*, 10 U. FLA. J.L. & PUB. POL'Y 237, 243 (1999).

juvenile boot camps in the United States with a total of six.¹⁶³ Although criticism of the effectiveness of boot camp programs began as early as 1999 in Florida,¹⁶⁴ the boot camps continued to operate until 2006.

The primary catalyst for the termination of Florida's boot camp program was the highly publicized death of a fourteen-year-old boy at one of the camps.¹⁶⁵ Six months before his death, Martin Lee Anderson was arrested for stealing his grandmother's Jeep Cherokee.¹⁶⁶ He was sent to boot camp after violating his probation for trespassing at school.¹⁶⁷ He died during his first day at camp on January 2006.¹⁶⁸ Anderson collapsed while running laps, and at least seven staff members responded by beating him for thirty minutes.¹⁶⁹ Finally, they pushed ammonia capsules up his nose to revive him while holding his mouth shut.¹⁷⁰ Instead, he suffocated to death.¹⁷¹ A security videotape caught eighty minutes of the incident, from the time the guards restrained him until medical personnel arrived to take him to the hospital.¹⁷² The story was widely publicized by national media, and video footage was available to the public on national news outlet websites.¹⁷³

¹⁶³ Cass & Kaltenecker, *supra* note 160, at 180.

¹⁶⁴ See Smith, *supra* note 162, at 243-244 (criticizing Florida's continued support of juvenile boot camps despite studies that they were only effective as "a component of an overall rehabilitative strategy").

¹⁶⁵ See discussion *infra* Part II.E.

¹⁶⁶ Marc Caputo, *Act May Prevent Other Parents' Pain:*

Gov. Jeb Bush Signed the Martin Lee Anderson Act to

Reform Juvenile Boot Camps, MIAMI HERALD, June 1, 2006; Parents Want Charges in Boot Camp Death, MSNBC, Feb. 18, 2006, available at <http://www.msnbc.msn.com/id/11396434/> (last visited Nov. 25, 2007).

¹⁶⁷ Parents Want Charges, *supra* note 166.

¹⁶⁸ *Id.*

¹⁶⁹ Carol Marbin Miller & Marc Caputo, *Hidden Truth of Youth's Death at Camp*, MIAMI HERALD, May 14, 2006.

¹⁷⁰ *Id.*

¹⁷¹ Caputo, *supra* note 166.

¹⁷² Parents Want Charges, *supra* note 166.

¹⁷³ See, e.g., Parents Want Charges, *supra* note 166.

Initially, Florida Governor Jeb Bush rebuffed calls to close the state's boot camps, calling the death "one tragic incident."¹⁷⁴ The controversy surrounding Anderson's death intensified, as the local medical examiner who conducted the initial autopsy determined that Anderson died of a rare sickle cell trait.¹⁷⁵ After an investigation, the Florida State Attorney ordered a second autopsy, which revealed Anderson did in fact suffocate to death.¹⁷⁶ After months of national coverage and growing concern about the safety of boot camps, Florida legislators decided to terminate the programs.¹⁷⁷ On June 1, 2006, Governor Bush signed the Martin Lee Anderson Act.¹⁷⁸ The Act abolished all Florida boot camps and allocated \$10.6 million to implement a replacement program called Sheriffs' Training and Respect ("STAR").¹⁷⁹ As a result, all physical discipline and intimidation are explicitly prohibited under the new guidelines.¹⁸⁰

In January of 2006, Florida had five boot camps in operation.¹⁸¹ By June 2006, all but one of the sheriffs administering those camps had decided to close them.¹⁸² The remaining program in Polk County required few changes to comport with the Act's STAR program requirements.¹⁸³ Although still labeled a boot camp by its administrator, it allegedly takes a "holistic approach" to the residential phase by implementing rehabilitative programming like education,

¹⁷⁴ *Id.*

¹⁷⁵ Christine Jordan Sexton, *Autopsy Ties Boy's Death to Boot Camp*, N.Y. TIMES, May 6, 2006, at 8.

¹⁷⁶ *Id.*

¹⁷⁷ See Christine Jordan Sexton, *After Death of a Boy, Florida Moves to Close Its Boot Camps*, N.Y. TIMES, Apr. 27, 2006, at 18.

¹⁷⁸ Amy L. Edwards, *Polk's "Holistic" Boot Camp Survives*, ORLANDO SENTINEL, July 1, 2006, at B5.

¹⁷⁹ *Id.*

¹⁸⁰ Physical force was not prohibited under the old boot camp programs. Edwards, *supra* note 178, at B5; Sexton, *After Death of a Boy*, *supra* note 177, at 18.

¹⁸¹ Marc Caputo, *Two Boot Camps Close, One Left*, MIAMI HERALD, June 30, 2006.

¹⁸² *Id.*

¹⁸³ Edwards, *supra* note 178, at B5.

community service, and vocational training.¹⁸⁴ Staff members are prohibited from using implements like Tasers, pepper spray, or side-handle batons on the participants.¹⁸⁵ Despite some frustration with the new provisions, such as a hotline for participants to report staff abuse, and a perceived lack of funding, the administrator of the Polk County boot camp agreed to the changes in order to stay open because he believes the program is successful: “My head academically tells me to get out. My heart won’t allow me to get out because I see the miracles that the staff and the volunteers from the community are making with the kids at the boot camp.”¹⁸⁶

At least one other Florida program, in Pinellas County, has re-opened after undergoing more extensive changes.¹⁸⁷ It implemented a STAR Weekend Program for children between the ages of seven and seventeen, most of whom have not committed a crime.¹⁸⁸ Under this program, parents can refer their troubled children as an intervention technique.¹⁸⁹ The participants wear jumpsuits and are fingerprinted and photographed.¹⁹⁰ They spend twelve hours at the program; they do some light physical activity equivalent to a gym class, and learn about the criminal justice system, drug use, and anger management.¹⁹¹ Because these changes are relatively recent, there are currently no studies as to the programs’ effect on recidivism rates for Florida juveniles. This weekend

¹⁸⁴ Edwards, *supra* note 178, at B5. It is not clear precisely what effect this “holistic” approach has on day-to-day life at the program. By eliminating time spent doing military drills and other physical activities, the camp focuses more on helping the participants to improve academically and develop job skills.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Despite the Sheriff’s initial decision to close in June 2006, by September, the program was operational. See Caputo, Two Boot Camps Close, *supra* note 181 (reporting the decision to close in June); Melanie Ave, *Boot Camps Reborn*, ST. PETERSBURG TIMES, Sept. 10, 2006, at 1B (reporting on the new weekend program in September).

¹⁸⁸ Ave, *supra* note 187, at 1B.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

program appears to be a far departure from the original Florida juvenile boot camps from the early 1990s.

The evolution of the boot camp program in Florida reflects a national trend to move away from boot camps. Juvenile boot camps took off in the early 1990s as a potentially effective intermediate sanction.¹⁹² By the mid-1990s, data began to show boot camps were not affecting juvenile recidivism rates, but supporters remained optimistic that boot camps could have a positive impact on participants.¹⁹³ By the late 1990s, recognizing that the boot camp model had not decreased juvenile crime, policymakers began to question the validity of pouring further resources into these programs.¹⁹⁴ By the beginning of the twenty-first century, nationally publicized juvenile boot camp deaths contributed to the re-evaluation of the effectiveness of boot camps. In 2002, Congress eliminated a large source of federal funding for juvenile boot camps by repealing § 5667f of the Juvenile Justice and Detention Prevention Act. Likewise, the Florida legislature closed all of its boot camps with the Martin Lee Anderson Act in 2006.¹⁹⁵ Florida recognized that the dangers of boot camps, coupled with the lack of data supporting any positive lasting effects, warranted abandoning its boot camp program.¹⁹⁶ As the remainder of this paper will argue, the rest of the United States should follow Florida's example by terminating juvenile boot camp programs indefinitely.

III. Argument: Military Boot Camps Do Not Work and Should Be Abandoned

Evaluating the effectiveness of boot camps requires a multidimensional analysis. Many studies have attempted to measure the effectiveness of boot camps from a variety of perspectives: the effect of boot camps on participants'

¹⁹² See discussion *supra* Part II.A-B.

¹⁹³ See discussion *supra* Part II.B-C.

¹⁹⁴ See discussion *supra* Part II.D.

¹⁹⁵ See discussion *supra* Part II.E.

¹⁹⁶ *Id.*

attitudes, attachments to the community, and impulsivity; their effect on overcrowding in correctional facilities; and their effect, if any, on recidivism.¹⁹⁷ In 1995, the Office of Justice Programs (“OJP”) identified six key components to the effectiveness of juvenile boot camps: age-appropriate education and job training and placement; community service; substance abuse counseling and treatment; health and mental health care; continuous, individualized case management; and intensive aftercare services.¹⁹⁸ Research over the years of juvenile boot camp operations strongly suggests that few, if any, of these components are actually provided in the vast majority of boot camps.¹⁹⁹ Recent studies indicate that boot camps are not effective and fail to fulfill any of the five purposes for which they are used.²⁰⁰ When boot camps work, they do so because of the treatment programs incorporated into the camp, not because of the military aspects of the camp.²⁰¹ Therapy, counseling, and educational programs offered during the boot camp may have a positive affect on juvenile rehabilitation.²⁰² Perhaps even more importantly, a strong aftercare program is essential to reducing recidivism.²⁰³

¹⁹⁷ See discussion *infra* Part III.

¹⁹⁸ Peters, et al., *supra* note 38, at 3. The OJJDP made these conclusions based on data collected from the pilot program as well as a roundtable discussion with leading researchers and practitioners in juvenile justice. *Id.* at 2.

¹⁹⁹ Research indicates that juvenile boot camp participants actually receive less therapeutic programming than those in traditional correctional facilities. See *A National Study*, *supra* note 15, at 9.

²⁰⁰ See, e.g., Peters, et al., *supra* note 38, at 7 (stating the participants at a roundtable sponsored by the OJJDP “largely agreed that a confrontational model is counterproductive to changing juvenile behavior”). See also discussion *infra* Part III.A.

²⁰¹ See Peters, et al., *supra* note 38, at 7 (stating the participants at a roundtable sponsored by the OJJDP “largely agreed that a confrontational model is counterproductive to changing juvenile behavior”).

²⁰² See discussion *infra* Part III.A.1.

²⁰³ Doris Layton MacKenzie & Claire Souryal, MULTISITE EVALUATION OF SHOCK INCARCERATION, U.S. Dep’t of Justice (1994), at 48, available at <http://www.ncjrs.gov/pdffiles/mse.pdf> (last visited Nov. 25, 2007); see also Campbell, *supra* note 56, at 323 (“Key to the success of boot camp programs is reintegration into the community.”)

None of these successful strategies are dependant upon the military nature of the boot camps.²⁰⁴ Instead, the military model can undermine these rehabilitative programs as well as pose a threat to the safety of the participants.²⁰⁵ Thus, military-style boot camps are not effective and should not be used in the juvenile justice system. Instead, other short-term programs should be developed that offer treatment and aftercare without the intense physical and military aspects of boot camps.

Even the OJJDP, a strong supporter of juvenile boot camps since its pilot program in 1990, seemed to abandon its support by 2005.²⁰⁶ Public and legislative support for such programs likewise has declined significantly as more data becomes available. In 1997, the National Institute of Justice (“NIJ”) made a report to Congress regarding the Department of Justice’s variety of crime prevention programs, with special emphasis on juvenile crime.²⁰⁷ The NIJ reviewed more than 500 evaluations of dozens of programs after screening them for scientific validity.²⁰⁸ From this review, the NIJ placed the programs in four groups: programs that work, programs that do not work, programs that are promising, and programs that are unknown.²⁰⁹ Programs that do not work were those the NIJ was “reasonably certain from available evidence fail to prevent [juvenile] crime or reduce risk factors for [juvenile] crime, using the identical scientific criteria used for deciding what works.”²¹⁰ The NIJ categorized “correctional boot

²⁰⁴ See discussion *infra* Part IV, discussing two alternatives to boot camps that utilize rehabilitative programs without the military model.

²⁰⁵ See Peters et al., *supra* note 38, at 7-8.

²⁰⁶ Austin, et al, *supra* note 132, at 22. The OJJDP appears to also have abandoned its hope that boot camps may have other positive effects meriting further study.

²⁰⁷ Sherman, *supra* note 148, at 1-2.

²⁰⁸ *Id.*

²⁰⁹ *Id.* at 6.

²¹⁰ *Id.*

camps [that use] traditional military basic training” as programs that do not work.²¹¹

Likewise, research on adolescent development supports the idea of abandoning juvenile boot camps as rehabilitative programs. The OJJDP cited psychologist Dr. Marty Beyer in its review of the 1992 pilot program.²¹² Beyer presented her research on adolescent development and delinquent juveniles to an OJJDP roundtable on juvenile boot camps.²¹³ Research shows that adolescents are “fairness fanatics” and are “very sensitive to anything they perceive as unfair.”²¹⁴ Beyer was concerned that juvenile boot camp participants will perceive the camp structure as unfair and thus will reject the offered assistance.²¹⁵ But studies on participants’ attitudes toward boot camps suggest that participants generally perceive their environment more favorably than control groups.²¹⁶ According to Beyer, research indicates that teenagers “respond to encouragement, not punishment.”²¹⁷ They may temporarily adjust their behavior to prevent being punished, but the underlying attitudes and long-term behavior do not change.²¹⁸ Instead, juveniles truly change their behavior “when services are based on strengths and needs.”²¹⁹ Behavior modification may not be the focus of all boot camps, however. This goes back to the five commonly cited goals of all boot camps: deterrence, incapacitation, rehabilitation, punishment, and cost control.²²⁰

²¹¹ *Id.* at 7. Other programs the NIJ determined do not work included the D.A.R.E. program, scared straight programs, and shock probation. *Id.*

²¹² Peters et al., *supra* note 3838, at 7-8. Beyer has written extensively on issues of adolescent development and juvenile justice. *See, e.g.*, Marty Beyer, *More Than Meets the Eye: Rethinking Assessment, Competency and Sentencing for a Harsher Era of Juvenile Justice*, (American Bar Association Juvenile Justice Center ed. Aug. 1997) available at <http://www.njdc.info/pdf/mtmtfull.pdf> (last visited Nov. 25, 2007).

²¹³ Peters et al., *supra* note 38, at 7-8.

²¹⁴ *Id.* at 8.

²¹⁵ *Id.*

²¹⁶ *See* discussion *infra* Part III.C.

²¹⁷ Peters et al., *supra* note 38, at 7-8.

²¹⁸ *Id.* at 8.

²¹⁹ *Id.*

²²⁰ *Id.* at 4.

If the real purpose of the boot camp is punishment or cost control, the camp administrators will spend far less time and resources attempting to foster behavioral changes.²²¹ In contrast, if the goal is deterrence or rehabilitation, behavior modification will be an important part of that goal.²²² Upon close examination of the four most commonly cited goals of juvenile boot camps,²²³ it now appears that juvenile boot camps do not truly fulfill any of these goals.²²⁴ In fact, in some cases the military model itself may subvert any positive efforts to achieve them.

A. *Scrutinizing the Four Main Purposes of Boot Camp*

1. Rehabilitation

Most supporters of juvenile boot camps would probably cite rehabilitation as an important goal. Rehabilitation generally focuses on creating lasting changes within the juvenile:

The object of rehabilitation is to achieve some reduction in further criminality, either by changing an offender's attitudes and values, perhaps leading to some behavior change, or by addressing some of the personal deficiencies or problems that are believed to be linked to criminal activity, such as lack of education, substance abuse, and/or lack of social skills.²²⁵

Education, counseling, drug rehabilitation, vocational training, and other therapeutic programs can help reach this goal. Boot camps sacrifice access to these treatment programs for a military model that itself has little long-term effect on participants, however.²²⁶ Although most programs incorporate

²²¹ See discussion *infra* Part III.A.3-4.

²²² See discussion *infra* Part III.A.1-2.

²²³ Incapacitation is not generally cited as a goal for juvenile boot camps.

²²⁴ See discussion *infra* Part III.A.

²²⁵ Peters et al., *supra* note 38, at 4.

²²⁶ See A "Machiavellian" Perspective, *supra* note 3, at 440-42.

some rehabilitative programs into the residential phase,²²⁷ the quality of these programs varies widely. Proponents of boot camps argue that the military model is necessary for the juvenile to be receptive to treatment.²²⁸ They further argue that the intense stress during the residential phase can make juveniles more open to personal change.²²⁹ Research does indicate that participants can change their behavior in the residential phase,²³⁰ but the available data suggests this is not a permanent change.²³¹ Unless these psychological and behavioral changes extend long past the residential phase of the boot camp, how can we expect a juvenile to be truly rehabilitated?

Supporters also argue that boot camps promote rehabilitation through participants' interactions with the staff.²³² They believe the staff can serve as role models for the participants, encouraging them to turn their lives around.²³³ MacKenzie found that effective programs tended to use staff members who were "interpersonally warm, tolerant, and flexible, yet sensitive to conventional rules and procedures."²³⁴ Yet the idea of a "warm" boot camp instructor seems at odds with a military-style model. In reality, staff in military-style camps seem to act more like drill sergeants. MacKenzie found staff at one boot camp initiated new participants with this greeting:

You are nothing and nobody, fools, maggots, dummies, motherf___ s___, and you have just walked into the worst nightmare you ever dreamed. I don't like you. I have no use for

²²⁷ *Id.* at 440.

²²⁸ *Id.* at 442 ("The [military] environment may coerce offenders into treatment...treatment that they would not otherwise voluntarily obtain.")

²²⁹ *Id.*

²³⁰ *See, e.g.,* Campbell, *supra* note 5656, at 325 (stating the Los Angeles boot camp did produce better behavior in the participants, credited to the high staff to participant ratio). *See also* discussion *infra* Part III.C.

²³¹ *A National Study*, *supra* note 1553, at 7.

²³² *A "Machiavellian" Perspective*, *supra* note 3, at 442.

²³³ *Id.*

²³⁴ *Id.* at 447.

you, and I don't give a f___ who you are on the street. This is my acre, hell's half acre, and it matters not one damn to me whether you make it here or get tossed out into the general prison population, where, I promise you, you won't last three minutes before you're somebody's wife. Do you know what that means, tough guys?²³⁵

This kind of exchange, while arguably extreme, fits in with what one would expect from military basic training. It uses dominance and intimidation, which research indicates is ineffective with juveniles.²³⁶ Staff and participants perceive their environment as unsafe, hardly an atmosphere to promote lasting positive change.²³⁷ The staff often admits that the stress in boot camps is so great that there is an increased likelihood they could abuse participants.²³⁸ Research indicates juvenile boot camp participants are more likely to feel threatened by staff than are juveniles at traditional detention facilities.²³⁹ This kind of atmosphere hardly fosters rehabilitation.

To promote rehabilitation, juveniles need positive, pro-social interactions with the staff.²⁴⁰ If there are any positive interactions with staff at boot camps, evidence indicates they are fleeting, and thus unlikely to be enough to help rehabilitate

²³⁵ *Id.* at 447-48.

²³⁶ *See id.* at 448 (stating "military-style interactions typically involve the interpersonal dominance and conflict specifically proscribed as ineffective").

²³⁷ *Id.* at 450.

²³⁸ *Id.* *But see A National Study*, *supra* note 15, at 5 (stating in a 1996 survey of staff in twenty-seven boot camps, "staff in boot camps more frequently reported favorable perceptions of their institutional environment than traditional facility staff").

²³⁹ Ravenell, *supra* note 134, at 356.

²⁴⁰ *See Bottcher & Isorena*, *supra* note 18, at 177 (noting that although the military aspect of boot camps helps provide discipline, "it is the positive and nurturing relationships of the officer training model that stand to change...[participants] in a positive and lasting way").

the participant.²⁴¹ Research suggests juveniles may on average receive less individual attention at boot camps than in detention centers.²⁴² Further research also indicates that there is a high rate of staff turnover in boot camps,²⁴³ a finding which suggests it would be difficult, if not impossible, for participants to bond with staff members. A boot camp is thus built on interactions with staff that do not promote healthy behavioral changes in juveniles.²⁴⁴ Instead, it may promote an increase in aggressive behavior.²⁴⁵ Thus, the military structure and confrontational nature of juvenile boot camps do not promote rehabilitation.

2. Punishment

Although some may appreciate the physical nature of boot camp as punishment, participants are constantly at risk of serious injury or death inside the boot camp.²⁴⁶ Given the offenses that place juveniles into boot camp programs, the threat of serious injury or death appears to go far beyond any concept of fair punishment. The intense nature of the staff-participant relationship at a boot camp creates a high risk of staff abuse for participants.²⁴⁷ Although the specific regime varies depending on the program, generally they all use physical punishments.²⁴⁸ These can include forcing participants to carry logs on their backs, rigorous exercises in

²⁴¹ *A National Study*, *supra* note 15, at 7.

²⁴² *A National Study*, *supra* note 15, at 9.

²⁴³ See Peters et al., *supra* note 38, at 16 (stating in the OJJDP's pilot program, "[s]taff turnover was a significant problem in all three sites"). Cf. Nix, *supra* note 5, at 21 ("The high burnout rate of staff suggests they are committed to the program and work hard.")

²⁴⁴ A "Machiavellian" Perspective, *supra* note 3, at 448 (citing arguments that "[t]he very idea of using physically and verbally aggressive tactics in an effort to train people to act in a prosocial manner is fraught with contradiction").

²⁴⁵ *Id.*

²⁴⁶ Ravenell, *supra* note 134, at 348, 355-56; see also discussion *supra* Part II.E regarding the death of Martin Lee Anderson.

²⁴⁷ *Id.* Unfortunately, the author has not been able to find any data comparing injury or death rates at boot camps to those at traditional juvenile correctional facilities.

²⁴⁸ *Id.* at 354.

bad weather, and other physical tasks for the purpose of humiliation.²⁴⁹ These tactics have led to some highly publicized injuries and deaths.²⁵⁰ For example, Gina Score, a fourteen-year-old from South Dakota convicted of shoplifting, collapsed and died from heatstroke during a 2.6 mile jog.²⁵¹ She was overweight and not accustomed to intense physical exercise, but the staff forced her to keep running, at times linking arms with her to keep her moving, until she fell to the ground.²⁵² The staff waited three hours after her collapse to call an ambulance because they believed she was pretending to be sick.²⁵³

In 1998, sixteen-year-old Nicholas Contreras died from a massive, undiagnosed infection after collapsing during physical training at the Arizona Boys Ranch boot camp.²⁵⁴ He had been sent to boot camp for stealing a car.²⁵⁵ Throughout the two weeks before his death, Nick told a nurse employed by the boot camp that he was having difficulty breathing, was experiencing chest pain, and generally felt weak.²⁵⁶ He also became incontinent and vomited several times a day.²⁵⁷ The staff accused him of faking and harassed him by “making him sleep in soiled underwear, ordering him to drop his pants so that other boys could inspect them, requiring he finish whatever physical activity he was engaged in before using the restroom, making him eat dinner while sitting on the toilet, and, near the end of his life, making him carry a yellow trash basket filled with his soiled clothes and his own vomit.”²⁵⁸ An autopsy determined that he had strep and staph infections, pneumonia, and chronic bronchitis.²⁵⁹ The pathologist noted

²⁴⁹ *Id.*

²⁵⁰ *Id.* at 355.

²⁵¹ *Id.* at 347.

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ Julie Cart, *A Puzzling Death at Boys Ranch*, L.A. TIMES, June 13, 1998, at 1A.

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ *Id.*

that “a massive infection had been incubating for some time and that Nick must have been visibly ill for weeks.”²⁶⁰

Although most boot camp programs require physical and mental screening before taking juveniles,²⁶¹ reports of boot camp deaths and injuries suggest that juveniles who are physically or mentally unable to participate are sent to these camps regardless.²⁶² Some states operated juvenile boot camps without effective screening criteria for these juveniles; it took Georgia four years to develop proper screening mechanisms.²⁶³ Few would argue death is a just punishment for any non-violent crime, much less shoplifting or stealing a car. Boot camps impose punishment that is far greater than warranted by the offense by placing participants in dangerous situations that may lead to serious injury or death.

3. Deterrence

Many policymakers focus on deterrence as the major goal of any sanction in the juvenile justice system. Thus, most research has studied boot camps' effect on recidivism.²⁶⁴ This research indicates there are no significant differences between the recidivism rate for juvenile boot camp participants and juveniles sent to a correctional alternative.²⁶⁵ MacKenzie's 1994 Multisite Evaluation of Shock Incarceration is often cited as the leading study on the effects of boot camps. The study encompassed eight state adult and juvenile boot camp programs.²⁶⁶ It concluded that boot camps' effect on

²⁶⁰ *Id.*

²⁶¹ Garascia, *supra* note 17, at 502.

²⁶² See Ravenell, *supra* note 134, at 355-56 (listing examples of juveniles with physical or mental issues who died at boot camp); Bill Rankin, *Young Offenders Packing Boot Camps*, ATLANTA J. & CONST., May 31, 1998, at C3 (stating inadequate screening allowed judges to send juveniles with injured legs and feet, anemia, and diabetes to boot camps).

²⁶³ Rankin, *supra* note 258, at C3.

²⁶⁴ *Part II: Research Findings*, *supra* note 14, at 128.

²⁶⁵ *A National Study*, *supra* note 15, at 2.

²⁶⁶ Although 1994 was relatively early in the development of juvenile boot camps, MacKenzie used data from adult boot camps as well to draw general conclusions about adult and juvenile boot camp programs. See MULTISITE EVALUATION OF SHOCK INCARCERATION, *supra* note 203, at 3.

recidivism was “at best negligible.”²⁶⁷ The only three states that did have any indication of a reduced recidivism rate were also the only programs that had an intensive supervision aftercare program.²⁶⁸ This suggests that the lower recidivism rates were due to the impact of the aftercare phase and not the military-based residential phase.²⁶⁹

A 2001 national review of boot camp evaluations by MacKenzie, Wilson, and Kidder continues to support these earlier conclusions.²⁷⁰ They reviewed data from forty-four adult and juvenile boot camps and found an almost equal recidivism rate between the camps and the correctional facilities in the comparison group.²⁷¹ The average recidivism rate was 49.4 percent for boot camps versus 50 percent for the correctional alternatives.²⁷² They also found the effectiveness of juvenile boot camps was slightly lower than those of adult boot camps, although the difference was not statistically significant.²⁷³ One major problem with all of these studies, however, was the lack of quality data, particularly with regard to the demographics of the offenders.²⁷⁴ For example, eleven of the forty-four studies did not indicate the gender of the participants, making it difficult to draw conclusions about whether the effect of boot camps differed between males and females.²⁷⁵ All of the samples were identified as juvenile or

The eight states in the study were Florida, Georgia, Illinois, Louisiana, New York, Oklahoma, South Carolina, and Texas. *Id.*

²⁶⁷ *Id.* at 28.

²⁶⁸ *Id.*

²⁶⁹ *Id.* These results also suggest that juveniles in traditional correctional facilities might benefit from aftercare programs. This paper will confine its argument to boot camp participants, however.

²⁷⁰ See *Part II: Research Findings*, *supra* note 14, at 130 (finding the data indicates there is no relationship between boot camp participation and recidivism).

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.* at 134.

²⁷⁴ *Id.* at 133-34 (stating the studies included little data on the characteristics, such as gender and race, of the participants).

²⁷⁵ *Id.* at 133. The adult camps studied generally housed young adults and sometimes included a small percentage of juveniles adjudicated as adults. *Id.*

adult, however,²⁷⁶ so these data problems do not undermine MacKenzie's conclusions. This study is part of a decade of research, beginning with MacKenzie's original study in 1994, that which strongly indicates that juvenile boot camps do not reduce recidivism.

4. Cost Control

Supporters argue that boot camps save money because it costs less to house a participant at a boot camp than at traditional correctional facility. Boot camps in theory are capable of reducing costs if carefully implemented and used as an alternative to traditional confinement.²⁷⁷ As an intermediate sanction, however, there is a danger of net widening with the use of boot camps.²⁷⁸ Net widening occurs when judges impose an intermediate sanction, like boot camp, on juveniles who would not have been otherwise confined.²⁷⁹ Data suggests that net widening is a widespread problem for juvenile boot camps because camps in most states are used as an alternative to probation.²⁸⁰ This can actually increase costs because boot camps are more costly than probation.²⁸¹ Furthermore, many boot camp proponents cite to data compiled from adult facilities as evidence of cost control, but data suggest the shorter sentences for confined juveniles result in lower costs than adults.²⁸²

For example, Los Angeles's boot camp closed within two years of opening due in part to the high cost of running the program.²⁸³ Although implemented to reduce crowding in correctional facilities, data showed boot camp participants were in custody 78 percent longer than non-boot camp

²⁷⁶ *Id.*

²⁷⁷ See Peters et al., *supra* note 38, at 4-5 (listing four conditions that must be met for juvenile boot camps to reduce costs).

²⁷⁸ A "Machiavellian" Perspective, *supra* note 3, at 438.

²⁷⁹ *Id.*

²⁸⁰ Ravenell, *supra* note 134, at 353.

²⁸¹ A "Machiavellian" Perspective, *supra* note 3, at 438 ("[I]ntermediate sanctions become much more costly [than probation] because the additional level of control requires more staff, equipment, and supplies.")

²⁸² Ravenell, *supra* note 134, at 353.

²⁸³ Campbell, *supra* note 56, at 324.

participants.²⁸⁴ In addition, it cost nearly 170 percent more per day to house a boot camp participant than a juvenile in the general prison population.²⁸⁵ Not only did the camp not reduce recidivism, but it was more expensive to run.²⁸⁶ Thus, boot camps have the potential to be more expensive than traditional confinement facilities.

Boot camps have major flaws that prohibit them from effectively fulfilling any of their stated goals. First, they do not effectively rehabilitate participants because the antagonistic military model works against treatment programs such as counseling.²⁸⁷ Aggressive interactions with stressed staff members do not promote lasting positive psychological and behavioral changes.²⁸⁸ Second, although boot camps do punish participants by forcing them to perform physical tasks, these punitive military aspects can endanger participants, putting them at risk of serious injury or even death.²⁸⁹ Considering most juveniles are assigned to boot camp for relatively minor offenses, this risk is hardly a fair punishment.²⁹⁰ Third, over a decade of research shows that boot camps do not reduce recidivism.²⁹¹ MacKenzie's 1994 study and 2001 review concluded its effect on recidivism was negligible to non-existent.²⁹² Finally, boot camps may have the potential to reduce costs if used in place of confinement, but research shows boot camps in most states are used as an alternative to probation.²⁹³ Therefore, as currently implemented, boot camps do not effectively work toward any

²⁸⁴ *Id.* at 324-25. Although Campbell does not explore the reason for this, presumably the length of the boot camp was considerably longer than traditional confinement for most offenses.

²⁸⁵ *See id.* at 325 (stating it cost \$38.25 per day to confine a juvenile in prison but \$64.77 per day for a boot camp participant).

²⁸⁶ *Id.*

²⁸⁷ *See* discussion *supra* Part III.A.1.

²⁸⁸ *Id.*

²⁸⁹ *See* discussion *supra* Part III.A.2.

²⁹⁰ *Id.*

²⁹¹ *See* discussion *supra* Part III.A.3

²⁹² *Id.*

²⁹³ *See* discussion *supra* Part III.A.4.

of these goals.²⁹⁴ There are certain features of boot camps that may help achieve these goals, particularly treatment and aftercare programs, but the military aspects are not among them.²⁹⁵

B. What Really Works: The Importance of Treatment and Aftercare

A key question in juvenile justice is how to effectuate lasting psychological and behavioral changes that will lead to rehabilitation and reduced recidivism.²⁹⁶ In the case of boot camps, a three to six month residential phase simply may not be enough to change a lifetime of behavior.²⁹⁷ That is why treatment programs offered during the program as well as during the aftercare phase are so essential to successful rehabilitation, yet these are the aspects of the boot camp program that are most often overlooked.

Treatment programs include academic education, vocational training, drug treatment, and counseling.²⁹⁸ Research indicates that treatment programs can reduce recidivism if they “target offenders who are at risk for recidivism, are modeled after cognitive-behavior theoretical models and are sensitive to juveniles’ learning styles and characteristics, and address the characteristics of youth directly associated with criminal activity.”²⁹⁹ This suggests participants can benefit from individual plans that address their needs. For example, a juvenile with a history of drug abuse may benefit from different types of programming than a juvenile whose lack of social skills led to his offense. Aftercare programs may be particularly beneficial in addressing a range of problems from drug abuse to academic

²⁹⁴ See discussion *supra* Part III.A.

²⁹⁵ See discussion *infra* Part III.B.

²⁹⁶ See Zimring, *supra* note 1 at 33 (stating the original justification for juvenile courts was rehabilitation).

²⁹⁷ See *id.* (“Program length must be long enough to be able to reverse the ‘cumulative negative experiences’ of the inmates.”)

²⁹⁸ A National Study, *supra* note 15, at 2.

²⁹⁹ *Id.*

performance.³⁰⁰ For example, a study of Florida juvenile boot camps indicated that an academic aftercare program increased academic achievement of participants.³⁰¹

Available data suggests that boot camp participants actually receive less therapeutic programming than those in traditional correctional facilities, however.³⁰² In a 2001 comparison of the environments of both juvenile boot camps and juvenile confinement facilities, MacKenzie discovered some disturbing differences.³⁰³ Boot camps and traditional facilities scheduled approximately the same amount of class time, with an average of 25.3 hours for boot camps and 25.7 hours at confinement facilities.³⁰⁴ The student-to-teacher ratio was much higher at boot camps, however, with a ratio of 10.1 juveniles for every teaching staff member, compared to 6.6 juveniles at confinement facilities.³⁰⁵ Likewise, the ratio of juveniles to treatment staff was nearly twice as high at boot camps: 3.5 to 1 at the boot camps and 1.6 to 1 at confinement facilities.³⁰⁶ Most surprising, only 25.3 percent of boot camp participants took a General Education Development (GED) test within a year, whereas 42.9 percent of traditionally confined juveniles took the test.³⁰⁷ Although not necessarily representative of every juvenile boot camp in operation, this data suggests most participants receive less therapeutic programming and individual attention than do traditionally confined juveniles.

Some may argue, however, that available data does not conclusively support a correlation between treatment

³⁰⁰ See Blair B. Bourque, Mei Han & Sarah M. Hill, A NATIONAL SURVEY OF AFTERCARE PROVISIONS FOR BOOT CAMP GRADUATES 6-10 (National Institute of Justice 1996), *available at* <http://www.ncjrs.gov/pdffiles/aftercar.pdf> (last visited Nov. 25, 2007) (describing aftercare programs in thirteen states).

³⁰¹ Smith, *supra* note 62, at 243.

³⁰² *A National Study*, *supra* note 15, at 9.

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

³⁰⁶ *Id.*

³⁰⁷ *Id.* A slightly higher percentage of boot camp graduates passed than the control group (78.3 percent versus 75.2 percent).

programming and lasting effects on rehabilitation and recidivism.³⁰⁸ For example, in the OJJDP's pilot program, Cleveland's boot camp was designed to have the greatest emphasis on treatment, but it had the worst recidivism rate.³⁰⁹ Furthermore, the 2001 review by MacKenzie, Wilson, and Kidder did not support a correlation between treatment programs and the effectiveness of juvenile boot camps.³¹⁰ Yet, most of the available studies do not account for the inevitable varying quality of the treatment programs.³¹¹ In MacKenzie's 2001 review, her data was limited to whether the boot camps offered such programs.³¹² Even though a boot camp technically offers aftercare, education, vocational training, drug treatment, and counseling, without information about the characteristics and quality of those programs, a correlation should not be ruled out.³¹³ In fact, MacKenzie, Wilson, and Kidder conclude that one reason boot camps are no more effective than the correctional alternatives is because they do not improve on the quality of treatment programs offered in traditional correctional facilities.³¹⁴

Most scholars also agree that an appropriate aftercare program is essential to the success of boot camps.³¹⁵ Although the term "aftercare" arguably invokes an image of benevolent caseworkers helping participants transition back into the community, this is not the reality of most boot camp aftercare programs.³¹⁶ Most boot camps that use an aftercare program

³⁰⁸ See, e.g., *Part II: Research Findings*, *supra* note 14, at 135-36, 138 (finding available data did not support a correlation between treatment programs and boot camp effectiveness).

³⁰⁹ Peters et al., *supra* note 38, at 14, 22.

³¹⁰ *Part II: Research Findings*, *supra* note 14, at 135-36, 138.

³¹¹ *Id.*

³¹² *Id.* at 138. The review coded and analyzed six boot camp characteristics: aftercare, academic education, vocational education, drug treatment, counseling, and manual labor. *Id.*

³¹³ *Id.* at 138-39.

³¹⁴ *Id.* at 139.

³¹⁵ See, e.g., Campbell, *supra* note 56, at 323 ("Key to the success of boot camp programs is reintegration into the community.")

³¹⁶ Jeanne B. Stinchcomb, *From Optimistic Policies to Pessimistic Outcomes: Why Won't Boot Camps Either Succeed Pragmatically or Succumb Politically?*, REHABILITATION ISSUES, PROBLEMS, AND

emphasize monitoring and surveillance of the participants.³¹⁷ Like other aspects of the boot camp, aftercare can vary widely depending on the facility.³¹⁸ For example, New York implemented a “shock parole” aftercare program consisting of employment, drug treatment, and counseling opportunities.³¹⁹ The officers assigned to this program have a lighter caseload than officers overseeing regular parolees, with two “shock parole” officers assigned to every thirty graduates.³²⁰ Florida’s successor to its boot camp program, STAR, likewise incorporates aftercare.³²¹ In Pinellas County, staff members stay in contact with participants for six months, developing “quasi-mentor relationships” to keep tabs on school attendance and behavior.³²² Although the program is too new to see any effects the aftercare program may have, administrators are optimistic this six month follow up program will reduce recidivism.³²³

Mere supervision may not be enough to rehabilitate juveniles and reduce recidivism, however. Studies suggest that most aftercare programs are currently modeled after supervised probation and do not focus on rehabilitative programs for participants.³²⁴ Research suggests that closely supervised probation programs have a strong correlation with higher recidivism rates.³²⁵ Therefore, administrators should

PROSPECTS IN BOOT CAMPS 41 (Brent B. Benda & Nathaniel J. Pallone eds., 2005).

³¹⁷ *Id.*

³¹⁸ *See* Bourque, *supra* note 296, at 6-10.

³¹⁹ Nix, *supra* note 5, at 19.

³²⁰ *Id.* Unfortunately, the author could not find any data regarding the success of the aftercare program.

³²¹ Ave, *supra* note 187, at 1B.

³²² *Id.*

³²³ The sheriff in charge of the program believed the old boot camp model failed because of a lack of aftercare. Under the old regime, a study found 90 percent of boot camp participants were re-arrested. *See id.* (stating 666 of 740 boot camp participants were later arrested).

³²⁴ Stinchcomb, *supra* note 311, at 41. These supervision programs are probably easier to implement and less costly than offering treatment programs.

³²⁵ *Id.*

put thought and resources into aftercare programs that provide rehabilitative programs tailored to individual needs.

Despite inconclusive data regarding boot camp treatment programming and aftercare, these programs offer the best hope for rehabilitating juveniles and reducing recidivism. The current boot camp model does not effectively offer treatment programs to its participants in either quantity or quality.³²⁶ The military model may in fact work against any treatment offered during the residential phase.³²⁷ For example, counseling sessions to reduce aggressive behavior seem at odds with the aggression and intimidation used by the drill instructors. Therefore, although treatment and aftercare can be very important to rehabilitating juveniles and reducing recidivisms, these programs are best administered without the military model.

C. Beyond Recidivism to Warm Fuzzy Feelings: Other Benefits of Boot Camps?

If, as argued, boot camps do not effectively rehabilitate juveniles, do not fairly punish participants, do not reduce recidivism, do not reduce costs, and do not provide adequate treatment or aftercare programs, logically, boot camps should be abandoned. Nevertheless, supporters claim that even if the above arguments are true, boot camps may still have merit.³²⁸ Proponents often argue that boot camps can be extremely beneficial to a narrow segment of juvenile offenders, if that segment could just be identified.³²⁹

³²⁶ See discussion *supra* Part III.A.1.

³²⁷ *Id.*

³²⁸ See, e.g., MULTISITE EVALUATION OF SHOCK INCARCERATION, *supra* note 203, at 16-20 (discussing boot camp participants' positive attitude toward their environment).

³²⁹ For an extensive study and discussion of the benefits of boot camps over correctional alternatives for Native American youth, see Angela R. Glover, *Native American Ethnicity and Childhood Maltreatment as Variables in Perceptions and Adjustments to Boot Camp vs. "Traditional" Correctional Settings*, REHABILITATION ISSUES, PROBLEMS, AND PROSPECTS IN BOOT CAMPS, 177-93 (Brent B. Benda and Nathaniel J. Pallone eds., 2005).

Studies do indicate juvenile boot camp participants have a more positive attitude about boot camps than control groups in traditional detention centers.³³⁰ MacKenzie and three other researchers conducted a study of staff and participant perceptions of juvenile boot camps in 1996.³³¹ They surveyed twenty-seven boot camps³³² and twenty-two comparison facilities across the country.³³³ The study found boot camp participants overall perceived their environment more favorably than the control group with one exception.³³⁴ Boot camp participants more frequently stated they were in danger from the staff.³³⁵ Interestingly, the staff surveys revealed boot camp staff members were less likely to believe that participants were exposed to danger from their environment, their peers, and the staff than those who worked in a correctional facility.³³⁶ This disparity in the perception of safety between the participants and those of the staff is concerning in light of recent boot camp deaths. It also questions whether a participant will be receptive to lasting psychological and behavioral changes when he or she feels threatened by the staff.

MacKenzie's 1996 study also indicated that although boot camp participants had slightly higher initial levels of anxiety than those in the control group, this anxiety decreased over a period of time.³³⁷ Both groups experienced "a

³³⁰ See, e.g., MULTISITE EVALUATION OF SHOCK INCARCERATION, *supra* note 203, at 16-20 (finding in the 1994 Multisite Evaluation of Shock Incarceration that boot camp participants' attitudes toward their environment became more positive over time compared to traditional correctional control group).

³³¹ *A National Study*, *supra* note 15, at 3.

³³² MacKenzie and her team identified forty-six eligible boot camp programs, but only twenty-seven agreed to participate in the study. *Id.* Because such a large percentage opted not to participate, it is possible this study may not be completely representative of the juvenile boot camp experience.

³³³ *Id.* Although the participating boot camps were only in twenty states, MacKenzie states they were geographically representative. *Id.*

³³⁴ *Id.* at 5.

³³⁵ *Id.*

³³⁶ *Id.* at 6.

³³⁷ *Id.*

weakening in their social bonds to family, school, and work” during the boot camp or detention.³³⁸ This may be due in part to strict rules regarding visitation, as boot camps generally allow fewer visitations than correctional facilities.³³⁹ In MacKenzie’s 2001 study of juvenile perceptions of the boot camp environment, over half of the participating boot camps did not allow any visitation during the first month of the residential phase.³⁴⁰ Seventeen percent prohibited all visits during the entire program.³⁴¹ Boot camp participants were also allowed fewer phone calls than the control group.³⁴² These results suggest boot camp participants are more socially isolated than traditionally confined juveniles. If the graduates experienced months of relative isolation while in the program, it may be more difficult for them to re-integrate into their communities than juveniles who were allowed more frequent visitations and phone calls.³⁴³

Boot camp participants did report feeling less impulsive and less anti-social than the detained juveniles.³⁴⁴ Despite these positive feelings during the boot camp, the study produced little evidence that this perception led to permanent behavioral changes or reduced recidivism.³⁴⁵ The study also concluded participants’ favorable perceptions may be due to the fact that life at boot camp is more structured than at a correctional facility.³⁴⁶ Selection bias may have also influenced the survey results.³⁴⁷ Surveyed boot camp participants generally had fewer preexisting psychological problems and had committed less serious offenses than the control group.³⁴⁸ Furthermore, 25 percent of the boot camps in the survey required participants to volunteer for the

³³⁸ *Id.* at 7.

³³⁹ *Id.* at 10.

³⁴⁰ *Id.*

³⁴¹ *Id.*

³⁴² *Id.*

³⁴³ *See id.* at 7.

³⁴⁴ *Id.* at 7.

³⁴⁵ *Id.*

³⁴⁶ *Id.* at 8.

³⁴⁷ *Id.*

³⁴⁸ *Id.* at 7.

program.³⁴⁹ Even disregarding the limitations of this study, its conclusion that participants perceived boot camps as “more caring and just” and “more therapeutic” than juveniles in traditional facilities does not justify the continued operation of boot camps.³⁵⁰ There is no evidence that these positive perceptions last past the residential phase, and the study also concluded that “boot camps appear to lack the necessary focus on incorporating components of effective therapy.”³⁵¹

Finally, one disturbing finding from this study was that few of the participating boot camps had any information about participants after they completed the residential phase.³⁵² As argued above, the aftercare phase is critical to rehabilitation.³⁵³ Ideally, the aftercare should include programs designed to actively rehabilitate graduates and not merely supervise them. MacKenzie’s study suggests that the participating boot camps did not even supervise their graduates.³⁵⁴ The three to six month residential phase alone is probably not enough to effectuate lasting change in the juvenile participants, and without any further contact, boot camps have little hope of rehabilitating them or reducing recidivism. Even if the participants have mostly positive perceptions of the boot camp during the residential phase, there is little evidence that these positive attitudes lead to any real results after the program ends.³⁵⁵ Because boot camps do not effectively achieve any of their four goals,³⁵⁶ do not offer adequate treatment and aftercare programs, and do not lead to lasting psychological or behavioral changes,³⁵⁷ they should be abandoned in favor of other alternatives that eliminate the military model.

³⁴⁹ *Id.*

³⁵⁰ *Id.* at 11.

³⁵¹ *See id.* (stating that selection bias and differences in the facilities’ policies, procedures, and daily schedules may have influenced perceptions).

³⁵² *Id.*

³⁵³ *See discussion supra* Part III.B.

³⁵⁴ *A National Study, supra* note 1553, at 11.

³⁵⁵ *Id.*

³⁵⁶ *See discussion supra* Part III.A.

³⁵⁷ *See discussion supra* Part III.

IV. What's Promising: Developing Alternatives to Boot Camp

In the years following the growth of juvenile boot camps, many states developed other intermediate sanctions.³⁵⁸ Two potentially successful models are intensive supervision programs, such as the Detention Diversion Advocacy Program in San Francisco, California³⁵⁹ and vocational apprenticeship programs, like the Boatbuilding Apprenticeship Program in Alexandria, Virginia.³⁶⁰ These programs remove the military aspects of boot camps while keeping other features like close interactions with adult role models, education, counseling, vocational training, and aftercare.³⁶¹ They show it is possible to offer both discipline and rehabilitation, thus providing juveniles with an opportunity to change their lives around.

A. San Francisco: Detention Diversion Advocacy Program

San Francisco's Detention Diversion Advocacy Program ("DDAP") is an intensive supervision program using a case management model.³⁶² It incorporates rehabilitative treatments tailored to the specific needs of the juvenile, such as tutoring, drug counseling, and family counseling.³⁶³ Case managers design an individual plan that includes a list of specific community services and objectives.³⁶⁴ While in the program, juveniles live at home or an appropriate alternative site in the community.³⁶⁵ They have daily contact with their

³⁵⁸ See, e.g., Randall G. Shelden, *Detention Diversion Advocacy: An Evaluation*, JUVENILE JUSTICE BULLETIN, Sept. 1999, at 5-6, available at <http://www.ncjrs.gov/pdffiles1/ojdp/171155.pdf> (last visited Nov. 25, 2007); Alexandria Seaport Found., *Boatbuilding Apprentice Program: The Program*, 2003, <http://alexandriaseaport.org/apprentice04.htm> (last visited Nov. 25, 2007).

³⁵⁹ See Shelden, *supra* note 351, at 5-6.

³⁶⁰ *Hope Floats at Seaport Foundation* (CBS Evening News Oct. 23, 2006), <http://www.cbsnews.com/stories/2006/10/23/eveningnews/main2116790.shtml> (last visited Nov. 25, 2007).

³⁶¹ See discussion *infra* Part IV.A-B.

³⁶² See Shelden, *supra* note 351, at 5-6.

³⁶³ *Id.* at 5.

³⁶⁴ *Id.*

³⁶⁵ *Id.*

case managers and meet in-person at least three times a week.³⁶⁶ A 1997 study conducted by the Youth Guidance Center in San Francisco indicates that DDAP does reduce recidivism.³⁶⁷ In one study, the recidivism rate of DDAP participants was significantly less than that of the comparison group.³⁶⁸ For many groups of participants, the recidivism rate was reduced at least by half for DDAP.³⁶⁹ These initial results are very encouraging. It shows that therapeutic programming can affect juveniles even without the military model. This supports the argument that the “breaking down” nature of the boot camp model is unnecessary.

B. Alexandria, VA: Boatbuilding Apprentice Program

Another model is the Alexandria Seaport Foundation’s Boatbuilding Apprentice Program in Alexandria, Virginia.³⁷⁰ Although it is independent from the juvenile justice system, the Apprentice Program offers a promising solution to keep juveniles out of the system.³⁷¹ The program lasts six months and is offered twice a year with a cap of ten participants per session.³⁷² The apprentice program started in 1993, and through 2006, 250 juveniles have participated.³⁷³ It targets local disadvantaged drop-outs between the ages of 16 and 21.³⁷⁴ Apprentices spend the first two months of the program

³⁶⁶ *Id.*

³⁶⁷ *Id.* at 6, 11.

³⁶⁸ *Id.*

³⁶⁹ *Id.* The study compared recidivism rates for low risk and high risk juveniles. The total recidivism rate for low risk DDAP participants was 31.4 percent versus 62.7 percent for the control group. For high risk juveniles, DDAP’s recidivism rate was 32.8 percent versus 58.4 percent for the control group. Most encouraging, comparing the rate of serious recidivism for low risk juveniles, the rate for DDAP was 13.3 percent compared to 49.1 percent for the control group. *Id.*

³⁷⁰ *See Hope Floats, supra* note 360.

³⁷¹ *See The Program, supra* note 351.

³⁷² *Id.*

³⁷³ *See Hope Floats, supra* note 360.

³⁷⁴ *See Alexandria Seaport Found., Boatbuilding Apprentice Program: Our Apprentices*, 2003, <http://alexandriaseaport.org/apprentice03.htm>.

working in the workshop building boats.³⁷⁵ Then for the next four months, participants spend part of their day building boats and part of their day in class where they receive intensive tutoring in math, science, and English.³⁷⁶ Juveniles are paid \$6.50 an hour for their work.³⁷⁷ The goals for every participant are to graduate with a GED, a driver's license, a car, and a job, usually with a carpenter's union.³⁷⁸

The apprentice program also provides structure for the juveniles without the use of physical force.³⁷⁹ For example, if a participant is late, he or she only receives minimum wage for that day's work.³⁸⁰ Juveniles are fired if they have three violations within two weeks.³⁸¹ Despite these strict rules, 75 percent of participants complete the apprenticeship.³⁸² Even more illustrative of the success of the program, 75 percent graduate with a GED and membership in a carpenter's union.³⁸³ The apprentice program seems to provide a much more positive relationship with the administrators and staff than a traditional boot camp.³⁸⁴ The staff is composed of six adult staff and two daily volunteers and work closely with the juvenile participants.³⁸⁵ They also provide real life assistance in getting a checking account and a driver's license.³⁸⁶ Thus, the apprenticeship seems to encourage positive changes in the participants' lives beyond the length of the program.

³⁷⁵Alexandria Seaport Found., *Boatbuilding Apprentice Program: Learning*, 2003, <http://alexandriaseaport.org/apprentice06.htm>.

³⁷⁶ See *Hope Floats*, *supra* note 360; *Learning*, *supra* note 375.

³⁷⁷ See *Hope Floats*, *supra* note 360.

³⁷⁸ See *The Program*, *supra* note 351.

³⁷⁹ *Hope Floats*, *supra* note 360.

³⁸⁰ *Id.*

³⁸¹ *Id.*

³⁸² *Id.*

³⁸³ *Id.*

³⁸⁴ See *The Program*, *supra* note 351.

³⁸⁵ *Id.*; see also *Hope Floats*, *supra* note 360 (describing the relationship with the volunteer staff as “[t]he young hair gets to rub up against the grey hair”).

³⁸⁶ See *The Program*, *supra* note 351.

C. Lessons from Boot Camp Alternatives

These types of alternative programs should not be perceived as a silver bullet for juvenile crime. It is unclear if the apprenticeship program could be successfully copied for a large number of cities. A number of factors such as the features of Alexandria and the juvenile participants themselves may affect the positive completion statistics. This type of program might not succeed in a larger city with a more serious crime problem like Los Angeles. San Francisco's intensive supervision program may be a more practical model for a larger number of locales. Furthermore, these alternative programs house a smaller number of juveniles in comparison to boot camps, particularly the apprentice program. This small group of participants may help the programs' success, however. Certainly for the individuals that bettered their lives through the Boatbuilding Apprentice Program, this matters little. It is also unclear if the same juveniles now sent to boot camps would instead attend these alternative programs, or if judges would confine them instead. This would likely depend on the jurisdiction. By offering more treatment programs and individualized attention, these alternative programs may also be more costly than boot camps. Despite these concerns, the more constructive lesson is that it is possible to combine the best features of boot camps while taking out the military aspects; and the results seem promising. More research is necessary to determine the lasting effects of programs like these, especially on recidivism, but it appears to be a potential avenue.

V. Conclusion

In its 1997 report to Congress, the NIJ categorized twenty-three programs as not working, fifteen programs as working, and thirty programs as promising.³⁸⁷ With so many

³⁸⁷ Sherman, *supra* note 148, at 1, 7, 10. The NIJ classified programs that work for specific targets. For example, for older male ex-offenders, vocational training works. High-risk repeat offenders benefited from monitoring by specialized police units and incarceration. Four programs worked in schools: organizational development for innovation, communication and reinforcement of clear, consistent norms, teaching of

programs that evidence has shown to have prominent success among its participants, there is no reason to spend further resources on a program that evidence has strongly suggested does not work. Over a decade of research clearly suggests that the military model does not successfully rehabilitate juveniles, does not fairly punish participants, does not reduce recidivism, and does not reduce costs. Instead of promoting lasting positive psychological and behavior changes in juveniles, the military model may actually subvert rehabilitation efforts. The military boot camp model should therefore be eliminated. Resources should instead go to programs that utilize the best aspects of the boot camp, particularly treatment and aftercare programs, without using the military model.

In a decade, perhaps scholars will also criticize programs like the DDAP and Boatbuilding Apprentice Programs. For now, it is better to fund and study these alternative programs than to continue expending resources on a type of program that is increasingly proven not to work. The DDAP especially seems to have great potential. Contrary to the research concerning boot camps, the Youth Guidance Center study indicates DDAP has successfully reduced recidivism in San Francisco.³⁸⁸ This program seems to have the potential to succeed in a wide variety of locales due to the individualized nature of the case management model. DDAP should be expanded to enable further study of its affect on recidivism and other measures of success. Boot camps, however, should be scaled back and eventually closed. The era of the juvenile boot camp is over. Now it is up to policymakers to admit boot camps will never live up to their initial promise because of flaws inherent in its model. Clinging to false hope will only harm those that the juvenile justice system strives to protect.

social competency skills, and coaching of high-risk youth in “thinking skills.” *Id.* at 1.

³⁸⁸ See Shelden, *supra* note 351, at 11.