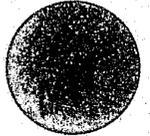


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# Evaluation of the Habitual Serious and Violent Juvenile Offender Program

Final Report

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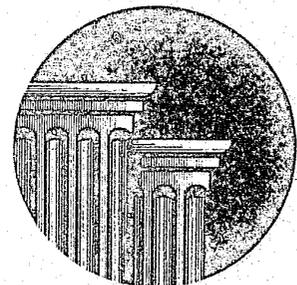
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National Institute for Juvenile Justice and Delinquency Prevention/U.S. Department of Justice

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Washington, DC 20007  
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# Evaluation of the Habitual Serious and Violent Juvenile Offender Program

Final Report

113561

U.S. Department of Justice  
National Institute of Justice

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## ACKNOWLEDGEMENTS

This report would not exist without the contributions of dozens of project staff, police, prosecutors, probation and correctional officers, judges, and court clerks who participate in the juvenile justice process at the 13 sites that implemented the Habitual Serious and Violent Juvenile Offender Program. They freely shared their time, their files, and most important, their insights throughout our three years of effort.

We are particularly indebted to the four jurisdictions whose activities and results are described in detail in this report -- Miami, Milwaukee, Seattle, and Washington, D.C. Staff and other justice officials at each site contributed countless hours of effort in helping us to establish the criteria we would use to select our samples for study, locate and interpret the files that we required, and review the results. They made the time we spent at each location as productive and pleasant as anyone could have hoped.

We would especially like to acknowledge the elected prosecutors and the project directors at each of these sites: in Miami, the Honorable Janet Reno, State Attorney for the Florida 11th Circuit, and Shay Bilchik, Deputy Chief Assistant of Administration; in Milwaukee, the Honorable E. Michael McCann, District Attorney for Milwaukee County, and Herman B. John, Deputy District Attorney; in Seattle, the Honorable Norm Maleng, King County Prosecuting Attorney, and Gail Harrison, former Juvenile Section Office Administrator; and in Washington, D.C., the Honorable Frederick Cooke, Jr., Corporation Counsel of the District of Columbia, Paul Buxbaum, former Assistant Corporation Counsel, and Patricia Howard, Assistant Corporation Counsel. Others who were particularly helpful to us during data collection were: Jack Richardson, Ellen Skidmore, David McGriff, Alan Feigelman, and Don Purce in Miami; Gil Sullivan, Kari Gesteland, Marcy Lyons, and Lois Cummons in Milwaukee; Roy Lazelle, Lisa Werlech, and Darryl Bramall in Seattle; and Natalie Nash, Steward Mitchell, and Marlene Carpenter in Washington, D.C.

We would also like to express our appreciation to the members of our Advisory Board, Steve Cohen, Juvenile Division Chief, Office of the State's Attorney for Baltimore City, Robert Figlio, Research Director, Center for Studies in Criminology and Criminal Law, University of Pennsylvania, and Malcolm Klein, Chairman of the Department of Sociology, University of Southern California, for their helpful suggestions at several junctures in the evaluation; to Charles A. Murray, for serving as advisor and consultant at various points in our work; and to an anonymous reviewer retained by the Office of Juvenile Justice and Delinquency Prevention for some informative comments on a draft of this report.

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Finally, we would like to thank Barbara Tatem Kelley and Richard Sutton of OJJDP, who served as program monitors during various phases of the evaluation effort, and Ben

Shapiro, also of OJJDP, who monitored the efforts of the HSVJOP projects. We deeply appreciate their commitment to the quality of the evaluation and their assistance at numerous points throughout our efforts.

All of the above notwithstanding, the authors alone are responsible for the data, analyses, results, and conclusions contained in this report. Points of view or opinions expressed do not necessarily represent the official position or policies of the U.S. Department of Justice.

## EXECUTIVE SUMMARY

### Background

The Habitual Serious and Violent Juvenile Offender Program (HSVJOP) was inaugurated in 1984 by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the United States Department of Justice. Its purpose was to provide selective prosecution and treatment of serious, repetitive juvenile offenders.

Modeling itself partly after career criminal programs developed for prosecution of adult chronic offenders, the HSVJOP approach called for the assignment of experienced prosecutors to serious juvenile cases, vertical prosecution (that is, one prosecutor to handle each case from start to finish), accelerated prosecution, and limits on plea and sentence bargaining. The initiative also called for improved notification, consultation, and assistance for victims of these chronic offenders, and encouraged greater use of victim impact statements. On the correctional side, the programs were to incorporate special services, including enhanced diagnostic assessment, planning for treatment, and continuous case management for the offenders.

The program was designed for youth with at least one prior adjudication for a serious offense and a current charge involving a serious felony such as residential burglary, robbery, aggravated assault, sexual assault, or murder. Each project established its own selection criteria within these general guidelines.

The two-year program was implemented by prosecutor's offices in 13 jurisdictions nationwide, ranging in population from 460,000 to over five million. The American Institutes for Research (AIR), with the support of the National Institute for Juvenile Justice and Delinquency Prevention, conducted a three-year evaluation of HSVJOP. This report describes the results of our intensive evaluation of project performance in four of the participating jurisdictions -- Miami, Milwaukee, Seattle, and Washington, D.C.

An earlier report<sup>1</sup> describes the implementation process at all 13 sites and presents a comprehensive description of the types of the cases and offenders handled by each, the characteristics of the jurisdictions that hosted the program, and the reactions of local staff and observers.

Compared to the full set of 13 jurisdictions that implemented HSVJOP, the four sites selected for intensive study were average to above average in size and tended to have selection criteria that were more stringent than the typical project. Each jurisdiction had a juvenile prosecution unit consisting of several attorneys, but only one (Washington, D.C) had experimented with systematically targeting serious offenders in the past. On average, these four sites were somewhat less successful in achieving vertical prosecution, and unlike several of their counterparts, none included an investigator as part of its staff. In other respects, the sites provided a good cross-section of the participants in the HSVJOP initiative. They were demographically diverse and presented a variety of statutory and procedural environments for the program. Since the federal funding expired, three of the four sites have institutionalized part or all of the prosecution and victim-witness assistance components and one picked up the correctional component. In this, the four sites also were typical of their counterparts at other sites. In general, the HSVJOP correctional program had been slow getting started, sometimes difficult to integrate with the prosecution services, and often too small to serve all of the eligible offenders.

In each of these four jurisdiction, we examined the effects of the project on the decision to file charges, case processing, and case outcomes. The study used a multiple cohort design, which permitted comparisons between cases processed during a baseline and a program period, and between target cases prosecuted by project attorneys and by other attorneys in the office. The cases compared across time periods were of two types, habitual offender cases that met the project's official criteria ("qualifiers") and non-habitual offender cases ("nonqualifiers") that did not. Changes over time and

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<sup>1</sup>Roberta C. Cronin, Blair B. Bourque, Jane M. Mell, Frances E. Gragg, and Alison A. McGrady. Evaluation of the Habitual Serious and Violent Juvenile Offender Program: Interim Report, Year 2. Washington, D.C.: American Institutes for Research, 1987. An Executive Summary of the interim report was published by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in January 1988 (NCJ 105230).

between project and nonproject cases were examined using both bivariate and multivariate statistical techniques.

## Findings

Depending on the site, we found that from one-fourth to nearly one-half of the cases eligible for the project actually were prosecuted by other attorneys in the juvenile division. The most plausible explanations are that the projects sometimes used additional subjective criteria to control caseloads and rule out cases of borderline seriousness, and/or that the screening procedures were flawed.

However, project handling made a significant difference for those cases that were exposed to it. The effects of project handling on various performance measures are summarized in Table 1. The data indicate that project intervention had an effect on each of the following:

### The Filing Decision

- Changes in the number of charges referred by the police (Miami, less likely to increase the number of charges; Milwaukee, more likely to increase the number of charges).
- Increases in the seriousness of the top charge referred by police (Miami).

### Case Processing

- Increased vertical prosecution (all sites).
- Speedier disposition times (Milwaukee, Seattle).
- Decreases in continuances by the defense (Milwaukee).

### Case Findings

- Changes in the proportion of transfers to adult court (decreases in Miami, increases in Milwaukee).
- Higher conviction rates (Miami, Seattle, Washington, D.C.).
- Lower dismissal rates (Seattle, Washington, D.C.).
- Increased convictions on the top charge, for all cases and for cases resolved by plea (Miami, Seattle).

### Sentencing

- Increased correctional commitments (all sites).

Table 1. Summary of Relationships Between Project Prosecution and Case Process and Outcome Variables<sup>1</sup>

	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>
<u>Decision to File</u>				
Proportion of cases filed	0	0	0	0
Filed more charges	-	+	0	0
Filed higher top charge	+	0	0	0
<u>Case Processing</u>				
Number of case events	0	0	0	0
Proportion of trials	0	0	0	0
Number of state continuances	+2	0	0	0
Number of defense continuances	0 <sup>2</sup>	-	0	0
Number of continuances by all parties	0 <sup>2</sup>	0	0	0
Vertical prosecution 1st thru final event	0 <sup>2</sup>	+	+	+2
Vertical prosecution 2nd thru final event	+2	+	+	+2
Speed of prosecution	0	+	+	0
<u>Transfers to Adult Court</u>				
Waivers	0	+	0	NA
Direct Files	-	NA	NA	NA

<sup>1</sup>Unless otherwise indicated, all findings reported are based on multivariate analyses.

Table 1. (continued). Summary of Relationships Between Project Prosecution and Case Process and Outcome Variables

	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>
<u>Findings</u>				
Dismissals	0	0	-	-
Convictions	+	0	+	+
<u>Conviction Strength</u>				
Convictions on Top Charge	+	0	+	0
Convictions on Top Charge, by Trial	0	0	0	0
Convictions on Top Charge, by Plea	+	0	+	0
<u>Sentences</u>				
Correctional Commitments	+	+	+	+
Correctional or Detention Commitments	NA	NA	+	NA
<u>Sentence Length</u>				
Corrections	NA	0	0	0
Probation	NA	0	0	0

Key: + Project handling is associated with an increase  
 0 No association with project handling  
 - Project handling is associated with a decrease  
 NA = Not Available

Footnotes

1. Unless otherwise indicated, all findings reported are based on multivariate analyses.
2. Based on bivariate analysis only, because there were insufficient data for multivariate analyses.

No effects on the decision to accept cases for prosecution, the proportion of cases resolved by trial, or sentence length were observed. A relationship between project prosecution and increased state continuances was observed in the bivariate analyses for one site (Miami), but could not be examined with multivariate techniques because of small sample sizes.

Looking at individual sites:

- In Miami, there is some evidence that the project affected nearly all categories of case outcomes -- transfers to adult court, convictions, conviction strength, and correctional sentences. The exception is dismissal rates. Project handling also is associated with some changes in filing decisions. Aside from increases in vertical prosecution and a possible increase in state continuances, the other aspects of the prosecution process are unaffected.
- The Milwaukee project is associated primarily with two types of outcomes -- increases in transfers to adult court and the imposition of more correctional sentences. At the point of filing, the number of charges was more likely to be increased in project cases. Project cases also reached disposition earlier, involved fewer defense continuances, and were more likely to be vertically prosecuted.
- In Seattle, the effects on outcomes are similar to Miami's with a couple of exceptions. Seattle's efforts had no effect on adult transfers (nor intended any), but Seattle did reduce dismissal rates. As for the prosecution process, both vertical prosecution and disposition speed increased.
- Finally, the Washington, D.C. project is associated with higher conviction rates and lower dismissal rates, as well as more correctional sentences. Except for increases in vertical prosecution, changes in the process measures were not observed.

While the case processing characteristics that we measured -- number of charges filed, vertical prosecution, speed of disposition, and number of continuances -- are linked to successful prosecution in some locations, they alone do not account for the projects' effects on case findings and sentences. Data collected for earlier reports suggest that the involvement of more experienced attorneys, the quality of case

preparation, the quality of information presented at sentencing, and additional victim/witness support also may have played a significant role.

## Conclusions

From the research findings detailed in this report, as well from data on the implementation process that are documented more completely in the earlier report, we offer the following conclusions:

- Prosecutor's offices can successfully implement programs to target youth defined as habitual serious and violent juvenile offenders.
- Key elements of targeted prosecution programs include the involvement of more experienced prosecutors, increased resources for case preparation, continuity of prosecution in serious cases, and greater interaction with victims and witnesses.
- In some locations, targeted prosecution programs can result in speedier prosecution of habitual, serious juvenile offender cases.
- In some locations, targeted prosecution programs can reduce the use of plea bargaining in habitual, serious juvenile offender cases.
- Targeted prosecution programs can produce different findings and sentences -- especially more convictions and more correctional sentences -- in cases that involve habitual, serious juvenile offenders.
- Mechanisms for screening and identifying cases appropriate for targeted prosecution should receive careful attention during program design and implementation.
- Linking targeted prosecution projects together with special correctional efforts for the youth they prosecute, while an appealing notion in theory, faces obstacles in practice.

The limitations of these findings and conclusions are discussed in detail in the final chapter of the report.

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## I. INTRODUCTION

In 1984, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) inaugurated a new initiative for reducing habitual, serious delinquency. The initiative, known as the Habitual Serious and Violent Juvenile Offender Program (HSVJOP), focused on the selective prosecution and treatment of youth who are assumed to commit a disproportionate share of juvenile crimes.

Fueled by concern about the inadequacy of the juvenile justice system's response to serious, repetitive offenders, the initiative traced part of the problem to the absence of swift, certain prosecution and to inconsistent sanctioning and treatment. Adapting elements of the Law Enforcement Assistance Administration's Career Criminal Program for adult offenders, OJJDP proposed to hold young habitual offenders more accountable for their actions, by intensifying prosecutorial efforts directed toward them. In addition, the initiative aimed to enhance rehabilitative efforts for youth adjudicated under the program and to better serve the victims and witnesses involved in their cases.

The two-year program was announced in September 1983.<sup>1</sup> At that time, applications were invited from state and local prosecutors in jurisdictions with a high incidence of serious and violent crime. Of the 30 prosecutor's offices that responded, 13 were selected to receive first-year awards ranging from \$234,899 to \$300,000. The grantees were: in Cambridge, Massachusetts, the Office of the Middlesex County District Attorney; in Camden, New Jersey, the Camden County Prosecutor's Office; in Chicago, the Cook County State's Attorney's Office; in Denver, the Office of the Denver District Attorney; in Indianapolis, the Marion County Prosecutor's Office; in Jacksonville, Florida, the City of Jacksonville State's Attorney's Office; in Las Vegas, the Clark County District Attorney's Office; in Miami, the Office of the State Attorney; in Milwaukee, the Milwaukee County District Attorney's Office; in Philadelphia, the City of Philadelphia District Attorney's Office; in Providence, Rhode Island, the State Department of the Attorney General; in Seattle, the King County Prosecutor's Office; and in Washington,

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<sup>1</sup>Federal Register, Vol. 48, No. 185, September 22, 1983, pp. 43238-43242. We will refer to this as the "program announcement" in subsequent sections.

D.C., the Office of the Corporation Counsel for the District of Columbia. The awards were made in late May and June 1984, and all projects began processing cases by October 1, 1984. Most projects had a full two years in operation by the time federal funds terminated.

The specific objectives of the program were to:

- provide expeditious prosecution and treatment of juveniles with patterns of repetitive, serious delinquent behavior;
- reduce the number of pre-adjudicatory decisions made without knowledge of the juvenile's delinquent history;
- reduce pre-trial, trial, and dispositional delays;
- restrict or eliminate charge or sentence bargaining;
- reduce dismissals for reasons other than the merits of the case; and
- develop treatment and rehabilitative initiatives to foster reintegration into society.<sup>2</sup>

In the program announcement, OJJDP identified both the elements that were to be included in each project and the types of youth for whom the program was intended. The list of program elements was lengthy and quite specific. The prosecutorial elements were to include:

- the development of criteria and procedures for screening habitual and serious offender cases;
- the assignment of experienced prosecutors to targeted cases;
- vertical prosecution (that is, one prosecutor should handle a case throughout the judicial process);
- a policy of limited or no charge and sentence bargaining;
- enhanced coordination with victims and witnesses and notification at each critical stage of the process; and
- state representation at all critical stages in the process.

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<sup>2</sup>Op. cit., p. 43239.

Similarly, program elements were spelled out for victim-witness, court, and correctional activities. Victims were to be informed of available services and compensation programs and consulted on scheduling and on plea negotiations. They were to be encouraged to inform the court in writing and in person of the crime's impact on them. The court elements were to include priority docketing for target cases and timely, complete predisposition reports. Minimum correctional elements were to include enhanced and individualized diagnostic assessment and treatment planning, as well as "utilization of the concept of continuous case management to ensure individualized advocacy and care for each youth, continuity of treatment, and a primary focus on community reintegration."<sup>3</sup>

The guidelines for the types of offenders to be processed under the program were flexible. While the announcement referred to offenders who "frequently commit robbery, first degree burglary, forcible sexual offenses, aggravated assault, and recidivist homicide," jurisdictions were to propose their own specific threshold criteria. At a minimum, however, the targeted juveniles were to have one prior adjudication for a serious offense. Because of restrictions in OJJDP's own authorizing legislation, grantees would not be allowed to use the OJJDP funds to prosecute juveniles in adult court, even if the state statutes would permit such prosecution.

### The Evaluation

In September 1984, the American Institutes for Research (AIR) received a grant from the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP's research arm, to evaluate HSVJOP.

The evaluation had two major components -- a process evaluation designed to describe the implementation of the program at participating sites, and an outcome evaluation designed to determine whether these projects "worked" in the sense of making real differences in the verdicts or the sentences that were imposed in cases involving habitual, serious offenders.

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<sup>3</sup>Ibid.

The first evaluation component encompassed all 13 projects that received awards from OJJDP and resulted in a comprehensive description of the projects in action, based on nearly two years of operational experience. An interim report, which was issued in February, 1987, describes the characteristics and outcomes of cases handled by HSVJOP attorneys, using data obtained from a management information system.<sup>4</sup> The report also includes assessments of HSVJOP by project staff and observers, and interim recommendations concerning promising operational strategies.

The second evaluation component, the assessment of outcomes, is the subject of this report. It focuses on four of the sites -- Miami, Milwaukee, Seattle, and Washington, D.C. For each of these sites, we collected data describing case processing and outcomes, as well as the characteristics of the offenders involved, during a "program" and a "baseline" period.

- The program period for purposes of our data collection<sup>5</sup> consisted of at least twelve months, beginning in January 1985, during which HSVJOP was fully operational at the sites. By this time, each site had at least three months of experience actually handling cases. The program period ended several months before the expiration of the federal funding commitments to the projects, and ranged from 12 to 16 months.
- The baseline period consisted of an earlier time period, of the same duration, during which no HSVJOP effort was in place. This baseline period was separated from the start of HSVJOP efforts by a minimum of three months, and from the "program period" itself by at least six months. As far as we could tell, during this buffer period the agencies hosting the projects did not materially alter their procedures in anticipation of being selected for the program by OJJDP.

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<sup>4</sup>Roberta C. Cronin, Blair B. Bourque, Jane M. Mell, Frances E. Gragg, and Alison A. McGrady. Evaluation of the Habitual Serious and Violent Juvenile Offender Program: Interim Report, Year 2. Washington, D.C.: American Institutes for Research, 1987. An Executive Summary of the interim report was published by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in January 1988 (NCJ 105230).

<sup>5</sup>The actual length of program operations was at least two years in each location.

Comparisons between cases processed during the baseline and program periods and between program period cases prosecuted by HSVJOP and by other attorneys are used to draw conclusions about the effects of HSVJOP in these jurisdictions. At each site, the actual cases to be compared across time periods are of two types: habitual offender cases, consisting of cases meeting the criteria established by the local project for prosecution under HSVJOP; and non-habitual offender cases, consisting of a random sample of felony cases that did not meet the project's HSVJOP criteria.

No attempt is made to aggregate quantitative data across the four sites. Cross-site aggregation would be inappropriate because of the numerous differences in project environments and procedures, as well as variations in our own sample selection and data collection at each site.

The next chapter provides a brief review of the research evidence and programmatic experience that underlie the HSVJOP approach. Chapter III describes the operation of HSVJOP in the four jurisdictions and the prosecution process for HSVJOP eligible youth and youth charged with felonies during the baseline and program periods. Chapter IV describes the methodology for the outcome evaluation and the characteristics of the cases chosen for comparison. The outcomes of these cases are the subject of Chapter V. Chapter VI reviews the findings and discusses their implications for juvenile justice policymakers and practitioners.

## II. THE ORIGINS OF THE HABITUAL SERIOUS AND VIOLENT JUVENILE OFFENDER PROGRAM

The HSVJOP program developed by OJJDP was influenced by several strands of research, policy debate, and programmatic experience. These included:

- accumulating evidence concerning the chronicity of delinquency and adult criminal behavior;
- a conservative shift in juvenile justice circles fueled by a growing pessimism about the efficacy of rehabilitative efforts for serious, chronic juvenile offenders; and
- the experience of prosecutors' offices with priority prosecution and victim/witness assistance programs in the adult system.

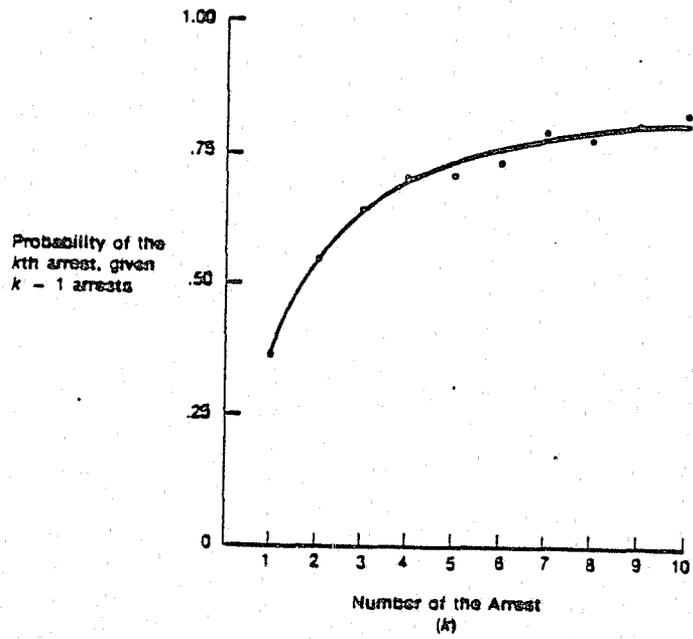
We discuss these influences below.

### Chronicity

In the early 1960s, Marvin Wolfgang and his associates at the University of Pennsylvania set out on a pioneering effort to document the delinquent careers of a birth cohort consisting of all Philadelphia males born in 1945 (Wolfgang, Figlio, and Sellin, 1972). They found that about 35 percent were arrested at some time or another before reaching their eighteenth birthday and only about half of those youth were ever arrested again. Thus, the profile they found, even in a large, dense, inner city, was of youth who by and large either stayed out of trouble with the law or quickly desisted after a first arrest.

But their data also revealed another striking pattern that might be called the "chronicity curve." It is shown in Figure 2.1. Given that a youth has been arrested, what are the chances that he will be arrested again? As the graph shows, the more often a youth is arrested, the higher the likelihood of a further recurrence. After the third and fourth arrests, the probability of another arrest approaches 75 percent.

FIGURE 2.1 The Chronicity Curve



Source: Marvin E. Wolfgang, Robert M. Figlio, and Thurston Sellin. *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press, 1972. Tables 4.1 and 10.3.

The clear implication of the chronicity curve is that a very small proportion of juvenile offenders is responsible for much of the crime. This pattern has been replicated with remarkable fidelity in independent studies since the original work by Wolfgang, Figlio, and Sellin. The first cohort study found that six percent of all young males (18% of all delinquent males) in the sample were committing 52 percent of the crimes attributable to that age group. A second Philadelphia study of a cohort of boys born in 1958 found that 7.5 percent (23% of delinquent males) were accounting for 61 percent of the offenses (Tracy, Wolfgang, & Figlio, 1984, 1985). Other studies, conducted for other time periods and places, have reported a similar concentration of offenses among a small group of offenders (e.g., Hamparian et al., 1978; Shannon, 1978; Blumstein, Farrington, & Moitra, 1985).

Broadly speaking, the chronicity curve lends itself to two interpretations. One is that some youths get arrested repeatedly simply because they are bent on committing repeated offenses. The other interpretation is that the chronicity curve reflects the effects of the juvenile justice system.<sup>1</sup> The basis for this interpretation is a set of theoretical assertions that have gone under the general heading of "labeling theory." Generally, the theory holds that the process of being labeled "delinquent" by the police and courts creates in the youngster's mind the notion that he is a delinquent, thereby encouraging him to continue to play that role (e.g., Becker, 1983; Platt, 1969; Haney & Gold, 1973; Farrington, 1977). Also, the police themselves label the youth, so that when a new burglary has occurred they tend to pick up the kids who have been in trouble before.

Beginning with the President's Commission on Crime in 1967, labeling theory enjoyed enormous policy influence. This influence continued through the 1970s, and was one of the philosophical underpinnings of the act that established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Kobrin & Klein, 1982). However, the empirical basis for this influence was thin from the beginning, based mainly on studies using self-report data (see Hirschi, 1975, for a review of the literature). Labeling theory began to lose its

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<sup>1</sup>A third interpretation is that the pattern is partly a statistical artifact and could occur by chance in a population of offenders who all have the same probability of recidivism. Cohen (1983) and Blumstein, Farrington, and Moitra (1985) have demonstrated this possibility, but have gone on to present other evidence that differences do exist between "high rate" and other offenders.

influence as investigations showed that certain juveniles become chronic offenders for reasons that have little to do with either labeling or bias (Cohen & Kleugel, 1978; Foster et al., 1972; Fisher, 1972; Hepburn, 1977). And once they do become involved in the system, instead of seeing an escalation of offenses as the offender penetrates into the criminal justice system, we see reduction in the rate of arrests (Empey & Erickson, 1972; Empey & Lubeck, 1971; Murray & Cox, 1979; Kobrin & Klein, 1982). Thus, a new consensus evolved that habitual delinquency is not primarily a product of juvenile justice system involvement.

### **Describing the Chronic Serious Offender**

A clearer portrait of these chronic offenders and their patterns of offending is emerging from recent studies based on official arrest records (e.g., Blumstein, Cohen & Hsieh, 1982; Williams, 1979) and self-reports (e.g., Peterson & Braiker, 1980).<sup>2</sup> Serious offenders with high rates of offending are more apt to have begun their delinquent careers at an early age, use drugs, be unemployed, and have high levels of previous criminal activity than their counterparts with low rates of offending. None of the demographic variables -- age, sex, or race -- is associated with the rates of offending (Blumstein, Cohen, Roth & Visher, 1986).

A comprehensive survey of the literature on career criminals prepared under the auspices of the National Science Foundation concluded that there are some differences in the offending patterns of juveniles and adults. The seriousness of offenses increases during the juvenile years but remains stable during the adult criminal career. Juveniles also tend to vary the types of crime committed more than adults, possibly taking a more "exploratory approach to crime." Although an adult's overall arrest record usually contains a variety of crime types, adults tend to specialize in either violent crime or property crime (Blumstein, Cohen, Roth & Visher, 1986).

The more chronic the delinquent career the more likely it is that criminal activity will continue into adulthood. Having once been arrested as a juvenile, an offender has a 43 percent likelihood of an adult arrest (Wolfgang, 1977). But for chronic, serious

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<sup>2</sup>Although the bulk of the work descriptive of criminal careers is based on adult samples, juveniles are represented in data from the various cohort studies and from a recent National Youth Survey.

juvenile offenders, the probabilities of an adult arrest are higher. Three studies that track cohorts of chronic serious juvenile offenders across the dividing line between the juvenile and adult systems show that a majority of these offenders commit an adult offense. In Wolfgang's cohort of chronic offenders with five or more arrests before age 18 (1977), 66 percent were arrested as adults. Similarly, of those offenders in Shannon's 1955 birth cohort who had five or more police contacts before age 18, about 60 percent had a post-18 referral (Shannon, 1982). Finally, 75 percent of Hamparian's pool of chronic and violent juvenile offenders reoffended in the post-18 period (Hamparian, Davis, Jacobson, & McGraw, 1984).

Recognition that some juveniles have high rates of offending and that they are likely to continue those high rates into a adulthood served as one impetus for the HSVJOP program.

### Identifying the Chronic Offender

Unfortunately, it is one thing to recognize that habitual offenders exist; it is another to single them out for special attention. Much of the early work on chronicity was not particularly helpful in this regard because it did not produce good predictors of future behavior. When the problem is cast in terms of predicting violent offenses, the literature is especially discouraging. The arrest records of juveniles do not show clear patterns that would permit the authorities to forecast which youngsters are on the road to a career of violent offenses (Wolfgang, Figlio, & Sellin, 1972; Hamparian et al., 1978; Strasburg, 1978; Tracy, Wolfgang, & Figlio, 1984, 1985).<sup>3</sup> Nor have the clinicians done much better. Efforts to predict dangerousness based on characteristics such as drug dependence, mental disorders, or physical abnormalities have generally failed (Schlesinger, 1978; Monahan, 1981).

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<sup>3</sup>We must bear in mind that arrests are a sampling from a larger population of offenses. The proportion of arrests to offenses has been variously estimated. One major study has suggested that only three percent of juvenile offenses result in arrests (Williams & Gold, 1972). Another study, specifically of chronic offenders, estimated that 10 to 20 percent of the offenses being committed were resulting in an arrest (Murray & Cox, 1979). Whatever the exact proportion, arrests comprise a comparatively small sample of the whole, and decisions to arrest may be biased by factors unrelated to an individual's propensity to offend (e.g., Sampson, 1986). Thus, it cannot be concluded that the lack of a pattern in the arrest data for an individual implies "no pattern" in his or her actual offenses.

Even when the pattern of offenses is broadened to include property as well as violent offenses, the original studies only suggest the grossest rules of thumb. In fact, it has been demonstrated that if these prediction rules were applied to decide who should be incarcerated, they would result in a very high number of "false positives" -- offenders who are assigned to the category of "high-rate" or "chronic" offenders, but who will not actually reoffend. This high error rate not only poses ethical problems for many observers, but would result in severely overburdened correctional facilities.

All the same, the desire to "incapacitate" offenders -- that is, to deny them the opportunity or ability to commit future crimes (Cohen, 1983) -- has been a powerful stimulus to further research. Cohen (1983) and Blumstein, Farrington, and Moitra (1985) are among the scholars who have attempted to estimate the crime reduction effects of incarcerating or incapacitating offenders with certain criminal and personal characteristics, and to identify sentencing guidelines that would minimize the problems of "false positives". For example, using data on Washington, D.C. arrestees in 1973, Cohen estimated that a "policy of minimum two-year prison terms after any robbery conviction in Washington, D.C., has the potential to prevent eight percent of robberies by adults at a cost of about a seven percent increase in the total prison population..." (1983:70).

The terminology of incapacitation is usually applied to the adult justice system. The implied punishment and public safety objectives make uneasy bedfellows with the juvenile court's traditional focus on the best interest of the child. However, the times are changing.

### **Conservative Shift in Juvenile Justice Policy**

The HSVJOP program developed during a period of increasing conservatism in juvenile justice circles. This conservative shift was fueled by a growing public recognition of the seriousness of the juvenile crime problem and by disillusionment with the effectiveness of the system's response to the serious juvenile offender.

An indication that this shift was occurring at the federal level was the 1984 publication of the National Advisory Committee (NAC) for Juvenile Justice and Delinquency Prevention's report, Serious Juvenile Crime: A Redirected Federal Effort. It claimed

that there was no empirical basis for existing delinquency prevention and rehabilitation policies and that the federal effort should focus primarily on the serious, violent or chronic offender (NAC, 1984). There were indications that a conservative trend was occurring at the local level as well. Although the youth population and the number of juvenile arrests declined from 1975 to 1982, the proportion of juveniles referred to the juvenile court, the number of juveniles placed in training schools, and their average length of stay were increasing (Krisberg et al., 1986). And at the state level, the conservative trend was heralded by the passage of legislation allowing for more punitive treatment of delinquents.

During this period the philosophical underpinnings of the juvenile court were in flux. The *parens patriae* philosophy on which the court was founded had been eroded by the due process protections afforded juveniles under the *Gault* decision in 1967 (Feld, 1987; Rossum et al., 1987). Juvenile procedures were becoming increasingly similar to those in the adult system -- adversarial, structured, and formal. The traditional principle of basing juvenile intake and dispositional decisions on the rehabilitative needs of the individual was under attack by reform groups that believed decisionmaking based on the gravity of the offense would be fairer. Reform advocates would argue that the juvenile court has violated principles of justice by "equating equity with individualized justice and rehabilitation" (Rossum et al. 1987: 9). In their view, juveniles choose to commit crimes and are capable of culpability. Proposals emerging from this consensus, such as Washington State's determinate sentencing legislation and the model juvenile code developed by the Rose Institute, emphasize responsibility, equality, certainty of punishment, and accountability.

A driving force behind the conservative reform movement is a growing pessimism about the efficacy of rehabilitation efforts, based, in part, on disappointing assessments of correctional programs (Lipton, Martinson, & Wilks, 1975; Robinson & Smith, 1981). The pessimism has been reinforced by the various cohort studies, which showed repeated recidivism among some offenders regardless of the interventions employed. It is difficult to argue for the rehabilitative potential of the juvenile justice system when studies show that of those convicted as juveniles, and ostensibly rehabilitated, only 30 percent are not convicted as adults (Farrington, 1983). In 1985 the former Administrator of OJJDP, Alfred Regnery, claimed that "Rehabilitation has been the premise of the juvenile court system throughout the 20th century, but it has failed miserably" (Regnery, 1985).

As we have seen, one reaction to this growing dissatisfaction with correctional efforts for serious, chronic offenders has been to reform the juvenile court. Another reaction has been to remove some juveniles from the juvenile court system to the adult system before the maximum age of juvenile court jurisdiction, age 17 in most states. The literature on the use of transfers for juvenile offenders usually points to two justifications. One is that the juvenile is not amenable to treatment in the juvenile system (Feld, 1981, 1987; Rudman et al., 1986). Generally, this means that the youth has been exposed to whatever penalties or treatment options the system can offer and has been unresponsive, as evidenced by his prior record and the new charges. The other justification is that the juvenile's current and/or prior offenses are so serious that the juvenile court's rehabilitative responses are inappropriate (Bortner, 1986; Feld, 1987). Often, this justification is applied to offenses or offense patterns that are violent in nature.

The movement to transfer juveniles has gained momentum in the past few years. The mechanisms for transfer are defined in state legislation and fall into three general categories:

- Judicial transfer -- whereby the juvenile court, after a review of the case, waives its jurisdiction and sends the case to adult criminal court for trial.
- Concurrent jurisdiction (or "direct file") -- whereby the prosecutor has the option to file certain types of cases in adult criminal court rather than juvenile court.
- Exclusion -- whereby the law specifies certain offenders and offenses that can only be prosecuted in adult court. This category often includes minor offenses like traffic violations, as well as very serious offenses like murder or attempted murder.

All states use at least one of these mechanisms. Typically, statutes specify age, prior history, and/or current offense criteria to guide prosecutors and judges in making

discretionary decisions about whether to handle a case in adult court.<sup>4</sup> The underlying assumption is that a youth meeting these criteria does not merit handling as a juvenile because he or she poses a substantial danger to the public or has demonstrated that he or she is "not amenable" to the treatment the juvenile system has to offer. However, some statutes permit the adult court to remand a juvenile for disposition in juvenile court or to make use of juvenile facilities for sentencing.

There is only limited evidence available on the consequences of transferring youth to adult court. The studies that have looked at this phenomenon consistently show that transferred youth have high conviction rates in adult court (Gragg, 1986; Hamparian et al., 1982; and Rudman, Hartson, Fagan, & Moore, 1986). Findings conflict, however, on the severity of the punishments meted out by the adult courts. In her national survey of youth transferred to adult court, Hamparian found that transferred youth were more likely to receive community sentences than institutional sentences (Hamparian et al., 1982). Conversely, two recent small-scale studies show extremely high commitment rates among transferred offenders -- 76.6 percent of Gragg's sample (1986) and over 90 percent of Rudman et al.'s sample (1986) were sentenced to incarceration. Rudman directly compares sentencing outcomes for transferred and nontransferred juveniles and concludes that the results in the adult system are a great deal harsher. Although Gragg's design does not permit the same comparison, the average institutional sentence for her sample was 6.8 years, a sentence which is considerably longer than the normal juvenile sentence. While opinions still diverge on the immediate results of transferring juveniles to adult court, next to nothing is known about the longer term consequences for the system or the individual offender's criminal career.

With the effects of transfer still unknown and many policymakers opposed to transfer on theoretical or philosophical grounds, many have turned their efforts to reforming the juvenile system so that serious offenders can be managed within its confines. One focus of these efforts has been to develop treatment programs that are more suitable and effective in changing the delinquent behavior patterns of chronic violent offenders. Many of these programs have been presented as alternatives to the large secure institutions (or training schools), which have been the traditional destination

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<sup>4</sup>See Hamparian et al. (1982) and Feld (1987) for detailed reviews of the approaches taken on a state-by-state basis.

of the juvenile system's "worst cases." The alternatives often are community-based but vary in degree of custody provided, level of supervision, eligibility criteria, and treatment philosophy (Arthur D. Little, 1981; Armstrong & Altschuler, 1982). The evidence of the success of these programs is sketchy for the most part (Neithercutt, 1977, as cited in Gable, 1982), although several studies have associated these approaches with a drop in recidivism (Empey & Erickson, 1972; Empey & Lubeck, 1971; Murray & Cox, 1982).

Hallmarks of the more successful programs include careful tailoring of treatments to the needs of individual offenders and greater continuity and consistency in implementing the plans. For example, Charles P. Smith (1980: 6) identifies several elements of treatment programs that seem to work for violent offenders, including some in secure settings. These include: "maximum client choice; conditions that enable successful learning and job placement; availability of a wide range of programs; a problem-solving, trial and error attitude; continuous involvement of the same case manager; and a mixture of secure confinement and community treatment." OJJDP has directly supported efforts to bring together the most promising elements of earlier programs in its Violent Offender Research and Development Program (known as VJO Part I),<sup>5</sup> which began in 1980. OJJDP also has funded a replication of Project New Pride, a non-secure, community-based program for serious (mainly property) offenders. This program, too, offers comprehensive, individualized treatment with intensive supervision, educational programs, and vocational services.

Efforts to retain the habitual and violent juvenile offender within the juvenile system also have focused on providing more stringent sentences for these juveniles. Notions of deterrence, incapacitation and punishment have entered juvenile justice discourse as the system grapples with offenders who appear impervious to rehabilitative efforts. For instance, several states have included special provisions in their state codes sanctioning punitive as well as rehabilitative objectives for "aggravated" or "major" juvenile offenders.

In designing the HSVJOP program, OJJDP skirted some of the more controversial issues surrounding the treatment of chronic offenders. For instance, OJJDP did not take a clear position on transfer. Although the program announcement specified that

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<sup>5</sup>A description of the VJO model can be found in Fagan, Rudman, and Hartstone (1984).

funds could not be used for prosecution of juveniles in adult court, HSVJOP attorneys were allowed to prepare the cases for transfer to the adult system and to handle waiver hearings in the juvenile system.<sup>6</sup>

Nor did HSVJOP squarely address the rehabilitation versus punishment debate. Nowhere in the program announcement do the words "incapacitation" or "punishment" appear. The HSVJOP grantees were to "increase the consistency of the juvenile justice system in holding a youth accountable for his actions." Increased consistency was to include enhanced correctional treatments such as "continued case management for successful community reintegration" as well as more intensive prosecution efforts.

### **Experience With Career Criminal & Victim-Witness Programs**

Channeling chronic offenders into programs and dispositions designed especially for them depends on effective prosecution and court processes. Fagan, Hartstone, Rudman, and Hansen (1984:131-132) describe how youth potentially eligible for the Violent Juvenile Offender Program, which required adjudication for a current target offense and one prior offense, "fell through the cracks." The cracks included:

- Charging -- Inaccurate charging or undercharging of offenses can result in rejection of cases for prosecution or prosecution on less serious charges than the facts justify.
- Petitions -- Again, inaccurate charging of the case can be a problem. Also, petitions may combine several incidents, or new petitions may be dropped when old ones are adjudicated.
- Adjudications -- Some jurisdictions have a practice of "withholding adjudication" or "continuing" a case for a period of time. If the offender meets conditions set by the court, the charges eventually will be dropped.

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<sup>6</sup>After months of debate between OJJDP and several grantees about the propriety of involvement in transfer hearings, this involvement was sanctioned by OJJDP's General Counsel as consistent with OJJDP's authorizing legislation.

- Parole revocations -- In some jurisdictions, a parolee who is accused of a new offense can have his parole revoked without ever being formally adjudicated for the new offense.
- Plea bargaining -- This process often results in adjudication for reduced charges.

Resource constraints are major contributors to the patterns described above. In many instances, doing things differently would require more staff, better information, and more time. And because most juvenile statutes permit the court great latitude in sentencing anyway, prosecutors, police, and other actors do not perceive that the greater investment would be worth it. The cumulative effects of such practices can be quite detrimental, however, since they result in a failure to accurately identify potential "high-rate" offenders and deal with their behavior in its earlier stages.

These same points of "slippage" have their parallels in the adult criminal justice process. About the same time that Wolfgang, Figlio, and Sellin (1972) were conducting their pioneering study of Philadelphia youth, two prosecutors' offices were responding to adult serious crime by setting up "major violators" units to seal up the cracks in prosecution for a selected group of cases. The apparent success of these efforts, coupled with the accumulation of findings from both the Philadelphia cohort and the study of Washington, D.C. arrestees, led to a much larger, federally sponsored initiative in the mid-1970s, known as the Career Criminal Program (Chelimsky & Dahmann, 1981). Career Criminal projects all targeted a small group of offenders, using criteria such as current offense and prior history that were assumed to identify offenders with a high probability of criminality in the future. Most projects employed initial case screening, vertical prosecution, assignment of experienced prosecutors, and special policies governing plea negotiations. Some projects also included arrangements for priority docketing and specific policies and procedures directed at increasing time in detention or in prison for target offenders.

In broad outline, this approach to handling serious adult criminal cases has been widely adopted by prosecutor's offices across the country. One of the more recent variations on the career criminal theme is Operation Hardcore, implemented by the Los Angeles District Attorney's Office in 1979 to improve the prosecution of violent offenses

by gangs. An evaluation by Judith S. Dahmann (1983) concluded that the program appeared to produce more convictions, fewer dismissals, more convictions on the most serious charge, and under some conditions, a higher rate of state prison commitments. The findings of an outside evaluation of the generic Career Criminal Program (Chelimsky & Dahmann, 1981), were less positive, however. The evaluators found that the projects increased the strength of convictions and, in some circumstances, the length of sentences, but they did not appear to increase the rate of conviction or incarceration.

One explanation for this disappointing set of findings, the evaluators suggested, was that the jurisdictions studied had already been doing a fair job of handling their more serious cases. The projects represented an enhancement of, rather than a major departure from, the way cases were handled before. Furthermore, the projects had no control over the external environment -- the statutes, regulations, and the practices of other criminal justice agencies that constrain the results a prosecutor can achieve. The Career Criminal program may well have overestimated the amount of leverage that a reorganization of prosecutorial services alone can apply. Chelimsky and Dahmann (1981: 140) note that "... to achieve crime reduction outcomes, cooperation by the police, the judiciary and corrections are required for identification, sentencing, and handling of the selected career criminal population. However, such cooperation seemed more often to be conspicuous by its absence . . . ."

OJJDP's original announcement of HSVJOP appears to have taken these words to heart. In addition to improvements in prosecutorial functioning, the ideal HSVJOP strategy was to incorporate court, correctional, and victim-witness elements. OJJDP also had reason to believe that the high baseline performance posited for the Career Criminal jurisdictions would not be duplicated for juvenile prosecution. Juveniles, even chronic offenders, do not receive anything approaching the attention or the resources lavished on adult prosecution, according to the conventional wisdom. So there was expected to be plenty of room for improvement.

Another theme woven into the OJJDP initiative was a growing public concern for the treatment of victims and witnesses in the justice system. Concerted efforts to assist victims and witnesses of crime first emerged in the early 1970s in response to a growing recognition that the needs and desires of victims had been largely ignored. Over the years, the movement has gained considerable momentum.

Early on, work in the clinical setting, especially with rape victims, illuminated some dimensions of victim trauma (Burgess & Holmstrom, 1974, 1976; Miller et al., 1978; Sutherland & Scherl, 1970). Supplementary evidence from a number of victim surveys established that emotional upset and suffering are common reactions to victimization (Knudten et al., 1976; Black & Regenstreif Associates, 1977; Syvrud, 1967; Waller & Okihiro, 1978; Bourque et al., 1978). Research also demonstrated that certain classes of victims tend to change their lifestyles as a result of crime, withdrawing from activities they enjoy (Burkhardt & Norton, 1977; Garofalo, 1977), quitting their jobs (Midwest Research Institute, n.d.), or simply taking preventive measures against further victimization (Rifai, 1977).

Meanwhile, the notion that the criminal justice system mistreats the victim or witness has become well accepted. Although the ordeal of rape victims may represent the worst of the criminal justice system for many critics, surveys indicate that typical sources of dissatisfaction among the wider population of victims and witnesses are inconvenience and lack of information. Victims tend to be relatively dissatisfied with the lack of feedback about their cases (Rifai, 1976; Sacramento Police Department, 1974; Bourque et al., 1978), the handling of their stolen property (Rifai, 1976; National District Attorneys Association, 1976), and the lack of protection afforded them (Black & Regenstreif Associates, 1977). The payoffs to victims or witnesses from pursuing a case are frequently small or non-existent, as few offenders are apprehended and fewer still are convicted. Although virtually all of the victim-witness research is based on cases from the adult system, there is no reason to doubt that victim distress and dissatisfaction are present in the juvenile system as well.

The impact of all this on system performance is a serious concern. Law enforcement success is partially dependent on citizen reporting of crime and on obtaining a clear description of offenses and suspects. Witness testimony also can be critical to successful prosecution. Yet data from several jurisdictions suggest that non-appearance and other witness problems are very prevalent throughout the system (Vera Institute of Justice, 1976; National District Attorneys Association, 1976; Brosi, 1979). Witness distaste for the system, discouragement with the inconvenience, poor communication with prosecutors, and inadequate notification may be partly responsible (Cannavale & Falcon, 1976). Many observers have concluded that witness problems at the prosecution stage impair system effectiveness -- the ability to win convictions -- as well as efficiency.

One direct response to this problem has been the implementation of programs, usually based in prosecutor's offices or other criminal justice agencies that offer witness notification and other services to make participation in the criminal justice process easier (Cronin & Bourque, 1980). How much these efforts in themselves improve prosecution outcomes is open to question (Cronin & Bourque, 1980; Davis, 1983). However, most observers argue that victims and witnesses are entitled to such treatment anyway. Davis (1983) has maintained that to achieve significantly higher levels of citizen cooperation, victim/witness programs must provide their clients with more meaningful involvement in the process.

Davis' comments are in tune with a general trend toward generic statutes, policies, and procedures that protect and broaden victims' rights. In 1984, the National Organization of Victim Assistance (NOVA, 1984) reported that 12 states had enacted victim's rights bills and several more states were considering them. The right to submit a statement about the impact of the crime to the court, to be involved in sentencing and in plea bargaining, and to receive restitution has been recognized in varying degrees in several states.<sup>7</sup>

Developments at the federal level include the publication of the U.S. Attorney General's (1983) "Guidelines for Victim and Witness Assistance," and the release of recommendations concerning the full spectrum of victim concerns by the President's Task Force on Victims of Crime (1982). OJJDP incorporated many of these policy directives in the HSVJOP announcement. Sites were required to implement both notification and consultative services for victims and witnesses. Victims were to be provided the opportunity to make input into pleas as well as to appear at disposition.

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<sup>7</sup>Currently, it is questionable whether some of the legislative increments in victim rights are directly applicable to the juvenile justice system. Some judges perceive victim participation at sentencing and some other forms of involvement to be in conflict with confidentiality protections. Elsewhere, victims have been denied access to disposition information in the juvenile court because a statute authorizes impact statements only after "conviction" of an offender; since youth are "adjudicated" and not "convicted", the statute has been read as not applying to victims of juvenile crime. AIR is exploring this issue as part of another project for OJJDP, which focuses on developing programs for victims and witnesses in the juvenile justice system.

The program that actually emerged from these multiple influences and the characteristics of the sites that implemented it are described in the next chapter, with particular emphasis on the four sites selected for the outcome evaluation.

### III. A CLOSER LOOK AT HSVJOP IN FOUR JURISDICTIONS

In selecting sites for the outcome evaluation, the first task was to identify projects that had implemented the program as it was intended. OJJDP had intentionally set broad parameters for HSVJOP to allow sites to tailor the individual elements to the needs of each jurisdiction. As a result there were 13 unique HSVJOP projects, all of them reasonably faithful to the intent of the program. However, within this diversity there were some modal or typical approaches that seemed to suit a variety of jurisdictions. A priority in selecting the four sites was that they be representative of these typical approaches.

Another priority was that the selected sites provide the best possible conditions for conducting an evaluation. Specifically this meant that the following conditions should apply:

- Existence of a problem at baseline. Often, the agencies that compete for federal grants and win them are already doing an adequate job with the resources they have. It is doubtful that the HSVJOP effort was an exception to this rule. The danger for the evaluator is that there may be little room for improvement, even with added resources and new projects.<sup>1</sup> Therefore, it was particularly important to find sites that appeared to have had a moderate to severe problem handling chronic juvenile offenders at baseline, and for whom HSVJOP represented a significant departure from baseline practices.
- Existence of a well-defined prosecution program. Essentially, this meant choosing programs with: criteria for selecting habitual offender cases that were relatively objective, precise, and stable; sufficient numbers of cases to permit some sophisticated quantitative analyses; and a relatively clear and stable approach to prosecuting targeted offenders.

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<sup>1</sup>As noted in Chapter II, this may partially explain the limited impacts of the adult Career Criminal Program. See E. Chelimsky and J. Dahmann, Career Criminal Program National Evaluation: Final Report. Washington, DC: Department of Justice, July 1981.

- Existence and accessibility of data. Availability of baseline data was a particular concern, because of the distinct possibility that manual files might reside in inaccessible storage areas, or computerized files might have been purged for youth who had since turned 18. Because of resource limitations, it was essential that at least some of the requisite data be computerized, and that the site could generate comprehensive lists or printouts from which to select cases for study in the baseline and program periods.
- Absence of other recent or planned changes in statutes or procedures. While no jurisdiction or agency was expected to be static, we avoided sites undergoing significant upheavals, such as a major revision of the juvenile code or the election of a new District Attorney, because it might prove impossible to disentangle the effects of the project from these other changes.
- Extent to which findings would be generalizable or of interest to other jurisdictions. This criterion entailed a variety of more subjective considerations. For one thing, we avoided sites that were "too unique" -- for example, Rhode Island, which was a statewide project, and Cambridge, Massachusetts, which had no juvenile prosecution division at all prior to HSVJOP. For another, we wanted some geographic and demographic diversity. Finally, we deemed some statutory or procedural environments to be of particular interest nationwide -- for example, Seattle falls in this category. Its determinate sentencing, accountability-oriented statute is attracting national attention, and has recently been used as a model for a major juvenile code reform proposal (Rossum et al., 1987).

The final selections required balancing all of these criteria. In some instances, a site that otherwise was quite satisfactory was rejected because it failed one criterion badly -- for instance, because the requisite baseline data would not be readily available. Although no project perfectly satisfied all the requirements, the four sites selected -- Miami, Milwaukee, Seattle, and Washington, D.C. -- met the minimum conditions.

These jurisdictions include neither the smallest nor the largest of the HSVJOP sites, but nonetheless are quite diverse in size and other demographic characteristics. Both Miami and Washington, D.C. have especially large minority group populations. Their crime rates fall in the average to above average range for this pool of sites. Their juvenile prosecution divisions also are average to above average in size.

In all four sites, jurisdiction over juvenile offenses extends through age 17, but otherwise the statutory and procedural environments vary considerably. For example, there are no speedy trial provisions in Washington, D.C., while Milwaukee and Seattle must bring offenders to trial within very strict time limits (30 days or less for detainees). As noted above, Seattle also operates under an atypical juvenile code, in which accountability rather than rehabilitation drives sentencing decision ..

In selecting target cases for HSVJOP, these four jurisdictions tended to be somewhat more selective than the average project. Their caseloads contain above average proportions of youth with multiple prior convictions and current charges that are serious. These projects tended to have been less successful at achieving complete vertical prosecution than the average project, although at two of the sites, this partly reflects a conscious decision by project attorneys to have others routinely cover one type of case event (detention hearings in Miami and pretrial conferences in Seattle). Also, none of the four sites had investigators on the project payroll, although many of the sites in the overall program did.<sup>2</sup> In other respects, we believe the sites provide a good cross-section of the participants in the HSVJOP initiative.<sup>3</sup>

Because the outcome sites differ in some ways from the full set of 13 HSVJOP sites, however, we must be cautious about generalizing the findings to these other locations. These sites were selected in part because their programs were well-defined and relatively stable, with fairly objective selection criteria. The differences between these and some of the other programs were slight, but it is conceivable that even subtle differences in program stability are related to success. Greater selectivity in targeting may also predispose a project to success, especially if other actors in the juvenile justice system, such as judges and probation officers, are more likely to support a project's objectives and acquiesce in its sentencing recommendations under these

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<sup>2</sup>Interestingly, OJJDP had not mentioned investigators in its original program announcement, but seven sites incorporated them anyway. Typically, these investigators were responsible for working with police to ensure that all witness statements and other essential documents were turned over; collecting and preparing additional evidence (re-interviewing witnesses, identifying new ones, taking crime scene photos); and providing transportation to victims and witnesses.

<sup>3</sup>Appendix A contains a detailed comparison of the four sites selected for the outcome study with the full set of 13 sites.

circumstances. However, if vertical prosecution is a key ingredient of success, the four outcome sites might be at a disadvantage compared to some of the other sites. Finally, the findings from these sites cannot shed any light on the merits of including investigators in the project.

The findings that emerge from this study will also be limited in another sense, because they are based on medium to large urban jurisdictions, which already have juvenile prosecution divisions. We do not know how well the results might apply to jurisdictions outside this size range -- that is, to very large jurisdictions such as Los Angeles or New York City, on the one hand, or on the other hand, to more rural locations with less serious crime problems, where there are just one or two juvenile prosecutors or no prosecutors at all who specialize in juvenile cases. At either extreme, program strategies somewhat different from those we examined might be appropriate and different obstacles might be encountered.

Below we provide a thumbnail sketch of the way the juvenile justice system and the projects themselves operated in the four jurisdictions we selected.

#### The "Outcome Evaluation" Jurisdictions<sup>4</sup>

Cross-jurisdictional comparisons of the juvenile justice systems are hampered by the tremendous variety found in juvenile justice processes. This variety is probably greater than that encountered in the adult system, in part because of the great informality of the juvenile court and the greater flexibility in juvenile justice procedures allowed by statute. Although there are enough cross-jurisdictional inconsistencies to argue against aggregating data across sites, there also are some commonalities in the juvenile proceedings and structural components. At a very basic level, the primary system components are the police, the juvenile court, court intake, prosecutors, defense services, and correctional agencies. In terms of juvenile processing, the common elements

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<sup>4</sup>The source for much of the data in this section is a mail survey sent to the chief of the prosecutor's juvenile division in the project jurisdictions. The survey was adapted from a prosecutor's survey used in a three-year study of prosecutorial decisionmaking in the United States, funded by the National Institute of Justice (Jacoby, Mellon, & Smith, 1982).

are: arrest, charging, filing of a petition, appearance before a magistrate for detention, preliminary hearing, trial and sentencing or disposition. We will discuss each of these elements for the four jurisdictions selected for the outcome evaluation. Individual descriptions of each jurisdiction and the project it implemented appear in Appendix B.

All of the jurisdictions have more than one police agency, but at least half of the court referrals come from the city police department except in Seattle, where the county sheriff also makes a substantial share of the referrals.

In all four sites, juvenile matters are handled by a special division of a court of general jurisdiction, referred to in this report as the "Juvenile Court." The juvenile courts handle dependency, neglect, status, and delinquency proceedings for juveniles up through age 17. Courtrooms are located in the same complex with the offices of the juvenile prosecutors and probation staff. Except in Washington, D.C., this complex is in a separate geographic location from adult prosecution offices and courts.

Defense services for juveniles are provided through a variety of mechanisms. All of the jurisdictions have a public defense system, but public defenders represent the majority of delinquent juveniles only in Miami and Milwaukee. Most defendants are represented by court-appointed attorneys in Washington, D.C. In Seattle, the public defender's office and contracted defense services together handle over 90 percent of all cases.

Although the array of correctional agencies and services varies among the four jurisdictions, each keeps its services for juveniles separate from those for adults. Everywhere, youth correctional facilities are operated by a statewide agency. Intake is a local function except in Miami. So is probation in Milwaukee and Seattle, while in Miami and Washington, D.C., it is the province of the same state agency that handles youth committed to the secure correctional programs.

The processing of a youth through the juvenile justice system normally begins with a law enforcement officer's decision to refer charges to probation intake or to the prosecutor's office, rather than to handle the offense informally. If the officer believes the youth should remain in custody until his first court appearance, he or she delivers the youth directly to an intake officer where a preliminary decision is made to detain

the youth directly to an intake officer where a preliminary decision is made to detain or release the juvenile, pending a review by the juvenile court. Except in Seattle, a detention hearing must be held within 24 hours; Seattle's detention hearing must occur within 72 hours of the filing of a petition, which in turn must occur within 72 hours of arrest. The detention decision ordinarily hinges on the seriousness of the offense charged and the defendant's prior record, the defendant's past reliability in appearing in court, and the need for community protection. The availability of detention beds can be another consideration; there have been acute shortages of detention space in Washington, D.C., and Milwaukee also has experienced some problems. Should the court determine that secure detention is unwarranted, judges may release the youth pending further proceedings, order transfer to a less secure setting, or in Seattle, impose bail.

For youth who are charged but not detained, an initial court appearance generally will occur within 30 days or less; in Milwaukee, this time limit is set by statute.

The decision to file a formal petition rests with the prosecutor in all four sites, although probation intake is permitted some discretion to handle lesser offenses or first-time offenders informally (except in Seattle). All cases that are not handled informally are referred to the prosecutor's juvenile division where a decision is made to file formal charges, reject the case on grounds of legal insufficiency, or refer the offender elsewhere. "Elsewhere" may include a formal diversion program (in Miami and Seattle), probation (for informal counseling), another jurisdiction, or another agency.

If charges are filed, the usual events in the adjudication process will include:

- A detention hearing.
- An initial appearance, at which a preliminary plea is entered. For detainees, this event may be combined with the detention hearing.
- A pretrial conference. At this point, some agreement between the defense and prosecution may be reached concerning a plea, or the defense may indicate its intention to contest the charges at a trial. These conferences are scheduled formally in Milwaukee and Seattle.
- A trial, if the youth contests the charges. This will be a "bench trial", or trial by a judge, except in Milwaukee where juveniles have the option of a jury trial.

- A disposition or sentencing hearing, at which a sentence is imposed on a youth who has pled guilty or been found guilty. Instead of formal sentencing, sometimes the court will "hold open" a disposition, "withhold" a disposition, or issue a "consent decree"; this outcome usually obliges the offender to maintain good behavior, make restitution, or participate in informal probation for a period of time in return for an opportunity to avoid a formal finding of delinquency.

Not all cases will follow this exact sequence, of course. At one extreme, an accused offender may enter a plea of guilty at his initial appearance and be sentenced immediately. At the other extreme, a case may involve repeated pre-trial conferences to reach an agreement, as well as special motion hearings, hearings to review detention status, or assessments of the youth's adjustment to a temporary placement.

Except in Washington, D.C., prosecutors are obliged either by statute or court regulations to provide a speedy trial. In Milwaukee and Seattle, these provisions are strict, permitting 30 days from arrest (Milwaukee) or detention hearing (Seattle) to trial for detainees, and 60 days for nondetainees. In Miami, the rule is 90 days for both detainees and nondetainees.

Ordinarily, sentencing occurs within a couple of weeks of the verdict or guilty plea for detainees. For nondetainees, sentencing occurs within three to four weeks in Miami, Seattle, and Milwaukee, and in six to seven weeks in Washington, D.C. The probation department will make a predisposition report, including recommendations for sentencing.

Seattle is unique in that its new juvenile code, effective in July 1978, mandates that accountability, punishment, and restitution rather than rehabilitation be the primary goals of the disposition process. Elsewhere, the statutes give paramount importance to the best interests of the child, although the judge may take into consideration the need for public protection. Washington State's code also incorporates standard sentencing ranges that are determined from the offender's age, current offense, and prior history of convictions and diversions; judges may deviate from the standard range by declaring a "manifest injustice," but such deviations are appealable by the defense or the prosecution. State correctional commitments, which leave the specific choice of

institution to the state's discretion, can be quite lengthy -- up to 156 weeks per charge<sup>5</sup>. Judges also may order detention up to 30 days, probation, community service, restitution, fines, or some combination thereof.

In Milwaukee, the usual sentencing options include commitment to a specified state facility, standard probation, intensive probation, and referral to a residential treatment facility or other special program. Restitution may be ordered in combination with noninstitutional sentences. Sentencing is determinate, but the maximum term is one year.<sup>6</sup> When the sentence nears expiration, the court may approve an extension, but such actions are exceptional.

In Washington, D.C., several sentencing options are available. Judges may sentence to the Department of Youth Services with actual placement at the discretion of that agency or may sentence directly to a specified correctional facility. The non-residential options include an intensive probation program that provides for community service and restitution, standard probation, and a lesser supervision program for those on consent decrees. Two years is the maximum sentence length.

Florida's sentencing structure is similar to that in Washington, D.C., except that no commitment can be made directly to a correctional facility in Florida. The judge can commit to the Department of Health and Rehabilitative Services (DHRS) and recommend three specific alternatives, but these recommendations are advisory only. Alternatives available through DHRS are varied, including halfway houses, wilderness camps, and schools as well as secure facilities. The non-DHRS options include probation, community service and restitution orders. All sentences are of indeterminate length.

In all jurisdictions, judges on occasion impose other special conditions such as counseling or approve special types of placement, such as foster care. Restitution orders are routine only in Seattle. In Miami, restitution is a fairly routine requirement during aftercare.

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<sup>5</sup>This has been increased to 224 weeks since the time we collected our data.

<sup>6</sup>Recent legislation has amended this to two years.

All four jurisdictions can transfer juveniles to adult court for prosecution. In all four, this can occur as the result of a waiver hearing before the juvenile court, although Washington, D.C. had no waiver hearings during the study period. This discretionary procedure generally entails judicial consideration of the juvenile's current and prior offenses, as well as the suitability of treatment alternatives available within the juvenile system. In Miami, the minimum age for this procedure is 14, in Milwaukee and Washington, D.C., it is 16, and in Seattle, there is no minimum age. In Miami, the prosecutor also has discretion to "direct file" charges against juveniles over age 15 in adult court or to seek grand jury indictment. In Washington, D.C., the Corporation Counsel's Office, which handles juvenile prosecutions, cannot use the "direct file" mechanism. However, the U.S. Attorney's Office can direct file cases in limited circumstances.

Once cases are transferred to adult court, they are no longer the responsibility of juvenile prosecutors. If a discretionary waiver is denied by a judge, the case remains in the juvenile system and follows the usual processing procedures from there on.

### **The Grantees and Their Projects**

In Miami, Milwaukee, and Seattle, the grantees are responsible for prosecution of juvenile delinquency offenses countywide.<sup>7</sup> In Washington, D.C., the juvenile prosecutor's jurisdiction is districtwide. Each grantee has a separate juvenile division, which employs about ten percent of the attorneys in the entire office. HSVJOP functioned as a special unit of this division, except in Milwaukee, where the project was an independent unit located adjacent to the division. Only Washington, D.C. had previous experience with a formal program to target serious juvenile offenders, but this program, begun in 1977, had dwindled considerably by 1983 -- the baseline year chosen for our evaluation.

Seattle received about \$468,000 in HSVJOP funding, while the remaining sites received approximately \$600,000 each. This funding covered both prosecution and correctional services. The prosecutor-based services funded under the grants include

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<sup>7</sup>In Milwaukee, some lesser offenses are excepted if a law enforcement officer issues a municipal court citation instead of referring the case to juvenile court.

one or more attorneys, some administrative and/or clerical personnel, and except in Washington, D.C., victim/witness assistance staff.

All of the projects took seriously OJJDP's mandate to provide experienced attorneys. In practice, this typically meant that the HSVJOP attorneys were more experienced than their counterparts in the rest of the juvenile division, or in the case of Washington, D.C., were led by an experienced juvenile division attorney. Experience levels for attorneys joining the project averaged about three years of law practice in Miami and Washington, D.C., and nearly four years in Seattle. Milwaukee was unique among the four sites in recruiting the project attorneys from the ranks of the adult prosecutors, and had by far the most experienced attorneys as well -- averaging nearly 11 years in law practice, about eight of them as prosecutors.<sup>8</sup> Milwaukee also experienced no turnover in attorney staff during the time period under study, in contrast to the other three sites. In general, turnover of attorneys was characteristic of most of the HSVJOP sites and Miami, Seattle, and Washington, D.C. were about average in this respect.

At least a fourth of the federal funds were set aside for correctional services to youth prosecuted by HSVJOP. In Milwaukee, these funds supported a probation officer and an aftercare program. In Seattle, they supported an aftercare program, and in Washington, D.C., a therapy program for incarcerated youth. Miami's correctional program, which took close to half its HSVJOP funds, was the most comprehensive. In addition to a modest aftercare program and intensive probation services, it included two assessment screeners who prepared elaborate pre-disposition reports on all HSVJOP youth. All of the sites' post-dispositional programs were limited in scope and capacity, so that only a portion of project youth actually qualified for them.

While differing in detail across sites, the target criteria for HSVJOP prosecution tended to single out the charges of burglary, especially of a residence, serious crimes against persons, and arson. At least one prior adjudication for a serious offense was required as well. In Seattle and Miami, multiple prior adjudications were required for some types of current charges.<sup>9</sup> Case volume was smallest in Seattle, averaging about

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<sup>8</sup>Two of the other HSVJOP sites, Chicago and Philadelphia, also recruited their attorney staff from outside the juvenile division.

<sup>9</sup>See Chapter IV for more detail on target criteria.

eight new intakes per month, and largest in Milwaukee, averaging 27 cases. Miami and Washington, D.C. fell midway between these extremes.

The sites used varying techniques to identify cases eligible for prosecution under project auspices, and three of the four projects participated directly in filing the formal petitions in their own cases. In Miami and Washington, D.C. project staff directly reviewed all juvenile arrests; in Milwaukee, staff reviewed all arrests involving detainees. For these cases, project staff not only determined eligibility for the project, but filed the formal charges (or declined to prosecute entirely). In Seattle and Milwaukee (for the nondetainees), nonproject staff reviewed police referrals, filed the petitions, and forwarded eligible cases to the project.

The projects tended to emphasize similar process objectives, including vertical prosecution, reduction of plea bargaining, and speedy prosecution. Miami, with its two assessment screeners, was distinctive in emphasizing the development of enhanced predispositional reports as well. The three sites with victim/witness specialists sought to provide improved services to victims and witnesses, not only to secure more cooperation, but because they viewed it as a matter of victims' rights. Washington, D.C. delivered fewer victim services, although the project developed an information brochure for victims and witnesses, and generally provided a higher level of contact with attorneys than would be available for the routine juvenile case.

All of the projects incorporated some strategies to improve systemwide coordination. To some extent, this was a natural byproduct of establishing a new project, informing other agencies of its existence, and securing their cooperation in areas where HSVJOP might intersect their operations. The need to develop a correctional component virtually ensured closer working relationships with probation and/or state correctional agencies. All sites also attempted to improve working relationships with police, primarily through increasing communication about cases of mutual interest. Milwaukee also maintained regular contact with a police department task force on gangs and Washington, D.C. involved police detectives in screening project cases. Milwaukee was the most systematic of the four sites about building linkages -- instituting a Task Force on Serious and Habitual Offenders that included private citizens, school officials, and senior representatives of criminal justice agencies.

Ultimately, the projects sought to raise conviction rates and achieve more appropriate dispositions, which in practice usually meant that attorneys argued for stiff penalties and secure settings. In some individual cases, however, attorneys acknowledged that sentence severity and security were not the prime considerations. HSVJOP in Milwaukee also sought to increase the proportion of habitual serious offenders who were waived to adult court, while in Miami the project sought to systematize the use of the direct file mechanism and reduce direct files overall.

In the next chapter, we turn to a discussion of the outcome evaluation for these sites.

## Chapter IV. RESEARCH METHODOLOGY AND CHARACTERISTICS OF THE CASES SELECTED FOR STUDY

This chapter discusses the research design, the data sources, and the performance measures for the outcome evaluation of HSVJOP. It also describes the cohorts selected for study and examines the similarities and differences among them.

### Research Methodology

The approach and expectations for the Habitual Serious and Violent Juvenile Offender Program are portrayed schematically in the "program rationale" in Figure 4.1. This diagram captures the network of hypotheses or assumptions about "what leads to what." It is based on the logic of the HSVJOP program as described in the original program announcement, as well as on the activities that actually took place at all of the project sites. The solid lines on the diagram indicate the chains of activities and assumptions that received the greatest emphasis at the sites; the dotted lines indicate areas of lesser emphasis.

Reading across, the rationale includes four types of elements: inputs, process variables, outcomes, and long-term impacts. Inputs represent the resources of the project, such as money, staff, and cooperative relationships established with other agencies. Process variables represent the activities of the project, such as procedures to screen cases, vertical prosecution, and victim/witness assistance. Outcomes refer to the results expected in the shorter term, such as increased victim/witness participation, reductions in processing time, or increases in conviction rates. Long-term impacts refer to such ultimate expectations as decreased recidivism for target youth or lower crime rates.<sup>1</sup>

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<sup>1</sup>By design, such a diagram does not do perfect justice to the approaches planned or put into practice by any single HSVJOP site. Some elements represented in the diagram are given little emphasis at some locations and substantial attention at others. For example, among the four outcome sites, only Milwaukee and Washington, D.C. placed much emphasis on increasing detention for their target population. Washington, D.C. was less aggressive about victim/witness assistance than the other sites.

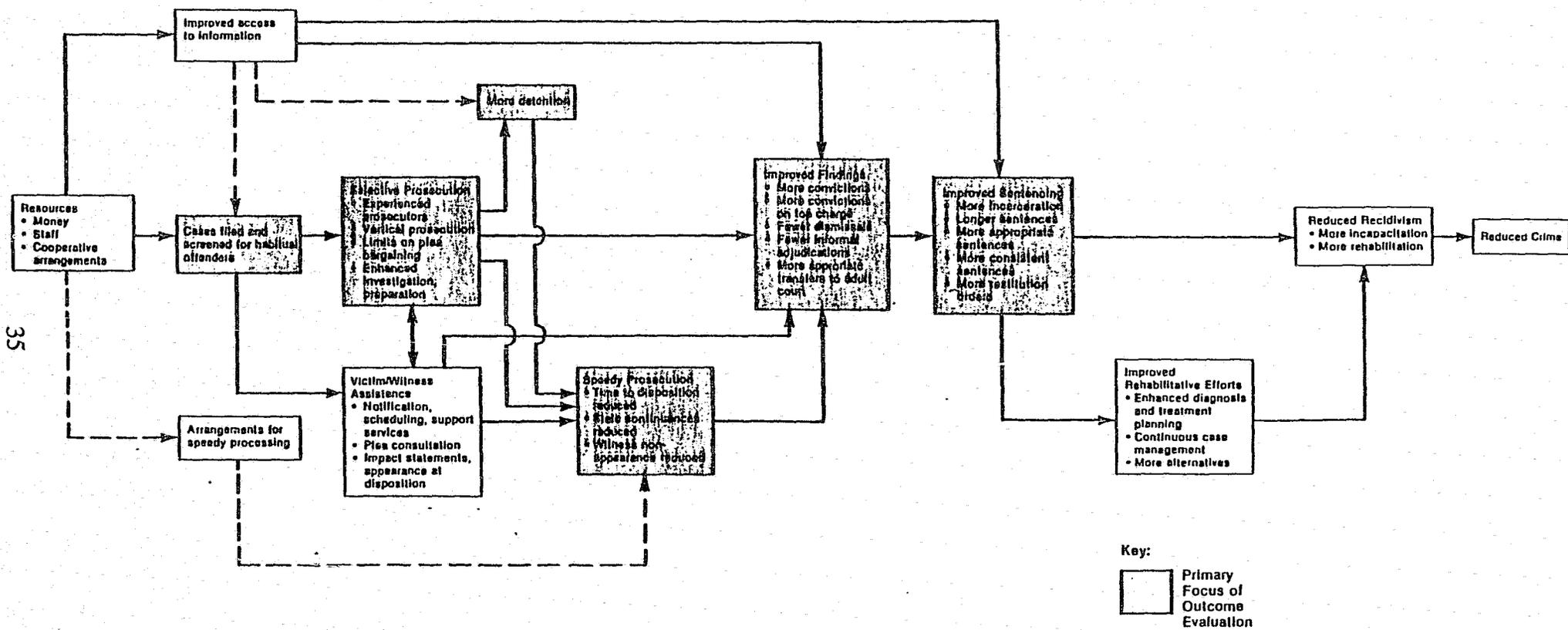
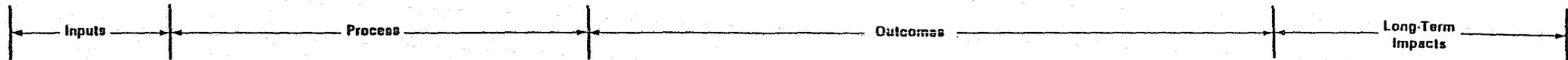


FIGURE 4.1 Program Rationale for Habitual Serious and Violent Juvenile Offender Program

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Thus, the rationale depicts the assumption that the resources assembled for the project will result in adoption of criteria and a mechanism for screening referrals to identify offenders appropriate for HSVJOP. In some locations, projects may also establish arrangements for speedier prosecution and improved access to information with the juvenile court, police, or other relevant parties. Those youth flagged by the screening process and formally charged by the prosecutor are expected to face well-prepared, experienced prosecutors, who will vertically prosecute and hold the line against plea bargains. Victims and witnesses in each case will receive special attention and assistance, including an opportunity to consult on pleas and make an impact statement at sentencing. Together, these process improvements are expected to result in speedier disposition of cases involving habitual serious offenders, more and stronger convictions, and more restrictive and more appropriate sentences. More detention during the period from referral to disposition also might be expected in certain locations. Ideally, the conviction of a HSVJOP offender should lead to special rehabilitative efforts. Ultimately, more restrictive sentences and enhanced rehabilitation are expected to reduce recidivism and thus, future crime.

#### Dimensions Selected for Study and Measures

From this menu of program elements, we selected for the outcome evaluation a subset that were measurable to some degree on a case-specific basis and available during both the baseline and program periods. The elements meeting these criteria are: screening, selective prosecution, detention, speed of prosecution, improvements in case findings, and improvements in sentencing. These elements are highlighted in Figure 4.1. Resource inputs, improvements in access to information, and special arrangements for speedy processing were not included in the outcome evaluation because they are not measurable in case-specific terms. Victim/witness assistance efforts, though measurable on a case-by-case basis, are not included because data had not been maintained systematically for nonproject or baseline cases, precluding baseline and program or project and nonproject comparisons. Some anecdotal information on these other dimensions of project performance will be offered where pertinent, however.

The elements on the far right side of the logic chain -- improvements in rehabilitation, reductions in recidivism, reductions in crime -- are not included in this evaluation. Rehabilitation effects were eliminated when it became apparent that the

special HSVJOP correctional services were either directed at too few of the youth targeted by the projects or were too diverse in specific content to be studied systematically. Reduced recidivism and reduced crime are not included because they were beyond the scope of the time and resources allotted for this study.

### Performance Measures

For the dimensions highlighted, the primary performance measures to be examined include the following:

- Case Filing and Screening
  - whether the case was filed
  - whether the prosecutor filed more, fewer, or the same number of charges as contained in the referral
  - whether the prosecutor raised, reduced, or kept unchanged the most serious charge contained in the referral
  - whether the case was prosecuted by a project or a nonproject attorney
- Selective Prosecution
  - whether the case was vertically prosecuted (i.e., by the same attorney) from the first through final appearance
  - whether the case was vertically prosecuted (i.e., by the same attorney) from second through final appearance
  - whether the case was resolved by trial or by plea
- Speedy Prosecution
  - number of state continuances
  - number of defense continuances
  - number of continuances by any party
  - number of days from referral to disposition
  - number of days from petition to disposition

- Improved Findings

- type of finding (conviction, dismissal, informal adjudication, etc.)
- whether the case resulted in conviction
- whether the case resulted in conviction on the most serious or all original charges
- whether a case resolved by plea resulted in conviction on the most serious or all original charges
- whether a case resolved by trial resulted in conviction on the most serious or all original charges
- whether the case resulted in dismissal
- whether the case resulted in transfer to adult court

- Improved Sentences

- type of sentence imposed (probation, correctional commitment, etc.)
- whether the case resulted in sentence to the state's department of juvenile correction (DOC) or detention
- length of correctional sentence
- length of probation sentence

We also examined two measures of detention -- whether the accused was securely detained initially and whether the accused was detained for any portion of the case. However, we do not consider these to be satisfactory measures of project performance for reasons explained when we present the analyses in Chapter V.

In general, the expected effect of the project on the performance measures is evident from the program rationale and the discussion above. The case filing measures -- whether a case is filed and in what form -- are an exception. In the three sites where the project attorneys make filing decisions (Miami, Milwaukee, and Washington, D.C.), their involvement is expected to alter the filing process; whether filing will become more "conservative" (e.g., fewer cases accepted, more charges reduced, fewer charges filed) or more "liberal" is unclear a priori. At all sites, effects on mode of disposition -- e.g., plea or trial -- also are uncertain. Restrictions on plea bargaining might induce more defendants to seek trials, but better-prepared prosecutors also might discourage

this tactic. Finally, expectations for effects on adult transfers vary by site, based on the nature of the project objectives at each. Miami expected to reduce transfers and Milwaukee to increase them; in each site, this was perceived to be a movement toward more appropriate use of transfers. Neither Seattle nor Washington, D.C. aimed to affect transfers at all.

Other Measures. In the main body of this report and in its appendices, we also make use of a number of measures of the personal characteristics of the defendants, their prior history of delinquency or dependency, and the characteristics of the current case. Many of these measures are used simply to describe the types of youth and cases falling into the various groups selected for study; a subset of these measures provides the control variables used when we examine the relationships between project handling and various measures of performance with multivariate techniques. Most of the specific measures chosen are similar or identical to those routinely employed in other research concerning juvenile offenders, the judicial process, and/or prosecution efforts such as the Career Criminal Program.

Measures of personal demographic characteristics include age, race, and sex. Measures of prior delinquent history include: the numbers of prior charges and adjudications; numbers of prior felony charges and adjudications; the most serious prior charge and adjudication; the most serious prior sentence received; age at first delinquency referral; current status in the juvenile justice system (e.g., serving a sentence, pending other action, or inactive); and total seriousness scores for prior charges and for prior adjudications.

In characterizing "most serious" prior charges and adjudications, we ordered offenses as follows, from most to least serious:

1. Violent felony. This category includes murder, voluntary manslaughter, attempted murder, kidnapping, felony sex offenses, felony assaults, robbery, and felony arson.
2. Felony burglary.
3. Other felony. This residual category includes felony property crimes other than burglary, felony drug offenses, and some crimes against persons such as reckless endangerment or witness intimidation.

4. Crimes of unknown class. This category includes property crimes that could not be classified as felonies or misdemeanors because information on dollar loss or damage was unavailable. (This category arises primarily in Milwaukee and Washington, D.C., where computerized histories do not distinguish between felonies and misdemeanors.)
5. Misdemeanors.
6. Violations. This category arises only in Seattle and contains traffic offenses primarily.
7. No priors.

We used these same categories to devise simple seriousness scores for each youth's prior charges and adjudications. Under this scoring system, each charge (or adjudicated charge) is assigned the following value:

<u>Charge Category</u>	<u>Point Value</u>
Violent felony (as defined above)	7
Felony burglary	6
Other felony	5
Property crime of unknown classification	4
Misdemeanor crime against person	4
Misdemeanor property crime	3
Misdemeanor drug crime or other	2
Violation	1

A youth's total seriousness score is simply the sum of his scores for all the individual charges or adjudications on his record. The scoring system makes no correction for the fact that multiple charges may have been lodged for a single incident; every charge is scored. Practices differ from site to site with respect to number of charges customarily filed or adjudicated in a single incident, however, so these seriousness

scores should not be compared across sites. Seriousness scores, for purposes of this report, will be compared only across cases within a site.

Admittedly, seriousness scoring is a controversial enterprise (Rossi & Henry, 1980; Wolfgang, Figlio, Tracy, & Singer, 1985). Its primary attraction for our purposes is that it captures more information about a youth's prior record than a simple count of his or her prior convictions or charges. While we would have preferred to employ an already tried and tested scoring scheme, none was available that would fit the limitations of our database. Our crude alternative does, however, correlate fairly highly ( $r=.79$ ) with at least one empirically-based set of ratings reported in the literature (Rossi, Waite, Bose, & Berk, 1974).<sup>2</sup>

Measures of prior dependency/neglect history are available only for Miami and Milwaukee and are limited to whether or not a youth has a prior dependency referral and whether or not he or she has a prior neglect referral.

Measures related to characteristics of the current case include: most serious charge filed (using the seriousness ranking defined above), seriousness score for the current charges or for the current adjudicated charges (using the scoring system defined above), whether victim injury was involved, amount of property damage, most serious weapon involved (gun, knife, other, none) whether accomplices were involved, and

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<sup>2</sup>To arrive at this correlation, we scored 111 of the offenses described by Rossi et al. using our system, and compared these scores with the mean scores in the Rossi sample. We eliminated 29 of the original 140 offenses because they were status (i.e., nondelinquent) offenses or because they involved espionage, tax evasion, or other criminal acts that had no meaningful analog in the juvenile system.

The most elaborate seriousness index in the literature was originally devised by Sellin and Wolfgang (1964) and is now being updated (Wolfgang, Figlio, Tracy, and Singer, 1984). In contrast to the Wolfgang versions, our scoring system does not capture many aspects of a youth's prior record. However, the data necessary to score crimes with the Wolfgang method -- for example, amount of property loss, use of a weapon, degree of injury -- were unavailable for prior offenses. Thus, our scoring system treats all offenses that share the same name as though they are equivalent -- e.g., all robberies as of equal seriousness. Furthermore, our system weights offenses like murder, forcible rape, and robbery equally, although probably no one would accept that they really are of equivalent severity. Murder and forcible rapes are quite rare among our cohorts, however. In the absence of any satisfactory model for weighting the most serious offenses and given that they come up so infrequently, we have opted for the simpler system.

several measures of the nature of the evidence at the time the case was referred to the prosecutor. These evidence measures -- whether any property was recovered, whether the defendant and/or accomplices admitted the offense, the number of police and civilian eyewitnesses -- also were used to create a "case quality" score. The following rules were applied to construct the quality score for each case:

- 1 point is added if there was some property recovery in the case. (The argument here is that recovered property generally can be used to link a specific offender to the offense.)
- 1 point is added if an accomplice implicated the defendant.
- 1 point is added if the defendant admitted the offense when apprehended by the police.
- 1 point is added if the case involved a single civilian eyewitness, or 2 points are added if there were 2 or more civilian eyewitnesses.
- 1 point is added if the case involved a single police eyewitness, or 2 points are added if there were 2 or more police eyewitnesses.

Using this scoring system, a case may attain a quality score from 0 to 7.<sup>3</sup>

### Data Sources

The primary sources of data for these measures were of two types:

- computerized management information systems maintained by prosecutors, courts, or correctional agencies; and

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<sup>3</sup>We know of no precedents in the literature for scoring case quality. We recognize the limitations of our preliminary effort. We relied entirely on case characteristics that could be determined from police reports by data collectors who had no special legal training. No doubt attorneys or paralegals could have made more sophisticated judgments about the relevant types of evidence and its admissibility in any given case.

There is one fairly objective variable that we would incorporate in the quality scoring system if we had it to do over again -- the presence of fingerprint evidence linking the accused to the offense. Our impression is that fingerprint evidence was a significant factor in a number of property offense cases, but we realized this too late to include the fingerprint variable in our data collection plans.

- manual case files maintained by prosecutors, probation officers, and court clerks.

Although the specific source for each item of information varied from site to site, we generally obtained the synopsis of each juvenile's record of prior charges, dispositions, and sentences from computerized sources. These records did not incorporate arrests or police contacts unless they resulted in a referral to probation intake or the prosecutor. In Seattle, they did incorporate conviction records for other counties in the state, but elsewhere the record incorporated only matters from the prosecutor's own jurisdiction.

We also got some of the information about the processing and results of the specific cases selected for our study from computerized sources, but most of it could be found only in the manual files. In three of the sites, we relied on the prosecutor's manual files. In the fourth, Seattle, we used both the court clerk's files and probation files. Police crime reports from these files provided data on the exact nature of the offense committed (such as degree of injury or weapons used) and the quality of the evidence available (such as confessions or presence of witnesses).

We did not collect the same level of information on all of our cases. Because of the expense of collecting data from manual files, we restricted data collection to computer sources in cases that were rejected for prosecution and in nonqualifier cases. (We discovered that it was particularly difficult to locate manual files for rejected cases.) For qualifiers that were prosecuted, the data set was expanded to include the kind of information contained in police reports and more information about the nature of case processing and results. Finally, we selected a small sample of qualifiers and nonqualifiers for investigating the extent of vertical prosecution and the reasons for continuances.<sup>4</sup> Where there are gaps in the data that affected our analyses, we report them in Chapter V.

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<sup>4</sup>Data relating to vertical prosecution and continuances could be gleaned only from handwritten notes in manual files, which often were incomplete and difficult to interpret.

The data sources we used are subject to the usual failings of records maintained by criminal justice agencies. They are sometimes incomplete or incorrect and they frequently contain handwriting that presents a real challenge to the data collector. However, because we tapped multiple record systems, we were able to cross-check some data sources, mainly for the case-specific information. We (and most of the projects) were dependent on a single source for systematic information about the juvenile's prior record, however. To the extent that the source we consulted is flawed, so is our juvenile record information (and that of the project). The problem with inaccuracies is most troublesome for Miami, where it is commonly acknowledged that there are many errors in the computerized juvenile record. These may have come to light, for project cases at least, when the project's assessment screeners prepared their presentence reports. Unfortunately, we had no way of capturing any such corrections or their impact, if any, on case processing or outcomes.

### Cohort Selection

The study design called for a comparison of HSVJOP cases with a group of similar cases and juveniles prosecuted before the HSVJOP project. A second set of comparisons was to be drawn between non-HSVJOP felonies prosecuted during and before the HSVJOP program to control for changes occurring in the system independent of the HSVJOP effort. This design necessitated the selection of four different cohorts:

- (1) Program qualifiers (PO): all cases referred to the prosecutor during the program period that met the local project's screening criteria.
- (2) Baseline qualifiers (BO): all cases that would have met the project criteria during an earlier time period, had the project been in operation.
- (3) Program nonqualifiers (PNO): a random sample of other serious cases during the program period, usually involving felonies, that did not meet the project's screening criteria.
- (4) Baseline nonqualifiers (BNO): a random sample of other serious cases from an earlier time period.

These four cohorts were identified from computer printouts of cases referred for prosecution during the pertinent time periods and from computerized synopses of the juvenile records for each of the youth involved.

Selecting program qualifiers. In selecting the qualifiers (i.e., BQ and PQ), we used identical procedures to identify the baseline and program cohorts. We attempted to match the screening criteria used by the projects in 1985 as closely as possible. Seattle's criteria could be duplicated from the computer printouts alone, because Seattle's selections rested entirely on the timing and the felony/misdemeanor classification of the current and prior offenses. Elsewhere, manual files were consulted to confirm that the selections from printouts met all the criteria. In Miami and Milwaukee, for example, this meant determining whether each burglary was residential or nonresidential, and eliminating the latter.

As shown in Table 4.1, our cohort selections closely approximated those of the projects, but did not match exactly. One reason is that we did not check the manual files in Miami and Milwaukee for criteria that were expected to be relevant in only a small number of cases. In Miami we required all nonresidential burglars to have two prior convictions, while Miami required only one for commercial burglars and two for burglars of a vehicle. In Milwaukee we did not count prior convictions pled down from a target offense (but we did include the rare case involving an intrafamilial offense). On balance, the result is to make our criteria more restrictive than the project's in both these sites.

In another sense, however, our criteria may be less inclusive than those of the project because project attorneys sometimes introduced more subjective considerations into their case selection process as a way to control workflow. In busy months, a case that met the objective criteria for inclusion might be left to the regular juvenile division attorneys if the facts suggested it "wasn't that serious." Toward the end of 1985, Milwaukee also began reducing its heavy caseload by often requiring prior burglary convictions to involve residential burglaries.<sup>5</sup>

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<sup>5</sup>For the sake of brevity, we are omitting the details of how we brought our criteria into alignment with those of the projects. This involved numerous discussions with the projects, cross-checking a sample of our selections against theirs, and exploring the reasons for nonmatches.

Table 4.1. Case Selection Criteria Employed by HSVJOP Jurisdictions and by AIR

	Miami -----	Milwaukee -----	Seattle -----	Washington, D.C. -----
Current Charge <sup>1</sup>	<p>Group 1: Murder, manslaughter, arson, kidnapping, sexual battery, robbery, aggravated assault or battery, burglary of a conveyance with assault, residential or commercial burglary, trafficking.</p> <p>Group 2: Burglary of a conveyance, other burglary, grand theft, auto theft, receiving stolen property.</p>	<p>Homicide, robbery, arson, residential burglary, 1st, 2nd, and 3rd degree sexual assault, aggravated assault, theft from a person, reckless endangerment (intra-familial offenses excluded).</p>	<p>Group 1: All A+, A, and B+ felonies (includes murder, 1st degree manslaughter, arson, 1st and 2nd degree assault, kidnapping, 1st and 2nd degree rape, 1st degree promoting prostitution, robbery).</p> <p>Group 2: Burglary and 1st degree theft (B felonies).</p>	<p>Murder, manslaughter, forcible sex offenses, incest, robbery, extortion, burglary, arson, burning with intent to injure, simple assault with injury, aggravated assault, cruelty to animals or children, obstructing justice.</p>
Prior History	<p>Group 1: 1 felony adjudication or adjudication withheld.</p> <p>Group 2: 2 felony adjudications or adjudications withheld on different dates.</p>	<p>An adjudication for one of the above or non-residential burglary or for an offense pled down from one of these.</p>	<p>Group 1: 1 adjudication for any of the above.</p> <p>Group 2: Sufficient points on prior convictions and diversions to qualify for standard sentence range.<sup>2</sup></p>	<p>1 adjudication for any of the above offenses or for an offense pled down from one of these.</p>
Other Considerations	<p>Once a HSVJOP offender, always qualify in future cases.</p> <p>Acceptance of commercial burglaries tended to be discretionary in practice.</p>	<p>Once a HSVJOP offender, always qualify in future cases.</p> <p>For priors, acceptance of a case pled down from a qualifying charge was discretionary.</p>		<p>Once a HSVJOP offender, always qualify in future cases.</p>

Table 4.1. Case Selection Criteria Employed by HSVJOP Jurisdictions and by AIR (Continued)

	Miami -----	Milwaukee -----	Seattle -----	Washington, D.C. -----
How AIR's Criteria Differed	Treated commercial burglaries as Group 2, requiring 2 priors.  Accepted only the first qualifying case during the time period for our sample. <sup>3</sup>	Did not screen out intra-familial offenses.  Did not count priors that had been pled down.  Accepted only the first qualifying case during the time period for our sample. <sup>3</sup>		Accepted only the first qualifying case during the time period. <sup>3</sup>

Footnotes

1. To conserve space, these lists do not include some target charges that occur infrequently at a given site, such as "witness intimidation". We accepted these cases for the sample as well.
2. Under the system, a youth charged with burglary, for example, would qualify: at age 16 or 17, with 2 prior burglaries in the last 12 months; at age 12-15, with 3 prior burglaries in the last 12 months. The point system makes it nearly impossible for youth without prior felony convictions to qualify for the project.
3. Because this project employed the "once a habitual offender, always a habitual offender rule," all subsequent cases regardless of seriousness would have qualified for the project.

In the three sites that applied the rule of "once a habitual offender, always a habitual offender," we selected only the first qualifying case during the time period since subsequent cases did not necessarily meet all of the original target criteria.<sup>6</sup> In Seattle, there was no such rule; every case independently had to meet the objective criteria to be prosecuted by the project, and, therefore, we also accepted any case that did so.

Selection decisions were based on whether or not a case met the criteria at the time of referral to the prosecutor, even though the prosecutor subsequently may have declined to prosecute or may have filed charges less serious than those targeted by the project. In Milwaukee, we also selected cases that were originally referred as lesser offenses, but were filed at a higher level by the prosecutor.

Selecting program nonqualifiers. Once the qualifiers in each time period had been identified, we randomly selected a sample of nonqualifiers. In Miami, Milwaukee, and Washington, D.C., we randomly sampled all youth referred to the prosecutor and (usually) took their first nonqualifying felony case during the time period.<sup>7</sup> In Washington, D.C., we also included misdemeanor assault cases in the sampling pool, since that project targeted some simple assaults. Using this approach, at these sites it was possible by chance for a youth in our qualifier sample to fall into our non-qualifier sample as well, as long as the nonqualifying offense preceded the qualifying offense. (In these sites, remember that once a youth becomes a qualifier, all of his subsequent cases are targeted.) In fact, there were 17 Miami youth, 22 Milwaukee youth, and 12 Washington, D.C. youth who fell into both samples.

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<sup>6</sup>If convicted on this first case, all subsequent cases during the period, including misdemeanors, would have qualified as well, but we preferred to avoid the sampling complexities attached to this "if".

<sup>7</sup>The "usually" refers to Milwaukee where we discovered that referral dates for first nonqualifying cases and first qualifying cases were distributed differently enough within the baseline period to cause some concern. To make the time distributions more similar, whenever a youth had more than one nonqualifying case during the baseline period, we selected whatever case would make the time distribution more similar to the qualifying group. This entailed an iterative procedure that took into account referral month only; no other case characteristics were considered. Ultimately, only about five percent of all selections involved other than a first case. We followed the same procedure for selecting nonqualifiers during the program period.

In Seattle, we randomly sampled from all nonqualifying felony cases, because only "cases" matter in the project's selections. In other words, one month a youth may be charged with a qualifying offense, the next month with a nonqualifying offense, or vice versa. The fact that a youth has previously been prosecuted for a qualifying offense will not cause his assignment to a project prosecutor on subsequent nonqualifying cases.

As in the other sites, this means that the same youth may fall into the qualifier and nonqualifier cohorts, but in this site a nonqualifier may have had a prior history as a qualifier. Actually, this sequence occurred so rarely that we did not take it into account in our analyses. Of the 38 youth who had both qualifying and nonqualifying offenses, only one had actually been prosecuted as a qualifier before his prosecution as a nonqualifier. Four others had a qualifying offense that preceded a nonqualifying offense, but in each case one or both of the offenses selected for our samples were rejected for prosecution.

We treat the fact that some youth belong to more than one cohort as irrelevant for analytic purposes. We use case as a unit of analysis and a case belongs to only one cohort.

As would be expected from the selection criteria, the qualifiers and nonqualifiers in our cohorts are systematically different, with qualifiers exhibiting lengthier and more serious prior records and more serious current charges. The exact nature and magnitude of these differences is documented in Appendix C. The qualifiers also are more likely to be male, nonwhite, and older than the nonqualifiers.

Table 4.2 summarizes the sampling schemes used for each jurisdiction and indicates the size of the cohorts that we drew.

Table 4.3 subdivides the cohorts into: those cases not filed at all; those cases "filed down," that is, either filed below project criteria (among the qualifiers) or not filed as felonies (among the nonqualifiers); those cases actually prosecuted by the project; and those cases prosecuted by others.<sup>8</sup> The "prosecuted by project" and "prosecuted by

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<sup>8</sup>For Washington, D.C., Table 4.3 shows no cases filed down because our sample selection procedures made this category of case impossible.

Table 4.2. Sampling Schemes for Four HSVJOP Jurisdictions

	Miami -----	Milwaukee -----	Seattle -----	Washington, D.C. -----
<u>Sampling Periods</u>				
Baseline	January-December 1983	July 1983-June 1984	January 1983-April 1984	January-December 1983
Program	January-December 1985	January-December 1985	January 1985-April 1986	January-December 1985
<u>Primary Sampling Unit</u>				
	The juvenile	The juvenile	The case	The juvenile
<u>Sampling From:</u>				
	All juveniles referred to prosecutor with felony charges	All juveniles referred to prosecutor with felony charges or with charges subsequently filed as felonies. (All felony shoplifts excluded.)	All felony cases referred to prosecutor.	All juveniles with cases filed as felonies or misdemeanor assaults, or with referrals of felonies or misdemeanor assaults that were rejected for filing. <sup>1</sup>
<u>Qualifier Cohorts Contain:</u>				
	First qualifying case for 100% of qualified youth.	First qualifying case for 100% of qualified youth.	All qualifying cases.	First qualifying case for 100% of qualified youth.
<u>Nonqualifier Cohorts Contain:</u>				
	First nonqualifying case for 9% random sample of non-qualified youth.	One nonqualifying case for 18% random sample of non-qualified youth.	9% random sample of non-qualifying cases.	First nonqualifying case for 10% random sample of nonqualified youth.
<u>Cohort Sizes:</u>				
Baseline Qualifiers	373	283	273	205
Program Qualifiers	417	308	289	200
Baseline Nonqualifiers	286	261	277	163
Program Nonqualifiers	275	297	341	210

Footnotes

1. In contrast to the other three sites the sampling frame for Washington, D.C. does not include cases that were referred as felonies but filed as misdemeanors. Like Milwaukee, however, the sample does include misdemeanor referrals that were subsequently filed as felonies. These anomalies in the sampling were dictated by the nature of computerized records in Washington, D.C., which "overwrite" or obliterate the referring charge once the decision to file has been made.
2. Sampling fractions are estimates.
3. A youth could be a nonqualifier during the early portion of the sampling period and become a qualifier later on in Miami, Milwaukee, and Washington, D.C. In Seattle, a youth could have qualifying and nonqualifying cases throughout the sampling period.

Table 4.3. Breakdown of Cases in Qualifier and Nonqualifier Cohorts: All Sites

	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>
	-----	-----	-----	-----	-----	-----	-----	-----
<u>Qualifiers</u>								
Not Prosecuted	33 (8.8%)	80 (19.2%)	20 (7.1%)	16 (5.2%)	49 (17.9%)	88 (30.4%)	38 (18.5%)	32 (16.0%)
Filed Below Project Criteria <sup>1</sup>	13 (0.3)	28 (3.1)	20 (9.9)	1 (6.5)	10 (0.4)	-- (3.5)	--	--
Prosecuted by Project	--	171 (41.0)	--	189 (61.4)	--	136 (47.1)	--	126 (63.0)
Prosecuted by Others	339 (90.9)	153 (36.7)	235 (83.0)	83 (26.9)	223 (81.7)	55 (19.0)	167 (81.5)	42 (21.0)
TOTAL	373 (100.0%)	417 (100.0%)	283 (100.0%)	308 (100.0%)	273 (100.0%)	289 (100.0%)	205 (100.0%)	200 (100.0%)
<u>Nonqualifiers</u>								
Not Filed	61 (21.3%)	91 (33.1%)	37 (14.2%)	20 (6.7%)	52 (18.8%)	103 (30.2%)	34 (20.9%)	58 (27.6%)
Not Filed as Felonies <sup>1</sup>	3 (1.0)	11 (4.0)	23 (8.8)	25 (8.4)	1 (0.4)	5 (1.5)	--	--
Prosecuted by Project	0	0 (0.0)	--	26 (8.8)	--	1 (0.3)	--	17 <sup>2</sup> (8.1)
Prosecuted by Others	222 (77.6)	173 (62.9)	201 (77.0)	226 (76.1)	224 (80.9)	232 (68.0)	129 <sup>2</sup> (79.1)	136 <sup>2</sup> (64.3)
TOTAL	286 (100.0%)	275 (100.0%)	261 (100.0%)	297 (100.0%)	277 (100.0%)	341 (100.0%)	163 (100.0%)	210 (100.0%)

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Footnotes

1. In a few instances, this category contains cases prosecuted by the project -- for example, cases involving accomplices or those less or charges prosecuted under the "once a habitual offender, always a habitual offender" rule. However, we eliminated them from comparisons of prosecuted cases because the charges were so dissimilar from the remaining cases.
2. In Washington, D.C., these categories include misdemeanor assaults because such cases were eligible for consideration by the project.

others" categories reveal that actual project targeting did not necessarily conform to the selection criteria as we applied them. At every site, a significant proportion of the program qualifiers was prosecuted by nonproject attorneys. Some mismatches between our selections and those of the projects were inevitable, given that we could not perfectly replicate the decision-making process. However, the discrepancies between the project's selections and ours are larger than we expected. We examine the nature of the mismatches later in this chapter.

Table 4.3 also shows that a small number of nonqualifier cases were handled by the project in Milwaukee, Seattle, and Washington, D.C. This was expected, primarily because all four projects prosecuted accomplices of qualifiers under some circumstances.<sup>9</sup> The Milwaukee and Washington, D.C. project attorneys prosecuted enough nonqualifiers to warrant some comparisons with nonqualifiers prosecuted by others in the next chapter.

## The Strategy of Cohort Comparisons

### Baseline vs. Program Comparisons

In considering the changes resulting from HSVJOP, we will routinely be comparing changes between the baseline and program periods for qualifiers and changes between baseline and program for nonqualifiers. The baseline-to-program comparisons for nonqualifiers allow us to identify any trends in the system that were occurring independently of the projects and thus they provide one standard for measuring project performance. For example, if conviction rates have increased dramatically for nonqualifiers between baseline and program periods, we would be less inclined to credit the project with a jump in convictions than if conviction rates for nonqualifiers had remained stable across periods.

In making these types of comparisons, ideally the characteristics of the baseline cases and youth should match those of the program cases and youth as closely as possible. To maximize the similarities, we used identical procedures to select cohorts in both time

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<sup>9</sup>This was done primarily as a matter of convenience, because cases involving co-defendants often are tried together.

periods. However, identical procedures could not rule out differences in the nature of the youth and cases referred to the prosecutor across time periods. Should such differences exist, they alone rather than the project's actions might explain changes in performance across time periods.

To determine how widespread and significant such differences might be, we systematically compared the case and defendant characteristics of the qualifiers and nonqualifiers between the baseline and program periods (BQ vs. PQ, BNQ vs. PNQ), using tests of statistical significance.<sup>10</sup> Depending upon the type of measure under consideration, we used a variety of statistical techniques. For ordinal measures of characteristics (data expressed in ordered categories), we used Kendall's tau b or tau c.<sup>11</sup> For interval measures (data expressed as numbers that are meaningful in themselves such as age or number of prior charges), we used F-tests. In each case, the .05 level of statistical significance was used to indicate differences of sufficient magnitude to warrant concern or comment.

Summary of cohort differences. A detailed review of these comparisons and accompanying tables can be found in Appendix C. These comparisons indicate that there are some significant differences between the cases in the baseline and program periods. These differences may be the result of trends over time in the nature of the cases presented to the prosecutor, chance factors, or other conditions in the system. Many of the changes involve the qualifier cohorts only, but there are some instances of parallel changes for the nonqualifiers, and a few changes unique to the nonqualifiers. The differences across cohorts are most numerous in Miami.

The differences encompass demographic characteristics in Miami (race), Seattle (race, sex), and Washington, D.C. (age), and encompass seriousness of the current charge in all sites except Seattle. Every site shows some differences on the measures of prior

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<sup>10</sup>Strictly speaking, significance tests are appropriately applied only to random samples, such as our full cohorts of baseline and program nonqualifiers. We apply these tests to a variety of other comparisons in which the groups involved are not random samples -- for example, the subset of nonqualifiers who were actually prosecuted, or to the qualifiers, who represent the universe of the eligible cases during the baseline and program periods.

<sup>11</sup>Kendall's tau b is appropriate for square tables and tau C is appropriate for rectangular ones.

record, as well, although they are minimal in Milwaukee. In Seattle and Washington, D.C., program period qualifiers had more serious records of prior charges and adjudications than their baseline counterparts. In Miami, the trends were inconsistent; some measures indicate increases in seriousness of prior history in the program period and others indicate decreases.

Overall, these analyses suggest that simple baseline-to-program comparisons will be insufficient to establish the role of the project in changing system performance. They substantiate the need for multivariate analyses that incorporate controls for demographic, prior record, and current case characteristics. They also suggest that multivariate analyses involving baseline and program period cases together may be difficult to interpret because of the number of changes that have occurred over time and the fact that the patterns of change are not uniform for qualifiers and nonqualifiers.

### **Project vs. Nonproject Comparisons**

We noted earlier that among the qualifiers prosecuted during the program period, a fair number were prosecuted outside the project, by other attorneys in the juvenile division. The exact proportion ranged from a high of 47.2 percent in Miami to 30.5 percent in Milwaukee, 28.8 percent in Seattle, and a low of 25.0 percent in Washington, D.C. The fact that project attorneys did not actually handle all of the cases identified as qualifiers offers us an opportunity to look at the data in another way. We can compare project cases with nonproject cases within the program period alone.

As with baseline-to-program comparisons, project versus nonproject comparisons ideally would involve cases and youth with similar characteristics. Differences would indicate a need for multivariate techniques to confirm apparent relationships between project handling and performance. Differences between qualifiers handled by project and nonproject attorneys also are of substantive significance, because they indicate the types of cases "missed" by project attorneys -- whether by accident or by design.

Summary of comparisons between qualifiers handled by the project and nonproject attorneys. A detailed review of these comparisons and accompanying tables are included in Appendix C. Overall, the comparisons indicate that project and nonproject cases are most similar in Miami. The youth involved are more likely to be male and to be serving

a current juvenile sentence, and the offense is somewhat more likely to involve victim injury. However, the prior records of the accused youth do not differ at all.

In Seattle, we find the reverse pattern. While the characteristics of the current cases are quite similar for project and nonproject groups, the youth involved are not. Their prior records are significantly more serious and they are less likely to be white.

In Milwaukee and Washington, D.C., in contrast, both the offenders and the nature of the offenses differ significantly. The current charges are more serious on average, and the offenders involved have lengthier and more serious prior records. The offenders are also less likely to be white.

Case quality, as measured by our index consisting of property recovery, admissions, and eyewitness variables, did not differ significantly between project and nonproject cases at any of the sites.

One implication of these data is that the selection of qualifier cases for prosecution by the project versus others was not a random process, except perhaps in Miami. For whatever reasons, the process does seem to have singled out offenders or cases that were somewhat more serious, regardless of the project's official criteria. We will return to discuss the possible interpretations of this finding in our final chapter.

The other implication of these findings is that simple comparisons between project and nonproject cases on outcome measures such as severity of sentence will be problematic. Since qualifiers prosecuted by the project are likely to have been more serious in many instances, it will not be surprising if they receive more severe penalties. Thus, we will need multivariate analyses that control for the seriousness of the current case and the prior record of the offender to confirm any relationships observed.

### **The Analyses**

In the next chapter, we report the results of our analyses of the relationship between prosecution by the project and various measures of performance. For each category of measures, we will report the results of a series of comparisons between cases in the different time periods -- 1983 baseline and 1985 program qualifiers (BQ vs.

PQ), and 1983 baseline and 1985 program nonqualifiers (BNQ vs. PNQ) -- as well as comparisons between qualifier cases prosecuted by the project and by others in 1985. Comparisons between nonqualifiers prosecuted by the project and by others also will be reported in Milwaukee and Washington, D.C. (The Miami project prosecuted no nonqualifiers in our program period cohort and the Seattle project only prosecuted one.)

For each site, we display the two-way ("bivariate") comparisons between membership in a cohort and each performance measure of interest and examine the patterns that emerge. Then we discuss the results of more complicated multivariate analyses that control for variables such as the demographic characteristics of the offender and his prior record. The control variables were selected based on our examination of the significant differences between baseline and program, and project and nonproject cases respectively, as well as theory and other research findings pertinent to the relationships in question. Our multivariate analyses involved two techniques -- analysis of covariance and loglinear analysis. For effects that could be expressed as continuous variables, such as disposition speed, we used analysis of covariance only. For effects that were expressed as dichotomous variables, such as convicted/not convicted, we used analysis of covariance to explore the data for possible relationships and confirmed these relationships by using loglinear techniques for any of the analyses of covariance that showed effects falling between the .01 and .15 levels of statistical significance. If the loglinear analysis revealed an effect of interest at the .05 level of significance, we considered that a confirmation of the relationship observed with analysis of covariance.

The multivariate analyses reported in Chapter V are based only on comparisons between those qualifier cases prosecuted by the project and those qualifiers prosecuted by others during the program period.<sup>12</sup> The analyses routinely incorporated the following

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<sup>12</sup>We also conducted other multivariate analyses that included nonqualifiers and/or cases from the baseline period. One version of the analyses incorporated all cases prosecuted, whether qualifiers or nonqualifiers and whether drawn from the baseline or the program period. In this version, project cases, whether they involved qualifiers or nonqualifiers, were compared with all other cases in the pool. A variable representing qualification for the project was included in these analyses. A second version of the analyses deleted the nonqualifiers, resulting in a comparison of those qualifiers prosecuted by the project with all other prosecuted qualifiers in either time period. A third version included nonqualifiers and qualifiers, but only those prosecuted in the program period. With a few exceptions, the findings parallel those for analyses based on qualifiers from the program period only. For the sake of simplicity, we do not discuss these alternate

variables: the youth's race, the youth's age at referral for the current case, whether the case was prosecuted by the project or not, whether the youth had other cases pending during the time this case was active, and one or more measures of the youth's prior record. When appropriate to the particular analysis, measures of the seriousness of the current charges, case quality, whether the youth had been detained, and whether the case had been disposed of by trial or by plea were added. Because case quality scores were missing for about half of the Miami qualifiers, this variable was not employed for the Miami analyses.<sup>13</sup> Neither was race employed in Washington, D.C. since nearly all of the youth in our Washington, D.C. cohorts were black.

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analyses in the text.

In any case, multivariate comparisons involving cases from both time periods have a notable drawback. They may be affected by trends over time in the behavior of the juvenile justice system that have nothing to do with the project -- for example, an overall slowdown or speedup in case processing as a result of changes in court resources. In addition, to the extent that these alternate analysis include larger numbers of cases, in statistical terms their "power" to detect differences is increased; some of the differences detected may be quite small and of dubious practical significance.

<sup>13</sup>As described in Chapter IV, the quality score was constructed from several other variables, including indicators of eyewitnesses, property return, and admissions by the defendant or accomplices. Missing data on any one of the component variables produced a missing value for the entire score. In Miami, there were considerable amounts of missing data on the property return indicator. Quality scores are only consistently available for the prosecuted qualifiers at the remaining sites, because it was often difficult to locate the requisite data for qualifiers that were rejected for prosecution.

## CHAPTER V. THE EFFECTS OF HSVJOP ON CASE PROCESSING AND OUTCOMES

In this chapter, we turn to the primary issue -- what effects did the intervention of the projects have on the cases they handled? We will focus on effects in three areas:

- the initial decision to file charges in a case
- the processing of the case -- speed of disposition, vertical prosecution, continuances, and method of disposition (plea versus trial)
- the outcomes of the case -- the findings and the sentences imposed.

As indicated in Chapter IV, we use both bivariate comparisons and multivariate analyses to examine the relationships between project handling and the various performance measures in each category. Figures distributed throughout this chapter indicate the variables that were incorporated in the multivariate analyses for each performance measure. For the most part, we will base our discussion on the bivariate comparisons, which are displayed in the tables. For simplicity's sake, we will report the multivariate analyses only when their results differ from those of the bivariate comparisons -- that is, when introducing controls for the offender's personal characteristics, prior record, and various case characteristics changes the two-way relationship observed between project handling and outcomes. When no multivariate analyses are reported for the finding, the reader can assume that the multivariate analyses confirmed the bivariate relationship.

The tables and the accompanying discussions in this chapter are quite detailed. We recognize that many readers will not be interested in the step-by-step presentation of findings for each measure and each site. Therefore, we have included brief summaries of the findings at the end of the major sections on decision to file, case processing, and case outcomes, respectively. At the beginning of Chapter VI, we also have included a summary table depicting the findings across all sites and all areas of performance. We encourage readers who are interested primarily in the overall results to consult these summary sections.

## The Decision to File

Tables 5.1 through 5.4 show the three indicators that bear on filing decisions -- whether charges were filed at all, whether the top or lead charge was changed to something more or less serious,<sup>1</sup> and whether the screener changed the number of charges filed. Figure 5.1 shows the variables incorporated in the multivariate analyses involving these measures. The reader will note that case quality is not included among the variables for the analyses of decisions to file (versus reject) cases, although presumably, case quality is one of the primary determinants of this decision. Unfortunately, it was extremely time-consuming and sometimes impossible to locate manual files for cases that had been rejected for prosecution, so we do not have case quality scores for the majority of those cases.

Below we discuss the charging data for each site. We remind the reader that project staff directly controlled the filing decisions in Miami, Milwaukee, and Washington, D.C., but not in Seattle.

### Miami

Two significant changes in filing decisions occurred in Miami from the baseline to the program period (see Table 5.1). First, the overall proportion of cases filed declined for both the qualifiers and the nonqualifiers. The magnitude of the decline is about the same for both groups, an indication that the changes were occurring independently of the HSVJOP screeners' decision-making. Second, the screening attorney increased the number of charges referred by the police in significantly more qualifier cases during the program period than during the baseline period (3.9 percent of the baseline cases and 18.4 percent of the program cases,  $p < .001$ ). Most of these increases occurred for cases that were not handled by project attorneys. The other measure -- alterations in the top charge referred by police -- did not change significantly from the baseline to the program period.

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<sup>1</sup>"Top" or "lead" charge refers to the most serious charge among the set of charges, as defined by the sentencing provisions of the local juvenile or adult statutes. (Adult statutes were used as a guide when the juvenile statutes provided no system of ordering charges according to sentence risk.)

Figure 5.1. Summary of Variables Incorporated in  
Multivariate Analysis of Project Effects  
on Decision to File, Program Period

Unless otherwise noted, all multivariate analyses  
incorporate these independent variables:

Project case (Yes vs. No), Age at referral,  
Race/ethnicity,<sup>1</sup> Number of other pending charges

Dependent Variables	Independent Variables
• Case Filed (Yes vs. No)	Time (Baseline vs. Program), Qualified for the Project (Yes vs. No), Seriousness score for prior charges <sup>2</sup>
• Filed more charges/Filed same number or less	Seriousness score for prior charges, Most serious current charge, Case quality <sup>3</sup>
• Filed higher Top charges/ Filed same or lower	

<sup>1</sup>Not included in Washington, D.C. analyses.

<sup>2</sup>This analysis did not incorporate the "project case" variable.

<sup>3</sup>Not included in Miami analysis.

Table 5.1 Case Filing Decisions: Miami

Variables	<u>BQ</u> <sup>1</sup>	<u>PQ</u> <sup>1</sup>	<u>Project PQ</u> <sup>2</sup>	<u>Nonproject PQ</u> <sup>2</sup>	<u>BNQ</u> <sup>3</sup>	<u>PNQ</u> <sup>3</sup>	<u>Project PNQ</u> <sup>4</sup>	<u>Nonproject PNQ</u> <sup>4</sup>
	(N=373)	(N=417)			(N=286)	(N=275)		
% Cases Filed (of all cases)	91.2	80.8***	--	--	77.6	66.6***		
							NOT APPLICABLE	
	(N=340)	(N=337)	(N=176)	(N=161)	(N=222)	(N=275)	(NO CASES	
% Prosecuted Cases In Which Filing Decision Resulted In:							PROSECUTED	
More charges	3.9	18.4***	7.5	30.0***		NA	BY THE PROJECT)	
Same or Fewer charges	96.1	81.6	92.5	70.0				
% Prosecuted Cases in Which Filing Decision Resulted In:								
Higher top charge	22.3	17.2	20.8	13.3		NA		
No change	68.9	74.8	69.2	80.7				
Lesser top charge	8.9	8.1	10.1	6.0				

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.

\*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),

\* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria.
4. This group excludes cases in which the prosecutor filed misdemeanor charges only.

The only significant difference between project and nonproject cases in the bivariate analysis of filing variables is that screeners were less likely to increase the number of charges in project cases than in nonproject cases. The multivariate analyses confirmed this difference ( $F=27.91$ ,  $p<.001$ ). The multivariate analyses also indicated that the project attorneys were more likely to increase the top charge referred by the police than were nonproject attorneys ( $F=4.04$ ,  $p<.05$ ).

### Milwaukee

In Milwaukee, the proportion of cases filed by the prosecutor climbed significantly over time for the nonqualifiers (see Table 5.2) but not for the qualifiers. It may be that the baseline rate for the qualifiers (92.9%) did not leave much room for improvement. There is nothing in this pattern to suggest that the project was affecting the decision to file.

There were other significant changes in charging practices in the baseline to the program periods. There were consistent and significant increases in the proportion of cases in which the prosecutor added more charges for both the qualifiers and the nonqualifiers. Filing decisions with respect to top charge also changed for both groups, resulting in fewer charge reductions and more charges increased or sustained as referred.

These same changes in charging practices are particularly associated with cases prosecuted by project attorneys. Project cases were more likely to have had charges added and were more likely to have had the top charge raised than nonproject cases. However, the apparent effect of the project on the proportion of cases filed at a higher level disappears in the multivariate analyses.

### Seattle

In Seattle, prosecutors accepted fewer cases for prosecution in the program period than in the baseline period (see Table 5.3). The magnitude of the decline is

Table 5.2 Case Filing Decisions: Milwaukee

Variables	BQ <sup>1</sup>	PQ <sup>1</sup>	Project PQ <sup>2</sup>	Nonproject PQ <sup>2</sup>	BNQ <sup>3</sup>	PNQ <sup>3</sup>	Project PNQ <sup>4</sup>	Nonproject PNQ <sup>4</sup>
	(N=283)	(N=308)			(N=261)	(N=297)		
% Cases Filed (of all cases)	92.9	94.5	--	--	85.8	93.3**	--	--
	(N=263)	(N=308)	(N=197)	(N=95)	(N=224)	(N=277)	(N=26)	(N=251)
% Prosecuted Cases In Which Filing Decision Resulted In:								
More charges	13.7	38.9***	46.7	22.3***	15.6	26.4**	50.0	23.9**
Same number of charges	77.9	53.9	47.7	67.0	78.6	67.9	46.2	70.1
Fewer charges	8.4	7.2	5.5	10.6	5.8	5.8	3.8	6.0
% Prosecuted Cases in Which Filing Decision Resulted In:								
Higher top charge	11.4	12.6*	14.1	9.5*	6.7	10.5*	15.4	10.0
No change	72.6	77.2	78.4	74.7	78.6	78.0	80.8	77.7
Lesser top charge	16.0	10.2	7.5	15.8	14.7	11.6	3.8	12.4

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria.
4. This group excludes cases in which the prosecutor filed misdemeanor charges only.

Table 5.3 Case Filing Decisions: Seattle

Variables	<u>BQ</u> <sup>1</sup>	<u>PQ</u> <sup>1</sup>	<u>Project PQ</u> <sup>2</sup>	<u>Nonproject PQ</u> <sup>2</sup>	<u>BQ</u> <sup>3</sup>	<u>PNQ</u> <sup>3</sup>	<u>Project PNQ</u> <sup>4</sup>	<u>Nonproject PNQ</u> <sup>4</sup>
	(N=273)	(N=289)			(N=276)	(N=341)		
% Case Filed (of all cases)	82.1	69.3***	--	--	81.2	69.8***		
	(N=224)	(N=201)	(N=136)	(N=65)	(N=224)	(N=238)		
% Prosecuted Cases In Which Filing Decision Resulted In:								
More charges	4.1	3.3**	3.8	1.9*	4.6	1.3		
Same number of charges	89.0	79.3	81.7	73.6	89.5	90.8		
Fewer charges	6.9	17.4	14.5	24.5	5.9	7.9		
% Prosecuted Cases in Which Filing Decision Resulted In:								
Higher top charge	0	.5*	.7	0***	.4	.8		
No change	98.2	93.5	97.8	84.6	98.2	95.8		
Lesser top charge	1.8	6.0	1.5	15.4	1.3	3.4		

DATA NOT

REPORTED

(ONLY 1

CASE PROSECUTED

BY PROJECT)

65

- \*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria.
4. This group excludes cases in which the prosecutor filed misdemeanor charges only.

similar for both qualifiers and nonqualifiers, thus providing no reason to believe that the project played a role in the trend.

Other significant baseline to program changes occur among the qualifiers. Program cases are more likely to have had the number of charges reduced, and more likely to have had the top charge changed. The trends for nonqualifier cases are similar, but they are not strong enough to attain statistical significance.

Although the bivariate comparisons of cases prosecuted by project attorneys versus those prosecuted by other attorneys indicate a project effect in the direction of tougher petitions (more charges added and fewer reductions in the top charge), these effects do not hold up in the multivariate analyses.

#### Washington, D.C.

Charging practices in Washington D.C. remained fairly stable from the baseline to the program period (see Table 5.4). The only significant change is that the proportion of cases in which charges were added declined significantly, from 34.6 percent to 23.4 percent ( $p < .05$ ). There were no statistically significant differences between cases handled by project attorneys and those handled by other attorneys.

### The Prosecution Process

Tables 5.5 through 5.8 depict selected aspects of case processing at each of the four sites. At each site, we look for program effects in areas such as continuances, vertical prosecution, mode of disposition (plea vs. trial), and processing time. Figure 5.2 summarizes the variables incorporated in the relevant multivariate analyses.

The bivariate tables also include data on detention and on the type of representation involved in the cases, because they may be of intrinsic interest to many

Table 5.4 Case Filing Decisions: Washington, D.C.

Variables	BQ <sup>1</sup>	PQ <sup>1</sup>	Project PQ <sup>2</sup>	Nonproject PQ <sup>2</sup>	BQ <sup>3</sup>	PNQ <sup>3</sup>	Project PNQ <sup>4</sup>	Nonproject PNQ <sup>4</sup>
	(N=205)	(N=200)			(N=163)	(N=210)		
% Case Filed (of all cases)	81.5	84.0	--	--	79.1	72.2	--	--
	(N=167)	(N=168)	(N=126)	(N=42)	(N=129)	(N=152)	(N=17)	(N=135)
% Prosecuted Cases in Which Filing Decision Resulted In:								
More charges	34.6	23.4*	25.2	17.9		NA		NA
Same or Fewer charges	65.4	76.6	74.8	82.1				
% Prosecuted Cases in Which Filing Decision Resulted In:								
Higher top charge	12.2	18.4	17.6	20.5		NA		NA
No change	87.8	75.9	76.5	74.4				
Lesser top charge	--	5.7	5.9	5.1				

\*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.

\*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),

\*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

#### Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria.
4. This group excludes cases in which the prosecutor filed misdemeanor charges only.

**Figure 5.2. Summary of Variables Incorporated in  
Multivariate Analysis of Project Effects  
on Case Processing, Program Period**

Unless otherwise noted, all multivariate analyses  
incorporate these independent variables:

Project case (Yes vs. No), Age at referral,  
Race/ethnicity,<sup>1</sup> Number of other pending charges

Dependent Variables	Independent Variables
<ul style="list-style-type: none"> <li>○ Method of disposition (Trial vs. Other)</li> </ul>	Detained (Yes vs. No), Seriousness score for prior charges, Seriousness score for current charges, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>○ Number of days, referral to disposition</li> <li>○ Number of days, petition to disposition</li> </ul>	Detained (Yes vs. No), Method of disposition (Trial vs. Other), Seriousness score for current charges, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>○ Number of state continuances</li> <li>○ Number of defense continuances</li> <li>○ Number of continuances by any party</li> </ul>	Detained (Yes vs. No), Method of disposition (Trial vs. Other), Seriousness score for current charges, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>○ Vertically prosecuted, first through final appearance (Yes vs. No)</li> <li>○ Vertically prosecuted, second through final appearance (Yes vs. No)</li> </ul>	Detained (Yes vs. No), Method of disposition (Trial vs. Other), Number of case events, Seriousness score for current charges, Case quality <sup>2</sup>

<sup>1</sup>Not included in Washington, D.C. analyses.

<sup>2</sup>Not included in Miami analyses.

readers. We present these data without comment in the text, because we do not view counsel type or detention (as measured here) to be indicators of project performance.<sup>2</sup>

### Miami<sup>3</sup>

Comparisons of the number of case events and the proportion of cases disposed by trial show no significant differences across time or between groups. (See Table 5.5) The same is true for continuances with one exception. Continuances requested by the state are significantly more prevalent for project than nonproject cases in our sample. Because of the sample size, this result could not be further examined through multivariate techniques.

The patterns in the vertical prosecution data are much more clear-cut, in spite of the small sample sizes. Our definition of vertical prosecution requires that the same attorney handle every court event from first through last appearance, or from

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<sup>2</sup>The type of representation (public vs. private counsel) is considered outside the sphere of project influence. This is not the case for detention. However, the available data are inadequate to assess the projects' respective contributions to detention, because we generally do not know whether the prosecutor was present for a given detention decision. Many detention decisions, in particular the initial one at intake, are made without the participation of any prosecutor. And later detention is frequently precipitated by a new arrest, rather than by any actions of the prosecutor. Thus, even though youth prosecuted by the project at most sites are more likely to be detainees than nonproject youth, without elaborate event-by-event tracking of detention decisions we decline to draw any conclusions about the projects' effects in this sphere. In Milwaukee, Seattle, and Washington, D.C., the consensus among staff and outside observers interviewed in 1986 (Cronin et al., 1987) was that the project had increased detention of habitual serious offenders.

<sup>3</sup>The Miami data on the prosecution process in Table 5.5 are based on several samples. Only measures of case processing time and type of representation are available for all cases in all cohorts. Data on the number of case events, continuances, and vertical prosecution are based on a 10 percent random sample of cases and are unavailable for the baseline nonqualifiers. Data on detention and mode of prosecution (trial vs. plea) are unavailable for nonqualifiers in both time periods.

Table 5.5 Case Processing -- Counsel Type, Detention, Continuances, Vertical Prosecution, and Processing Speed: Miami

Variables	Prosecuted Qualifiers <sup>1</sup>				Prosecuted Nonqualifiers <sup>2</sup>			
	BQ (N=320)	PQ (N=306)	Project PQ (N=168)	Nonproject PQ (N=138)	BNQ (N=193)	PNQ (N=157)	Project PNQ	Nonproject PNQ
<u>Detention</u> <sup>3</sup>								
% Securely Detained Initially	79.4	72.2*	70.2	74.6			NA	
% Securely Detained For Any Portion of Current Case	NA			NA			NA	
<u>Representation</u> <sup>3</sup>								
% Represented by Private Counsel	21.7	18.9	19.4	17.9	11.1 <sup>+5.0</sup>	15.7 <sup>+6.2</sup>		
<u>Case Processing</u>								
Mean No. of Case Events <sup>4</sup>	(N=32) 4.9 <sup>+1.7</sup>	(N=33) 6.0 <sup>+1.2</sup>	(N=17) 4.9 <sup>+1.2</sup>	(N=16) 7.1 <sup>+2.2</sup>		(N=30)		NOT APPLICABLE (NO CASES PROSECUTED BY PROJECT)
% of Cases Disposed by Trial	21.1	16.0	18.4	13.8	NA	4.7 <sup>+1.7</sup>		
% of Cases Continued by <sup>4</sup>	(N=32)	(N=33)	(N=17)	(N=16)		(N=30)		
State	12.5 <sup>+12.1</sup>	21.2 <sup>+14.7</sup>	35.3 <sup>+25.3</sup>	6.3 <sup>+13.4*</sup>	--	33.3 <sup>+17.9</sup>		
Defense	37.5 <sup>+17.7</sup>	30.3 <sup>+16.6</sup>	35.3 <sup>+25.3</sup>	25.0 <sup>+23.8</sup>	--	43.3 <sup>+18.8</sup>		
Any Party <sup>5</sup>	59.4 <sup>+18.0</sup>	57.6 <sup>+17.8</sup>	70.6 <sup>+24.2</sup>	43.8 <sup>+27.3</sup>	--	56.7 <sup>+18.8</sup>		
% of Cases Vertically Prosecuted: <sup>4</sup>	(N=32)	(N=33)	(N=17)	(N=16)		(N=30)		
1st thru Final Appearance	3.1 <sup>+6.4</sup>	9.1 <sup>+10.4</sup>	11.8 <sup>+17.1</sup>	6.3 <sup>+13.5</sup>	--	16.7 <sup>+14.2</sup>		
1st thru Final or Second thru Final Appearance	6.3 <sup>+8.9</sup>	39.4 <sup>+17.6***</sup>	64.7 <sup>+25.3</sup>	12.5 <sup>+18.2***</sup>	--	23.3 <sup>+16.1</sup>		

Table 5.5 Case Processing -- Counsel Type, Detention, Continuances, Vertical Prosecution, and Processing Speed: Miami

Variables	Prosecuted Qualifiers <sup>1</sup>				Prosecuted Nonqualifiers <sup>2</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(N=300)	(N=292)	(N=155)	(N=137)	(N=193)	(N=157)		
<u>Case Processing Time</u>								
Mean Days, Referral to Disposition	57.2	74.8**	66.2	84.4*	105.6 <sup>+14.7</sup>	100.2 <sup>+11.8</sup>	NOT APPLICABLE	
Mean Days, Filing to Disposition	52.5	69.0**	60.0	79.1*	88.6 <sup>+14.4</sup>	87.6 <sup>+11.4</sup>	(NO CASES PROSECUTED BY PROJECT)	

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This group excludes cases in which the prosecutor filed misdemeanor charges only.
3. These data are presented for information only, and are not to be interpreted as measures of project performance. See text.
4. This information was collected for a 10% random sample of all cases. Special Ns for these analyses are shown in parentheses.
5. "Any Party" includes continuances requested by State, Defense, Court, or an unknown party, as well as joint continuances.

second through last appearance.<sup>4</sup> These are very stringent definitions of vertical prosecution that make no allowance for "team" vertical prosecution -- in which the members of an established team of prosecutors, such as the two HSVJOP attorneys in Miami, trade cases back and forth. The team arrangement may well provide considerable continuity of prosecution, but the data analysis could not incorporate the concept of teams since the team members could not always be identified, particularly among the nonproject cases. We recognize that many circumstances can interfere with the "pure" form of vertical prosecution, including illnesses, vacations, turnover of project personnel, and last minute changes of court calendar.

The data in Table 5.5 suggest that prosecution by the Miami project is strongly associated ( $p < .001$ ) with pure vertical handling from second through final appearance, but not with vertical handling from first through final appearance. Because of the small number of cases in the sample, no multivariate analyses were conducted. However, these results are consistent with 1986 interview data (Cronin et al., 1987). Nonproject interviewees usually reported that the project had increased vertical prosecution. Project staff reported that they typically relied on other attorneys to cover initial detention hearings, but strove for vertical prosecution from that point on.

The information on time to disposition indicates that processing speed was unchanged from the baseline to the program period for the nonqualifiers, but deteriorated among the qualifiers by an average of more than two weeks per case. All the same, the qualifiers prosecuted by the project appeared to be handled more rapidly than those prosecuted by others, averaging, for example, 60.0 days from filing to disposition versus 79.1 days for their counterparts. However, when analysis of covariance procedures were used to control for other characteristics of the case and offender, the relationship between project prosecution and speedier processing disappeared. This was true whether disposition time was measured from the point of referral or from case filing.

There was no association between project prosecution and a defendant's decision to contest the charges in a trial.

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<sup>4</sup>The second comparison allows for the fact that often other attorneys cover initial appearances; sometimes cases are not identified as qualifiers until this appearance has taken place.

## Milwaukee

Table 5.6 shows few changes over time or between project and nonproject cases in terms of the number of case events, the percentage of cases continued by the different parties, and the proportion of cases tried. Only two significant differences were detected. First, the mean number of case events increased from the baseline to the program period for qualifier cases. This pattern did not show up in the nonqualifier group and did not appear to be associated with project prosecution, however. Second, project prosecution appears to be associated with fewer continuances by the defense. No other differences in continuances emerged.

There were no trials among the nonqualifier cases in either time period and very low percentages for the qualifiers (1.9 % in the program period); there were no differences between project and nonproject cases.

The data in Table 5.6 show dramatic improvements in vertical prosecution, mostly among project cases, although the proportion of cases vertically prosecuted is still low. The number of qualifier cases handled by the same attorney from start to finish more than tripled (from 7.0% to 23.3%) between the baseline and program periods. The improvement in vertical prosecution from the second through final appearances is less dramatic but still significant (from 23.0% to 37.3%). Nearly all the changes observed are associated with project cases.

Over time case processing slowed for the nonqualifiers, showing a 10-day increase in time from filing to disposition ( $p < .05$ ), but there were no significant changes in case processing speed for the qualifiers. However, the speed of processing for project cases, whether qualifiers or nonqualifiers, is considerably faster than for nonproject cases. For example, time from filing to disposition is over three weeks shorter for qualifiers handled by the project (44.3 days vs. 67.6,  $p < .001$ ). Because of the preponderance of detainees among the project cases, and the statutory obligation to expedite their processing, the project's role may be less than meets the eye. However, the multivariate analyses strongly confirm the association between project handling and speed of prosecution ( $F = 12.74$ ,  $p < .001$  for time from referral to disposition;  $F = 9.26$ ,  $p < .01$  for time from filing to disposition).

Table 5.6 Case Processing -- Counsel Type, Detention, Continuances, Vertical Prosecution, and Processing Speed: Milwaukee

Variables	Prosecuted Qualifiers <sup>1</sup>				Prosecuted Nonqualifiers <sup>2</sup>			
	BQ (N=235)	PQ (N=272)	Project PQ (N=189)	Nonproject PQ (N=83)	BNQ (N=223)	PNQ (N=252)	Project PNQ (N=26)	Nonproject PNQ <sup>3</sup> (N=252)
<u>Detention</u> <sup>4</sup>								
% Securely Detained Initially	75.6	70.4	89.0	27.7***	40.0	36.9	84.6	31.4***
% Securely Detained For Any Portion of Current Case	79.1	80.2	95.3	45.1***	42.8	44.4	100.0	37.9***
<u>Representation</u> <sup>4</sup>								
% Represented by Private Counsel	NA		NA		NA		NA	
<u>Case Processing</u>								
Mean No. of Case Events	4.3	4.7*	4.8	4.4	3.9 <sup>+3</sup>	4.0 <sup>+2</sup>	4.7 <sup>+7</sup>	3.9 <sup>+2</sup>
% of Cases Disposed by Trial	3.9	1.9	2.1	1.2	0	0	0	0
% of Cases Continued by <sup>5</sup>	(N=235)	(N=270)	(N=188)	(N=82)	(N=46)	(N=65)	(N=24)	(N=41)
State	3.4	1.9	2.7	0	2.4	0	0	0
Defense	17.0	15.6	12.2	23.2*	21.4	20.0	16.7	22.0
Any Party <sup>6</sup>	31.9	33.7	31.9	37.8	28.6	33.3	29.2	31.7
% of Cases Vertically Prosecuted: <sup>5</sup>	(N=183)	(N=258)	(N=184)	(N=74)	(N=105)	(N=167)	(N=22)	(N=145)
1st thru Final Appearance	7.0	23.3***	27.7	12.2**	9.2	12.0	36.4	8.3***
1st thru Final or 2nd thru Final Appearance	23.0	37.3***	41.3	23.1**	35.2	31.0	47.4	28.2*
<u>Case Processing Time</u>								
Mean Days, Referral to Disposition	65.7	57.8	47.9	81.0***	71.8 <sup>+7.0</sup>	76.9 <sup>+5.4</sup>	52.6 <sup>+13.6</sup>	79.4 <sup>+5.8</sup>
Mean Days, Filing to Disposition	55.8	51.3	44.3	67.6***	51.9 <sup>+6.3</sup>	62.1 <sup>+5.0*</sup>	49.4 <sup>+12.8</sup>	63.2 <sup>+5.3</sup>

- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This group excludes cases in which the prosecutor filed misdemeanor charges only.
3. Because of uneven cell sizes and variances, results of significance tests are not reported for some of the comparisons between project and nonproject PNQs.
4. These data are presented for information only, and are not to be interpreted as measures of project performance. See text.
5. For cases prosecuted by the project, we had relatively complete data on continuances and vertical prosecution. Data for other cases were not consistently available. Special Ns for these analyses are shown in parentheses.
6. "Any Party" includes continuances requested by State, Defense, Court, or an unknown party, as well as joint continuances.

## Seattle

Table 5.7 shows that the average number of events per case in Seattle ranged from 4.2 to 4.6, depending on the group. There are no significant differences between project and nonproject cases or between baseline and program period cases on this measure. The proportion of cases disposed of by trial increased for the qualifiers from 30.5% at baseline to 38.8% during the program, with the increase apparently accounted for by project cases. This relationship between trial and project prosecution was not confirmed by multivariate analysis, however ( $F=2.86$ ,  $p>.10$ ).

The continuance data in Table 5.7 show no patterns of any significance for any of the groups.

The proportion of cases prosecuted by the same attorney from first or second appearance through disposition is low in Seattle because pretrial conferences are usually handled by the division chief or her chief deputy rather than the assigned attorney. Attorney continuity in handling cases does not change much over time for the qualifiers; continuity on second through final appearance declined for the nonqualifiers (from 44.1% to 24.3%,  $p<.01$ ).

Because Seattle's practice with respect to pretrial conferences virtually insured that performance on these standard measures of vertical prosecution would be low, vertical prosecution was also calculated without considering the pretrial conference. As would be expected, the proportion of cases vertically prosecuted went up in all time periods and for all groups. As with our original measures, there was no significant change between the baseline and program period for the qualifiers (24.0% vs. 28.9% for the first through final appearance), and a significant decline in vertical prosecution for the nonqualifiers from second through final appearance (78.7% vs. 67.5%,  $p<.05$ ). But the adjusted measure also shows a significant decline among nonqualifiers for first through final appearance (27.6% vs. 9.3%,  $p<.05$ ). More importantly, vertical prosecution appeared to be related to project prosecution. The differences between project and nonproject

Table 5.7 Case Processing -- Counsel Type, Detention, Continuances, Vertical Prosecution, and Processing Speed: Seattle

Variables	Prosecuted Qualifiers <sup>1</sup>				Prosecuted Nonqualifiers <sup>2</sup>			
	BQ (N=223)	PQ (N=191)	Project PQ (N=136)	Nonproject PQ (N=55)	BNQ (N=223)	PNQ (N=233)	Project PNQ (N=1)	Nonproject PNQ (N=232)
<u>Detention</u> <sup>3</sup>								
% Securely Detained Initially	NA		NA		NA			
% Securely Detained For Any Portion of Current Case	68.9	74.2	77.8	65.5*	39.6	47.4*	DATA NOT REPORTED	
<u>Representation</u> <sup>3</sup>								
% Represented by Private Counsel	2.9	3.3	2.3	6.0	2.8	3.7	(ONLY 1 CASE PROSECUTED BY PROJECT)	
<u>Case Processing</u>								
Mean No. of Case Events	4.4	4.5	4.5	4.6	4.2	4.3		
% of Cases Disposed by Trial	30.5	38.8*	43.3	27.8*	19.7	15.8		
% of Cases Continued by State <sup>4</sup>	(N=223) 12.1	(N=188) 9.0	(N=134) 9.0	(N=54) 9.3	(N=43) 14.5	(N=108) 10.2		
Defense <sup>4</sup>	35.0	40.4	40.3	40.7	50.0	44.4		
Any Party <sup>5</sup>	59.6	57.4	55.2	63.0	56.5	62.0		
% of Cases Vertically Prosecuted: <sup>4</sup>	(N=83)	(N=174)	(N=131)	(N=44)	(N=68)	(N=115)		
1st thru Final Appearance	13.9	19.7	21.4	14.3	13.7	7.4		
1st thru Final or Second thru Final Appearance	33.7	27.0	29.2	20.5	44.1	24.3**		
<u>Case Processing Time</u>								
Mean Days, Referral to Disposition	108.1	94.0	84.9	116.6**	121.7 <sup>+12.7</sup>	146.8 <sup>+13.1</sup>	**	
Mean Days, Filing to Disposition	85.1	70.0*	65.4	81.5	98.9 <sup>+11.5</sup>	111.0 <sup>+11.3</sup>		

- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This group excludes cases in which the prosecutor filed misdemeanor charges only.
3. These data are presented for information only, and are not to be interpreted as measures of project performance. See text.
4. For cases prosecuted by the project, we had relatively complete data on state and defense continuances and vertical prosecution. Data for other cases on these measures were not consistently available. Special Ns for these analyses are shown in parentheses.
5. "Any Party" includes continuances requested by State, Defense, Court, or an unknown party, as well as joint continuances. Data for this measure were available on the complete pool of cases.

cases became statistically significant on the adjusted measures of both first and second through final appearances (32.8% vs. 16.7%,  $p < .05$ ; 68.4% vs. 46.9%,  $p < .01$ ).

Finally, Table 5.7 indicates some significant changes over time in speed of case processing. Time from filing to disposition decreased significantly for the qualifiers, ( $p < .05$ ), while time from referral to disposition increased significantly for the non-qualifiers ( $p < .01$ ).

Project cases are completed faster than nonproject cases, reaching disposition in 84.9 days from referral, compared to 116.6 days for nonproject cases, and reaching disposition in 65.4 days from filing compared to 81.5 days for nonproject cases. Analyses of covariance that control for the effects of other variables like detention status and trial versus plea indicate that the differences are significant ( $F=9.11$ ,  $p < .01$ , when disposition speed is measured from referral to disposition;  $F=4.68$ ,  $p < .05$ , from petition to disposition).

#### Washington, D.C.

According to Table 5.8, there are no time trends in the average number of case events or any differences between groups that can be linked to prosecution by the project.

The proportion of cases resolved by trial increased over time for the qualifiers (from 18.7% to 27.5%) and appears linked to project handling in the bivariate comparison. Thirty-two percent of the qualifying project cases were disposed of by trial compared with only 14.2 percent of the qualifying nonproject cases. However, this relationship between project handling and trial does not hold up in multivariate analyses that control for other characteristics of the case and offender.

The continuance data for Washington, D.C. show a significant decline over time in the proportion of nonqualifier cases with state continuances (from 35.2% to 24.7%,  $p < .05$ ), but no significant changes for the qualifiers. None of the differences between project and nonproject cases is significant.

Table 5.8 Case Processing -- Counsel Type, Detention, Continuances, Vertical Prosecution, and Processing Speed: Washington, D.C.

Variables	Prosecuted Qualifiers <sup>1</sup>				Prosecuted Nonqualifiers <sup>2</sup>			
	BQ (N=167)	PQ (N=168)	Project PQ (N=126)	Nonproject PQ (N=42)	BNQ (N=129)	PNQ (N=152)	Project PNQ (N=17)	Nonproject PNQ <sup>3</sup> (N=135)
<u>Detention<sup>4</sup></u>								
% Securely Detained Initially	38.0	49.7*	57.1	26.8***	17.6	21.7	47.1	18.5
% Securely Detained For Any Portion of Current Case	NA		NA		NA		NA	
<u>Representation<sup>4</sup></u>								
% Represented by Private Counsel	6.8	19.2***	16.8	16.2	10.9	7.9	5.9	8.9
<u>Case Processing</u>								
Mean No. of Case Events	3.2	8.0***	8.2	7.4	5.3	6.1*	6.0 <sup>+1.6</sup>	6.2 <sup>+1.6</sup>
% of Cases Disposed by Trial	18.7	27.5*	32.0	14.3*	7.8	12.5	23.5	11.1
% of Cases Continued by State	10.8	14.9	17.5	7.1	35.2	24.7*	23.5	24.8
Defense	NA	57.1	59.5	50.0	43.8	52.0	64.7	50.4
Any Party <sup>5</sup>	NA	85.7	88.1	78.6	73.4	76.7	76.5	76.7
% of Cases Vertically Prosecuted: <sup>6</sup>		(N=30)	(N=16)	(N=14)				
1st thru Final Appearance		40.0 <sup>+18.6</sup>	68.8 <sup>+25.5</sup>	7.1 <sup>+27.1</sup>				
1st thru Final or Second thru Final Appearance	NA	56.7 <sup>+18.8</sup>	81.3 <sup>+21.5</sup>	28.6 <sup>+27.1</sup>	NA		NA	
<u>Case Processing Time</u>								
Mean Days, Referral to Disposition	172.7	162.3	158.4	173.9	140.2 <sup>+19.0</sup>	164.8 <sup>+18.1</sup>	140.6	170.1
Mean Days, Filing to Disposition	164.6	157.7	153.6	169.8	136.1 <sup>+18.8</sup>	159.1 <sup>+18.1</sup>	132.9	165.6

- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This group excludes cases in which the prosecutor filed misdemeanor charges only.
3. Because of uneven cell sizes and variances, results of significance tests are not reported for some of the comparisons between project and nonproject PNQs.
4. These data are presented for information only, and are not to be interpreted as measures of project performance. See text.
5. "Any Party" includes continuances requested by State, Defense, Court, or an unknown party, as well as joint continuances.
6. This information was collected on a 20% random sample of cases. Special Ns for these analyses are shown in parentheses.

Information about vertical prosecution is available for only a small random sample of the program qualifier cases. These data indicate very large differences between the project and nonproject cases, with 68.8 percent of the project cases vertically prosecuted from first through final appearance compared with 7.1 percent of nonproject cases ( $p < .001$ ). The figures for vertical prosecution from second through final appearance are equally impressive (81.3% for project cases vs. 28.6% for nonproject cases,  $p < .01$ ). No multivariate analysis of the vertical prosecution data was possible because of the very limited database. These findings are corroborated by information obtained in interviews in 1986, however. All interviewees, whether project or nonproject staff, reported that HSVJOP had increased vertical prosecution for habitual, serious offender cases.

None of the bivariate comparisons involving time to disposition in Washington, D.C. is statistically significant, nor do the multivariate analyses uncover any relationships between project handling and disposition speed.

### Summary

Increased vertical prosecution is the most consistent effect of project handling, appearing at all four sites. In two of the sites, small sample sizes precluded us from confirming the effect with multivariate analyses, but reports of local observers corroborate the pattern. Project handling also is associated with speedier prosecution in Milwaukee and Seattle.

With two exceptions, project handling is not related to continuances. One exception occurs in Milwaukee, where defense continuances were less frequent in project cases. The other exception occurs in Miami, where project cases had more state continuances. However, the latter finding could not be tested with multivariate techniques because of the small sample size.

We did not observe any effects of project handling on the number of case events or the proportion of trials.

## Case Outcomes: Findings and Sentences

In this section, we examine the outcomes of habitual, serious offender cases and how these changed as a result of HSVJOP's intervention. We recall that for the most part, projects shared similar objectives and expectations about case outcomes. Transfers to adult court were an exception. Miami hoped to reduce transfers and Milwaukee sought to increase them, while Seattle and Washington, D.C. did not aim to influence transfers at all. In addition to transfers, we look at three other categories of findings: dismissals, total convictions, and convictions on the top or all original charges. We also examine the overall sentences received by those convicted, with a particular focus on the proportion of cases resulting in sentences to the state's department of corrections or detention (Seattle only). In three of the four sites, we look at length of sentences as well as sentence type.<sup>5</sup> Figure 5.3 summarizes the variables included in the multivariate analyses for these outcome measures.

### Miami

Overall case findings. The first set of figures in Table 5.9 provides an overview of the types of case outcomes characteristic of Miami and their occurrence for various time periods and groups. The basic alternatives for the cases in our Miami cohorts included: transfer to adult court; a guilty finding on all charges; a guilty finding on the most serious charge; a guilty finding on lesser charges only; informal adjudication without a finding of guilt<sup>6</sup>; diversion after filing of a petition; dismissal; or a not guilty finding. The most striking characteristic of the distribution of case outcomes in Miami

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<sup>5</sup>Appendix D contains some additional data on the changes over time in the sentences imposed on qualifiers and on the use of transfers. These special analyses are exploratory, and are intended to assist the reader in judging the effects of HSVJOP on the "consistency" and "appropriateness" of case outcomes, objectives that are difficult to operationalize but are nonetheless part of the HSVJOP rationale (see Figure 4.1 in Chapter IV).

<sup>6</sup>Miami also has a type of informal adjudication that involves a finding of guilt. In Florida, this type of adjudication is treated as a conviction for purposes of establishing a youth's delinquent record; the primary benefit of such an informal adjudication for the defendant is that it cannot result in a state correctional commitment unless he violates the court's sentencing order. We categorized such informal adjudications with guilty findings.

**Figure 5.3. Summary of Variables Incorporated  
in Multivariate Analysis of Project Effects on Case Findings  
and Sentences, Program Period**

Unless otherwise noted, all multivariate analyses  
incorporate these independent variables:

Project case (Yes vs. No), Age at referral,  
Race/ethnicity,<sup>1</sup> Number of other pending charges

Dependent Variables	Independent Variables
<ul style="list-style-type: none"> <li>• Waived to adult court (Yes vs. No)</li> <li>• Direct filed to adult court (Yes vs. No)</li> </ul>	Seriousness score for current charges, Seriousness score for prior adjudications, Most serious prior sentence, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>• Convicted (Yes vs. No)</li> <li>• Convicted on top or all charges (Yes vs. No)</li> </ul>	Method of disposition (Trial vs. Other), Seriousness score for current charges, Seriousness score for prior charges, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>• Dismissed (Yes vs. No)</li> <li>• Convicted on top or all charges, by trial (Yes vs. No)</li> <li>• Convicted on top or all charges, by plea (Yes vs. No)</li> </ul>	Seriousness score for current charges, Seriousness score for prior charges, Case quality <sup>2</sup>
<ul style="list-style-type: none"> <li>• Sentenced to corrections (Yes vs. No)</li> <li>• Sentenced to corrections and/or detention (Yes vs. No)</li> <li>• Length of correctional sentence imposed</li> <li>• Length of correctional and/or detention sentence imposed</li> </ul>	Detained (Yes vs. No), Seriousness score for current adjudicated charges, Seriousness score for prior adjudications, Most serious prior sentence, Case quality <sup>2</sup>

<sup>1</sup>Not included in Washington, D.C. analyses.

<sup>2</sup>Not included in Miami analysis.

Table 5.9 Case Outcomes -- Findings and Sentences: Miami<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(338)	(319)	(171)	(148)	(222)	(167)		
<u>Overall Findings</u>								
Transferred to Adult Court	37.0	21.0***	32.7	7.4***	6.3	2.4**		
Guilty, All Charges	11.8	9.1	9.9	8.1	22.5	12.7		
Guilty, Most Serious Charge	17.8	20.7	22.8	18.2	21.6	20.4		
Guilty, Lesser Charges	11.8	21.3	16.4	27.0	17.1	14.4	(NO CASES	
Held Open, Informally Adjudicated	0	.6	0	1.4	5.9	22.2		
Diverted	0	2.2	0	4.7	0	.6	PROSECUTED	
Dismissed	20.1	22.3	17.5	27.7	23.0	26.9		
Not Guilty	1.5	2.8	.6	5.4	3.6	.6	BY PROJECT)	
<u>Transfers to Adult Court</u>								
% Waived (of all disposed cases)	7.7	1.6	.6	2.7	1.8 <sup>+1.8</sup>	.6 <sup>+1.2</sup>		
% Direct Filed (of all disposed cases)	29.3	19.4**	32.2	4.7**	4.5 <sup>+2.7</sup>	1.8 <sup>+2.0</sup>		
<u>Convictions and Dismissals</u>								
	(213)	(252)	(115)	(137)	(208)	(167)		
% Dismissed (of all disposed cases except transfers)	31.9	28.2	26.1	29.9	24.5 <sup>+5.9</sup>	27.6 <sup>+6.9</sup>		
% Convicted (of all disposed cases except transfers)	65.7	65.5	73.0	59.1**	71.6 <sup>+6.2</sup>	69.0 <sup>+7.1</sup>		

Table 5.9 Case Outcomes -- Findings and Sentences: Miami<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(140)	(163)	(84)	(79)	(136)	(79)		
<u>Strength of Convictions</u>								
% Convicted, All or Most Serious Charge (of those convicted)	71.4	58.3**	66.7	49.4**	72.1 <sup>+7.6</sup>	69.6 <sup>+10.4</sup>		(NO CASES PROSECUTED BY PROJECT)
	(43)	(22)	(14)	(8)				
% Convicted, All or Most Serious Charge (of those convicted by trial)	81.4	77.3	78.6	75.0		NA		
	(88)	(137)	(67)	(70)				
% Convicted, All or Most Serious Charge (of those convicted by plea)	64.8	55.5	64.2	47.1*		NA		
	(132)	(153)	(80)	(73)	(133)	(103)		
<u>Overall Sentences</u>								
Most Serious Sentence (of those convicted)								
Department of Corrections or Equivalent (DOC)	87.1	82.4	95.0	68.9***	24.8	32.4		
Probation (all types)	12.9	12.4	3.8	21.6	54.1	42.9		
Other	0	5.2	1.3	9.5	21.1	24.8		

Table 5.9 Case Outcomes -- Findings and Sentences: Miami<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(205)	(234)	(111)	(123)	(206)	(154)		
<u>Correctional Sentences</u>								
% Committed to Department of Corrections or Equivalent (of all disposed cases except transfers)	56.1	54.3	68.5	41.5***	16.0 <sup>+5.1</sup>	22.1 <sup>+6.6</sup>		(NO CASES PROSECUTED BY PROJECT)
	(132)	(153)	(80)	(73)	(133)	(103)		
% Committed to Department of Corrections (of all convictions)	87.1	82.4	95.0	68.9***	24.8 <sup>+7.4</sup>	33.0 <sup>+9.2</sup>		
<u>Sentence Length</u>								
Mean Length of DOC Sentence (in weeks)					NOT APPLICABLE: INDETERMINATE SENTENCES			
Mean Length of Probation Sentence (in months)					NOT APPLICABLE: INDETERMINATE SENTENCES			

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. Ns vary for individual analyses. They are shown in the parentheses above the series of comparisons to which they pertain.
2. These comparisons exclude cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. These comparisons exclude cases in which the prosecutor filed misdemeanor charges only.

in Miami is that quite a large proportion of the qualifier sample in both time periods was transferred to adult court.

Table 5.9 also indicates that there have been significant shifts over time in the distribution of case outcomes in Miami, for both qualifiers ( $p < .001$ ) and nonqualifiers ( $p < .01$ ). Among the qualifiers, the most evident changes are the decline in transfers to adult court from 37 percent of cases in the baseline period to 21 percent in the program period and a noticeable increase in the proportion of cases resulting in findings of guilt on lesser charges. For nonqualifiers, informal adjudications have increased fourfold.

The distribution of outcomes for project and nonproject cases also differs significantly. Project cases are much more likely to be transferred to adult court and appear less likely to result in a guilty finding on lesser charges, a dismissal, or a finding of not guilty.

The next section of the table breaks out some of the categories of outcomes for closer examination. The first set of comparisons involves transfers to adult court, of which there are two main types in Miami -- waivers and direct files by the prosecutor.<sup>7</sup>

Transfer to adult court. The data in Table 5.9 indicate that direct files declined significantly for the qualifier cohorts, from 29.3 percent of all cases at baseline to 19.4 percent during the program period. The project handled most of the direct files of program qualifiers that did occur; 32.2 percent of the project cases were direct-filed versus 4.7 percent of the nonproject cases. No statistically significant change occurred in the use of waivers over time.

Convictions. The next section of Table 5.9 looks at convictions and dismissals. Neither dismissals nor convictions appear to have changed over time for qualifiers or nonqualifiers, but project cases are considerably more likely to have resulted in conviction than nonproject cases (73.0% vs. 59.1%,  $p < .01$ ). In Miami, the proportion of

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<sup>7</sup>A third route to adult court, grand jury indictment, did not arise in our pool of cases.

cases resulting in convictions on the top or all charges actually dropped from 71.4 percent for the baseline qualifiers to 58.3 percent for the program qualifiers ( $p < .01$ ). No similar change occurred for the nonqualifiers. The drop in strong convictions was much less precipitous for the project cases than for their nonproject counterparts. When separate conviction rates are calculated for qualifier cases disposed of by plea and by trial, we see that project cases resolved by plea maintain a statistically significant advantage in convictions on top charges over nonproject cases (64.2% vs. 47.1%).

Most serious sentence. The last series of comparisons in Table 5.9 involves the sentences received by those youth whose cases ended in conviction. The overall distribution of most serious sentence received has not changed over time for either qualifiers or nonqualifiers. Among the qualifiers, the modal sentence continues to be supervision by the state's department of juvenile corrections. In Florida, this is the State Department of Health and Rehabilitative Services, which administers a range of placement options from secure facilities to wilderness programs to foster homes. Commitment to this agency does not necessarily imply incarceration, but it represents the most severe penalty the juvenile system can impose. The modal sentence for nonqualifiers is probation.

Correctional sentences. The risk of commitment to state correctional supervision versus all other alternatives was relatively stable over time for qualifiers and nonqualifiers alike, whether measured for all disposed cases or only those cases resulting in conviction. During the program period, project cases were much more likely to involve a correctional sentence, whichever measure was used ( $p < .001$ ).

Sentence length. No examination of the length of sentences imposed in Miami was possible, because juvenile sentencing in Florida is indeterminate.

## Milwaukee

Overall findings. Milwaukee experienced a significant change in the distribution of case outcomes over time for both qualifiers ( $p < .05$ ) and nonqualifiers ( $p < .001$ ) (see Table 5.10). For both groups, there was an increase in the proportion of transfers to adult court during the program period. Among the qualifiers, there also was a notable increase in the proportion found guilty on the most serious charge. Among the

Table 5.10 Case Outcomes -- Findings and Sentences: Milwaukee<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u> <sup>4</sup>
	(234)	(270)	(188)	(82)	(201)	(248)	(24)	(224)
<u>Overall Findings</u>								
Transferred to Adult Court	6.4	12.2*	15.4	4.9**	1.5	5.2***	20.8	3.6*
Guilty, All Charges	46.2	41.9	41.5	42.7	33.3	43.5	29.2	45.1
Guilty, Most Serious Charge	9.8	18.1	19.1	15.9	14.9	17.3	37.5	15.2
Guilty, Lesser Charges	20.5	15.9	14.4	19.5	20.9	21.0	8.3	22.3
Held Open, Informally Adjudicated	4.3	.7	0	2.4	17.9	7.3	0	8.0
Dismissed <sup>5</sup>	11.1	10.4	8.5	14.6	11.5	5.6	4.2	5.8
Not Guilty	1.7	.7	1.1	0	0	0	0	0
<u>Transfers to Adult Court</u>								
% Waived (of all disposed cases)	6.4	12.2*	15.4	4.9*	1.5 <sup>+2.8</sup>	5.2 <sup>+2.8*</sup>	20.8 <sup>+17.5</sup>	3.6 <sup>+2.5</sup>
<u>Convictions and Dismissals</u>								
	(219)	(237)	(159)	(78)	(198)	(235)	(19)	(216)
% Dismissed <sup>6</sup> (of all disposed cases except transfers)	11.4	11.8	10.1	15.4	7.6 <sup>+3.7</sup>	4.7 <sup>+2.7</sup>	5.3 <sup>+11.1</sup>	4.6 <sup>+2.8</sup>
% Convicted (of all disposed cases except transfers)	81.7	86.5	88.7	82.1	70.2 <sup>+6.4</sup>	86.4 <sup>+4.4***</sup>	94.7 <sup>+11.1</sup>	85.7 <sup>+4.7</sup>

Table 5.10 Case Outcomes -- Findings and Sentences: Milwaukee<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	BQ	PQ	Project PQ	Nonproject PQ	BNQ	PNQ	Project PNQ	Nonproject PNQ
	(179)	(205)	(141)	(64)	(139)	(203)	(18)	(185)
<u>Strength of Convictions</u>								
% Convicted, All or Most Serious Charge (of those convicted)	73.2	79.0	80.9	75.0	69.8 <sup>+7.7</sup>	74.4 <sup>+6.1</sup>	88.9 <sup>+16.1</sup>	73.0 <sup>+6.5</sup>
	(5)	(3)	(2)	(1)	(0)	(0)	(0)	(0)
% Convicted, All or Most Serious Charge (of those convicted by trial)	80.0	100.0	100.0	100.0	--	--	--	--
	(170)	(202)	(139)	(63)	(125)	(178)	(19)	(160)
% Convicted, All or Most Serious Charge (of those convicted by plea)	72.9	78.7	80.6	74.6	70.4 <sup>+8.1</sup>	76.4 <sup>+6.3</sup>	88.9 <sup>+16.1</sup>	75.0 <sup>+6.8</sup>
	(178)	(205)	(141)	(64)	(137)	(203)	(18)	(185)
<u>Overall Sentences</u>								
Most Serious Sentence (of those convicted)								
Department of Corrections or Equivalent (DOC)								
	42.1	49.8**	62.4	21.9***	13.1	12.3	27.8	10.8**
Other Residential or Out-of-Home Placement								
	7.3	15.7	18.4	9.4	6.5	6.9	16.7	6.0
Probation (all types)								
	48.3	34.6	19.1	68.8	77.4	80.8	55.6	83.2
Other								
	2.2	0	0	0	2.9	0	0	0

Table 5.10 Case Outcomes -- Findings and Sentences: Milwaukee<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(219)	(237)	(159)	(78)	(198)	(235)	(19)	(216)
<u>Correctional Sentences</u>								
% Committed to Department of Corrections or Equivalent (of all disposed cases except transfers)	34.3	43.0	55.4	18.0***	9.1 <sup>+4.0</sup>	10.6 <sup>+4.0</sup>	26.3 <sup>+21.8</sup>	9.3 <sup>+3.9</sup>
	(179)	(205)	(141)	(64)	(139)	(203)	(18)	(185)
% Committed to Department of Corrections (of all convictions)	41.9	49.8	62.4	21.9***	13.0 <sup>+5.7</sup>	12.3 <sup>+4.6</sup>	27.8 <sup>+22.9</sup>	10.8 <sup>+4.5</sup>
	(75)	(102)	(88)	(14)	(18)	(25)	(5)	(20)
<u>Sentence Length</u>								
Mean Length of DOC Sentence (in months)	10.8	10.6	10.9	8.8***	11.1 <sup>+1.1</sup>	10.8 <sup>+1.0</sup>	8.5 <sup>+5.9</sup>	11.3 <sup>+1.6</sup>
	(98)	(90)	(42)	(48)	(148)	(183)	(12)	(171)
Mean Length of Probation Sentence (in months)	10.8	11.1	11.4	10.8	9.5 <sup>+1.5</sup>	10.5 <sup>+1.4</sup> ***	11.9 <sup>+1.3</sup>	10.4 <sup>+1.4</sup>

- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. Ns vary for individual analyses. They are shown in the parentheses above the series of statistics to which they pertain.
2. These comparisons exclude cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. These comparisons exclude cases in which the prosecutor filed misdemeanor charges only.
4. Because of uneven cell sizes and variances, results of significance tests are not reported for most of the comparisons between project and nonproject PNQs.
5. This category includes 12 cases in which we could not distinguish between dismissed and not guilty findings. These cases fall in the columns labelled BQ (1 case), BNQ (8 cases) and PNQ (3 cases). The 3 PNQ cases are all Nonproject PNQs.
6. Excludes those cases in which it was unclear whether the case was dismissed or resulted in a not guilty finding.

nonqualifiers, there was an increase in the proportion found guilty on all charges and a marked drop in the number of cases ending in informal adjudication or dismissal. But the distribution of outcomes for project and nonproject cases, whether qualifiers ( $p < .05$ ) or nonqualifiers ( $p < .01$ ), is different. In both cases, especially noticeable is the higher rate of transfers associated with project prosecution.

Transfers to adult court. Waivers -- the only transfer mechanism available in Milwaukee -- increased across the board, from 6.4 percent for baseline qualifiers to 12.2 percent for program qualifiers ( $p < .05$ ) and from 1.5 percent for baseline nonqualifiers to 5.2 percent for program nonqualifiers ( $p < .01$ ). Qualifiers prosecuted by the project were more likely to be waived to adult court than those prosecuted by others.

Dismissals and conviction. The data show little indication of any major contribution by the project. There were no statistically significant changes over time or between groups in dismissals. Conviction rates went up considerably only for the nonqualifiers (70.2% at baseline vs. 86.4% during the program period,  $p < .001$ ); the conviction rates for the project and nonproject cases do not differ.

Strength of convictions. Rates of conviction to the most serious charge or all petitioned charges have not changed significantly over time, nor are they differentially associated with project prosecution for any of the three measures shown in the table.

Most serious sentence. Table 5.10 shows that the distribution of most serious sentence imposed has shifted over time. This shift is unique to the qualifiers ( $p < .01$ ), and involves a change in the modal category of most serious sentence from probation (48.3% of all sentences during the baseline period) to correctional commitment (49.8% of all sentences during the program period). Other out-of-home placements also doubled (from 7.3% to 15.7%). The comparisons between project and nonproject cases for qualifiers ( $p < .001$ ) and nonqualifiers ( $p < .01$ ) indicate that the project produced considerably more of these outcomes than nonproject attorneys.

Correctional sentences. When the outcome comparisons are made on the basis of correctional sentences versus all other outcomes, the dramatic differences between project and nonproject cases surface again, whether based on cases reaching disposition or all cases resulting in conviction.

Sentence length. In Milwaukee, the maximum permissible sentence was one year during the time periods under consideration.<sup>8</sup> Since the mean length of sentences exceeded ten months during the baseline period even for nonqualifiers cases, we suspected that the project would have minimal opportunity to influence sentence length. In fact, the length of state correctional sentences did not change substantially over time for either qualifiers or nonqualifiers. The table shows that qualifiers handled by the project received sentences that averaged 2.1 months longer than the nonproject cases ( $p < .001$ ), but this relationship misses statistical significance when other characteristics of the cases and offenders are controlled ( $F = 3.27, p = .08$ ).

Mean probation sentences increased significantly, by an average of one month for the nonqualifiers ( $p < .001$ ). The bivariate comparisons do not suggest any relationship to project prosecution.

## Seattle

Overall findings. The distribution of findings for qualifier cases is virtually identical in the baseline and program periods (see Table 5.11), while the nonqualifiers show a rather consistent shift away from a finding of guilt on all charges toward less serious outcomes ( $p < .01$ ). Project and nonproject outcomes also are distributed significantly differently ( $p < .001$ ), with more guilty findings on all charges, fewer findings of guilt on lesser charges, and fewer dismissals among the project cases.

Transfers to adult court. In Seattle the juvenile court had used its authority to waive cases very sparingly during the baseline period, and no-one expected this to change. As Table 5.11 shows, it did not. Nor did the Seattle project try to influence the number of transfers. There are no significant differences between project and nonproject cases on this measure.

Convictions and dismissals. The proportion of cases dismissed remained fairly constant over time for qualifiers and nonqualifiers, ranging from about 6 to 9 percent. Convictions remained stable over time for the qualifiers while showing a significant drop-off ( $< .05$ ) for the nonqualifiers. The project prosecutors achieved significantly

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<sup>8</sup>Legislation passed in 1987 has increased the maximum to two years.

Table 5.11 Case Outcomes -- Findings and Sentences: Seattle<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(219)	(188)	(134)	(54)	(215)	(222)	(1)	(232)
<u>Overall Findings</u>								
Transferred to Adult Court	5.0	5.3	3.7	9.3***	0	0**		
Guilty, All Charges	59.8	61.2	70.9	37.0	69.8	58.1		
Guilty, Most Serious Charge	14.6	13.8	12.7	16.7	11.6	13.1		
Guilty, Lesser Charges	11.4	11.2	8.2	18.5	7.9	11.3		
Held Open, Informally Adjudicated	0	0	0	0	3.3	5.4		DATA NOT
Dismissed	5.9	5.9	2.2	14.8	6.0	9.5		REPORTED
Not Guilty	3.2	2.7	2.2	3.7	1.4	2.7		(ONLY 1 CASE
<u>Transfers to Adult Court</u>								
PROSECUTED								
% Waived (of all disposed cases)	5.0	5.3	3.7	9.3	0	0		BY PROJECT)
<u>Convictions and Dismissals</u>								
	(208)	(178)	(129)	(49)	(215)	(222)		
% Dismissed (of all disposed cases except transfers)	6.3	6.2	2.3	16.3***	6.1 <sup>+3.2</sup>	9.5 <sup>+3.9</sup>		
% Convicted (of all disposed cases except transfers)	90.4	91.0	95.4	79.6***	89.3 <sup>+4.2</sup>	82.4 <sup>+5.0</sup> *		

Table 5.11 Case Outcomes -- Findings and Sentences: Seattle<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(188)	(162)	(123)	(39)	(192)	(183)		
<u>Strength of Convictions</u>								
% Convicted, All or Most Serious Charge (of those convicted)	86.7	87.0	91.1	74.4**	91.1 <sup>+4.1</sup>	86.3 <sup>+5.0</sup>		DATA NOT REPORTED (ONLY 1 CASE REPORTED BY PROJECT)
	(67)	(68)	(55)	(13)	(44)	(30)		
% Convicted, All or Most Serious Charge (of those convicted by trial)	83.6	88.2	89.1	84.6	90.9 <sup>+8.8</sup>	83.3 <sup>+14.2</sup>		
	(119)	(94)	(68)	(26)	(148)	(153)		
% Convicted, All or Most Serious Charge (of those convicted by plea)	88.2	86.2	92.7	69.2**	91.2 <sup>+4.6</sup>	86.9 <sup>+5.4</sup>		
	(183)	(160)	(123)	(37)	(187)	(176)		
<u>Overall Sentences</u>								
Most Serious Sentence (of those convicted)								
Department of Corrections or Equivalent (DOC)								
	76.0	80.0	83.7	67.6*	18.2	18.2		
Detention	21.9	19.4	16.3	29.7	61.0	60.8		
Probation (all types)	2.2	0	0	0	20.3	19.9		
Other	0	.6	0	2.7	0.5	1.1		

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Table 5.11 Case Outcomes -- Findings and Sentences: Seattle<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(203)	(177)	(129)	(48)	(212)	(218)		
<u>Correctional Sentences</u>								
% Committed to Department of Corrections or Equivalent (of all disposed cases except transfers)	68.5	72.3	79.8	52.1***	16.0 <sup>+5.0</sup>	14.7 <sup>+4.7</sup>		DATA BIT
	(203)	(178)	(129)	(49)	(212)	(222)		REPORTED
								(ONLY 1 CASE
% Committed to Department of Corrections or Detention (of all disposed cases except transfers)	88.2	89.3	95.4	73.5***	69.8 <sup>+6.2</sup>	62.6 <sup>+6.4</sup>		REPORTED
	(183)	(161)	(123)	(38)	(189)	(179)		BY PROJECT)
% Committed to Department of Corrections (of all convictions)	76.0	79.5	83.7	65.8*	18.0 <sup>+5.5</sup>	17.9 <sup>+5.7</sup>		
	(183)	(162)	(123)	(39)	(189)	(183)		
% Committed to Department of Corrections or Detention (of all convictions)	97.8	98.2	100.0	92.3**	78.3 <sup>+5.9</sup>	76.0 <sup>+6.3</sup>		

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Table 5.11 Case Outcomes -- Findings and Sentences: Seattle<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(139)	(128)	(103)	(25)	(34)	(33)		
<u>Sentence Length</u>								
Mean Length of DOC Sentence (in months)	13.6	12.9	12.9	13.0	7.8 <sup>+2.9</sup>	5.4 <sup>+1.8</sup>	DATA NOT	
	(179)	(159)	(123)	(36)	(148)	(140)	REPORTED	
Mean Length of Sentence to DOC and/or Detention (in months)	10.8	10.6	11.0	9.4	2.3 <sup>+1.8</sup>	1.7 <sup>+1.6</sup>	(ONLY 1 CASE	
	(34)	(21)	(15)	(6)	(144)	(131)	PROSECUTED	
Mean Length of Probation Sentence (in months)	10.0	9.9	10.4	8.5	9.0 <sup>+1.7</sup>	7.7 <sup>+1.6**</sup>	BY PROJECT)	

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. Ns vary for individual analyses. They are shown in the parentheses above the series of statistics to which they pertain.
2. These comparisons exclude cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. These comparisons exclude cases in which the prosecutor filed misdemeanor charges only.

better results than the nonproject prosecutors on both dismissals ( $p < .001$ ) and convictions ( $p < .001$ ).

Strength of convictions. Conviction strength remained constant across time periods on all three measures shown in Table 5.11. Overall, project cases were much more likely to result in conviction on the top or all charges than nonproject cases (91.1% vs. 74.4%,  $p < .01$ ). This advantage is primarily attributable to the project's superior performance on cases resolved by plea (92.7% vs. 69.2%,  $p < .01$ ).

Most serious sentence. There are no significant time trends evident for the distribution of most serious sentence in Seattle. For baseline and program qualifiers, the most frequent sentence was commitment to the state's juvenile corrections agency, with detention a distant second. For nonqualifiers, detention was the modal sentence in both time periods, followed by probation and correctional commitment.

Among the program qualifiers, project cases were more likely to result in correctional commitments than nonproject cases ( $p < .05$ ), but only a handful of all convicted program qualifiers (0.6%) avoided incarceration of some kind.

Correctional sentences. Because Seattle is unique among our four sites in permitting detention sentences, and also in routinely combining both state correctional and detention sentences,<sup>9</sup> we incorporated two measures in Table 5.11 that have no parallel in Miami, Milwaukee, or Washington, D.C. These are measures of the proportion of all disposed cases and all convicted cases that received either type of incarceration.

On all four of the sentence measures we find the familiar pattern of no significant changes over time for either qualifiers or nonqualifiers, while project cases show significantly different outcomes than nonproject cases. Project cases are more likely on all measures to result in a sentence to some form of incarceration ( $p < .05$  to  $p < .001$ ).

Sentence length. Given sentencing statutes that base length of sentence on an objective point system, we did not expect to see major differences in sentence length

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<sup>9</sup>Youth receiving a detention sentence and a state correctional commitment may serve the detention portion of the sentence in a state-operated detention facility.

between project and nonproject cases or between baseline and program periods, unless there had been corresponding changes in the characteristics of cases and offenders. Only one of the bivariate comparisons shows a change over time; the average length of probation sentences dropped from 9.0 to 7.7 months ( $p < .01$ ) for nonqualifiers. None of the comparisons between project and nonproject cases is statistically significant.

#### Washington, D.C.

Overall findings. In Washington, D.C., the overall distribution of sentences did not change over time (see Table 5.12). The distribution of findings is different ( $p < .01$ ) for project and nonproject cases though, with greater proportions of the project cases appearing in the guilty categories.

Convictions and dismissals. The proportion of dismissals remained relatively stable over time for the qualifiers, while declining for the nonqualifiers (from 40.3% at baseline to 27.8% in the program period,  $p < .05$ ). Qualifier cases prosecuted by the project were much less likely to end in dismissal than those prosecuted by others (20.8% dismissed vs. 47.6%,  $p < .01$ ).

There are no statistically significant changes in the proportion of convictions over time. There is a large difference between the proportion of convictions for qualifiers prosecuted by the project and by others (73.6% vs. 50.0%, NS), but it does not attain significance until we use multivariate techniques to control for the influence of other variables ( $F = 4.83$ ,  $p < .05$ ).

Strength of convictions. There are no significant changes over time or between project and nonproject cases on any of the measures of conviction strength in Washington, D.C.

Overall sentences. The distribution of most serious sentences among the qualifiers has shifted significantly ( $p < .01$ ) toward more correctional commitments and fewer probation sentences from the baseline to the program period. No similar shift is evident among the nonqualifiers. The change in sentences appears linked to prosecution by the project; the distribution of most serious sentences for project cases is markedly different from that for qualifiers handled by nonproject attorneys ( $p < .01$ ).

Table 5.12 Case Outcomes -- Findings and Sentences: Washington, D.C.<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(166)	(167)	(125)	(42)	(129)	(151)	(16)	(135)
<u>Overall Findings</u>								
Transferred to Adult Court	0	0	0	0**	0	0	0	0
Guilty, All Charges	38.0	29.3	33.6	16.7	22.5	23.8	25.0	23.7
Guilty, Most Serious Charge	22.9	27.5	30.4	19.0	17.8	22.5	18.8	23.0
Guilty, Lesser Charges	7.5	10.8	9.6	14.3	7.0	9.9	12.5	9.6
Held Open, Informally Adjudicated	0	.6	.8	0	12.4	15.2	6.3	16.3
Dismissed	31.3	27.5	20.8	47.6	40.3	27.8	31.3	27.4
Not Guilty	.6	4.2	4.8	2.4	0	.7	6.3	0
<u>Transfers to Adult Court</u>								
% Direct Filed (of all disposed cases)			NA				NA	
<u>Convictions and Dismissals</u>								
	(166)	(167)	(125)	(42)	(129)	(151)	(16)	(135)
% Dismissed (of all disposed cases except transfers)	31.3	27.5	20.8	47.6**	40.3 <sup>+8.6</sup>	27.8 <sup>+7.2*</sup>	31.3 <sup>+25.5</sup>	27.4 <sup>+7.6</sup>
% Convicted (of all disposed cases except transfers)	68.1	67.7	73.6	50.0	47.6 <sup>+8.7</sup>	56.3 <sup>+8.0</sup>	56.3 <sup>+27.3</sup>	56.3 <sup>+8.5</sup>

Table 5.12 Case Outcomes -- Findings and Sentences: Washington, D.C.<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
	(113)	(113)	(92)	(21)	(61)	(85)	(9)	(76)
<u>Strength of Convictions</u>								
% Convicted, All or Most Serious Charge (of those convicted)	89.3	84.1	87.0	71.4	85.2 <sup>+9.2</sup>	82.4 <sup>+8.3</sup>	77.8 <sup>+33.9</sup>	82.9 <sup>+8.7</sup>
	(30)	(35)	(32)	(3)	(10)	(16)	(3)	(13)
% Convicted, All or Most Serious Charge (of those convicted by trial)	93.3	94.3	93.8	100.0	100.0	81.3 <sup>+21.5</sup>	100.0	76.9 <sup>+26.5</sup>
	(83)	(76)	(58)	(18)	(47)	(67)	(6)	(61)
% Convicted, All or Most Serious Charge (of those convicted by plea)	88.0	80.3	84.5	66.7	83.0 <sup>+11.2</sup>	82.1 <sup>+9.4</sup>	66.7 <sup>+54.2</sup>	83.6 <sup>+9.6</sup>
	(112)	(111)	(90)	(21)	(61)	(83)	(8)	(75)
<u>Overall Sentences</u>								
Most Serious Sentence (of those convicted)								
Department of Corrections or Equivalent (DOC)	42.0	61.3**	67.8	33.3**	19.7	24.1	50.0	21.3
Other Residential or Out-of-Home Placement	8.9	4.5	4.4	4.8	1.6	2.4	0	2.7
Probation (all types)	35.7	22.5	17.8	42.9	62.3	63.9	37.5	66.7
Other	.9	0	0	0	0	0	0	0
No Sentence <sup>4</sup>	12.5	11.7	10.0	19.0	16.4	9.6	12.5	9.3

Table 5.12 Case Outcomes -- Findings and Sentences: Washington, D.C.<sup>1</sup>

Variables	Prosecuted Qualifiers <sup>2</sup>				Prosecuted Nonqualifiers <sup>3</sup>			
	<u>BQ</u>	<u>PQ</u>	<u>Project PQ</u>	<u>Nonproject PQ</u>	<u>BNQ</u>	<u>PNQ</u>	<u>Project PNQ</u>	<u>Nonproject PNQ</u>
<u>Correctional Sentences</u> <sup>4</sup>	(165)	(165)	(123)	(42)	(129)	(149)	(15)	(134)
% Committed to Department of Corrections or Equivalent (of all disposed cases except transfers)	34.6	44.2	52.9	19.1***	10.8 <sup>+5.3</sup>	14.8 <sup>+5.8</sup>	26.7 <sup>+25.4</sup>	13.4 <sup>+5.9</sup>
% Committed to Department of Corrections (of all convictions)	(112)	(111)	(90)	(21)	(61)	(80)	(8)	(75)
	50.9	65.8*	72.2	38.1**	21.3 <sup>+10.6</sup>	26.5 <sup>+9.7</sup>	50.0 <sup>+44.7</sup>	24.0 <sup>+9.9</sup>
<u>Sentence Length</u>	(50)	(70)	(63)	(7)	(11)	(22)	(4)	(18)
Mean Length of DOC Sentence (in months)	22.0	22.9	22.8	24.0	24.0 <sup>+0</sup>	21.8 <sup>+2.6</sup>	20.3 <sup>+11.9</sup>	22.1 <sup>+2.8</sup>
Mean Length of Probation Sentence (in months)	(34)	(21)	(14)	(7)	(37)	(52)	(3)	(49)
	12.2	12.9	13.7	11.1	12.0 <sup>+0</sup>	11.8 <sup>+2</sup>	12.0 <sup>+0</sup>	11.9 <sup>+3</sup>

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.  
 \*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),  
 \* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. Ns vary for individual analyses. They are shown in the parentheses above the series of statistics to which they pertain.
2. These comparisons exclude cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
3. These comparisons exclude cases in which the prosecutor filed misdemeanor charges only.
4. In Washington, D.C., a number of cases were "dismissed after adjudication". This usually occurs when the juvenile is already serving a sentence on another petition and the court considers any additional sentence unnecessary. We report these cases as involving "no sentence" and exclude them in our analysis of DOC sentences.

Correctional sentences. The specific measures of correctional sentences in Table 5.12 confirm that commitments as a percent of all convictions have indeed increased for the qualifier group (50.9% at baseline vs. 65.8% in the program period,  $p < .05$ ), but not for the nonqualifiers. Furthermore, convicted qualifiers prosecuted by the project are nearly twice as likely as those prosecuted by other attorneys to receive a correctional commitment (72.2% vs. 38.1%,  $p < .01$ ). A similar result is obtained when commitments are measured as a proportion of all disposed cases; there is a significant difference between project versus nonproject commitment rates ( $p < .001$ ).

Sentence length. The comparisons show no evidence of any change over time or any significant differences between project and nonproject cases.

### Summary

At all four sites, project handling is associated with more correctional commitments. We also observed an effect on the proportion of transfers to adult court in the two sites that had objectives in this area. In keeping with their respective aims, the Miami project reduced transfers and the Milwaukee project increased them.

Increased conviction rates are associated with project handling in all sites but Milwaukee. Decreased dismissal rates are related to project interventions in Seattle and Washington, D.C. Project effects on overall conviction strength and strength of convictions in cases resolved by plea appear in Miami and Seattle.

We observed no project effects on sentence length or the strength of convictions in cases resolved by trial.

### Summary

This chapter has presented the results of the data analyses concerning the effects of project handling on various performance measures. In the next chapter, we summarize these findings and discuss their implications.

## Chapter VI. SUMMARY, DISCUSSION, AND CONCLUSIONS

### Summary

The Habitual Serious and Violent Juvenile Offender Program (HSVJOP) was inaugurated in 1984 by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the United States Department of Justice. Its purpose was to provide selective prosecution and treatment of serious, repetitive juvenile offenders. The two-year program was implemented by prosecutor's offices in 13 jurisdictions ranging in population from 460,000 to over five million.

Modeling itself partly after career criminal programs developed for prosecution of adult chronic offenders, the HSVJOP approach called for the assignment of experienced prosecutors to serious juvenile cases, vertical prosecution (that is, one prosecutor to handle each case from start to finish), speedy prosecution, and limits on plea and sentence bargaining. The initiative also called for improved notification, consultation, and assistance for victims in program cases, and encouraged greater use of victim impact statements. On the correctional side, the programs were to incorporate better diagnostic assessment and planning for treatment of target offenders, and continuous case management thereafter.

The youth targeted by the program were expected to have a minimum of one prior adjudication for a serious offense and to be charged with a serious felony such as residential burglary, robbery, aggravated assault, sexual assault, or murder. Each project established its own selection criteria within these general guidelines.

This report describes the results of an evaluation of project performance in four of the participating jurisdictions -- Miami, Milwaukee, Seattle, and Washington, D.C. In each jurisdiction, we examined the effects of the project on the decision to file charges, case processing, and case outcomes. The study made use of a multiple cohort design, which permitted comparisons between cases processed during a baseline and a program period, and between target cases prosecuted by project attorneys and by other attorneys in the office. The cases compared across time periods were of two types, habitual offender cases that met the project's official criteria ("qualifiers") and non-

habitual offender cases ("nonqualifiers") that did not. Changes over time and between project and nonproject cases were examined using both bivariate and multivariate statistical techniques.

Depending on the site, we found that from one-fourth to nearly one-half of the cases eligible for the project actually were prosecuted by other attorneys in the juvenile division. However, project handling made a significant difference for those cases that were exposed to it. The results of project handling on various performance measures are summarized in Table 6.1. The data indicate that project intervention had an effect on each of the following:

#### The Filing Decision

- Changes in the number of charges referred by the police (Miami, less likely to increase the number of charges; Milwaukee, more likely to increase the number of charges).
- Increases in the seriousness of the top charge referred by police (Miami).

#### Case Processing

- Increased vertical prosecution (all sites).
- Speedier disposition times (Milwaukee, Seattle).
- Decreases in continuances by the defense (Milwaukee).

#### Case Findings

- Changes in the proportion of transfers to adult court (decreases in Miami, increases in Milwaukee).
- Higher conviction rates (Miami, Seattle, Washington, D.C.).
- Lower dismissal rates (Seattle, Washington, D.C.).
- Increased convictions on the top charge, for all cases and for cases resolved by plea (Miami, Seattle).

#### Sentencing

- Increased correctional commitments (all sites).

No effects on the decision to accept cases for prosecution, the proportion of cases resolved by trial, or sentence length were observed. A relationship between project

Table 6.1 Summary of Relationships Between Project Prosecution and Case Process and Outcome Variables<sup>1</sup>

	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>
<u>Decision to File</u>				
Proportion of cases filed	0	0	0	0
Filed more charges	-	+	0	0
Filed higher top charge	+	0	0	0
<u>Case Processing</u>				
Number of case events	0	0	0	0
Proportion of trials	0	0	0	0
Number of state continuances	+2	0	0	0
Number of defense continuances	0 <sup>2</sup>	-	0	0
Number of continuances by all parties	0 <sup>2</sup>	0	0	0
Vertical prosecution 1st thru final event	0 <sup>2</sup>	+	+	+2
Vertical prosecution 2nd thru final event	+2	+	+	+2
Speed of prosecution	0	+	+	0
<u>Transfers to Adult Court</u>				
Waivers	0	+	0	NA
Direct Files	-	NA	NA	NA

<sup>1</sup>Unless otherwise indicated, all findings reported are based on multivariate analyses.

Table 6.1 (cont). Summary of Relationships Between Project Prosecution and Case Process and Outcome Variables

	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>
<u>Findings</u>				
Dismissals	0	0	-	-
Convictions	+	0	+	+
<u>Conviction Strength</u>				
Convictions on Top Charge	+	0	+	0
Convictions on Top Charge, by Trial	0	0	0	0
Convictions on Top Charge, by Plea	+	0	+	0
<u>Sentences</u>				
Correctional Commitments	+	+	+	+
Correctional or Detention Commitments	NA	NA	+	NA
<u>Sentence Length</u>				
Corrections	NA	0	0	0
Probation	NA	0	0	0

Key: + Project handling is associated with an increase  
 0 No association  
 - Project handling is associated with a decrease  
 NA = Not Available

Footnotes

1. Unless otherwise indicated, all findings reported are based on multivariate analyses.
2. Based on bivariate analysis only, because there were insufficient data for multivariate analyses.

prosecution and increased state continuances was observed in the bivariate analyses for one site (Miami), but could not be examined with multivariate techniques because of small sample sizes.

Looking at individual sites:

- In Miami, we see some evidence of project impact in nearly all categories of outcomes -- transfers to adult court, convictions, conviction strength, and correctional sentences. The exception is dismissal rates. Project handling also is associated with some changes in filing decisions. Aside from increases in vertical prosecution and a possible increase in state continuances, the other aspects of the prosecution process are unaffected.
- The Milwaukee project is associated primarily with increases in transfers to adult court and the imposition of more correctional sentences. At the point of filing, the number of charges was more likely to be increased in project cases. Project cases also reached disposition earlier, involved fewer defense continuances, and were more likely to be vertically prosecuted.
- In Seattle, the effects on outcomes are similar to Miami's with a couple of exceptions; Seattle's efforts had no effect on adult transfers (nor intended any), but Seattle did reduce dismissal rates. As for the prosecution process, both vertical prosecution and disposition speed increased.
- Finally, the Washington, D.C. project is associated with higher conviction rates and lower dismissal rates, as well as more correctional sentences. Except for increases in vertical prosecution, changes in the process measures were not observed.

In the remainder of this chapter, we step back to consider the findings in the light of our original expectations and discuss their implications. In some of the discussion, we draw upon findings from an earlier interim report (Cronin et al., 1987).

## Discussion of the Findings

### Screening and Targeting of Habitual Offenders

A key component of every project was the set of procedures by which juvenile cases were assessed and determined to be eligible for the attention of HSVJOP prosecutors. What might explain the fact that the projects apparently "missed" a substantial share of the cases that they were expected to handle? We must consider four alternative explanations:<sup>1</sup>

- The projects were deliberately relegating weaker, less "winnable" cases to other attorneys.
- The projects were assigning youths who already had cases pending in the system to the attorneys who were handling these earlier cases.
- The projects were applying subjective criteria to rule out cases of "borderline" seriousness and/or to control caseloads in busy periods.
- The screening procedures were imperfect. Had the project staff recognized these cases as eligible, they would have prosecuted them.

The first two explanations seem least plausible. The data show no significant differences in case quality between project and nonproject cases at any of the sites, and no differences in the proportion of youth who had other cases pending. Nor did interviews conducted intermittently throughout the evaluation suggest that either of these factors played a role in case assignments.

The third explanation would seem to apply to some degree everywhere except Seattle. Seattle's policy was to stick to the formal criteria; in addition, Seattle's caseload was always low and the prosecutor's charging practices were described as

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<sup>1</sup>One other possibility is that the projects did not miss these cases at all, but that AIR applied the screening criteria incorrectly. Because we checked and rechecked our procedures with each project, we reject this explanation, except insofar as our criteria intentionally deviated from those of the projects. But the intentional variations were small and in some cases made our selections less inclusive than those of the projects.

"conservative," so that caseload pressure and "borderline" cases should have been less of a consideration.<sup>2</sup>

With respect to the fourth explanation, outright screening failures no doubt did occur from time to time at all sites, but appear particularly likely in Milwaukee and Seattle where nonproject staff played a key role in screening. In Milwaukee, for example, the project focused its own screening on detainees and relied on other attorneys to flag suitable cases among nondetainees. In Seattle, legal assistants in the regular juvenile division were responsible for sorting out the project eligibles and passing them on. Based on our interviews and examination of selected cases, we suspect that the "outside" screeners in both sites tended to overlook qualifiers whose records were relatively short. In fact, our systematic comparisons between project and nonproject cases indicate that in Milwaukee and Washington, D.C., both the cases handled by the project and the records of the offenders involved generally appear to be more serious -- a pattern consistent with either the "subjective judgment" or the "screening failure" explanations. In Seattle, the offenders differ but the types of cases do not -- just what we would have expected under conditions where the initial screeners were inaccurately evaluating prior records and thus failing to forward some cases to the project.

The Miami data are the most intriguing because the characteristics of cases and offenders are quite similar for project and nonproject qualifiers. Miami staff cited caseload pressure as the primary explanation for the large proportion of cases prosecuted by others. However, if they used subjective criteria to select their caseload, it is not obvious what the subjective considerations were.

Whatever the reasons that eligible cases wound up in the hands of nonproject attorneys, the number of such cases raises another question: Would the projects have been able to maintain the same level of performance, if they had handled all of the cases that they "should" have? It is difficult to say. According to staff reports, only in Seattle could the project have taken on more work.

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<sup>2</sup>Seattle's project attorneys did pass up one category of eligible cases, those slated for waiver hearings during the first half of 1985. Because OJJDP had not yet formally approved project involvement in such hearings, the Seattle project only took on the cases after a waiver attempt failed.

## The Decision to File

Normally, a prosecutor's first contact with a case entails an evaluation of the charges and the evidence referred by the police, followed by a decision to file a formal petition or to reject the case entirely. If the decision to file formal charges is made, the prosecutor must determine exactly what charges and how many of them will be listed on the petition.<sup>3</sup>

OJJDP's program announcement for HSVJOP did not address the issue of filing or charging decisions, probably because in many prosecutor's offices such decisions are assigned to special "screening" attorneys and would not be affected by HSVJOP. Indeed, in Seattle project attorneys received cases from the screeners, and were expected to have minimal influence on the process. Elsewhere, however, the project staff intervened directly. In Miami and Washington, D.C., project staff screened and charged all potentially eligible cases. In Milwaukee, the project staff screened and charged all cases that came in via the detention center.

A priori, it seemed likely that project attorneys who were directly involved in screening would behave differently from their baseline counterparts, if only because they were expected to be more experienced. The direction of effects was uncertain, however. Perhaps project attorneys would be more conservative in accepting and charging cases, thus laying the foundation for higher conviction rates overall and a harder line on plea bargaining. Or perhaps HSVJOP might take a more aggressive, riskier posture, because the extra resources available to the project could be used to shore up some of the more marginal cases.

From the information that is available, we have little reason to believe that any of the projects affected the overall decision to file or reject cases. However, there were some effects on the type or number of charges filed in two of the three sites where project staff participated directly in filing decisions. In Miami, cases handled by the project were more likely than nonproject cases to see an increase in the top charge

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<sup>3</sup>There were only four of the original HSVJOP jurisdictions in which the police had authority to file petitions directly. These were Cambridge, Camden, Philadelphia, and Providence.

and/or a reduction in the total number of charges referred by police. This charging pattern cannot be neatly characterized as either more "conservative" or more "liberal". In contrast, project handling in Milwaukee was associated with the tendency to increase the number of charges referred by the police, which we would characterize as more liberal charging than before.

In Seattle, where project attorneys were not directly involved in filing decisions, project handling was not associated either with changes in the top charge or changes in the number of charges referred by police. Nor were there any discernible project effects in Washington, D.C., despite the project's involvement in the process.

On balance, it appears likely but not inevitable that HSVJOP prosecutors will affect filing decisions, if they are given the opportunity to participate directly. How they affect the decisions may vary from site to site.

### **The Prosecution Process**

The HSVJOP approach was expected to entail several changes in the process of handling habitual, serious juvenile offenders. Perhaps the most central of these was expedited prosecution -- the reduction of unnecessary delays in bringing a case to its conclusion. The purported benefits of speedy prosecution are well-known. Other things being equal, it is commonly believed that delay harms the prosecution. The more time that elapses, the more likely it is that the quality of a case will deteriorate; witnesses will forget the details or move away, physical evidence will go astray. In addition, theoreticians of deterrence argue that a defendant's future misbehavior is minimized when the response to delinquency is swift. Lengthy court processes are assumed to diminish the deterrent effect of whatever sentence eventually results.

HSVJOP was expected to bring about faster prosecution in several ways. First of all, OJJDP's assistance permitted HSVJOP attorneys to have smaller caseloads than the regular juvenile prosecutors and more time to prepare cases. Thus, HSVJOP prosecutors would be able to ask for earlier court dates and require fewer continuances. Better preparation might also be associated with achieving higher detention rates and fewer trials -- either of which could contribute to quicker resolution of cases. HSVJOP funding also permitted prosecutors to provide additional services to victims and

witnesses that would encourage their participation in the prosecution process. Presumably, this support might reduce delays resulting from witness problems.

In modeling HSVJOP after the Adult Career Criminal Program (CCP), OJJDP also expected the sites to implement vertical prosecution of habitual, serious offenders. Ideally, this would mean that the same attorney would handle the case from the first court event to the last. This should also accelerate prosecution, provided that the attorney in charge could maintain his or her involvement without requesting frequent continuances to do so. This continuity was expected to produce better results in the case. As with the CCP, projects also were expected to avoid making plea bargains with HSVJOP defendants, unless justified by the evidence in the case.

Based on the logic of the program established by OJJDP, as well as on our preliminary observations in the field, expectations for speedier prosecution, fewer continuances, and more vertical prosecution seemed reasonable. However, we had no firm expectations regarding HSVJOP's effect on mode of disposition (by trial or by plea). On the one hand, we thought that OJJDP's strictures against plea bargaining, together with the lower caseloads made possible by federal funding, might encourage projects to chance more trials. On the other hand, the luxury of greater preparation time, including more time and support for cultivating witnesses, might discourage defendants from contesting the charges.

The record of the HSVJOP projects in making the expected changes in the processing of habitual serious offenders was mixed. There was strong evidence of a HSVJOP effect in some areas and no evidence in others.

Vertical prosecution. The most consistent finding with respect to case processing is that project cases enjoyed higher levels of vertical prosecution than their nonproject counterparts. This pattern appears in Miami, Milwaukee, and Washington, D.C. and also in Seattle, when we correct for the juvenile division's practice of assigning pre-trial conferences to its most senior (nonproject) deputies.

Absolute levels of vertical prosecution for project cases differed considerably across the four jurisdictions, however. Seattle vertically prosecuted the smallest proportion of project cases (29.2%) from second through final appearance; when pretrial

conferences are exempted from the calculation of vertical prosecution, the proportion rises to 68.4 percent. Milwaukee ranks next with 41.3 percent of the qualifiers and 47.4 percent of the nonqualifiers handled by the project prosecuted vertically from second through final appearance. Milwaukee's showing would increase by about five percentage points if we made allowances for the fact that pretrial conferences are sometimes a "paper" proceeding in Milwaukee, with no attorney actually present. Miami and Washington, D.C. do best at attaining vertical prosecution from second appearance onward, with 64.7 percent and 81.3 percent, respectively, of project cases handled by the same attorney thereafter.

Speed of disposition. At two of the four sites -- Milwaukee and Seattle -- project intervention also is associated with speedier prosecution of cases. This is true even when controls are introduced for characteristics of the case, personal characteristics of the offender, and other case processing characteristics. In Washington, D.C., there is little evidence that disposition times have changed over time, or are significantly different for project and nonproject cases. In the fourth site, Miami, disposition times actually have been increasing for the qualifiers, but are about the same for project and nonproject cases in the program period.

It is interesting that the sites in which we observed an effect on disposition speed are also the two sites with the most stringent speedy trial rules and regulations. Perhaps a juvenile court already highly sensitized to disposition times is more cooperative with further attempts to improve them. But other factors may explain the absence of significant effects on disposition time in Miami and Washington, D.C. The fact that the latter sites had the highest rates of vertical prosecution suggests that there may be trade-offs between disposition speed and continuity of handling. The Miami project reported that its two attorneys had difficulty juggling schedules in five different courtrooms. This could have slowed dispositions and also might account for the possible association between increased state continuances and project handling in this site. In Washington, D.C., anecdotal information suggests that staff placed less emphasis on speedy prosecution than the other three sites, in part because they believed the absence of speedy trial rules would make it difficult to engineer significant improvements in this area.

Other effects. There are no indications that prosecution by HSVJOP is associated with changes in the proportion of trials. For the most part, we also saw no effects on continuances. One exception is Milwaukee, where project handling was related to a reduction in continuances by the defense. Another possible exception is Miami, where the bivariate comparisons show that contrary to expectations, project cases were more likely to involve continuances by the state than nonproject cases; however, this finding is based on a very small random sample of cases, too small to be confirmed by multivariate analysis.

#### Case Outcomes: Findings and Sentences

Some changes in the prosecution process, such as speedier prosecution, may be welcome in their own right, regardless of their impact on case findings or sentences. Prosecutors and judges generally are pleased to have cases resolved sooner. No doubt many individual defendants -- especially those in custody -- are equally happy with a speedier conclusion. But the acid test of a targeted approach to prosecution of habitual, serious juvenile offenders is whether it makes a difference in the results. Are habitual, serious offenders more likely to be convicted or transferred to adult court using this approach? And if convicted, what kinds of sentences do they receive?

Transfers to adult court. Probably as a result of OJJDP's own ambivalence on the subject, there was no consensus among the projects about whether transfers to adult court should be encouraged. The Miami project was unique (among all 13 HSVJOP sites, in fact) in making reduction of transfers to adult court an objective. Transfers had reached an all time high of 558 in the year before HSVJOP and there was substantial concern -- especially among juvenile judges -- that the direct file mechanism was being overused. HSVJOP in Miami responded by developing a more systematic decisionmaking process for direct files, which incorporated the recommendations of the project's two "assessment screeners." In the reportedly rare instances when prosecutors and screeners could not agree on the appropriateness of a direct file, cases were scheduled for a waiver hearing before a judge instead.

In contrast, Milwaukee tried to increase the number of transfers, by using the only mechanism available in Wisconsin -- the waiver hearing. Seattle and Washington, D.C. had no objectives with regard to transfer. Seattle transfers had been rare at the

baseline and were to remain so during the program period; there were no transfers in our Washington, D.C. cohorts.

The data indicate that both Miami and Milwaukee realized their objectives. In Milwaukee, waivers increased and the link to project handling is very evident. Miami was successful, albeit in the opposite direction, and reduced the number of transfers. Cases handled by the project were still more likely to result in direct file than cases handled by others, but this appears to be a consequence of the procedure that initially assigned most candidates for direct file to the project. Project cases were no more likely to result in waiver than nonproject cases, however.

Convictions and dismissals. Following the lead of the CCP and the OJJDP announcement, HSVJOP sites were uniformly interested in improving their conviction rates and reducing dismissals. (If we set aside transfers to adult court, convictions and dismissals account for the overwhelming majority of dispositions in serious cases, with informal dispositions and not-guilty verdicts making up the remainder.) In Miami, Seattle, and Washington, D.C., project handling was associated with an increase in overall conviction rates. Only in Milwaukee was there no effect on convictions. Dismissal rates were significantly lower for project cases only in Seattle and Washington, D.C.

Strength of convictions. A principal tenet of the HSVJOP approach was limited or no plea bargaining. As a consequence, the projects' expressed priority was to obtain a conviction on all original charges. In practice, most prosecutors were open to plea negotiations that involved an admission to the most serious charge, because the top charge was deemed most important in sentencing. In two of the four sites, Miami and Seattle, project prosecution was associated with increased convictions on the top charge or all original charges. This is true whether measured for all cases resulting in conviction or solely for cases resulting in conviction by plea. No relationship between project handling and strength of conviction is apparent in these sites (or elsewhere) for cases resolved by trial. We take this to be an indication that HSVJOP was effective in reducing the amount of plea bargaining in Miami and Seattle.

There is one interesting sidelight to the data from Seattle. In contrast to the other three sites, the proportion of cases resulting in conviction on all charges or the

most serious charge in Seattle is virtually identical for cases resolved by plea and by trial in both time periods. The usual pattern elsewhere is for cases resolved by trial to result in stronger convictions. This seems to confirm our impression, based on interviews, that the restrictions on plea bargaining were much more severe in this jurisdiction than elsewhere, even at baseline. In project cases, conviction strength for cases resolved by plea actually exceeded that for cases resolved by trial, although not by much (92.7% convicted on all or top charge by plea vs. 89.1% by trial, NS).

No differences in conviction strength were observed between project and nonproject cases in Milwaukee or Washington, D.C., when controls were introduced for other variables.

Correctional sentences. The most consistent finding across all sites is that the risk of commitment to state correctional supervision for cases disposed of by the project is higher than for all other cases. The risk of commitment for project cases resulting in conviction also is higher in all four sites.

"Correctional commitment" does have different meanings across jurisdictions, of course. For Milwaukee and Seattle, it is synonymous with institutionalization for some period of time. For Miami and Washington, D.C., the state correctional agency maintains a wider variety of placement options -- including some that are noninstitutional such as wilderness camps and special community treatment programs. In Florida, this agency always makes the ultimate placement decision, while in the District of Columbia, the judge has the option to leave the placement open or not.

Sentence length. Sentence lengths in all three sites where judges impose a specified term are severely limited by statute. In Milwaukee, the maximum term is only one year<sup>4</sup> and in Washington, D.C., two years, although in both sites the court may extend the term by one-year intervals when the initial sentence expires. Seattle's sentences may extend to several years, but are determined by a point system that

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<sup>4</sup>This was recently increased to two years.

minimizes the amount of discretion available to the judge.<sup>5</sup> Under these circumstances, we were skeptical about the possibility of project effects on length of sentence even though some of the local project staff had sought them, and such effects were certainly consistent with the logic of the program. In fact, we found no significant effects on sentence length, when other characteristics of cases and offenders were controlled.

Thus, for these sites and these projects, the most consistent effects of project prosecution are felt on vertical prosecution and on type of sentence. Overall conviction rates also are affected in three jurisdictions. Speed of disposition, dismissal rates, strength of convictions, and transfers to adult court each are affected in two of the four jurisdictions. Effects on the number of charges filed and the number of continuances also occur in two jurisdictions, but the effects are in opposite directions.

### Project Effects on Nonproject Cases

The cohort design employed in this study implicitly assumes that the effects of a project, if any, are limited to cases handled by that project. Cases handled by others are assumed to proceed in a "normal" fashion -- for example, any changes over time in the handling of nonproject cases are assumed to be a product of other independent forces in the juvenile justice system. However, if the existence of the project improves the outcomes for non-project cases, the project and nonproject comparisons will underestimate the true effects of the project. If, on the other hand, the project's improvements are purchased at the expense of the nonproject cases, the comparisons will overstate the project's effects.

One beneficial side effect we might expect from the project is that it would lower attorney caseloads across the board and thus improve prosecution of all juvenile cases. Indeed, in a series of interviews conducted in 1985 and 1986 (Cronin et al., 1987), prosecutors and staff at most of the 13 HSVJOP sites believed that there had been such benefits. Negative effects might be expected primarily in areas where finite system

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<sup>5</sup>The Washington statutes do permit sentencing discretion within a "standard range," and sentences can be imposed outside the "standard range" if the judge is convinced that the standard sentence would constitute a "manifest injustice." In practice, however, manifest injustice (MI) sentences above or below the standard are an exception. In any case, the project had agreed with the state's correctional agency to minimize the recommendations for MI treatment.

resources constrain the total outcomes available in juvenile cases. For example, if court and public defender resources are fixed, perhaps speedier handling of project cases necessitates slower handling of nonproject cases. Or if correctional capacity remains unchanged, more sentences to correctional facilities for project youth may mean fewer sentences for nonproject youth.

Our data are incapable of distinguishing between changes that are a side effect of the project and those that represent independent trends in system performance for nonproject cases. However, there are few indications that the project affected nonproject cases in either direction. Few of the various performance measures changed significantly between baseline and program periods, and the trends for qualifiers and nonqualifiers usually did not diverge. The exception occurs for a single measure of processing time in Milwaukee and Seattle. In Milwaukee, average time from case filing to disposition increased for the nonqualifiers while declining somewhat for the qualifiers; there was no significant change in time from referral to disposition. In Seattle, it was the measure of time from referral to disposition that showed a significant deterioration for the nonqualifiers and an improvement for qualifiers. These patterns are consistent with a hypothesis that project cases got faster treatment at the expense of nonproject cases, although no definitive conclusion is possible.<sup>6</sup> If this hypothesis is correct, then the effects of the project on processing time may be overestimated in those sites.

### Conformity of Findings to Overall Expectations

The evaluations of Los Angeles Operation Hardcore, a career criminal program for violent gang offenders, as well as the broader adult career criminal program (CCP) (Dahmann, 1983; Chelimsky & Dahmann, 1981) had led us to develop rather modest expectations for HSVJOP. While the Hardcore evaluation attributed more convictions and dismissals, stronger convictions, and more prison sentences to the project, in the case of the CCP, the effects at the four participating sites were limited to:

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<sup>6</sup>Only one other divergent pattern is noteworthy. Conviction rates in Seattle showed a small but significant drop for nonqualifiers, while remaining stable for qualifiers and showing significant improvements in project cases in the multivariate analyses. Because convictions are not constrained by resource levels in the same way that processing time and correctional placements may be, it seems unlikely that the decline in nonqualifier convictions is attributable to the project.

- Some improvement in processing time at one site.
- Stronger convictions -- i.e., more convictions on the most serious charge -- at two of four sites.
- Some increase in incarceration and length of sentences at one of four sites.

Because of the rather narrow statutory limits on length of juvenile sentences in two of our four sites, and the determinate sentencing provisions at a third, we did not expect our sites to produce significant changes in sentence length. Thus, if juvenile career criminal efforts were anything like those for adults, their results might be very modest indeed.

But as we noted in Chapter II, HSVJOP did differ from adult career criminal programs in some ways that might be significant. Chelimsky and Dahmann had suggested that the limited effects of career criminal programs might be attributed to the already high baseline performance of the prosecutor in the sites they studied, as well as their narrow focus on prosecution. HSVJOP had been designed to be more comprehensive in orientation, and there was assumed to be more room for improvement over baseline performance, in light of the lower priority given to juvenile prosecution by many prosecutor's offices and the presumably greater discretion involved in juvenile proceedings. Thus, there was some reason to expect stronger results from HSVJOP. All the same, we were surprised to find that the project effects were so many and on some measures, so consistent across sites.

We also were unprepared for the breadth of effects in Seattle. The Seattle project's performance was superior to that of Seattle's nonproject attorneys on most of our measures, and Seattle showed effects on more individual measures than any other site. At the outset, this jurisdiction had appeared least likely to show major effects of the project intervention. In the first place, Seattle's determinate sentencing statutes would limit the project attorney's recommendations as to type and length of sentences. Furthermore, certain routine policies and practices within the juvenile division were expected to moderate the effects of the project. These policies, already in place during the baseline period, included a conservative orientation toward initial charging, restrictions on subsequent plea bargaining, and routine involvement by the juvenile division's most senior deputies in plea negotiations. Thus, conviction rates already had been quite

high at baseline (90.4%) and so had convictions on the top or all original charges (86.7% of all convictions). Yet the project made inroads in all these areas, and increased the proportion of defendants sentenced to some form of incarceration as well.

### What Makes the Projects Effective?

With all of the projects changing sentencing for habitual offenders and most of them altering conviction rates, dismissal rates, or conviction strength as well, what can we say about the specific ingredients of project success?

As a byproduct of the analyses reported in Chapter V, we learned that several of the case processing characteristics that we measured for this evaluation -- number of charges filed, vertical prosecution, speed of disposition, and state or defense continuances -- were sometimes linked to successful prosecution. It seemed unlikely that these factors could account for the overall success of the projects in altering case outcomes, however, since some projects had no effect on some of these process measures. Further multivariate analyses confirmed that by and large, significant relationships between project handling and various outcomes do not disappear when processing variables are controlled, although the strength of the relationship may diminish somewhat.<sup>7</sup> Thus, it appears that the changes in outcomes associated with project efforts must be attributable in part to some improvements in the prosecution process that we did not or could not measure on a case-by-case basis.

What might some of these other improvements be? More experienced attorneys, the quality of case preparation, the quality of information presented at sentencing, and additional victim/witness support all are logical candidates. Each is part of the rationale for the HSVJOP approach (see Figure 4.1). Although none of these dimensions was directly measured in the outcome evaluation, we have some evidence, primarily from interviews, that HSVJOP brought about improvements in these areas.

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<sup>7</sup>The addition of the processing variables usually increases the amount of variance explained in the dependent variable, however, but sometimes this increase is small.

In 1986, project staff and observers at each site rated whether HSVJOP had changed the quality of case preparation, the quality of information available at sentencing, the support for victims and witnesses, victim/witness appearance rates at essential proceedings, and the participation of victims at sentencing (Cronin et al., 1987).<sup>8</sup> Table 6.2 indicates those sites at which there was substantial consensus about these effects; because the number of respondents was small at each site, our operational definition of substantial consensus required that 75 percent of the respondents perceive the effect. (In fact, at least some staff perceived these effects at all sites, and usually so did some of the observers.)

The substantial majority of staff at all four sites and observers at two sites agreed that the project had enhanced case preparation; staff in three of the four sites, joined by observers at two sites, believed it had enhanced the information available at sentencing as well. Everywhere, project staff also were convinced that victims and witnesses were being better served, and at three sites, staff believed that appearance rates had improved. Staff in Seattle also reported increased victim participation at the sentencing hearing. Observers were much less likely than staff to perceive effects in the victim/witness area.

Management information reports filed by the projects during 1986 suggest that direct victim participation in sentencing was unlikely to have been a major factor, except in Seattle. Seattle's rate of victim attendance at sentencing was about double that of the average across all HSVJOP cases, involving 15.9 percent of the 151 cases reported; this figure was second only to Cambridge's astounding rate of 42.3 percent. Participation in Milwaukee (1.0%) and Washington, D.C. (1.8%) was low but similar to the rates in many of the other sites, while none of Miami's cases involved victim attendance at disposition hearings (Cronin et al., 1987: 89).

Data from open-ended interviews conducted throughout the period of federal support at all 13 sites elicited numerous comments on the excellence of the project attorneys and the increased professionalism they had brought to the juvenile court. At one site, a judge commented that the JSVJOP staff were so "upbeat, professional and

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<sup>8</sup>Respondents totalled 23 staff and 17 "outside" observers in related agencies such as the court, public defender's office, and DOC.

Table 6.2. Selected Process Effects of HSVJOP Reported by Staff and Nonproject Respondents: All Sites

	75% or more of project staff reported <u>this effect in:</u>	75% or more of nonproject respondents reported <u>this effect in:</u>
Enhanced quality of case preparation	All sites	Miami, Milwaukee
Enhanced quality of information available at sentencing	Miami, Seattle, Washington, D.C.	Miami, Washington, D.C.
Increased supportive services for victims and witnesses	All sites	No sites
Increased victim/ witness appearance rates	Miami, Seattle Washington, D.C.	Miami
Increased participation of victims at sentencing	Seattle	Miami

competent, that their spirit was contagious." With more supporting staff and lower caseloads than the regular juvenile division and with vertical assignment of cases, project attorneys felt they were able to devote more time and attention to their cases and to obtain better information on the juvenile's situation. For example:

One project discovered that a target juvenile who had been sentenced to probation and day treatment had quite successfully deceived the system. Using a forged letter, the juvenile had convinced his probation officer that he had been participating in the requisite treatment program, when in fact he had not been accepted and had never attended. Re-arrested a few months later for shoplifting, he managed to engineer his release with a false story about a pregnant wife. When he did not show up in court, a warrant was issued. The project attorney began researching his record and unearthed the falsified day treatment letter. When the juvenile was finally arrested and detained, a letter from an employer convinced the probation officer that the youth was gainfully employed and performing well. This time, the project attorney determined that the juvenile's stepfather had forged the employment letter, naming a nonexistent company. Without the time to delve into this information, the attorney believes that juvenile would have slipped through the system once again.

The staff at another site related the story of a juvenile who tried to force a young girl into a car. The girl's brother was shot several times when he came to her rescue. The beat officer had failed to call a homicide detective, and the case was not thoroughly investigated. However, the project was able to identify a number of witnesses and obtain additional evidence. The juvenile was transferred to adult court as a result. There he was found guilty and received a sentence of four and one-half years.

As for the merits of victim/witness support, project staff frequently commented that the project had reduced the unpleasantness and inconvenience of participation in the court process; victims were believed to have been "put more at ease" and to understand the process better. One judge noted that vertical prosecution was a real improvement for victims because they did not have to repeat their stories to a series of attorneys.

One victim/witness assistant told of a little girl who was the victim of an aggravated sexual assault. After several conversations with the victim/witness assistant, the little girl finally opened up and revealed the history. The little girl was able to testify, and the prosecution won a conviction. She was referred to counseling and is still followed up by the project.

At many sites, project and non-project respondents believed that the most important if not the biggest impact of the project lay in the dispositional area. Respondents at several sites reported that more realistic and appropriate options had been proposed at sentencing because of improvements in the quality of the information available about the offender. In sites like Miami where grant-paid staff prepared pre-dispositional reports or recommendations, there was almost unanimous opinion among project staff that the recommendations offered were more appropriate and sometimes more innovative as well. Many of the outside observers shared this impression.

It was generally recognized, however, that in most sites, for most cases, the project's primary objective was incarceration or correctional commitment.

### **Other Perspectives on Project Performance**

The increased reliance on correctional commitments in all four sites and the broadening of the pool of offenders subjected to transfer to adult court in Milwaukee guarantee HSVJOP a mixed reaction in juvenile justice circles. Those who favor a more punitive or accountability-oriented approach to juvenile delinquency may be pleased, along with those who wish to reserve the community-based approaches for nonserious, nonhabitual offenders. However, those committed to the juvenile court's tradition of rehabilitation for all juveniles may object that most of the offenders convicted under HSVJOP received nothing new in the way of correctional interventions. Those who are prepared to accept incarceration or transfer of juveniles, provided that these actions can diminish future criminal behavior, may object that the ultimate effectiveness of HSVJOP has not been demonstrated.

The personal interviews we conducted in 1985 and 1986 yielded mixed reactions to other aspects of project performance.

At most sites, project staff and local justice officials believed that the targeting criteria employed by the projects were appropriate. However, there were complaints that the objective criteria singled out some juveniles who were neither chronic nor serious offenders and conversely disqualified some very serious offenders who had not had a prior conviction. As one project director put it, the "objective grant criteria do some violence to the reality -- some habitual offenders are not serious and some serious ones are not habitual offenders."

It was not just the project directors and their staff who had difficulty with the targeting decisions.

One judge recalled a "nickel and dime burglar" that the project had recommended for sentencing either to the HSVJOP correctional component or the training school. The judge opted for a sentence of 60 days detention, something HSVJOP "was very upset about."

A public defender at another site was "particularly bitter" about one case. The targeted juvenile "had a very bad home situation and was a chronic runaway." He was charged with burglary for entering a friend's unlocked home, promotion of prostitution (defined as a minor offense in that jurisdiction), and unauthorized use of a motorcycle. The public defender felt that the youth "was not streetwise and he shouldn't have been a target kid."

A judge at a third site spoke of a "serious gun case." The school officials involved did not want to prosecute the case and were willing to deal with the juvenile informally; "the project insisted on prosecuting it anyway."

Some of the local observers also were concerned that juveniles were being labelled as serious, habitual offenders and might subsequently receive inequitable treatment. A probation officer gave an example:

One juvenile who had been previously targeted by the grant was "hanging around" a convenience store with a group of other juveniles. When the police arrived, they recognized this particular juvenile as a grant-labelled youth. He was the only one of the group arrested and he was subsequently charged with loitering.

Some observers complained that targeted juveniles could not get a fair trial because the judges recognized the project attorneys and therefore could infer which juveniles had lengthy records. One public defender argued that adult career criminal programs are permissible because of the availability of jury trials (in which jurors are presumably ignorant of the defendant's record), but are unfair in a system dominated by bench trials. Because of these concerns, project attorneys in some sites scrupulously maintained low profiles. In other sites, the habitual offender designation was prominently noted in the youth's court file and the attorneys openly identified themselves as grant attorneys. At about half the sites, project staff believed that juveniles were aware of the selective prosecution efforts, and as one staff member put it, "know that someone's out to get them."

While staff at most sites conceded that incarceration was their primary goal for most target youth, the lack of good alternatives to incarceration was a recurring complaint. In a site where probation caseloads sometimes reach 70, 80, or 90, one attorney noted, "If we truly had good probation services, I might be more willing to recommend them instead of commitment, but as it stands, I won't."

There were some systematic differences in concerns across the different types of local observers we interviewed. Police officers and probation officials were almost uniformly enthusiastic about HSVJOP, but judges, correctional administrators, and public defenders tended to offer some criticisms.

All of the judges interviewed accepted targeted prosecution as an appropriate intervention strategy, but most felt that there should be some modification in the selection criteria. Many felt that the cases should be evaluated more subjectively to fit a local definition of habitual, serious, and/or violent. In general, though, the inappropriate selections were seen as exceptions.

Most judges also felt that a policy of no plea negotiation was unrealistic for HSVJOP. Many public defenders agreed, arguing that the ultimate sentencing outcomes would not be affected by a relaxed policy or that unnecessary trials could be avoided. One judge and several public defenders commented that the goal should be the best outcome, which might not necessarily be a conviction.

The majority of public defenders felt that the program was ineffective and a waste of money, although there were some dissenters. One public defender was particularly upset that the project's correctional component had served so few targeted youth. Like some judges, several public defenders believed that cases should be selected for targeting on an individual basis, rather than by using an objective formula.

Some felt that the project had not attracted more experienced attorneys and that case preparation was not much different from before. However, others applauded the increased experience levels of their courtroom counterparts, which brought an "increased professionalism" to the juvenile court. They also believed that devoting more prosecutorial resources to this group of offenders was important, even though some acknowledged that it made their own job harder.

Corrections officials, unlike public defenders, had few complaints. However, some respondents expressed concern that by pursuing longer and more severe dispositions, the project had caused a potentially unmanageable increase in populations at detention centers and secure correctional facilities. This was an impression, unsubstantiated by any figures. Population increases in correctional facilities would certainly be consistent with our data, however, provided that average lengths of stay for convicted offenders have remained constant over time.

All categories of respondents were in agreement about the need for additional sentencing alternatives and services for the types of juveniles targeted by the program.

## Institutionalization of the Projects

Examination of the HSVJOP experience would not be complete without a few words about the current status of HSVJOP at our four target sites.

As of 1987, federal funding to all four projects had terminated. Three of the four sites have institutionalized selected portions of the HSVJOP effort since then.

Both Miami and Milwaukee retained the prosecution components of the project -- the attorneys, victim/witness assistant, and support staff -- in their entirety. But both terminated the post-dispositional correctional components of their programs, and Miami dropped its special assessment screener positions as well. Seattle, the site with the smallest caseload, returned to original attorney staffing levels in the juvenile division, but retained the concept of targeting the most serious offenders and assigning them to the division's most experienced trial team. While the project had only a part-time victim/witness assistant, the division's victim/witness services actually were augmented by 1.5 victim advocates post-project; these advocates specialize in handling violent offenses. The correctional component of the program was not retained.

Washington, D.C. initially picked up the core prosecution services and the correctional component of HSVJOP. Prospects for a permanent funding commitment looked bright, but unexpectedly, funds for the prosecution services were recently deleted from the budget by action of the D.C. Council, the jurisdiction's legislative body. A small counseling program for incarcerated serious offenders continues, but its future is uncertain.

Overall, this constitutes a fairly strong endorsement by local governments of the prosecutorial and victim/witness components of HSVJOP. The correctional programs have not been so fortunate.

## Conclusions

In applying the findings of the HSVJOP evaluation, one must bear in mind several limitations. First, the findings are based on a variety of data sources, including

computerized and manual files maintained by personnel at the participating sites, rating forms completed by local staff and observers, and interviews and observations conducted by AIR staff. These sources may contain errors or omissions that were undetected or undetectable by our checking procedures.

Second, the findings are based on a limited number of jurisdictions that cannot adequately represent the varied demographic, social, and legal environments in which juvenile prosecutors must operate. Ranging in size from 640,000 to 1.6 million people, these jurisdictions were all large enough to already have a specialized juvenile division within the prosecutor's office, and to perceive that habitual serious juvenile offenders posed a significant problem for the juvenile justice system. Nonetheless, the four jurisdictions that we studied intensively are demographically diverse and do represent a range of statutory settings, encompassing accountability and rehabilitation-oriented models of juvenile justice, strict and lenient speedy trial codes, and determinate and indeterminate sentencing. Compared to the other nine demonstration sites, they also were not atypical in terms of their ability to implement HSVJOP, nor for the most part, in the ways they chose to structure the program.

Third, the evaluation treated the constellation of prosecutorial and victim assistance activities that make up HSVJOP as a package. Therefore, when we say that a "project" affects a particular process or outcome, we are referring to this entire package of activities. Other jurisdictions cannot assume that the introduction of only one or two elements of a targeted prosecution approach would produce comparable results.

With these caveats in mind, we offer the following conclusions from the research findings detailed in this report, as well from data on the implementation process that are documented more completely in an earlier report (Cronin et al., 1987).

- Prosecutor's offices can successfully implement programs to target youth defined as habitual serious and violent juvenile offenders.

Given adequate resources and an initial willingness to cooperate on the part of the juvenile court, a targeted prosecution project is unlikely to encounter major barriers to

implementation. The project is likely to be accepted by the other agencies in the juvenile justice system and to continue in some form beyond the pilot phase.

- Key elements of targeted prosecution programs include involvement of more experienced prosecutors, greater resources for case preparation, greater continuity of prosecution in serious cases, and greater interaction with victims and witnesses.

The exact configuration of elements and the relative emphasis on each may vary from place to place as a function of local resources, policies, and preferences. For example, some efforts may build in victim/witness specialists, others may not; some projects may pair an experienced senior juvenile division attorney with relative newcomers in junior positions, others may choose attorneys from the adult criminal division. But this broad constellation of activities and practices is characteristic of efforts everywhere. These elements also parallel those of the adult career criminal programs adopted by many prosecutor's offices.

- In some locations, targeted prosecution programs can result in speedier prosecution of habitual, serious juvenile offender cases.

The two sites in which we observed this effect had relatively stringent speedy trial provisions already in place. Possibly this created a more favorable climate for further improvements in speed of prosecution, but it also may be coincidental. These two sites also had somewhat lower rates of vertical prosecution, indicating that there may be trade-offs between continuity and speed. There were no reductions in the number of continuances requested by the state at either of these sites, but defense continuances dropped for project cases in one of them. Thus, speedy prosecution may be related to reductions in continuances but that is unlikely to be a sufficient explanation.

One side effect of increased processing speed is consistent with our data, although it could not be established with certainty. Program planners should be aware that increases in processing speed for habitual, serious offenders may mean slower processing times for other juvenile offenders, if other system resources remain unchanged.

- In some locations, targeted prosecution programs can reduce the use of plea bargaining in habitual, serious juvenile offender cases.

While all projects ostensibly took a tougher line on plea bargaining, two sites actually showed significant increases in conviction strength -- i.e., more convictions on the top or all original charges. It is interesting that none of the projects showed any effect on the proportion of cases resolved by trial, however. Thus, the fear that strict plea-bargaining policies will produce more trials seems unfounded, when the policies take the form adopted by these sites and are implemented under conditions of expanded prosecutorial resources.

- Targeted prosecution programs can produce different outcomes in cases that involve habitual, serious juvenile offenders.

Targeted prosecution not only changes the process of handling serious cases, but the results. An increase in correctional commitments was the change most frequently observed at our study sites, usually accompanied by higher conviction rates. In addition, changes in the proportion of transfers to adult court, lower dismissal rates, and stronger convictions (see above) were observed in two sites each. Given the statutory constraints on juvenile sentences in most jurisdictions, changes in length of sentences appear to be unlikely.

- Mechanisms for screening and identifying cases appropriate for targeted prosecution should receive careful attention during program design and implementation.

Career criminal programs often are characterized as efforts to keep serious cases or offenders from "slipping through the cracks." Judging from the sizable proportion of eligible cases prosecuted by nonproject attorneys at our four sites, and the characteristics and outcomes of those cases, it seems likely that some offenders slipped through the cracks once again because the project screening mechanisms were not good enough. Some eligible cases were deliberately rejected by the projects, however. Should a project find itself intentionally and routinely shunting aside large numbers of eligible cases, we believe the project ought to narrow the eligibility criteria or find additional manpower. To do otherwise means at best confusing observers about the true

focus of targeting. At worst, it means abandoning a central premise of the program -- that special prosecutorial resources should be directed at the most "deserving" cases.

- Linking targeted prosecution projects together with special correctional efforts for the youth they prosecute, while an appealing notion in theory, faces obstacles in practice.

Because correctional programs were so diverse across sites and typically served only a small fraction of eligible youth, we did not attempt to systematically assess their effects. These programs may well have proven effective for some of the individuals who participated in them. Clearly, however, most of the correctional programs proved disappointing on other grounds. OJJDP's vision of enhanced diagnostic assessment, better treatment plans, and continuous monitoring of the plans -- expressed in the program announcement -- was probably not understood at many of the sites. In any event, most jurisdictions chose some alternative correctional strategy. Whatever the choice, the resources available often were too limited to provide services to all or even most of those who were eligible. And correctional services were unlikely to be institutionalized upon termination of federal support. Ironically, nearly everyone we interviewed, whatever their agency affiliation, expressed concern about the shortage of good correctional programs for habitual, serious offenders.

### Unanswered Questions

In contemplating efforts like HSVJOP, policymakers and practitioners should be especially sensitive to the current boundaries of our knowledge. Several questions remain unanswered:

- Did the projects target the "right" cases or offenders, in the sense of those most likely to engage in crime in the future? Certainly the targeting criteria at each site homed in on youth who approximate the definitions of high-rate juvenile offenders in the research literature. Whether these criteria are the best predictors of continued involvement in criminal behavior is an open question, however.
- Would the projects have shown the same types of effects had they chosen a different target population -- for example, violent offenders without prior

convictions, or offenders with a long history of misdemeanors but no prior serious offenses? Staff at many of the 13 HSVJOP sites expressed interest in modifying their criteria to include these sorts of cases. Our current findings cannot be generalized to these alternative target populations.

- Assuming that targeted prosecution is likely to increase correctional commitments for habitual serious offenders, what are the implications for juvenile correctional agencies? Do they have the capacity to house and provide programs for these offenders? A single targeted prosecution program in a state may be manageable for a state correctional agency. What would happen with more widespread adoption?
- What is the significance of increasing correctional commitments or altering the probability of transfer to adult court for habitual serious offenders? In the near term, how do these outcomes affect sentences actually served and placement in various settings? In broader perspective, do these experiences significantly alter the trajectory of criminal careers for these types of offenders?
- Ultimately, do such programs and outcomes deter other youth from pursuing a criminal career?

Several of these questions are currently receiving attention from the research community -- the effectiveness of alternative sentencing and treatment strategies, for example, and the development of models to predict those offenders most likely to recidivate. No single study is apt to provide definitive answers, however, just as no single intervention program can provide a total answer to the problems posed by habitual, serious juvenile crime.

## BIBLIOGRAPHY

- Armstrong, T.L., & Altschuler, D.M. (1982). Community-based program interventions for the serious juvenile offender: Targeting, strategies, and issues. Chicago: The University of Chicago.
- Arthur D. Little, Inc. (1981). Programs for the serious and violent juvenile offender. Washington, D.C.: U.S. Department of Justice.
- Becker, H.S. (1963). Outsiders. New York: Free Press.
- Black & Regenstreif Associates. (1977). Opinions of Rochester public and victims about crime and the criminal justice system: An evaluation of the Victim Assistance Program. Rochester, N.Y.: Author.
- Blumstein, A., Cohen, J. & Hsieh, P. (1982). The duration of adult criminal careers. Report to the National Institute of Justice, Pittsburgh: Carnegie-Mellon University.
- Blumstein, A., Cohen, J., Roth, J. & Visher, C. (Eds.) (1986). Criminal careers and career criminals. Washington, D.C.: National Academy Press.
- Blumstein, A., Farrington, D.P., & Moitra, S. (1985). Delinquency careers: Innocents, desisters, and persisters. In Tonry, M. & Morris, N. (Eds.), Crime and justice: An annual review of research, Volume 6. Chicago: University of Chicago Press.
- Bortner, M.A. (1986). Traditional rhetoric, organizational realities: Remand of juveniles to adult court. Crime and Delinquency, 32 (1), 53-73.
- Bourque, B.B., Brumback, G.C., Krug, R.E., & Richardson, L.D. (1978). Crisis intervention: Investigating the need for new applications. Washington, D.C.: American Institutes for Research.
- Brosi, K.B. (1979). A cross-city comparison of felony case processing. Washington, D.C.: Institute for Law and Social Research.
- Burgess, A.W., & Holmstrom, L.L. (1976). Rape: Its effect on task performance at varying stages in the life cycle. In J.J. Walker & S.L. Brodsky (Eds.), Sexual assault. Lexington, MA: Lexington Books, 23-33.
- \_\_\_\_\_. (1974). Rape: Victims of crisis. Bowie, MD: Robert J. Brady Co.
- Burkhardt, J.E., & Norton, L. (1977). Crime and the elderly: Their perceptions and reactions. Rockville, MD: Montgomery Department of Police.
- Cannavale, F., & Falcon, W. (1976). Improving witness cooperation. Summary report of the District of Columbia witness survey and a handbook for witness management. Washington, D.C.: U.S. Government Printing Office.
- Chelimsky, E., & Dahmann, J. (1981). Career criminal program national evaluation final report. Washington, D.C.: U.S. Department of Justice.

- Cicourel, A.V. (1968). The social organization of juvenile justice. New York: Wiley.
- Cohen, J. (1983). Incapacitation as a strategy for crime control: Possibilities and pitfalls. In Tonry, M. & Morris, N. (Eds.), Crime and justice: An annual review of research, Volume 5. Chicago: University of Chicago Press.
- Cohen, L.E., & Kluegel, J.R. (1978). Determinants of juvenile court dispositions: Ascriptive and achieved factors in two metropolitan courts. American Sociological Review, 43(2), 162-176.
- Cronin, R.C., & Bourque, B.B. (1980). National evaluation program phase I assessment of victim/witness projects. Final Report. Washington, D.C.: American Institutes for Research.
- Cronin, R.C., Bourque, B.B., Mell, J.M., Gragg, F.E. & McGrady, A.A. (1987). Evaluation of the Habitual Serious and Violent Juvenile Offender Program: Interim report, year 2. Washington, D.C.: American Institutes for Research.
- Dahman, J.S. (1983). An evaluation of Operation Hardcore: A prosecutorial response to violent gang criminality. Final Report. McLean, VA: The MITRE Corp.
- Davis, R.C. (1983). Victim/witness noncooperation: A second look at a persistent phenomenon. Journal of Criminal Justice, 11, 287-299.
- Empey, L.T., & Erickson, M.L. (1972). The Provo experiment: Evaluating community control of delinquency. Lexington, MA: D.C. Heath.
- Empey, L.T., & Lubeck, S.G. (1971). The Silverlake experiment: Testing delinquency theory and community intervention. Chicago: Aldine.
- Fagan, J.A., Hartstone, E., Rudman, D.J., & Hansen, K.V. (1984). System processing of violent juvenile offenders: An empirical assessment. In Mathias, R.A., DeMuro, P., & Allinson, R.S. (Eds.), Violent juvenile offenders: An anthology. San Francisco: National Council on Crime and Delinquency.
- Fagan, J.A., Rudman, C.J., & Hartstone, E. (1984). Intervening with violent juvenile offenders: A community reintegration model. In Mathias, R.A., DeMuro, P., & Allinson, R.S. (Eds.), Violent juvenile offenders: An anthology. San Francisco: National Council on Crime and Delinquency.
- Farrington, D.P. (1977). The effects of public labeling. British Journal of Criminology, 17, 112-125.
- \_\_\_\_\_. (1983). "Offending from 10 to 25 years of age." Prospective Studies of Crime and Delinquency. Katherine T. Van Dusen and Sarnoff A. Mednick. Boston: Kluwer-Nijhoff.
- Farrington, D.P., Ohlin, L.E., & Wilson, J.Q. (1986) Understanding & controlling crime: Toward a new research strategy. New York: Springer-Verlag.
- Federal Register 48 (185). Habitual serious and violent juvenile offender program announcement. Washington, D.C.: United States Government Printing Office.

- Feld, B.C. (1987). The juvenile court meets the principle of the offense: Legislative changes in juvenile waiver statutes. The Journal of Criminal Law and Criminology, 78, 471-533.
- \_\_\_\_\_. (1981). Legislative policies toward the serious juvenile offender: On the virtues of automatic adulthood. Crime and Delinquency, 27 (4), 497-521.
- Fisher, S. (1972). Stigma and deviant careers in school. Social Problems, 20 (Summer), 78-83.
- Foster, J.D., Dinitz, S., & Reckless, W.C. (1972). Perceptions of stigma following public intervention for delinquent behavior. Social Problems, 20 (Fall), 202-209.
- Gable, R.J. (1982). Juvenile delinquency research: Truths, myths and hopes. Today's Delinquent, 1, 39-56.
- Gragg, F.E. (1986). Juveniles in adult court: A review of transfers at the habitual, serious and violent juvenile offender program sites. American Institutes for Research, Washington, D.C.
- Hamparian, D.M., Estep, L.K., Muntean, S.M., Priestino, R.R., Swisher, R.G., Wallace, P.L. & White, J.L. (1982). Major issues in juvenile justice information and training--youth in adult courts: Between two worlds. Columbus: Academy for Contemporary Problems.
- Hamparian, D.M., Schuster, R., Dunitz, S. & Conrad, J.P. (1978). The violent few. Lexington, MA: D.C. Heath & Co.
- Hamparian, D.M., Davis, J.M., Jacobson, J.M. & McGraw, R.E. (1984). The young criminal years of the violent few. Cleveland, OH: Federation for Community Planning.
- Haney, W., & Gold, M. (1973). The delinquent nobody knows. Psychology Today, 7, 48-55.
- Hepburn, J.R. (1977). The impact of police intervention upon juvenile delinquents. Criminology, 15(2), 236-262.
- Hirschi, T. (1975). Labeling theory and juvenile delinquency: An assessment of the evidence. In W. Gove (Ed.), The labeling of deviance. New York: Halsted.
- Jacoby, J.E., Mellon, L.R., & Smith, W.F. (1982). Policy and prosecution. Washington, D.C.: National Institute of Justice.
- Knudten, R.D., Meade, A.C., Knudten, M.S., & Doerner, W. (1976). Victims and witnesses: The impact of crime and their experience with the criminal justice system. Milwaukee, WI: Marquette University.
- Kobrin, S., & Klein, M.W. (1982). National evaluation of the deinstitutionalization of status offender programs. Final Report, Vol. 1 and Vol. 2. Los Angeles: University of Southern California.

- Krisberg, B., Schwartz, I.M., Litsky, P. & Austin, J. (1986). The watershed of juvenile justice reform. Crime and Delinquency, 32(1), 5-38.
- Lipton, D., Martinson, R., & Wilks, J. (1975). The effectiveness of correctional treatment: A survey of treatment evaluation studies. New York: Praeger.
- Martin, J.J. (1970). Toward a political definition of delinquency. Washington, D.C.: U.S. Department of Health, Education & Welfare.
- Midwest Research Institute. (n.d.). Crimes against aging Americans--The Kansas City study. Kansas City, MO: Author.
- Miller, J., Moeller, D., Kaufman, A., Divasto, P., Pathak, D., & Christy, J. (1978). Recidivism among sex assault victims. American Journal of Psychiatry, 135, 1103-1104.
- Monahan, J. (1981). Predicting violent behavior: An assessment of clinical techniques. Beverly Hills, CA: Sage Publications.
- Murray, C.A., & Cox, L.A. (1979). Beyond probation. Beverly Hills, CA: Sage Publications, Inc.
- National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) (1984). Serious juvenile crime. A redirected federal effort. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- National District Attorneys Association. (1976). Help for victims and witnesses: An annual report. Washington, D.C.: Author.
- National Organization for Victim Assistance (NOVA). (1984). Victim rights and services: A legislative directory. Washington, D.C.: Author.
- Neithercutt, M.G. (1978). Effectiveness of intervention impacting violent juvenile offenders. San Francisco: Bay Area Research Design Associates.
- Peterson, M., & Braiker, H.B. (1980). Doing crime. A survey of California prison inmates. Report R-2200-DOJ. Santa Monica, CA: Rand Corporation.
- Platt, A.M. (1969). The child savers: The invention of delinquency. Chicago: University of Chicago Press.
- Regnery, A.S. (1985). Getting away with murder: Why the juvenile justice system needs an overhaul. Reprint from Policy Review, 34, 1-4.
- Rifai, M.A.Y. (Ed.) (1977). Implications for crime prevention: The response of the older adult to criminal victimization. Police Chief, 48-50.
- \_\_\_\_\_. (1976). Older Americans' crime prevention research project: Final report. Portland, OR: Multnomah County Department of Public Safety.
- Robinson, J., & Smith, G. (1981). The effectiveness of correctional programs. In H. Gross & A. von Hirsch (Eds.), Sentencing. New York: Oxford University Press, 118-129. (Reprinted article, originally appeared in 1971).

- Rossi, P.H., & Henry, J.P. (1980). Seriousness: A measure for all purposes? In M.W. Klein & K.S. Teilmann (Eds.), Handbook of criminal justice evaluation. Beverly Hills: Sage Publications, 489-505.
- Rossi, P.H., Waite, E., Bose, C.E., & Berk, R.E. The seriousness of crimes: Normative structure and individual differences. American Sociological Review, 39 (April), 224-37.
- Rossum, R., Koller, B., Manfredi, C. (1987). Juvenile justice reform: A model for the states. California: Rose Institute of State & Local Government, and the American Legislative Exchange Council.
- Rudman, C., Hartstone, E., Fagan, J., Moore, M. (1986). Violent youth in adult court: Process and punishment, Crime and Delinquency, 32, No. 1: 75-96.
- Sacramento Police Department, (1974). Improving services to crime victims: A report and a proposal. A Report to the Police Foundation. Sacramento, California: Author.
- Sampson, R.J. (1986). Effects of socioeconomic context on official reaction to juvenile delinquency. American Sociological Review, 51 (6), 876-885.
- Schlesinger, S.E. (1978). Prediction of dangerousness in juveniles--a replication. Crime and Delinquency, 1, 40-48.
- Schur, E.M. (1973). Radical nonintervention: Rethinking the delinquency problem. Englewood Cliffs, NJ: Prentice-Hall.
- Sellin, T., & Wolfgang, M. (1964). The measurement of delinquency. New York: John Wiley & Sons.
- Shannon, L.W. (1978). A longitudinal study of delinquency and crime. In Wellford, C. (Ed.), Quantitative studies in criminology. Beverly Hills, CA: Sage Publications.
- \_\_\_\_\_. (1982). Assessing the relationship of adult criminal careers to juvenile careers. Washington, D.C.: U.S. Department of Justice, OJJDP, NIJJDP.
- Smith, C.P. (1980). A proposed approach for justice system processing of minors who are accused or convicted of committing violent crimes. A presentation to the Joint Juvenile Justice Committee of the Arizona Legislature, Phoenix, AR.
- Strasburg, P.A. (1978). Violent delinquents. A report to The Ford Foundation from the Vera Institute of Justice. New York: The Ford Foundation.
- Sutherland, S., & Scherl, D.J. (1970). Patterns of response among victims of rape. American Journal of Orthopsychiatry, 40.
- Syvud, G. (1967). The victim of robbery. Unpublished doctoral dissertation. University of Michigan.
- Tracy, P.E., Wolfgang, M.E., & Figlio, R.M. (1984). Delinquency in a birth cohort II: A summary. (Draft). Philadelphia: Center for Studies in Criminology and Criminal Law, University of Pennsylvania.

- \_\_\_\_\_. (1985). Delinquency in two birth cohorts: Executive summary. Washington, D.C.: U.S. Government Printing Office.
- United States. (1982). President's task force on victims of crime. Final Report. Washington, D.C.: U.S. Government Printing Office.
- Vera Institute of Justice. (1976). Impact evaluation of the Victim/Witness Assistance Project's appearance management activities. New York: Author.
- Waller, I. & Okihiro, N. (1978). Burglary: The victim and the public. Toronto, Canada: University of Toronto Press.
- Williams, J.R., & Gold, M. (1972). From delinquent behavior to official delinquency. Social Problems, 20, 209-229.
- Williams, K.M. (1979). The scope and prediction of recidivism. Washington, D.C.: Institute for Law and Social Research.
- Wolfgang, M. (1977). From boy to man - From delinquency to crime. Paper presented at the National Symposium on the Serious Juvenile Offender, Minneapolis, Minnesota. Philadelphia: Center for Studies in Criminology and Criminal Law.
- Wolfgang, M.E., Figlio, R.M., & Sellin, T. (1972). Delinquency in a birth cohort. Chicago: The University of Chicago Press.
- Wolfgang, M.E., Figlio, R.M., Tracy, P.E., & Singer, S.I. (1985). The national survey of crime severity. Washington, D.C.: U.S. Government Printing Office.

## Appendices

**APPENDIX A**

**Comparison of Four Outcome Sites to  
Full Set of HSVJOP Jurisdictions**

## Appendix A. Comparison of Four Outcome Sites to Full Set of HSVJOP Jurisdictions

Table A.1 summarizes selected characteristics of the four projects selected for the outcome study and compares them to the values for all 13 jurisdictions and projects participating in HSVJOP.<sup>1</sup> The characteristics of cases and outcomes included in the table are derived from case-specific information reported to AIR by all projects over a period of about 18 months. (We had preliminary data of this type at the time we made the site selection decisions.) Other data came from interviews with local officials, grant applications, and public sources such as the U.S. Census and the FBI Uniform Crime Reports.

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<sup>1</sup>The table does not include any characteristics of the correctional programs implemented with OJJDP funds, because these programs were not incorporated in the outcome evaluation. Initially, we had hoped to do so, but it soon became clear that the services and programs supported by the grants were too variable and served too limited a sample of project youth during the time frame of our study to be accommodated within the evaluation plan.

Table A.1. Comparisons of Sites Selected for Impact Study with All HSVJOP Sites

Characteristics of Jurisdictions and Host Agencies	<u>Sites Selected for Impact Study</u>				<u>ALL HSVJOP Sites</u>		
	Miami	Milwaukee	Seattle	Washington, D.C.	Mean <sup>1</sup>	Median <sup>2</sup>	Range
<u>Demographic</u>							
Population, 1980	1,625,781	964,988	1,269,749	638,333	1,247,557	947,154	463,087 - 5,253,655
% White, 1980	77.2	81.9	88.9	27.4	76.0	78.6	27.4 - 96.3
% of Spanish origin, 1980	35.7	3.1	2.1	2.8	7.3	3.1	0.9 - 35.7
% of children below poverty level, 1979	19.6	16.4	8.3	27.0	17.7	18.2	8.3 - 30.0
Index crimes per 1000, 1985 <sup>3</sup>	151.9	71.0	128.2	80.5	88.2	80.5	42.2 - 151.9
% of index crimes that are violent, 1985 <sup>4</sup>	19.1	9.2	10.3	20.2	14.4	14.8	7.9 - 21.1
<u>System Characteristics</u>							
No. of juvenile prosecutors, pre-award	11.0	5.0	10.0	10.0	8.0	5.5	1.0 - 33.0
% increase in juvenile prosecutors, post-award	16	40	10	30	60	33	9 - 400
Prosecutor has prior experience formally targeting serious juvenile offenders	No	No	No	Yes	(Only Washington, D.C. and Chicago had an earlier program)		
Statutory speedy trial provisions <sup>5</sup>	Moderate	Strict	Strict	None	(5 sites were classified as strict, 4 as moderate, 4 as none)		
Maximum age of jurisdiction over juvenile offenses	17	17	17	17	(Only Cambridge and Chicago use age 16. Five sites have a lower age of juvenile jurisdiction for selected offenders or offenses.)		

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Table A.1. Comparisons of Sites Selected for Impact Study with All HSVJOP Sites (Continued)

	<u>Sites Selected for Impact Study</u>				<u>All HSVJOP Sites</u>		
	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>	<u>Mean<sup>1</sup></u>	<u>Median<sup>2</sup></u>	<u>Range</u>
Use of discretionary transfers to adult court	Common	Common	Occasional	Occasional	(4 sites were classified as common, 7 as occasional, 2 as rare)		
<u>Characteristics of HSVJOP</u>							
No. of attorneys	2.0	2.0	1.1	4.0	2.2	2.0	1 - 4
No. of investigators	0.0	0.0	0.0	0.0	0.8	0.5	0 - 4
No of victim/witness staff	1.0	1.0	0.5	0.0	0.8	1.0	0 - 2
Average number of new cases/month	18	27	8	17	16	17	4 - 27
% cases involving youth with:							
>1 prior conviction	74.1	72.3	89.9	63.7	71.6	72.3	39.2 - 95.2
Prior sentence to incarceration or Department of Corrections	61.0	17.4	93.3 <sup>6</sup>	44.2	50.2	42.3	17.4 - 96.9
% cases involving:							
Target felony <sup>7</sup>	92.0	81.7	100.0	79.9	83.8	81.0	68.9 - 100.0
Injury to victim	22.1	45.3	24.4	39.5	26.9	24.4	7.9 - 45.3
Prosecution by project from 1st to final event	27.7	53.3	24.7	86.2	59.2	55.3	24.7 - 98.3
Victim participation	76.4	99.3	86.6	73.9	78.2	79.2	47.0 - 99.3
Median no. of days, filing to disposition	42.0	46.0	51.0	121.0	67.2	54.0	30.0 - 144.0
% cases with:							
Guilty finding	71.8	77.6	91.3	72.7	77.6	77.8	60.2 - 91.3
Guilty finding on top or all charges	39.9	69.6	81.4	64.4	65.5	68.4	39.9 - 81.4

Table A.1. Comparisons of Sites Selected for Impact Study with All HSVJOP Sites (Continued)

	<u>Sites Selected for Impact Study</u>				<u>All HSVJOP Sites</u>		
	<u>Miami</u>	<u>Milwaukee</u>	<u>Seattle</u>	<u>Washington, D.C.</u>	<u>Mean<sup>1</sup></u>	<u>Median<sup>2</sup></u>	<u>Range</u>
% cases resolved by plea	83.6	96.4	50.3	63.5	75.5	77.0	50.3 - 96.4
% convictions resulting in sentence to training school or state department of corrections	92.3	61.8	83.5	55.5	58.6	55.5	38.6 - 95.1

Footnotes

1. The mean represents the arithmetic average of the values for all 13 sites.
2. The median represents the middle value when values for all sites are ranked in order from highest to lowest.
3. Index crimes include murder, nonnegligent manslaughter, robbery, forcible rape, aggravated assault, burglary, larceny-theft, and motor vehicle theft. Data are based on statistics for the city only.
4. Violent index crimes include murder, nonnegligent manslaughter, robbery, forcible rape, and aggravated assault. Data are based on statistics for the city only.
5. We considered provisions to be "strict" if trial is required within 30 days of arrest or detention. "Moderate" provisions require trial anywhere from 90 days to 12 months thereafter.
6. The percentage includes detention sentences.
7. "Target" felonies, so-called because of common targeting practices at HSVJOP sites, include murder, kidnapping, felony sex offenses, felony assault, robbery, felony theft, and felony arson.

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**APPENDIX B**

**Descriptions of Projects and their Jurisdictions**

## PROJECT DESCRIPTION FOR MIAMI

### A. Jurisdiction Served by Prosecutor's Office

1. Dade County
2. Demographics -- Population in 1980: 1,625,781 (Rank 10 among all U.S. counties)  
% population aged 5-17 years, 1980: 18.2%  
Ethnicity in 1980: 77.2% White  
17.3% Black  
.1% American Indian, etc.  
.9% Asian  
35.7% of Spanish origin  
% with 16 or more years school, 1980: 16.8%  
Unemployment, 1980: 10.1%  
% of children under 18 below poverty level, 1979: 19.6%
3. Crime characteristics (Miami only) -- Index crimes, 1985: 58,355  
Rate of index offenses/1000: 151.2  
Violent index crimes, 1985: 11,186  
Rate of violent index crimes/1000, 1985: 29.0

### B. The Dade County Prosecutor's Office

1. In 1985, there were 179 attorneys in the State's Attorney's Office of Florida's 11th Circuit Court. Fourteen attorneys were assigned to the juvenile division; HSVJOP added two. Two of the fourteen attorneys in the regular juvenile division handle dependency matters exclusively.
2. The juvenile division attorneys work in the Juvenile & Family Court building located just outside of downtown Miami. They are housed there with HRS Intake & Probation Services, the juvenile division of the public defender's office, and the juvenile detention center.
3. The juvenile division of the State's Attorney's Office has responsibility for prosecution of criminal, status, and dependency cases for juveniles under age 18.
4. In 1985, there were 5589 petitions filed by the State's Attorney's Office, compared to 4004 petitions in 1983.

### C. Other Key Actors in the Juvenile System

1. There are 27 police agencies working within Dade County. The Metro-Dade Police Department makes the largest number of arrests. These account for approximately one-half of all referrals to the juvenile division.

2. The Dade County juvenile court has five full-time judges handling criminal and dependency proceedings. All courtrooms and judges are located at the Juvenile & Family Court building.
3. The juvenile detention facility serving the court is operated by the Department of Health & Rehabilitative Services (HRS). In 1985, this facility had a total capacity of 156 beds; 24 were allocated to females and 132 to males<sup>1</sup>.
4. All probation and corrections services are operated by HRS, at a statewide level. HRS is responsible for intake, predispositional reports, probation, placement of youth sentenced to the agency, and monitoring and release of these youth. Youth from Dade County may be placed at any HRS facility within the State of Florida. HRS also monitors youth sentenced to aftercare.
5. Indigent defense services are provided by the Juvenile Court Division of the Public Defender's Office in the 11th Circuit Court of Florida. The court also has the ability to appoint or assign counsel. About eight percent of defense services are provided by court-appointed/assigned attorneys; 90% are provided by the Public Defender's Office.

D. Statutes and Procedures Governing Juvenile Delinquency Matters

1. The prosecutor's office makes screening and charging decisions for all referrals from HRS intake. Actions on referrals fall into one of six categories: (1) nonjudicially handled, (2) filed as a regular juvenile division case, (3) motion for waiver, (4) direct filed, (5) presented to the Grand Jury (for cases in which the adult sentence could be life imprisonment or death -- about 6 or 7 cases a year), or (6) no action. Two senior deputy prosecutors are assigned to screening and charging decisions.
2. The usual steps in the prosecution process include: a sounding, a trial, and a disposition hearing. For detained youth, the sounding is a detention and preliminary hearing, which must occur within 24 hours of detention; for youths not detained, the sounding is a preliminary hearing. Juveniles in Dade County are not entitled to jury trials. Pre-trial conferences are not routinely scheduled.
3. The juvenile court operates with statutory limits on time to adjudication. A case must be adjudicated within 90 days from arrest or filing of a petition. This time limit applies to all cases, for detainees and nondetainees. By statute, disposition hearings must occur within 14 days of adjudication for youth who are detained; usually hearings are held within 21 days of adjudication for youths not detained.
4. The Dade County juvenile court operates on an individual docketing system. Cases are docketed by an individual judge.
5. All sentences for youth in the Dade County Juvenile Court are indeterminate. HRS caseworkers submit a written pre-sentence investigation report. This

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<sup>1</sup> Total capacity has increased by 80 beds since 1985.

report summarizes the presenting offense, any prior offenses and outcomes, family and school environment, and other comments generally pertaining to the youth's social adjustment. This report also incorporates placement recommendations.

There are basically two sentencing options available to the judge: community control (or probation) and HRS commitment. In the former, the judge maintains control over the juvenile and imposes those sanctions -- curfew, nonresidential counseling, school attendance, etc. -- that he feels appropriate. Violations of community control are brought before the judge. An HRS commitment is indeterminate. Although the judge can suggest specific placements, such as a group home, wilderness camp, or training school, in order of preference and the State Attorney's Office may make its own recommendations, HRS maintains jurisdiction over the juvenile and makes the final placement decision. The judge does have the option to retain jurisdiction, meaning that responsibility reverts back to the judge at the time the juvenile is released from residential placement to an aftercare program. Retention of jurisdiction also means that the judge can prevent release of a juvenile, but this rarely occurs.

6. In Florida, juveniles may be transferred to adult court via three mechanisms: a waiver hearing, in which a judge may determine that a juvenile (14 years and up) should stand trial in the criminal court; direct file, in which the state attorney's office can choose to file a juvenile's (16 years and up) case in criminal court; and a grand jury indictment. Once tried in adult court, juveniles can be remanded for treatment to juvenile institutions. However, this rarely happens.

#### E. The HSVJOP Project

1. The Miami project was based in the State's Attorney's Office of Florida's 11th Circuit and operated in the Juvenile Division of the Dade Circuit Court. The first of two awards, totalling \$499,322, was made in June 1984, and the project began accepting cases in mid-August. Originally, project staff supported by the grant included: two attorneys, one assessment screener, one data collector, one victim/witness coordinator, and one secretary. A second assessment screener was hired in May 1985 to accommodate the growing caseload. Because the project director was not located at the juvenile court, nor was he paid by grant funds, the senior attorney handled the day-to-day operations of the project. About midway through the project, new staff took over both the senior attorney and the victim/witness coordinator positions.
2. The project targeted those juveniles whose current offense was murder, manslaughter, kidnapping, sexual battery, robbery, aggravated assault or battery, burglary of a conveyance with assault, residential burglary, trafficking, burglary of a conveyance, or grand theft. To qualify for the project, juveniles charged with burglary of a conveyance or grand theft must have had a prior history of two felony adjudications on different dates. For all other target offenses, a single prior felony adjudication was sufficient. Those juveniles who had qualified once as HSVJOP offenders always qualified in the future. With these criteria, the project averaged about 18 intakes per month.

3. The project identified its cases by screening juvenile arrests. Upon arrest, a decision to detain or not was made by HRS, the police, and/or the State Attorney's Office, the latter having the final authority to decide initial detention. If a youth was detained, HRS forwarded the necessary paperwork the next day to the State Attorney's Office. Originally, the cases were screened by the grant attorneys and the chief of the juvenile division for sufficiency and conformity to the project criteria. After the change in lead attorneys, the screening was done by a non-grant attorney and the juvenile division chief. (By law, the State Attorney's Office has the final decision on what charges will be petitioned.)
4. The project prepared the initial paperwork for juveniles who were direct filed to the adult criminal court, but project attorneys did not follow the cases into the adult system.
5. The project attorneys did not handle initial hearings for target youth, but attempted to maintain vertical prosecution for the majority of subsequent court events, unlike other juvenile cases. Occasionally, the two attorneys had difficulty covering five juvenile courtrooms, so another attorney might take over a single event. Other project elements included attempts to reduce the length of time required to prosecute a case and limited options on charge and sentence bargaining.
6. Victims and witnesses were notified of all trial appearances, and arrangements were made to provide transportation and babysitting services when needed. Victims were also asked to submit impact and restitution statements and routinely were consulted on pleas. A primary emphasis of the project was the development of enhanced pre-dispositional reports by the two assessment screeners. The screeners began preparing social and criminal histories and attempting to locate appropriate treatment programs as soon as a juvenile was screened into the project.
7. The project subcontracted with the Criminal Justice Council for its post-dispositional correctional services. The program's core service was non-residential counseling, provided for those juveniles who were newly released from institutions.
8. When federal funding ended, positions for two prosecutors, a victim/witness assistant, and a secretary were picked up by local funds. The positions for assessment screeners in the District Attorney's Office were discontinued, however.

F. Any Environmental Conditions/Changes in 1983-1985 Relevant to Interpreting the Data: None.

## PROJECT DESCRIPTION FOR MILWAUKEE

### A. Jurisdiction Served by Prosecutor's Office

1. Milwaukee County, Wisconsin
2. Demographics -- Population in 1980: 964,988 (Rank 28 among all U.S. counties)  
% population aged 5-17 years, 1980: 19.3%  
Ethnicity in 1980: 81.9% White  
15.5% Black  
.6% American Indian, etc.  
.7% Asian  
3.1% of Spanish origin  
% with 16 or more years school, 1980: 15.7%  
% Unemployed, 1980: 5.7%  
% of children under 18 below poverty level, 1979: 16.4%
3. Crime characteristics (Milwaukee only) -- Number of index crimes, 1985: 44,156  
Rate of index offenses/1000: 71.0  
Violent index crimes, 1985: 4,056  
Rate of violent index crimes/1000, 1985: 6.5

### B. The Milwaukee County District Attorney's Office

1. In 1985, the prosecutor's office had approximately 60 attorneys. The prosecutor's juvenile division had nine regular attorneys. HSVJOP had two additional attorneys.
2. The prosecutor's juvenile division is located in the juvenile court complex, along with juvenile probation and the detention facilities. The rest of the prosecutor's staff is located downtown.
3. The juvenile division is responsible for handling dependency cases, neglect proceedings, and status offenses, as well as delinquency matters. Four of the division's attorneys handle civil matters only. The juvenile division does not handle traffic cases, which are the province of municipal courts, nor does it handle those delinquency matters for which police have issued municipal citations. (Under Wisconsin law, most municipalities have re-enacted as code violations minor offenses which constitute misdemeanors under the criminal code.)
4. In 1983, there were 4289 delinquency petitions filed, approximately two-thirds of them for offenses that would be considered felonies if committed by adults. In 1985, there were 4,609 delinquency petitions filed; 73 percent involved felonies.

### C. Other Key Actors in the Juvenile Justice System

1. Milwaukee County is served by 21 police agencies. The Milwaukee Police Department is the largest and accounts for over 90 percent of the juvenile referrals to the prosecutor.

2. The juvenile court has three full-time judges who hear delinquency, status offense, and civil (dependency, neglect, or custody) cases at the court complex. A court commissioner handles detention, pretrial, and plea hearings.
3. The detention facility is operated by the County Department of Social Services and has a capacity of 77 beds; most of the beds are set aside for males. The detention facility is used for youth awaiting court action or transport to another setting, but not as a sentencing alternative<sup>1</sup>.
4. Probation services are the responsibility of a county agency that also operates round-the-clock intake services to which police bring juveniles who have been taken into custody. Probation can decide to handle incoming cases informally, following guidelines established by the court, or can refer them to the prosecutor. Probation can be "informal," when it is arranged without referral to the prosecutor or it can arise as a result of a court-sanctioned consent decree. Formal probation is imposed as a sentence after a finding of delinquency. The probation department also provides intensive probation supervision by a special unit called the Youth Aid Bureau. Probation officers make sentencing recommendations at disposition; generally these are oral rather than written.
5. State correctional services are the responsibility of the Wisconsin Division of Corrections, which operates two secure correctional facilities, one for boys and one for both boys and girls. The agency also provides parole supervision ("aftercare") for youth released prior to the completion of their sentences.
6. Indigent juveniles are represented by public defenders. About five percent of defense services are provided by private counsel. Wisconsin statute permits juveniles aged 15 and older to waive their right to counsel under certain circumstances, but this rarely occurs in practice.

#### D. Statutes and Procedures Governing Juvenile Delinquency Matters

1. Probation intake refers cases that have not been handled informally to the juvenile division for formal charging. Prosecutors may formally charge a case, decline to prosecute it entirely, or occasionally refer it back to intake for informal handling. Another option, unique to this site, is to "read in" the charges in court as part of a disposition on another pending petition. That is usually arranged as part of a plea agreement; "reading in" places charges on the official record and allows them to be considered for disposition, but simultaneously dismisses them. (Charges also may be "read in" after filing a petition.)
2. The usual steps in the prosecution process include a detention hearing (for those youth in custody), a plea hearing, a pretrial conference at which a plea agreement may be reached, a fact-finding hearing (for youth who contest the charges), and a disposition hearing. Jury trials are permitted and tend to slightly outnumber bench trials.

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<sup>1</sup>Recent legislation will permit some use of the detention center for short-term sentencing as well.

3. Wisconsin's revised juvenile code, which took effect in November 1978, sets time limits for various stages of the prosecution process. For detainees, petitions must be filed before their detention hearings, which must occur within 24 hours. A 48-hour extension may be granted only by court order. Plea hearings must be held within 10 days of filing the petition for detainees and within 30 days for nondetainees. Trials must be held within 20 days of the plea hearing for detainees and within 30 days for nondetainees. Disposition must occur within 10 days of the trial for detainees and within 30 days for nondetainees.
4. The juvenile court does not use a master calendar system. Instead, cases are docketed for individual judges and courtrooms.
5. Probation officers normally make sentencing recommendations to the court at the disposition hearing. The juvenile code gives primacy to the best interests of the child, but permits the court to take into consideration the protection of the public. Judges may impose sentences of up to one year<sup>2</sup>. When the sentence nears expiration, the court may order an extension. Ordinarily the extension request is initiated by the agency responsible for administering the current sentence; extensions are the exception rather than the rule, however. The usual sentencing options include: a specified DOC facility, formal probation (regular or intensive), informal probation (for those under a consent decree), or assignment to a community-based residential treatment facility or other special program. DOC commitments are permitted for any offense that would carry a six-month sentence if committed by an adult. In some cases, probation and residential treatment may be combined. Judges also may order restitution, but not for youth receiving DOC commitments.
6. Wisconsin statutes permit the waiver of juveniles aged 16 or older to adult court<sup>3</sup>. A waiver hearing is required, in which the judge considers the nature of the current offense, the juvenile's prior delinquent history, and the suitability of the correctional options available to the youth in the juvenile system. The frequency of waivers in Milwaukee has been increasing steadily since 1983. In 1985, there were 144 waivers.

#### E. The HSVJOP Project

1. The Milwaukee project received two annual awards, totalling \$600,000. The first award came in June 1984; federal funding for the project lasted until December 1986. The project was not officially part of the juvenile division, but worked closely with the division and was located nearby. Project staff supported directly by the grant included: two attorneys, one victim/witness assistant, one intensive probation worker, and one secretary. A subcontract with the Wisconsin Division of Corrections supported an intensive aftercare worker and two part-time data collectors. The aftercare worker changed once, as did one of the data collectors. Until a change of one attorney in June 1986, the project had no turnover except in its secretarial position.

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<sup>2</sup>Recent legislation has increased the maximum to two years.

<sup>3</sup>Recent legislation will permit waiver of 14-year-olds for certain very serious crimes.

data collectors. Until a change of one attorney in June 1986, the project had no turnover except in its secretarial position.

2. The project originally hoped to use Sellin-Wolfgang seriousness scores to select target cases. This proved impossible because the necessary data were not available at the point of screening. For several months, the project operated with flexible criteria that were subsequently refined to reduce the scope of the project and lower its caseload somewhat. For most of 1985, a juvenile qualified if he was charged with homicide, armed robbery, residential burglary, forcible sex offenses, aggravated assault, or theft from a person; any intrafamilial offenses were excluded. The juvenile also must have had one adjudication for burglary or for a targeted offense or for an offense originally charged as such. Once a youth had qualified for the project, all his subsequent offenses were accepted. With these criteria, the project averaged 27 new intakes per month.
3. Juvenile arrests are referred to the intake division of the Children's Court Center. Police departments were asked to alert the project to the worst offenders, and some officers obliged by annotating the files of those juveniles believed to belong in the program. The probation department also was informed of the type of offender the project was targeting so that probation officers, too, could be on the alert. The project's primary point of screening occurred at detention, however, because project attorneys covered all juvenile detention hearings. Suitable cases referred to the district attorney other than via detention were flagged for the project by the juvenile division chief.
4. The Milwaukee project attorneys made it a practice to seek waivers for the most serious offenders. Milwaukee was one of the strongest advocates for the change in OJJDP policy that formally permitted HSVJOP to handle waiver hearings. Once a waiver had been ordered, the case was turned over to attorneys "downtown."
5. Vertical prosecution of all cases and avoidance of continuances were key project goals. The project also had written guidelines stating that an assistant might not reduce or dismiss a charge in return for a guilty or a no contest plea; some bargaining was considered permissible and occurred within these constraints, however. Project prosecutors reviewed police charges and prepared the delinquency petitions themselves. All of these elements were innovations in terms of handling juvenile cases.
6. Milwaukee is one of the few jurisdictions in the United States with relatively comprehensive services for victims of juvenile crime. However, the HSVJOP unit augmented the services for its cases. The victim/witness advocate contacted all victims either by telephone or by mail as soon as he received the case. He gathered the necessary information for restitution and also obtained victim impact statements, in writing or by telephone. Whether or not the victim spoke at disposition was the judge's decision; however, disposition letters were sent to all victims, as well as to the police.
7. The project subcontracted with the Wisconsin Division of Corrections, which provided the project with an aftercare (parole) worker to handle intensive aftercare for up to 15 juveniles at a time. Cases were picked up 30 to 60 days prior to the juvenile's release, so that the caseload consisted of both youth who

had already been released and those who were still institutionalized. The corrections officer closely monitored the former group and began working with the latter by visiting the institution weekly for individual and group counseling sessions. The project's own probation worker provided intensive supervision for those project youth who were given a probation sentence. That worker did not prepare their pre-sentence reports. Juveniles were closely monitored to ensure that they were holding to any probation conditions set by the court. Juveniles were seen once a week, and the probation officer also acted as a liaison with schools, employers, etc.

8. Of special note, the Milwaukee County police have a gang force that maintained constant contact with the project. The project developed a good rapport with this squad, was kept informed of what was happening on the streets, and also received very detailed records on relevant juveniles who were referred to the project. The project also instituted a Task Force on Serious and Habitual Offenders, which included citizens and high-level representatives of criminal justice agencies. The Task Force met to discuss interagency and systemic problems, such as the school system's reception policy for institutional releases.
9. The prosecution component of HSVJOP was picked up by the jurisdiction after federal funding was exhausted. The special probation and parole efforts were not retained.

F. Any Environmental Conditions/Changes in 1983-1985 Relevant to Interpreting the Data

1. A new juvenile division chief was appointed in 1984. He gradually implemented a number of procedural changes that might be reflected in the process data for target and nontarget cases during the program period.
2. The project attorneys took on nearly all the responsibility for filing petitions for youth held in detention, regardless of whether these were target youth or not.
3. As noted above, waivers were increasing from 1983-1985. There is a monetary incentive for the financially strapped county to waive cases because the state imposes a "charge-back" to the county for youth retained in the juvenile system and sentenced to DOC, but not for youth committed to prison by the adult court. It is unclear how much this monetary incentive was affecting decisions in the juvenile justice system during the time period under study. From the outset, HSVJOP advocated more frequent use of waivers for serious offenders and that policy appears to have been fairly consistent over time.

## PROJECT DESCRIPTION FOR SEATTLE

### A. Jurisdiction Served by Prosecutor's Office

1. King County, Washington
2. Demographics -- Population in 1980: 1,269,749 (Rank 20 among all U.S. counties)  
% population aged 5-17 years, 1980: 18.3%  
Ethnicity in 1980: 88.9% White  
4.4% Black  
1.1% American Indian, etc.  
4.9% Asian  
2.1% of Spanish origin  
% with 16 or more years school, 1980: 26.2%  
Unemployment, 1980: 9.9%  
% of children under 18 below poverty level, 1979: 8.3%
3. Crime characteristics (Seattle only) -- Index crimes, 1985: 63,462  
Rate of index offenses/1000: 128.2  
Violent index crimes, 1985: 6,523  
Rate of violent index crimes/1000, 1985: 13.2

### B. The King County Prosecutor's Office

1. The Office was staffed by approximately 120 attorneys in 1985. Prior to HSVJOP, ten attorneys were assigned to the juvenile division. HSVJOP added one attorney.
2. The juvenile division is housed apart from the rest of the prosecutor's staff, in the county's juvenile court complex.
3. The prosecutor's juvenile division has jurisdiction over all criminal offenses committed by juveniles and over traffic offense committed by juveniles under age 16. Status offenses, dependency, and neglect are not the juvenile division's responsibility.
4. In 1983, the juvenile division handled 14,839 referrals, of which 5195 resulted in the filing of a petition. Approximately 40 percent of these petitions involved felonies. In 1985, there were 15,526 referrals and 5,596 filings.

### C. Other Key Actors in the Juvenile Justice System

1. There are 27 police agencies in the jurisdiction. The Seattle Police Department is the largest and accounts for over 40 percent of all referrals to the juvenile division.
2. The juvenile court has three full-time judges drawn from a much larger pool of Superior Court judges who are assigned to juvenile sessions on a rotating basis.

3. The detention facility, also located in the court complex, is operated by the County Department of Youth Services (an executive agency now separate from the court) and has a capacity of 165 beds. The facility is designed to house both juveniles awaiting court action and those who have been sentenced to detention for up to 30 days.
4. Probation services also are operated by the Department of Youth Services. Probation officers are responsible for making disposition recommendations to the court, for monitoring youth sentenced to community supervision, and supervising some youth who are fulfilling diversion agreements.
5. State correctional services are provided by the Washington Division of Juvenile Rehabilitation. The system includes five institutions that provide a variety of options from minimum security to secure confinement. DJR also supervises offenders who have been paroled to the community.
6. Indigent defense services are provided to juveniles by several private organizations on a contractual basis or by public defenders. About five percent of cases involve representation by private counsel.

#### D. Statutes and Procedures Governing Juvenile Offenses

1. The prosecutor's office has responsibility for screening and charging all criminal matters referred by the police. If the prosecutor finds sufficient grounds for charges, the case may be formally filed or in the case of some lesser offenses, the juvenile may be formally diverted to a community agency or to his or her current probation officer. If the candidate for diversion prefers to contest the charges, is refused by the diversion agency, or defaults on his diversion agreement, formal charges will be filed. The policy of the prosecutor's office is to charge conservatively, so that later plea negotiations will revolve primarily around issues of proof. Juvenile attorneys are organized into four teams, each of which contains a charging deputy.
2. The usual steps in the prosecution process include: a detention hearing or a detention/arraignment (for those in custody) or an arraignment (for non-detainees); a pretrial conference known as a "case-setting hearing"; a "fact-finding" (for those who contest the charges); and a disposition hearing. There are no jury trials in Seattle's juvenile system. Pretrial conferences are conducted by the juvenile division's most senior deputies.
3. Seattle operates within strict speedy trial rules established by the judiciary. Formal charges must be filed against detainees within 72 hours. Trials must be held within 60 days of arraignment for non-detainees and within 30 days for detainees. The disposition hearing must be held within 21 days of trial for non-detainees and within 14 days for detainees.
4. The Seattle juvenile court operates on a master calendar system. Thus, a different judge may handle each court appearance in a case.

5. Sentencing in Washington State is governed by a new juvenile code that took effect in July 1978. The code mandates that the juvenile be held accountable for his acts and that punishment and restitution, rather than rehabilitation, be the primary goal of the disposition process. The statute incorporates standard sentencing ranges based on the offender's age, current offense, and prior record. Offenders are classified into minor, middle, and serious offenders, with commitment to DJR mandated for serious offenders. Minor offenders cannot be committed to DJR or sentenced to detention. The full range of sentencing options is permitted for middle offenders. Judges may deviate from the standard range sentence, by declaring a "manifest injustice." The defense or the State may appeal such a sentence.

Prosecutors are responsible for calculating the points that determine the offender's standard range of sentence, as well as for making their own recommendations to the court. The probation officer is required to provide a written pre-disposition report that summarizes the offense, the offender's past record, his family situation, school adjustment, and other items that he or she deems relevant.

The sentencing options open to the court include commitment to the Division of Juvenile Rehabilitation (up to 156 weeks)<sup>1</sup>, detention (up to 30 days), community supervision (up to 12 months), community service (up to 150 hours), restitution, and fines (up to \$50)<sup>2</sup>. The judge also may order counseling or the payment of a victim assistance fee, or impose other requirements. Sentences can be imposed in combination--for example, 3-6 months probation, 24 hours community service, and two days detention. In Washington State, a sentence is imposed for each substantiated charge and sentences are cumulative. (Where several charges are part of a single information, the total sentence cannot exceed 300% of the sentence for the most serious charge.) Under normal circumstances, an offender sentenced to DJR will serve about 60 percent of his or her minimum sentence before being paroled.

6. The Washington juvenile code permits a judge to waive jurisdiction over an offender to the adult court by means of a "decline hearing." Grounds for waiver include the serious nature of the offense or the offender's prior record. Decline hearings are automatic for the most serious offenders, but waivers are quite rare overall. Only 17 youth were waived in 1985. Once waived, the youth is treated as an adult for all subsequent offenses.

#### E. The HSVJOP Project

1. The Seattle project was based in the prosecutor's juvenile division. Two awards, totalling \$468,205, supported operation from May 1984 through December 1986. The project started accepting cases in August 1984. Project staff supported by the grant included: one lead attorney, one part-time administrative officer, and one victim/witness assistant who also had some paralegal duties. The time of the

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<sup>1</sup>The sentence range for DJR was recently changed to 224 weeks.

<sup>2</sup>The upper limit on fines was recently changed to \$100.

project director, who is office administrator for the juvenile division, was provided as an in-kind contribution from the grantee. Over the course of the project, the positions of grant attorney and victim/witness assistant each had three different incumbents.

2. The project targeted those juveniles whose current offense was a burglary, or an A or B+ felony. A and B+ felonies consist mainly of very serious or violent crimes such as murder, aggravated assault, robbery, kidnapping, rape, and first degree arson. In addition, the juvenile must have had one or more prior offenses in these categories, enough to make him or her eligible for a standard range of commitment of 21 to 28 weeks. Using these criteria, the project averaged eight intakes per month.
3. Project cases were screened in a three-tiered process. First, regular juvenile division legal assistants screened incoming cases, according to the grant's selection criteria. Next the project paralegal reviewed those cases and weeded out any that were inappropriate upon closer inspection. The project attorney did the last review and made the final decision to file the case.
4. The project did not handle waiver, or "decline," hearings until May 1985 when OJJDP gave its formal approval to do so. If a juvenile was waived, the project relinquished the case.
5. The sole project attorney strove for vertical prosecution of his or her own cases, in contrast to the team approach employed by the rest of the division. However, the "case setting" or pretrial conference normally was covered by the division chief or the division's supervising deputy, rather than the project attorney, in keeping with the division's regular practice. These senior deputies also were responsible for any plea negotiations. The project also aimed to process all its cases within the court guidelines for detainee cases.
6. The project's victim/witness assistant worked with all project cases, emphasizing services to the victims. When possible, she contacted the victims at the same time as the police. She usually talked to the victims after charges were filed, to inform them of the arraignment date and the juvenile's initial plea. She then maintained contact through the disposition of the case. There were no formal impact statements, but victims were asked either to come to court or to write a letter. In addition, all victims were required to submit restitution statements. The victim/witness assistant attended all sentencings. If the victim was not present, she explained why to the court. All victims received copies of the disposition order. These services were more elaborate than those available to other victims of juvenile crime, who were contacted by a volunteer unit that focused on mail notification and restitution processing.
7. The project subcontracted with the Washington Division of Juvenile Rehabilitation (DJR) for its correctional program. The program consisted of intensive counseling with a focus on reintegrating committed youth into the community. Involvement with the juvenile began at the diagnostic stage. There was monthly contact with the juvenile while he or she was institutionalized, so that a relationship could be established. Upon release, the youth worked with a project aftercare (parole) counselor on a reintegration plan containing both short- and long-term goals. Because of the length of sentences imposed and the timing of grant

funding, many project youth who were committed to DJR were not eligible for this special aftercare service. Youth sentenced under "manifest injustice" provisions were automatically rejected, based on an initial agreement with DJR.

8. Attorney staffing for the juvenile division reverted to original levels after the OJJDP grant expired. However, the concept of targeting the most serious offenders and assigning them to the division's most experienced trial team was retained. The victim/witness services were permanently augmented by 1.5 victim advocates who specialize in violent offenses.

F. Any Environmental Conditions/Changes in 1983-1985 Relevant to Interpreting the Data

1. In general, the Seattle environment for juvenile prosecution has been stable during the years under study. The leadership of the prosecutor's office has not changed for several years. The chief of the juvenile division changed in March 1985, but no major overhaul of division procedures was associated with the change.

## PROJECT DESCRIPTION FOR WASHINGTON, D.C.

### A. Jurisdiction Served by Prosecutor's Office

1. District of Columbia
2. Demographics -- Population in 1980: 638,333 (Rank 15 among all U.S. cities)  
% population aged 5-17 years, 1980: 17.1%  
Ethnicity in 1980: 27.4% White  
70.2% Black  
.2% American Indian, etc.  
1.1% Asian/Pacific Islander  
2.7% of Spanish origin  
% with 16 or more years school, 1980: 27.5%  
Unemployment, 1980: 6.8%  
% of children under 18 below poverty level, 1979: 27.0%
3. Crime characteristics -- Index crimes, 1985: 50,369  
Rate of index offenses/1000: 80.5  
Violent index crimes, 1985: 10,171  
Rate of violent index crimes/1000, 1985: 16.2

### B. District of Columbia Office of the Corporation Counsel

1. The Criminal Division of the Office of the Corporation Counsel was staffed by 46 attorneys in 1985. Prior to HSVJOP, 20 attorneys were assigned to the juvenile section; HSVJOP added three attorneys to the staff.
2. All Criminal Division offices, including the juvenile section, were located in the buildings comprising the District of Columbia Superior Court complex in downtown Washington, D.C.
3. The juvenile section handles matters involving status offenses, dependency and neglect cases, intrafamily violence offenses, some traffic violations, and criminal offenses.
4. In 1985, a total of 4238 delinquency referrals were made to the Juvenile Section. Two-thirds of the referrals were for felonies. About 70 percent of all referrals were petitioned. In 1983, 3878 delinquency referrals were made to the Juvenile Section. About 60 percent of the 1983 referrals were for felonies and 70 percent of all referrals were petitioned.

### C. Other Key Actors in the Juvenile Justice System

1. There are five police agencies in the jurisdiction. The Metropolitan Police Department is the largest and accounts for 95 percent of all referrals to the juvenile section.

2. Nine of the 51 judges in the Superior Court of the District of Columbia are assigned on a rotating basis to the Family Division. These nine judges handle neglect and abuse cases, domestic cases, paternity and child support cases, adoptions, and fiduciary matters, as well as delinquency cases. In addition, four Hearing Commissioners are assigned to the Family Division on a rotating basis. Hearing Commissioners perform the same functions as judges, except that they do not sit for trials or motions.
3. Three levels of pretrial detention are available -- detention in three secure facilities, detention in six or seven shelters, and home detention. The secure facilities are the Receiving Home for Children in Northeast, D.C., Oak Hill, and Oak Hill Annex (previously named Cedar Knoll). The Receiving Home has an official capacity of 11 girls and 19 boys for short-term detention and eight beds for overnight lockups. Longer-term detainees are usually sent to Oak Hill or to Oak Hill Annex.

During the years in which the project was in operation, the District Government agreed to close the Oak Hill Annex because of a class action lawsuit alleging that young offenders were being subjected to unsafe conditions there. Recent news articles have pointed out other problems as well. It has been reported that the facilities offer no specialized services for learning-disabled students or others with special needs. Staffing levels have been reported to be inadequate and probably are a factor in the large numbers of youth who are absent without leave.

4. Juveniles placed on probation are supervised by the Family Branch of the Social Services Division of the Superior Court of the District of Columbia. This department also screens cases for court action (intake), and compiles presentence reports for the court.
5. Juvenile corrections are the responsibility of the Youth Services Administration within the Department of Human Services. The YSA operates two secure 24-hour residential facilities and eight group homes. Commitments to juvenile corrections carry a limit of two years, but can be extended one year at a time. Cases are generally reviewed by the court, usually within six months.
6. Juvenile respondents are represented by the District of Columbia's Public Defender Service and by court-appointed or assigned counsel. The majority of youth are represented by court-appointed or assigned attorneys.

#### D. Statutes and Procedures Governing Juvenile Delinquency Matters

1. The juvenile section receives all cases from intake referrals. Intake recommends which offenses should be petitioned, but the Corporation Counsel can override the decision. There is one supervising attorney assigned to charging decisions, but any one of the attorneys may charge cases. The prosecutor has seven days to file a petition against a nondetainee. For detained youth, the prosecutor must file a petition within 24 hours unless he or she successfully argues for a five-day hold in the petitioning decision.

2. After the charges are petitioned, the court process is slightly different for those who are detained and those who are not. For detained youth, a detention hearing must be scheduled within a day of arrest. At this hearing, the prosecutor must show probable cause that the youth committed the alleged charges for the youth to be detained. Usually formal charging is scheduled at the same time, but it can be delayed for up to 5 days. The detention hearing is followed by an adjudication hearing or trial and a disposition hearing. For nondetained youth, the preliminary or initial hearing is the first court appearance. This hearing is usually held within 30 days after arrest, and is followed by an adjudication and a disposition hearing. Juveniles in the District of Columbia are not entitled to jury trials. Sentences are usually not imposed on the same day that the juvenile is adjudicated.
3. Detention hearings occur with 24 hours for all detained youth; for youth who are not detained, the initial hearing usually occurs within 30 days. The District of Columbia does not have any statutory limits for these events.
4. The juvenile court operates on a master calendar system.
5. The two general sentencing options available to the court are probation and commitment to the Youth Services Administration in the Department of Human Services. In addition to standard probation supervision the judge can order restitution payments, community service, referral to social services agencies, or participation in the Juvenile Restitution Program (JRP). JRP is a formal intensive probation program that includes restitution and community service. A Youth Services Administration commitment can mean placement in one of two secure institutions or training schools (Oak Hill and Cedar Knoll), placement in nonsecure residential group homes, or placement in an intensive nonresidential program, the Community Services Program. The judges can order a specific placement or commit the youth to the Youth Services Administration for placement. All sentences have a maximum time limit of two years, but may be extended by court order for additional periods of one year at a time up to the age of 21.
6. The District of Columbia has statutory provisions regarding the prosecution of juveniles in adult court. The United States Attorney is permitted to charge a youth 16 or older who is accused of murder, forcible rape, burglary in the first degree, robbery while armed, or an assault with intent to commit any of the above. If the case results in a plea or conviction, all subsequent cases against the individual are automatically heard in adult court. The Corporation Counsel cannot direct file a case but may request a waiver hearing for transfer to adult court when a youth is viewed as no longer amenable to treatment in the juvenile system. The motion must be filed within seven days of the filing of the delinquency petition. The chief of the juvenile section makes the determination as to the filings of motions to transfer. No youth were transferred to adult court by Corporation Counsel request during the project years.

#### E. The HSVJOP Project

1. The Washington, D.C. project was based in the Office of the Corporation Counsel and operated in the Family Division of the Superior Court. The first of the two awards, which together amounted to \$594,405, was made in June 1984; the project

began accepting cases in September. Project staff hired under the initial grant included: three attorneys, one data analyst, and one secretary. A fourth attorney was hired midway through the project. The project director was paid by the Office of the Corporation Counsel. The only turnover in original staff over the course of the project was the departure of an attorney in June 1986. She was not replaced.

The prosecutor's office had a Juvenile Habitual Offender Unit prior to the start of the current project. The original unit was begun in 1977 and was designed to selectively prosecute juveniles with a history of recidivism. Three attorneys were assigned to the unit, but it had shrunk to one attorney by 1983. Just prior to this program, the only significant difference between prosecution as a habitual offender and as a regular juvenile offender was that a more experienced prosecutor handled the case.

2. Target juveniles had to be charged with crimes of violence (e.g., murder, manslaughter, forcible sex offense, incest, robbery, extortion, arson, cruelty to animals or children) or with serious nonviolent offenses, such as burglary and certain weapons offenses. In addition, qualifying juveniles must have had at least one prior adjudication for an offense originally charged as a target offense. (Youth aged 16 and up who have been previously convicted as adults are excluded from juvenile court jurisdiction by statute.) Once convicted by HSVJOP, a youth always qualified for the project, regardless of the subsequent offense.
3. Three police detectives assigned to the Habitual Offender Unit screened new cases for inclusion in the project. The detectives produced complete arrest and adjudication histories using computers that provide police and court data. Screening decisions were reviewed by the project attorney assigned to case intake for that day. In addition, final review was provided by the project director.
4. The project emphasized enhanced prosecution activities. The assigned attorneys were the most experienced in the juvenile section and they aimed for vertical prosecution of all cases. The project's policy was to reserve plea bargaining for extraordinary circumstances.
5. No victim/witness staff were added to the prosecutor's office, but some victim/witness services were provided by the attorneys. Attorneys notified victims and witnesses of court dates via calls and letters, and conducted lengthy personal interviews to obtain information on the facts of the case and input on pleas. The prosecutor described the impact of the crime on the victim at sentencing; the victim usually was not allowed to be present at the disposition. Referrals of victims to social service agencies were made on an ad hoc basis with particular attention paid to juvenile victims of sex crimes.
6. The project had a contract with the D.C. Youth Services Administration for its correctional services. The program served project youth only. It consisted of individual and group therapy for 20 youth who were incarcerated at the Children's Center. In addition, limited subcontract funds were allotted for staff training to better identify and treat learning-disabled children.
7. When the OJJDP award expired, the D.C. Council continued positions for a supervising attorney and two other attorneys, and also supported continuation of

the HSVJOP correctional component. Recently, however, the Council unexpectedly cut the juvenile division by four attorneys, leaving the division with one fewer attorneys than it started with prior to the grant.

F. Any Environmental Conditions/Changes in 1983-1985 Relevant to Interpreting the Data

During the years the project operated, there were serious problems in the Youth Services Administration. The director was fired in 1985 because of mismanagement. There were frequent newspaper articles citing problems at YSA detention facilities -- lack of supervision, overpayments to staff, and inadequate facilities. According to a 1987 article, escapes from these facilities are frequent; on a given day, up to a third of the juveniles are missing without leave.

**APPENDIX C**

**Detailed Comparisons of Qualifier versus  
Nonqualifier Cohorts, Baseline versus Program  
Cohorts, and Project versus Nonproject Cases**

## Appendix C. Detailed Comparisons of Qualifier versus Nonqualifier Cohorts, Baseline versus Program Cohorts, and Project versus Nonproject Cases

In this appendix, we provide a site-by-site discussion of the similarities and differences between the qualifier and nonqualifier cohorts, and the baseline and program cohorts, respectively. We also compare those qualifying cases that were prosecuted by project attorneys with qualifying cases prosecuted by other attorneys during the program period. These comparisons are summarized and their implications for the evaluation are discussed in the main body of the report.

### Comparison of Qualifiers and Nonqualifiers

In this section, we compare qualifiers and the nonqualifiers. Given that qualifiers were selected because of their prior records and current charges, we would expect them to differ from the nonqualifiers who compose a random sample of felony cases. Table C.1 provides an overview of the differences between prosecuted qualifiers and nonqualifiers for each of the four sites during the program period.<sup>1</sup>

Our data are consistent with the research on serious juvenile offenders in showing a disproportionate representation of black, male, & older youth among the qualifying cases. At all four sites, the qualifiers are more likely to be male, although the proportion of males approaches or exceeds 90 percent even in the nonqualifier cohorts. On average, the qualifiers began their delinquent careers earlier than the nonqualifiers, and they were older at the time of the referral for the current case except in Miami. The qualifiers also are more likely to be nonwhite than the nonqualifiers except in Washington, D.C., where virtually all of the youth in both cohorts are black.

At all four sites the qualifiers have more serious prior records, regardless of the measure employed. In Miami, for example, the qualifiers average nearly six times as many prior charges (8.8 vs. 1.5) and nearly seven times as many prior felony

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<sup>1</sup>We do not display comparisons for the baseline period alone, or for the baseline and program periods combined, but the patterns are similar.

Table C.1. Comparison of Prosecuted Qualifiers and Nonqualifiers, Program Period: ALL Sites<sup>1</sup>

Characteristics	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	Qualifiers (N=324)	Nonqualifiers (N=173)	Qualifiers (N=272)	Nonqualifiers (N=252)	Qualifiers (N=191)	Nonqualifiers (N=233)	Qualifiers (N=168)	Nonqualifiers (N=152)
<u>Demographic</u>								
% Male	96.6	86.7***	97.8	92.5***	99.0	90.9***	95.8	90.8*
% Nonwhite	75.3	46.8***	70.4	62.3*	57.1	27.8***	99.4	99.3
Mean Age	16.1	16.0	15.5	15.2**	16.1	15.7**	16.2	15.9*
Age Range	12-18	10-18	12-18	12-17	12-17	11-17	12-18	10-18
<u>Juvenile Justice</u>								
<u>Status at Referral</u>								
Serving Sentence	52.4	NA	67.9	NA	64.7	NA	33.6	NA
Pending Charges	14.3		6.6		11.4		21.9	
Other	11.3		3.3		5.4		6.5	
No Active Status	22.1		22.1		18.5		38.1	
<u>Prior Record</u>								
Mean No. Prior Charges	8.8	1.5***	6.6	2.3***	14.4	4.7***	7.6	2.2***
Mean No. Prior Felony Charges	5.2	.7***	2.6	.5***	6.5	1.7***	4.5	1.1***
Mean No. Prior Charges Adjudicated	3.9	.7***	2.6	.5***	6.6	1.4***	2.7	.6***
Mean No. Prior Felonies Adjudicated	2.7	.4***	2.3	.2***	3.0	1.0***	1.9	.3***

Table C.1 (continued). Comparison of Prosecuted Qualifiers and Nonqualifiers, Program Period: All Sites<sup>1</sup>

Characteristics	Miami		Milwaukee		Seattle		Washington, D.C.	
	Qualifiers (N=324)	Nonqualifiers (N=173)	Qualifiers (N=272)	Nonqualifiers (N=252)	Qualifiers (N=191)	Nonqualifiers (N=233)	Qualifiers (N=168)	Nonqualifiers (N=157)
<b>Most Serious Prior Charge</b>								
Violent Felony <sup>2</sup>	52.2	7.0***	45.2	10.7***	35.6	12.0***	75.6	22.4***
Felony Burglary	40.0	10.5	45.6	12.6	60.2	23.6	22.0	10.5
Other Felony	7.7	9.4	9.2	5.1	4.2	11.6	.6	2.6
Unknown Class <sup>3</sup>	--	--	0	25.3	--	--	0	2.0
Misdemeanor	0	17.5	0	11.9	0	26.6	1.8	8.6
None	0	55.6	0	34.4	0	26.2	0	53.9
<b>Most Serious Prior Adjudication:</b>								
Violent Felony <sup>2</sup>	37.0	4.1***	36.0	2.0***	35.6	4.3***	60.7	11.2***
Felony Burglary	42.6	7.6	49.3	4.8	60.2	19.3	32.7	4.6
Other Felony	20.4	5.8	14.7	1.6	4.2	7.3	1.2	5.3
Unknown Class <sup>3</sup>	--	--	0	11.5	--	--	5.4	5.3
Misdemeanor	0	15.5	0	4.4	0	7.3	.6	0
None	0	67.3	0	75.8	0	61.8	0	73.6
<b>Most Serious Prior Sentence:</b>								
Dept. of Corrections or Equivalent	62.0	5.3***	14.0	2.0***	46.9	7.1***	42.9 <sup>4</sup>	7.9 <sup>4</sup> ***
Other Residential or Out-of-Home Placement	--	--	10.7	4.0	49.2 <sup>5</sup>	21.3 <sup>5</sup>	--	--
Intensive Probation	--	--	20.7	5.2	--	--	--	--
Formal Probation	38.0	9.9	51.7	13.5	3.4	7.6	50.6 <sup>4</sup>	17.1 <sup>4</sup>
Informal Probation	0	15.8	.4	9.5	--	--	3.0 <sup>4</sup>	5.9 <sup>4</sup>
Other	0	1.2	2.6	5.6	0	0	0	.7
None	0	67.8	0	60.3	0	64.0	3.6	68.4

Table C.1 (continued). Comparison of Prosecuted Qualifiers and Nonqualifiers, Program Period: All Sites<sup>1</sup>

Characteristics	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	Qualifiers (N=324)	Nonqualifiers (N=173)	Qualifiers (N=272)	Nonqualifiers (N=252)	Qualifiers (N=191)	Nonqualifiers (N=233)	Qualifiers (N=168)	Nonqualifiers (N=152)
Mean Age at First Referral to Intake for Delinquency	13.2	15.2***	13.4	14.3***	12.8	14.0***	13.3	14.7***
% With Status Offense History	30.2	17.0***	18.0	14.3		NA		NA
% With Dependency History	30.2	18.1***	10.3	10.4		NA		NA
Mean Seriousness Score for Prior Charges	37.7	5.7***	38.0	10.0***	60.3	17.8***	36.6	9.6***
Mean Seriousness Score for Prior Adjudications	18.5	2.7***	17.6	2.3***	30.3	6.4***	14.2	2.7***
<u>Current Charge</u>								
Most Serious Current Charge Filed								
Violent Felony <sup>2</sup>	45.1	13.9***	53.3	34.1***	46.6	15.5***	69.0	35.5***
Felony Burglary	40.7	44.5	37.1	37.3	49.7	40.3	22.0	13.2
Other Felony	14.2	41.6	9.6	28.6	3.7	44.2	1.2	50.0
Misdemeanor Assault	--	--	--	--	--	--	7.7	1.3
Mean Seriousness Score of Current Charges (as filed)	13.6	12.2	10.2	9.3	9.3	7.6***	11.1	9.2**

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- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the qualifiers and nonqualifiers on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. These comparisons exclude qualifier cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project. They also exclude nonqualifier cases that were filed below felony level, except for misdemeanor assaults in Washington, D.C.
2. This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.
3. In Milwaukee and Washington, D.C., computerized records do not distinguish between felony and nonfelony level for most property crimes where such distinctions are dependent on the dollar value of stolen or destroyed property.
4. The only sentencing breakdowns available from the Washington, D.C. computer are: Health & Rehabilitation Services, which includes all residential placements; probation, which includes intensive and standard probation supervision; and consent decrees, classified here as informal probation.
5. This category contains only detention sentences in Seattle.

adjudications as the nonqualifiers (2.7 vs. .4). Four out of five nonqualifiers have never had a felony adjudication, while all of the qualifiers have had at least one. And only five percent of the nonqualifiers have had a prior state correctional commitment, in contrast to 62 percent of the qualifiers. The differences are even more striking when we apply our summary score for seriousness that takes into account the number of priors and the seriousness of the priors. Mean seriousness scores for prior charges are 6.6 times greater for qualifiers than non-qualifiers; for prior adjudications they are 6.8 times higher. The gulf between qualifiers and nonqualifiers does not appear quite as large in the other sites, but the overall pattern is identical.

It is difficult to compare the prior histories of our cohorts to those in other studies because our histories are based only on those offenses referred to court while most other studies are based on charges recorded by the police (e.g. Tracy, Wolfgang, Figlio, 1985; Hamparian et. al., 1978; Strasburg, 1978; Wolfgang, Figlio & Sellin, 1972). The usual criterion of chronicity or seriousness employed by these studies is five prior police contacts or charges. Since court referrals represent a greater penetration into the criminal justice system than do police contacts and our cohorts averaged at least six prior charges referred to court intake, we assume that most of our cohort members would meet the criterion of five police contacts rather easily.

Because qualifiers were selected on the basis of the seriousness of the offense charged, they are of course, much more likely to be charged with violent felonies than the nonqualifiers. However, in Milwaukee and Washington, D.C., there are still a substantial proportion of violent felonies in the nonqualifier cohorts. When we apply our seriousness scoring system to the current charges, we find that scores for the qualifier cases exceed the nonqualifier cases across the board, but the differences are large enough to be statistically significant only in Seattle and Washington, D.C.

The data presented in Table C.1 tend to emphasize the differences between the qualifier and nonqualifier cohorts, but there is some overlap. A nonqualifier case can involve a youth with a very serious prior record, simply because his current charge is not one of those targeted by the project. It also is possible for a youth in the nonqualifier cohort to have a project-eligible current charge and a substantial prior record that somehow misses the threshold set by the project -- for example, a record that contains only misdemeanors, or many prior charges but no adjudications. Figure

C.1 depicts the extent of overlap between qualifiers and nonqualifiers during the program period on seriousness scores for prior adjudications. Most of the overlap occurs for the lower seriousness scores. Only Seattle has a sizable percentage (23.1%) of the nonqualifier cohort with seriousness scores above 10; the other sites have fewer than 10 percent of the nonqualifiers with high scores. Conversely, there are no youth without prior adjudications among the qualifiers; among the nonqualifier cohort, youth without any prior adjudications range from 61.8 percent in Seattle to 75.8 percent in Milwaukee. A figure based on prior charges rather than adjudications would show more overlap, but the overall pattern would be the same -- most of the overlap occurring at the lower seriousness scores, few nonqualifiers at the upper extreme, and many nonqualifiers with no priors at all.

### Comparison of Baseline and Program Cohorts

In this section, we compare the baseline and program cohorts to determine whether there were any changes over time in the characteristics of cases and defendants that might affect our interpretation of the changes in performance measures over time. These comparisons were conducted separately for the qualifiers and the nonqualifiers at each site.<sup>2</sup>

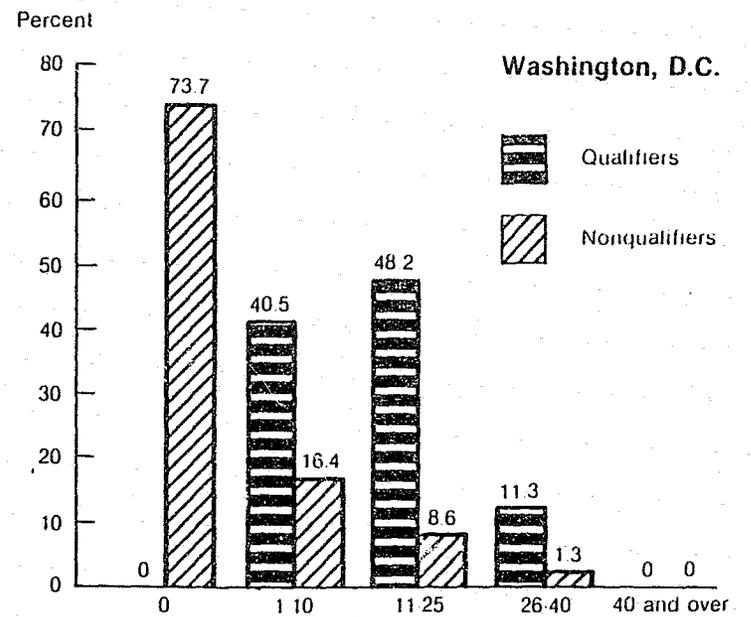
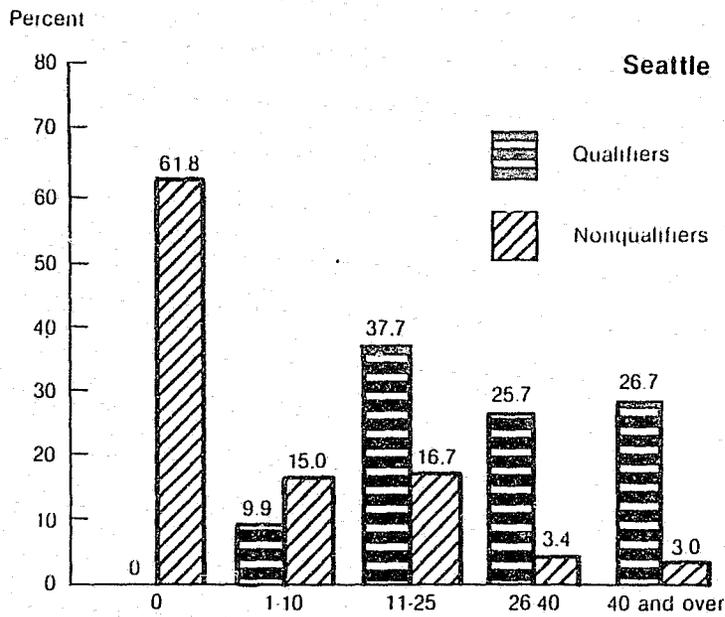
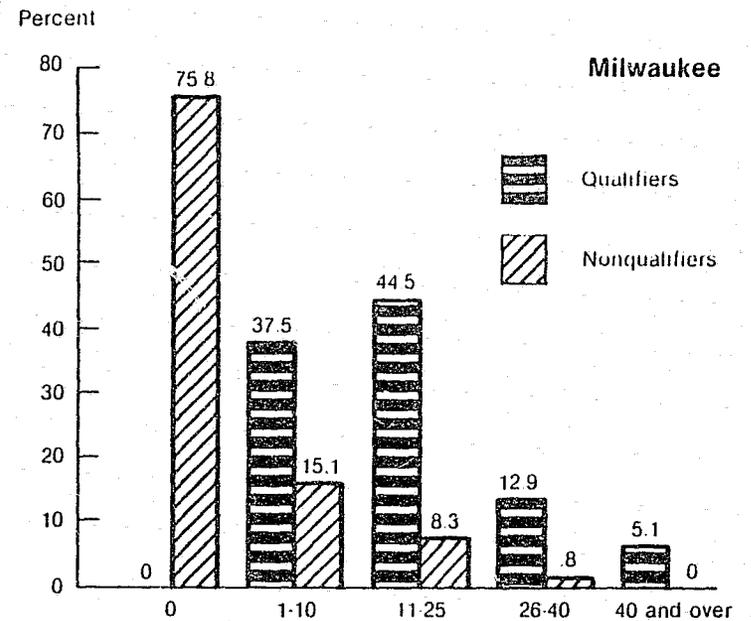
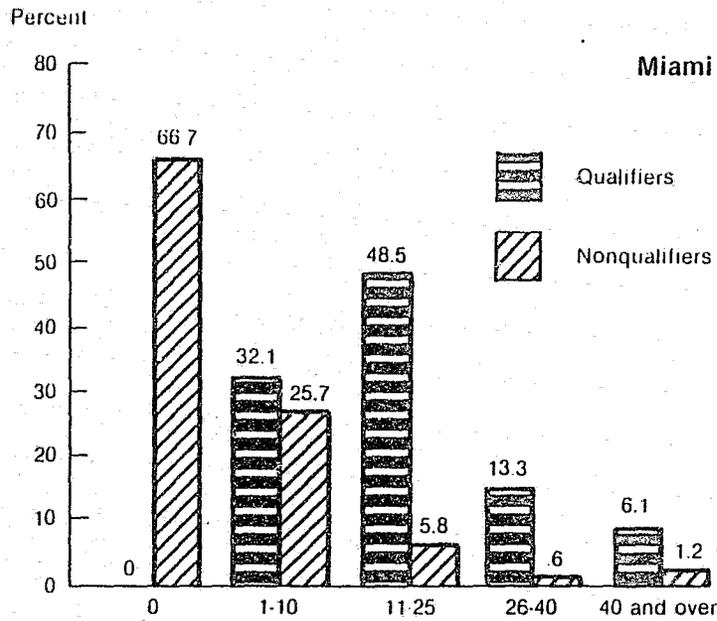
As the site-by-site tables and discussions below indicate, there were a number of differences.

Miami. Demographically, the baseline and program cohorts appear to be similar, except that the proportion of nonwhite qualifiers dropped during the program period. (See Table C.2.)

On some indicators of prior criminal record, the program cohort of qualifiers appears slightly worse than the baseline cohort. Qualifiers in the program period have had a higher number of prior charges referred to court intake (8.9 vs. 7.3) and a higher seriousness score for prior charges (37.9 vs. 33.4). On the other hand, program qualifiers are slightly less likely to have had active status in the juvenile justice system

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<sup>2</sup>The only comparisons presented here are those between all cases in the baseline and program cohorts. We made these same comparisons for prosecuted cases only; the results for prosecuted cases were very similar to those for all cases.



**FIGURE C.1. Seriousness Scores for Prior Adjudications:  
Qualifiers and Nonqualifiers in Program Period**

Table C.2. Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	<u>Baseline</u> (N=373)	<u>Program</u> (N=417)	<u>Baseline</u> (N=286)	<u>Program</u> (N=275)	<u>Baseline</u> (N=283)	<u>Program</u> (N=308)	<u>Baseline</u> (N=261)	<u>Program</u> (N=297)
<u>Demographic</u>								
% Male	97.6	96.4	85.0	86.2	98.2	97.7	91.2	92.3
% Nonwhite	82.0	75.3**	46.9	45.1	75.3	70.4	63.6	62.3
Mean Age	16.3	16.2	15.8	15.9	15.7	15.6	15.2	15.2
Age Range	10-18	12-18	9-18	8-18	12-18	12-18	12-18	12-17
<u>Juvenile Justice</u>								
<u>Status at Referral</u>								
Serving Sentence	68.0	55.3**	NA					
Pending Charges	22.1	15.8			NA		NA	
Other	2.8	4.2						
No Active Status	7.1	24.6						
<u>Prior Record</u>								
Mean No. Prior Charges	7.3	8.9***	1.0	1.3	6.2	6.7	2.2	2.3
Mean No. Prior Felony Charges	4.7	5.2	.5	.6	2.7	2.7	.6	.5
Mean No. Prior Charges Adjudicated	3.0	3.3	.2	.2	2.7	2.7	.4	.6
Mean No. Prior Felonies Adjudicated	2.4	2.3	.1	.2	2.5	2.4	.2	.1

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Table C.2 (continued). Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	<u>Baseline</u> (N=373)	<u>Program</u> (N=417)	<u>Baseline</u> (N=286)	<u>Program</u> (N=275)	<u>Baseline</u> (N=283)	<u>Program</u> (N=308)	<u>Baseline</u> (N=261)	<u>Program</u> (N=297)
<b>Most Serious Prior Charge:</b>								
Violent Felony <sup>3</sup>	57.5	52.8	6.3	5.9	40.6	45.5	11.1	9.8
Felony Burglary	37.7	39.6	12.3	11.0	50.5	45.8	18.4	13.1
Other Felony	4.9	7.7	5.3	7.0	8.8	8.8	5.4	5.4
Unknown Class	0	0	.4	0	0	0	18.0	23.6
Misdemeanor	0	0	12.7	16.8	0	0	11.5	12.8
None	0	0	63.0	59.0	0	0	35.6	35.4
<b>Most Serious Prior Adjudication:</b>								
Violent Felony <sup>3</sup>	40.4	37.2*	.7	2.9**	33.2	35.7	2.7	1.7
Felony Burglary	47.4	42.9	4.2	7.0	54.4	49.4	5.4	4.7
Other Felony	12.2	19.9	2.8	5.1	12.4	14.9	1.9	1.3
Unknown Class <sup>4</sup>	--	--	--	--	0	0	8.0	10.8
Misdemeanor	0	0	6.0	14.3	0	0	4.2	5.7
Other Delinquency	0	0	.4	0	--	--	--	--
None	0	0	85.9	70.7	0	0	77.8	75.8
<b>Most Serious Prior Sentence:</b>								
Dept. of Corrections or Equivalent	70.2	63.1*	3.2	4.4*	24.4	14.3**	2.7	2.0
Other Residential or Out-of-Home Treatment	--	--	--	--	11.3	11.1	3.4	5.4
Intensive Probation	--	--	--	--	17.7	22.1	1.9	4.7
Formal Probation	28.7	36.9	7.7	9.2	46.3	49.5	14.2	12.5
Informal Probation	.5	0	10.9	15.0	0	.3	11.5	10.1
Other	0	0	0	.7	.4	2.6	1.9	4.7
None	.6	0	78.1	70.7	0	0	64.4	60.6

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Table C.2 (continued). Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	<u>Baseline</u> (N=373)	<u>Program</u> (N=417)	<u>Baseline</u> (N=286)	<u>Program</u> (N=275)	<u>Baseline</u> (N=283)	<u>Program</u> (N=308)	<u>Baseline</u> (N=261)	<u>Program</u> (N=297)
Mean Age at First Referral to Intake for Delinquency	13.2	13.2	15.1	15.2	13.9	13.4***	14.5	14.3
% With Status Offense History	27.4	30.2	14.4	13.6	20.5	17.9	14.2	13.5
% With Dependency History	25.7	30.7	10.9	15.4	15.9	9.7*	10.0	9.8
Mean Seriousness Score for Prior Charges	33.4	37.9**	3.9	5.0	35.4	38.0	10.5	10.0
Mean Seriousness Score for Prior Adjudications	16.6	18.3	1.1	2.2**	18.0	17.6	2.2	2.3
<u>Current Charge</u> <sup>5</sup>	(N=339)	(N=324)	(N=286)	(N=275)	(N=235)	(N=272)	(N=201)	(N=252)
Most Serious Current Charge Filed								
Violent Felony <sup>3</sup>	48.5	44.8	24.8	13.9*	54.0	53.3	40.3	34.1**
Felony Burglary	37.1	40.9	36.9	44.5	41.3	36.9	43.3	37.3
Other Felony	14.4	14.3	38.3	41.6	4.7	9.9	16.4	28.6

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- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria.
3. This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.
4. In Milwaukee, computerized records do not distinguish between felony and nonfelony level for most property crimes where such distinctions are dependent on the dollar value of stolen or destroyed property.
5. These statistics are based on prosecuted cases only. For qualifiers, they exclude cases in which the prosecutor filed lesser charges that would have been ineligible for the project. For nonqualifiers, they exclude cases filed as misdemeanors.

at referral than the baseline qualifiers (24.6% with no active status vs. 7.1%), are less likely to have had a prior adjudication for a violent felony (37.2% vs. 40.4%), and are to have had a prior commitment to the State Department of Health and Rehabilitative Services (63.1% vs. 70.2%). In terms of the most serious current charge filed, baseline and program qualifiers appear similar.

In Miami, there are fewer differences between the baseline and program nonqualifiers. As was the case for the qualifiers, these show up mainly in the area of prior record, with program nonqualifiers having more serious histories on the measures of most serious prior adjudication (15.0% have prior felonies vs. 7.7% at baseline), most serious prior sentence (70.7% without any sentence vs. 78.1%), and seriousness score for prior adjudications (2.2 vs. 1.1). As for current charges, nonqualifiers in the program period were less likely to be charged with a violent felony (13.9% vs. 24.8%).

Milwaukee. (See Table C.2.) In Milwaukee, the baseline and program cohorts differ on only a few dimensions. Program qualifier cases do involve youth who were somewhat younger at the time of their initial delinquency referral (age 13.4 vs. 13.9), less likely to have ever had a dependency referral (9.7% vs. 15.9%), and less likely to have ever been committed to the Department of Corrections than their baseline counterparts (only 14.3% vs. 24.4%). Otherwise, their demographics, prior records, and current charges are similar. Baseline and program nonqualifiers are even more alike. Only one difference attains statistical significance; the most serious current charge filed is less likely to be a violent felony or burglary in the program period (71.4% vs. 83.6%).

Seattle. (See Table C.3.) In Seattle, most of the differences between the baseline and program periods show up for the qualifiers. However, the proportion of nonwhite youth during the program period is considerably higher than in the baseline period for both qualifiers and nonqualifiers (55.7% vs. 43.8% for qualifiers, 28.8% vs. 20.5% for nonqualifiers). Among the qualifiers alone, program period cases involve more males. Also, the average number of prior charges (14.5 vs. 12.6) and the seriousness score for prior charges (60.5 vs. 52.5) is higher for the program period, and the distribution of most serious prior adjudications has shifted toward more violent felonies.

Washington, D.C. (See Table C.3.) Washington is similar to Milwaukee in showing few statistically significant differences between baseline and program cohorts. Indeed,

Table C.3. Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Seattle and Washington, D.C.

Characteristics	<u>Seattle</u>				<u>Washington</u>			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	<u>Baseline</u> (N=273)	<u>Program</u> (N=288)	<u>Baseline</u> (N=277)	<u>Program</u> (N=341)	<u>Baseline</u> (N=205)	<u>Program</u> (N=200)	<u>Baseline</u> (N=163)	<u>Program</u> (N=210)
<u>Demographic</u>								
% Male	95.2	98.3*	86.6	87.4	97.1	95.5	90.2	90.0
% Nonwhite	43.0	55.7**	20.5	28.8*	100.0	99.5	98.1	98.1
Mean Age	16.1	16.2	15.5	15.6	15.9	16.2*	15.6	15.9
Age Range	12-17	12-17	8-18	8-17	10-17	12-18	8-18	10-18
<u>Juvenile Justice</u>								
<u>Status at Referral</u>	NA		NA				NA	
Serving Sentence					31.7	32.4		
Pending Charges					18.6	22.0		
Other					2.0	6.0		
No Active Status					47.7	39.6		
<u>Prior Record</u>								
Mean No. Prior Charges	12.6	14.5**	3.8	4.3	6.6	7.9*	1.6	1.8
Mean No. Prior Felony Charges	6.1	6.6	1.3	1.5	4.2	4.6	.8	.9
Mean No. Prior Charges Adjudicated	5.9	6.4	1.1	1.2	2.1	2.5	.3	.4
Mean No. Prior Felonies Adjudicated	2.9	3.0	.9	.8	1.6	1.7	.2	.3

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Table C.3 (continued). Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Seattle and Washington, D.C.

Characteristics	Seattle				Washington, D.C.			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	Baseline (N=273)	Program (N=288)	Baseline (N=277)	Program (N=341)	Baseline (N=205)	Program (N=200)	Baseline (N=163)	Program (N=216)
<b>Most Serious Prior Charge</b>								
Violent Felony <sup>3</sup>	39.6	46.2	8.3	10.3	178.0	77.0	14.6	18.7
Felony Burglary	59.0	51.7	19.5	29.5	19.0	20.0	13.4	11.0
Other Felony	1.5	2.1	13.7	10.6	1.5	1.0	4.3	3.3
Misdemeanor	0	0	29.6	27.3	0	0	5.5	1.9
Violation	0	0	1.1	0	1.0	2.0	7.3	8.6
None	0	0	27.8	31.4	0	0	54.3	56.5
<b>Most Serious Prior Adjudication:</b>								
Violent Felony <sup>3</sup>	24.2	34.0*	5.1	3.2	62.9	60.5	4.3	10.5
Felony Burglary	71.1	61.1	14.8	15.5	28.3	30.5	4.3	3.3
Other Felony	4.8	4.9	6.5	6.2	4.4	2.5	3.0	5.7
Unknown Class <sup>4</sup>	--	--	--	--	1.5	.5	.6	.5
Misdemeanor	0	0	6.5	6.5	2.9	6.0	2.4	3.8
None	0	0	67.1	68.6	0	0	85.4	76.1
<b>Most Serious Prior Sentence:</b>								
Dept. of Corrections or Equivalent								
	40.6	45.4	3.4	5.7	40.7	43.5	5.5	6.2
Detention								
	53.9	51.3	18.9	17.2	--	--	--	--
Formal Probation								
	5.5 <sup>5</sup>	3.0 <sup>5</sup>	9.1 <sup>5</sup>	6.9 <sup>5</sup>	52.9	50.5	11.0	16.7
Informal Probation								
	--	--	--	--	.5	2.5	6.7	4.8
Other								
	--	--	--	--	0	0	0	.5
None								
	0	.4	68.6	70.2	5.9	3.5	76.9	71.7

Table C.3 (continued). Comparison of Qualifier and Nonqualifier Cohorts in Baseline and Program Periods: Seattle and Washington, D.C.

Characteristics	<u>Seattle</u>				<u>Washington, D.C.</u>			
	All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>		All Qualifiers <sup>1</sup>		All Nonqualifiers <sup>2</sup>	
	<u>Baseline</u> (N=273)	<u>Program</u> (N=288)	<u>Baseline</u> (N=277)	<u>Program</u> (N=341)	<u>Baseline</u> (N=205)	<u>Program</u> (N=200)	<u>Baseline</u> (N=163)	<u>Program</u> (N=210)
Mean Age at First Referral to Intake for Delinquency	12.9	13.0	14.1	14.0	13.4	13.2	14.5	14.7
% With Status Offense History	NA		NA		NA		NA	
% With Dependency History	NA		NA		NA		NA	
Mean Seriousness Score for Prior Charges	52.5	60.5**	13.9	16.3	32.5	37.9*	6.8	8.2
Mean Seriousness Score for Prior Adjudications	27.0	29.4	4.8	5.1	12.4	15.0**	1.5	2.3
<u>Current Charge</u> <sup>6</sup>	(N=223)	(N=191)	(N=224)	(N=233)	(N=167)	(N=168)	(N=129)	(N=152)
Most Serious Current Charge Filed								
Violent Felony <sup>3</sup>	46.6	46.6	14.3	15.5	56.3	69.0*	38.8	35.8
Felony Burglary	49.3	49.7	50.2	40.3	34.7	22.0	22.5	12.6
Other Felony	4.0	3.7	35.4	44.2	1.8	1.2	31.0	50.3
Misdemeanor Assault	--	--	--	--	7.2	7.7	7.8	1.3

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- \*\*\*  $p < .001$  An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.
- \*\*  $p < .01$  The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),
- \*  $p < .05$  and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This group includes all cases that met project criteria at the point of referral to the prosecutor.
2. This group consists of a random sample of felony cases referred to the prosecutor that do not meet project criteria. In Washington, D.C., the random sample also includes misdemeanor assaults.
3. This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.
4. In Washington, D.C., computerized records do not distinguish between felony and nonfelony level for property crimes where such distinctions are dependent on the dollar value of stolen or destroyed property.
5. There is no distinction between formal and informal probation in Seattle.
6. These statistics are based on prosecuted cases only. For qualifiers, they exclude cases in which the prosecutor filed lesser charges that would have been eligible for the project. For nonqualifiers, they exclude cases filed as misdemeanors (except misdemeanor assaults in Washington, D.C.).

there are none for the nonqualifiers. However, qualifiers in the program period tend to be older (16.2 vs. 15.9) and have more serious histories, based on number of prior charges (7.9 vs. 6.6) and seriousness scores for prior charges (37.9 vs. 32.5) and adjudications (15.0 vs. 12.4). The same trend appears across all comparisons but does not attain statistical significance. Qualifiers during the program period also were more likely to be charged with violent felonies (69.0% vs. 56.3%).

### Comparison of Project and Nonproject Cases

In this section, we compare qualifiers prosecuted by the projects with those prosecuted by others, to see whether there were any systematic differences in the selection process for the projects. We look first at the offenders involved in these cases and then at the characteristics of the cases themselves. The offenders are depicted in Table C.4.

Miami. In Miami, the two groups of offenders are remarkably similar, except that the nonproject cases involve more females (5.2% vs. 1.8%) and significantly more youth with no active status in the system (31.7% vs. 14.2%) than the project cases. None of the differences in the measures of prior record is statistically significant.

Milwaukee. In Milwaukee, the differences between project and nonproject cases are larger and more consistent. On most measures, project cases involve youth with longer and more serious records. Project youth average 2.8 prior adjudications (vs. 2.2 in the nonproject group) and 2.5 prior felony adjudications (vs. 2.0). Nearly half (49.7%) have been charged with a violent felony in the past (vs. 34.9% of the nonproject youth). They are nearly twice as likely to have been committed to the Department of Corrections (16.5% vs. 8.4%). Project cases also involve more nonwhite youth (75.9% vs. 57.8%).

Seattle. The pattern in Seattle is similar to Milwaukee in terms of demographics and prior records, with project cases involving more minority youth (61.0% vs. 47.3%) and youth with longer, more serious delinquent histories. They have significantly more prior felony charges than their nonproject counterparts (7.1 vs. 5.0) and more felony adjudications (3.3 vs. 2.3). They are much more likely to have been adjudicated for a

Table C.4. Comparison of Qualifying Offenders Prosecuted by the Project with Qualifying Offenders Prosecuted by Others: All Sites<sup>1</sup>

Characteristics	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	<u>Project</u> (N=171)	<u>Nonproject</u> (N=153)	<u>Project</u> (N=189)	<u>Nonproject</u> (N=83)	<u>Project</u> (N=136)	<u>Nonproject</u> (N=55)	<u>Project</u> (N=126)	<u>Nonproject</u> (N=42)
<u>Demographics</u>								
% Male	98.2	94.8*	98.4	96.4	99.3	98.2	97.6	90.5*
% Nonwhite	71.3	79.7	75.9	57.8**	61.0	47.3**	100.0	97.6*
Mean Age	16.2	16.0	15.5	15.6	16.2	16.0	16.2	16.1
Age Range	12-18	12-18	12-18	13-17	12-17	12-17	12-18	12-18
<u>Juvenile Justice</u>								
<u>Status at Referral</u>								
Serving Sentence	59.8	43.3***	70.4	61.4	62.4	70.6	35.3	27.8
Pending Charges	15.7	12.5	2.6	4.8	13.5	5.9	21.8	22.2
Other	10.2	12.5	4.8	12.0	6.0	3.9	5.9	8.3
None	14.2	31.7	22.2	21.7	18.0	19.6	37.0	41.7
<u>Prior Record</u>								
Mean No. Prior Charges	9.2	8.5	6.9	5.7	14.6	14.1	7.9	6.5
Mean No. Prior Felony Charges	5.5	5.0	2.7	2.2	7.1	5.0**	4.7	3.7
Mean No. Prior Charges Adjudicated	3.3	3.2	2.8	2.2*	6.6	6.6	2.8	2.3
Mean No. Prior Felonies Adjudicated	2.4	2.3	2.5	2.0*	3.3	2.3**	2.0	1.5*

Table C.4 (continued). Comparison of Qualifying Offenders Prosecuted by the Project with Qualifying Offenders Prosecuted by Others: All Sites<sup>1</sup>

Characteristics	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	<u>Project</u> (N=171)	<u>Nonproject</u> (N=153)	<u>Project</u> (N=189)	<u>Nonproject</u> (N=83)	<u>Project</u> (N=136)	<u>Nonproject</u> (N=55)	<u>Project</u> (N=126)	<u>Nonproject</u> (N=42)
<b>Most Serious Prior Charge:</b>								
Violent Felony <sup>2</sup>	49.7	54.9	49.7	34.9*	51.5	40.0	79.4	64.3*
Felony Burglary	44.4	35.3	40.2	57.8	48.5	52.7	20.6	26.2
Other Felony	5.8	9.8	10.1	7.2	0	7.3	0	2.4
Unknown Class. <sup>3</sup>	--	--	0	0	--	--	0	0
Misdemeanor	0	0	0	0	0	0	0	7.1
None	0	0	0	0	0	0	0	0
<b>Most Serious Prior Adjudication:</b>								
Violent Felony <sup>2</sup>	35.1	39.2	40.7	25.3	39.0	27.3**	66.7	40.5***
Felony Burglary	49.7	34.6	43.4	62.7	61.0	58.2	28.6	45.2
Other Felony	15.2	26.1	15.9	12.0	0	14.5	.8	2.4
Unknown Class <sup>3</sup>	--	--	0	0	--	--	.8	0
Misdemeanor	0	0	0	0	0	0	3.2	11.9
<b>Most Serious Prior Sentence:</b>								
Dept. of Corrections or Equivalent	65.4	58.0	16.5	8.4**	51.2	35.4**	48.4	26.2**
Other Residential or Out-of-Home Placement	--	--	11.7	8.4	48.1 <sup>4</sup>	52.1 <sup>4</sup>	--	--
Intensive Probation	--	--	23.9	13.3	--	--	--	--
Formal Probation	34.6	42.0	44.7	67.5	.8	10.4	45.2	66.7
Informal Probation	0	0	.5	0	--	--	3.2	2.4
Other	0	0	2.7	2.4	0	0	0	0
None	0	0	0	0	0	2.1	3.2	4.8

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Table C.4 (continued). Comparison of Qualifying Offenders Prosecuted by the Project with Qualifying Offenders Prosecuted by Others: All Sites<sup>1</sup>

Characteristics	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	<u>Project</u> (N=171)	<u>Nonproject</u> (N=153)	<u>Project</u> (N=189)	<u>Nonproject</u> (N=83)	<u>Project</u> (N=136)	<u>Nonproject</u> (N=55)	<u>Project</u> (N=126)	<u>Nonproject</u> (N=42)
Mean Age at First Referral to Intake for Delinquency	13.2	13.1	13.3	13.7	12.8	13.0	13.3	13.3
% With Status Offense History	30.4	30.1	19.6	14.5		NA		NA
% With Dependency History	32.2	28.1	11.6	7.2		NA		NA
Mean Seriousness Score for Prior Charges	38.3	36.9	40.2	29.9**	63.3	53.0*	38.6	30.5*
Mean Seriousness Score for Prior Adjudications	19.0	17.8	18.7	14.2**	31.6	27.3	15.0	12.0*

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the project and nonproject groups on a particular characteristic.

\*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),

\* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. These comparisons exclude cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.
3. In Milwaukee and Washington, D.C., computerized records do not distinguish between felony and nonfelony level for most property crimes where such distinctions are dependent on the dollar value of stolen or destroyed property.
4. This category contains only detention sentences in Seattle.

violent felony (39.0% vs. 27.3%) and much more likely to have had a correctional commitment (51.2% vs. 35.4%).

Washington, D.C. The pattern in Washington, D.C. is similar to that in Milwaukee and Seattle. Project cases involve more serious, chronic offenders. Statistically significant differences appear for prior felonies adjudicated (2.0 for the project cases vs. 1.5 for the nonproject cases), most serious prior charge, most serious prior adjudication, most serious prior sentence, and total seriousness scores for charges and adjudications. These youth are also more likely to have a history of violent offenses and correctional commitment than are the youth handled by nonproject attorneys.

In Table C.5, we turn from the offenders to the qualifying cases themselves, focusing on the nature of the charges filed, several commonly used indicators of case seriousness (level of injury, property loss, and use of weapons), several indicators of the quality of the evidence available in a case (property recovery, admissions by the accused or his accomplices, and eyewitnesses), and the summary case quality score.

Miami. In Miami, the project cases are somewhat more likely to involve injury to a victim than the nonproject cases (24.7% vs. 15.0%), but otherwise appear quite similar. Project cases are somewhat less likely to involve admissions by defendants or their accomplices, but average case quality scores are identical for project and nonproject cases.

Milwaukee. In contrast to Miami, the cases prosecuted by the Milwaukee project show a definite tendency to be more serious than those left to the regular juvenile division. They are twice as likely to result in injury to a victim (41.1% vs. 15.9%), and five times as likely to involve a gun (12.6% vs. 2.4%). On the average, however, the cases are of equal quality, although the project cases are somewhat more likely to have eyewitnesses.

Seattle. In Seattle, there are no statistically significant differences between project and nonproject cases in terms of the indicators of seriousness or case quality.

Washington, D.C. In Washington, D.C., project cases are more likely to involve violent felonies (72.2% vs. 59.5%). They also are more apt to involve accomplices (65.5%

vs. 48.7%) and some recovery of property (41.5% vs. 24.3%). Case quality does not differ significantly between project and nonproject cases, however.

Table C.5. Characteristics of Qualifying Cases Prosecuted by Project and Nonproject Attorneys, Program Period: All Sites<sup>1</sup>

Variables	Miami		Milwaukee		Seattle		Washington, D.C.	
	Project PQ (N=171)	Nonproject PQ (N=153)	Project PQ (N=189)	Nonproject PQ (N=83)	Project PQ (N=136)	Nonproject PQ (N=55)	Project PQ (N=126)	Nonproject PQ (N=42)
<u>Charges</u>								
Most Serious Charge Filed:								
Violent Felony <sup>2</sup>	45.6	44.4	64.4	27.7***	45.6	49.1	72.2	59.5*
Felony Burglary	43.3	37.9	27.7	57.8	52.2	43.6	21.4	23.8
Other Felony	11.1	17.7	7.9	14.5	2.2	7.3	.8	2.4
Misdemeanor Assault	--	--	--	--	--	--	5.6	14.3
<u>Case Characteristics</u>								
% Cases Involving								
Victim Injury	24.7	15.0**	41.1	15.9***	22.2	24.5	29.2	41.0
% Cases Involving								
Offender Injury	1.8	1.4	0	0	2.2	1.9	2.5	2.6
Value of Property								
Stolen, Damaged <sup>3</sup>								
None	31.8	35.7	17.2	20.8	26.1	27.1	31.9	48.7
< \$100	15.2	18.3	37.4	20.8	30.3	20.8	43.7	20.5
\$100-249	15.9	11.9	13.2	20.8	12.5	10.4	6.7	17.1
\$250-999	15.9	11.9	18.3	19.5	14.3	10.4	10.9	7.7
Over \$1,000	11.9	12.7	13.8	18.2	16.8	31.3	6.7	5.1
Indeterminate Over \$100	9.3	9.5	--	--	--	--	--	--
Most Serious								
Weapon Involved:								
Gun	14.9	13.6	12.6	2.4***	6.7	5.7	6.6	0.0
Knife	6.0	6.1	9.3	6.0	8.9	7.5	7.4	0.0
Other Weapon	5.4	6.1	9.9	3.6	6.7	3.8	16.4	30.8
No Weapon	73.7	74.2	68.1	88.0	77.8	83.0	69.7	69.2
% Cases Involving Accomplices	64.1	59.0	78.2	72.0	64.2	66.7	65.5	48.7*

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Table C.5 (continued). Characteristics of Qualifying Cases Prosecuted by Project and Nonproject Attorneys, Program Period: All Sites<sup>1</sup>

Variables	<u>Miami</u>		<u>Milwaukee</u>		<u>Seattle</u>		<u>Washington, D.C.</u>	
	<u>Project PQ</u> (N=171)	<u>Nonproject PQ</u> (N=153)	<u>Project PQ</u> (N=189)	<u>Nonproject PQ</u> (N=83)	<u>Project PQ</u> (N=171)	<u>Nonproject PQ</u> (N=153)	<u>Project PQ</u> (N=126)	<u>Nonproject PQ</u> (N=42)
<u>Evidence Factors</u>								
% of Cases Involving Some Property Recovery	75.0	68.5	46.7	54.4	49.2	48.1	41.5	24.3*
% Cases Involving Admissions By								
No one	62.6	49.1**	31.5	31.3	43.5	52.1	79.0	79.5
Accomplice	3.1	6.0	8.7	8.4	12.9	16.7	2.5	0.0
Defendant	28.8	35.3	31.5	32.5	25.0	14.6	10.9	20.5
Both Defendant & Accomplice	5.5	9.5	28.3	27.7	18.5	16.7	7.6	0.0
% Cases Involving Civilian Eyewitness	69.2	67.3	79.9	63.4*	66.7	56.6	87.4	87.2
% Cases Involving Police Eyewitness	11.3	10.2	4.8	9.6	11.4	11.3	10.9	7.7
% Cases Involving Any Eyewitness	75.0	75.5	81.4	70.7*	72.0	66.0	92.4	94.9
<u>Mean Case Quality Score</u>	2.7	2.7	3.2	3.2	2.9	2.4	2.2	2.0

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic.

\*\* p<.01 The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories),

\* p<.05 and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

NA = Not Available

Footnotes

1. This table excludes cases in which the prosecutor filed lesser charges that would have been ineligible for prosecution by the project.
2. This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.
3. Excludes loss or damage to motor vehicles.

**APPENDIX D**

**Other Issues in Project Performance**

## Appendix D. Other Issues in Project Performance

The rationale for HSVJOP (see Figure 4.1 in Chapter IV) incorporates the expectation that sentencing should become more consistent and appropriate, and, in those sites for which transfers to adult court are a major issue, that transfers too should become more appropriate. Consistency generally conveys the notion that similarly situated offenders, with similar records and charges, will be treated in the same way. Appropriateness has more diverse meanings, depending on one's philosophy and values. Should the juvenile court punish or rehabilitate? Does the punishment fit the crime? Is the sentence a good use of limited system resources? Will the sentence prevent or deter future misbehavior?

The following sections present some additional data on sentencing outcomes and the use of transfers on which the reader may base his or her own judgments about appropriateness. For the purposes of the sentencing discussion, we employ a simple operational definition of consistency, based on the proportion of cases falling into the modal, or most common category of sentence. By this definition, an increase in the proportion of cases in the modal category during the program period is an increase in consistency of sentencing (even if the modal category itself has changed).

### Sentencing of Convicted Qualifiers

In this section, we examine use of various sentencing alternatives for qualifiers in each time period. Qualifiers in the program period include project and nonproject cases. Thus, we disregard the differences in project and nonproject sentencing that were identified at all sites, and ask in effect, whether the presence of the project is associated with sentencing changes for the entire pool of qualifiers in the program period.

For purposes of this analysis, we also assume that any changes observed in the program period are attributable to the project and not to other forces. The most obvious alternative explanations for such changes -- changes in court rules or statutes affecting sentencing alternatives -- do not apply to any of our sites.

Measures. For these comparisons, we subdivided the qualifiers according to several

characteristics relevant to sentencing -- gross offense patterns, the number of "aggravating factors" present at sentencing, and most serious prior sentence. Offense patterns were derived from cross-tabulating the youth's most serious current charge and most serious prior conviction. The resultant patterns are shown in Table D.1.

Cases also were characterized as having zero to three "aggravating factors." Aggravating factors included:

- a seriousness score for prior convictions falling in the top 50 percent of all convicted qualifiers at the site
- a seriousness score for the current conviction falling in the top 50 percent of all convicted qualifiers at the site
- involvement of a weapon and/or injury of a victim in the current offense.

We consider the evidence for consistency of sentencing in Table D.2.

Miami. For the most part, sentencing of offenders whose current charge and past record qualify them for the project has not changed all that much over time. In both time periods, the most common or modal sentence overall was a correctional commitment. The decline in commitment rate for all qualifiers is not statistically significant.

Only one of the other comparisons reveals a change large enough to be statistically significant. This is the decrease in the severity of sentences imposed on those whose most serious prior sentence was probation (83.0% sentenced to corrections at baseline vs. 67.8% during the program period,  $p < .05$ ). This change, which entails a reduction in the proportion of cases in the modal category, also indicates a decline in consistency of sentencing by our operational definition.

Milwaukee. In Milwaukee, the most common or modal sentence for convicted qualifiers has shifted from probation (52.9%) at baseline to correctional commitment (49.3%) during the program period; sentences to residential treatment, the other major out-of-home placement in Milwaukee, doubled over the same period (from 7.0% to 15.5%). These distributional shifts are statistically significant ( $p < .01$ ).

Table D.1 Offense Patterns of Convicted Qualifiers

Most Serious Current Conviction	Most Serious Prior Conviction		
	Violent <sup>1</sup> Felony	Felony Burglary	Other
Violent <sup>1</sup> Felony	"Current Violent/ Prior Violent"	"Other Serious"	"Other Habitual"
Felony Burglary	"Other Serious"	"Current Burglary/ Prior Burglary"	
Other	"Other Habitual"		

<sup>1</sup>This category includes only murder, attempted murder, kidnapping, felony sex offenses, felony assault, robbery, and felony arson.

Table D.2. Examination of Consistency and Appropriateness of Sentencing for Program Qualifiers  
Baseline and Program Periods: All Sites

	Miami		Milwaukee		Seattle <sup>1</sup>		Washington, D.C. <sup>2</sup>	
	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>
<u>Sentences for all</u>								
<u>Convicted Qualifiers</u>	(n=132)	(n=154)	(n=187)	(n=207)	(n=183)	(n=160)	(n= 98)	(n= 98)
Corrections	87.1	82.5	40.1	49.3**	76.0	80.0	48.0	69.4**
Treatment center, other out-of-home	--	--	7.0	15.5	21.9	19.4	10.2	5.1
Probation	12.9	12.3	52.9	35.3	2.2	.6	40.8	25.5
Other	0	5.2	0	0	0	0	1.0	0
<u>Sentences for Qualifiers with</u>								
<u>Offense Pattern of:</u>	(n= 17)	(n= 14)	(n= 35)	(n= 38)	(n= 19)	(n= 29)	(n= 32)	(n= 42)
• Current Violent/ Prior Violent								
Corrections	88.2	92.9	60.0	73.7	100.0	89.7	62.5	73.8
Other out-of-home	--	--	2.9	13.2	0	10.3	9.4	7.1
Probation	11.8	7.1	37.1	13.2	0	0	25.0	19.0
Other	0	0	0	0	0	0	3.1	0
• Current Burglary/ Prior Burglary	(n= 27)	(n= 31)	(n= 53)	(n= 50)	(n= 67)	(n= 55)	(n= 11)	(n= 13)
Corrections	88.9	93.5	39.6	40.0	76.1	72.7	63.6	76.9
Other out-of-home	--	--	13.2	16.0	17.9	27.3	9.1	0
Probation	11.1	3.2	47.2	44.0	6.0	0	27.1	23.1
Other	0	3.2	0	0	0	0	0	0
• Other Serious	(n= 35)	(n= 23)	(n= 34)	(n= 39)	(n= 63)	(n= 55)	(n= 36)	(n= 22)
Corrections	85.7	82.6	32.4	53.8**	77.8	83.6	41.7	77.3**
Other out-of-home	--	--	2.9	15.4	22.2	16.4	11.1	4.5
Probation	14.3	4.3	64.7	30.8	0	0	47.2	18.2
Other	0	13.0	0	0	0	0	0	0
• Other Habitual	(n= 52)	(n= 86)	(n= 64)	(n= 77)	(n= 24)	(n= 13)	(n= 19)	(n= 20)
Corrections	86.5	76.7	32.8	42.9*	54.2	76.9	26.3	50.0
Other out-of-home	--	--	6.3	15.6	45.8	15.4	10.5	5.0
Probation	13.5	18.6	60.9	41.6	0	7.7	63.2	45.0
Other	0	4.7	0	0	0	0	0	0

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Table D.2 (continued). Examination of Consistency and Appropriateness of Sentencing for Program Qualifiers:  
Baseline and Program Periods, All Sites

	Miami		Milwaukee		Seattle <sup>1</sup>		Washington, D.C.	
	Baseline	Program	Baseline	Program	Baseline	Program	Baseline	Program
<u>Sentences for</u>								
<u>Qualifiers With:</u>								
o 3 Aggravating Factors (n= 11) (n= 7)			(n= 16)	(n= 27)	(n= 12)	(n= 17)	(n= 11)	(n= 19)
Corrections	90.9	100.0	56.3	59.3	91.7	100.0	63.6	73.7
Other out-of-home	--	--	0	14.8	8.3	0	18.2	10.5
Probation	9.1	0	43.8	25.9	0	0	18.2	15.8
Other	0	0	0	0	0	0	0	0
o 2 Aggravating Factors (n= 33) (n= 33)			(n= 46)	(n= 48)	(n= 53)	(n= 43)	(n= 40)	(n= 44)
Corrections	93.9	93.9	39.1	60.4*	75.5	76.7	62.5	70.5
Other out-of-home	--	--	10.9	12.5	24.5	23.5	7.5	6.8
Probation	6.1	0	50.0	27.1	0	0	30.0	22.7
Other	0	6.1	0	0	0	0	0	0
o 1 Aggravating Factor (n= 53) (n= 86)			(n= 82)	(n= 76)	(n= 65)	(n= 73)	(n= 39)	(n= 29)
Corrections	81.1	77.9	40.2	44.7	81.5	82.2	30.8	75.9***
Other out-of-home	--	--	4.9	17.1	18.5	16.4	12.8	0
Probation	18.9	15.1	54.9	38.2	0	1.4	53.8	24.1
Other	0	7.0	0	0	0	0	2.6	0
o No Aggravating Factors (n= 25) (n= 22)			(n= 37)	(n= 47)	(n= 41)	(n= 25)	(n= 8)	(n= 6)
Corrections	92.0	77.3	29.7	36.2	61.0	64.0	37.5	16.7
Other out-of-home	--	--	10.8	17.0	29.3	36.0	0	0
Probation	8.0	22.7	59.5	46.8	9.8	0	62.5	83.3
Other	0	0	0	0	0	0	0	0

Table D.2 (continued). Examination of Consistency and Appropriateness of Sentencing for Program Qualifiers: Baseline and Program Periods, All Sites

	Miami		Milwaukee		Seattle <sup>1</sup>		Washington, D.C. <sup>3</sup>	
	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>	<u>Baseline</u>	<u>Program</u>
<u>Sentences for Qualifiers with Most Serious Prior Sentence of:</u>								
• Corrections	(n= 84)	(n= 95)	(n= 37)	(n= 19)	(n= 58)	(n= 71)	(n= 36)	(n= 44)
Corrections	89.3	91.6	83.8	84.2	77.6	85.9	69.4	79.5
Other out-of-home	--	--	0	5.3	20.7	12.7	19.4	6.8
Probation	10.7	3.2	16.2	10.5	1.7	1.4	8.3	13.6
Other	0	5.3	0	0	0	0	2.8	0
• Detention					(n=104)	(n= 74)		
Corrections					75.0	74.3		
Other out-of-home	NA		NA		22.1	25.7	NA	
Probation					2.9	0		
Other					0	0		
• Probation	(n= 47)	(n=106)	(n=150)	(n=187)	(n= 11)	(n= 4)	(n= 55)	(n= 52) <sup>4</sup>
Corrections	83.0	67.8*	29.3	45.5***	72.7	100.0	34.5	59.6**
Other out-of-home	--	--	8.7	16.6	27.3	0	5.5	3.8
Probation	17.0	27.1	62.0	38.0	0	0	60.0	36.5
Other	0	5.1	0	0	0	0	0	0

\*\*\* p<.001 An asterisk indicates that there is a statistically significant difference between the baseline and program groups on a particular characteristic. The measure is Kendall's tau.  
 \*\* p<.01  
 \* p<.05

NA = Not Available

Footnotes:

1. In Seattle, "other out-of-home sentences" refers to detention sentences only.
2. Excludes 27 "no sentence" cases, 14 in the baseline period and 13 in the program period.
3. For Washington, D.C., this series of comparisons excludes 8 cases -- 6 baseline and 2 program -- involving youth without prior sentences. Two of the four baseline cases resulted in correctional commitments. The other four baseline cases ended in sentences to probation.
4. Includes 4 with informal probation only.

Four of the comparisons in Table D.2 also indicate a significant change in the distribution of sentences as a function of offense patterns, aggravating factors, and prior sentences -- the comparisons involving the "other serious" ( $p < .01$ ) and "other habitual" ( $p < .05$ ) offense patterns, cases with two aggravating factors ( $p < .05$ ), and cases in which the offender had a most serious prior sentence of probation ( $p < .001$ ). In each of these comparisons, the modal sentence has changed from probation at baseline to corrections during the program period. Except for the comparison involving two aggravating factors, these changes amount to a decline in consistency according to our definition because fewer cases fall into the modal category during the program period.

One other change over time is of marginal significance. Sixty percent (60%) of those baseline cases exhibiting the current violent/prior violent offense pattern were sentenced to corrections versus 73.7% in the program period ( $p = .05$ ), suggesting an increase in consistency of outcome for offenders with this particular offense pattern.

Seattle. The vast majority of qualifier cases in both time periods and in every subgroup received correctional commitments. The overall proportion of correctional commitments was relatively stable over time. No statistically significant changes appear in Table D.2 for any of the comparisons.

Washington, D.C.<sup>1</sup> In Washington, D.C., correctional commitment was the most common sentence for convicted qualifiers at baseline, representing 48.0 percent of all sentences. This proportion increased to 69.4 percent during the program period, while other out-of-home and probation sentences both fell ( $p < .01$ ). Overall, this represents an increase in sentencing consistency by our definition.

Three other comparisons reveal a statistically significant change in the distribution of sentences over time. In each instance, the modal sentence category changes from

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<sup>1</sup>Washington, D.C. is unique in having convicted qualifiers on whom no sentence at all was imposed. This occurs because it is customary for judges to waive sentence if an offender is already serving a sentence and an additional sentence is perceived as superfluous. We have deleted the "no sentence" cases from the table, because we can offer no straightforward interpretation of them in terms of consistency or appropriateness. There were 14 no-sentence cases in the baseline period, accounting for 12.5 percent of the convictions, and 13 no-sentence cases in the program period, constituting 11.7 percent of convictions.

probation to correctional commitment. The comparisons involved the "other serious" offense pattern ( $p < .01$ ), cases with one aggravating factor ( $p < .001$ ), and youth with a most serious prior sentence of probation ( $p < .01$ ). For those with prior probation sentences, about the same proportion of youth show up in the modal category in each time period. For the other two comparisons, consistency has increased along with the change in modal category.

In the next section, we look more closely at another kind of case outcome associated with project intervention -- transfers to adult court.

### **The Use of Transfers to Adult Court**

In Chapter V (Tables 5.9 and 5.10), we observed that the Miami and Milwaukee projects were associated with statistically significant changes in the proportion of juveniles transferred to adult court. In Miami, transfers declined, while in Milwaukee, they increased.<sup>2</sup>

Midway through our three-year evaluation, we produced a working paper describing juveniles transferred to adult court in 12 of the 13 sites receiving HSVJOP funds (Gragg, 1986). That study found that adult courts were not particularly lenient with transferred juveniles. The majority of transferred cases resulted in a finding or plea of guilty, and over 70% of those convicted were sentenced to prison or a county jail. Miami's conviction rate, at 46.4 percent, was somewhat lower than the average across all sites, but 61.4 percent of those convicted received prison sentences and another 11.0 percent were sent to jail. Milwaukee's conviction rate of 89.3% was above average, but offenders were somewhat less likely to face prison (40.9%) and more likely to face jail (36.4%).

Table D.3 compares the characteristics of qualifiers who were transferred with qualifiers who reached a final disposition in the juvenile court system during the

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<sup>2</sup>In Seattle, only 11 baseline and 10 program period qualifiers were transferred to adult court. Transfer was not related to project handling. In Washington, D.C., there were no transfers to adult court in either time period.

baseline and program periods.<sup>3</sup> There are two questions. First, how do transferred qualifiers differ from juveniles who are not transferred? Second, how have the characteristics that distinguish transferred from nontransferred juveniles changed over time?

Miami. In Miami, in both time periods, transferred youth tend to be older ( $p < .001$ ), to have more prior charges on their record ( $p < .01$ ,  $p < .001$ ), and more serious prior charges than youth prosecuted in juvenile court ( $p < .01$ ). They also are more likely to have had a prior correctional commitment ( $p < .01$ ,  $p < .05$ ), and the current offense is more likely to involve a weapon ( $p < .001$ ,  $p < .01$ ). On our index of aggravating factors (defined in the previous section), transfers are concentrated in the two- and three-factor categories during both time periods, while nontransfers cluster in the one- and no-factor groups ( $p < .001$ ).

Several additional characteristics distinguish transfers from nontransfers in the program period. The transferred youth are more likely to be male (100.% vs. 95.6%,  $p < .05$ ), and to have more serious and more numerous prior adjudications ( $p < .05$ ). There also is a marginal difference in victim injury (27.9% vs. 18.7%,  $p = .06$ ). In contrast to the baseline period, however, the seriousness of the current charge filed no longer differentiates the transfer cases.

Milwaukee. The Milwaukee data reveal far fewer commonalities across time periods. Transferred youth are older ( $p < .001$ ), have more prior charges ( $p < .05$ ), and are more likely to have had a prior correctional commitment ( $p < .001$ ,  $p < .01$ ) in both the baseline and the program periods. They also are more likely to have two or three aggravating factors ( $p < .05$ ,  $p < .001$ ), with the differences in this distribution becoming much sharper in the program period.

In the program period only, transfers had a higher number of prior charges adjudicated (3.7 vs. 2.5,  $p < .001$ ), a higher proportion of victim injury in the current case (57.6% vs. 29.5%,  $p < .001$ ), and a greater proportion of cases involving a weapon (51.5% vs. 21.0%,  $p < .001$ ). In the baseline period, however, several measures of prior record

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<sup>3</sup>We do not distinguish between qualifiers handled by the project and those handled by others during the program period. Nonproject attorneys were responsible for 11 transfers in Miami, and 4 in Milwaukee.

Table D.3. Comparison of Qualifiers Transferred and Not Transferred in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	Baseline		Program		Baseline		Program	
	<u>Transferred</u> (N=125)	<u>Not Transferred</u> (N=213)	<u>Transferred</u> (N= 67)	<u>Not Transferred</u> (N=252)	<u>Transferred</u> (N= 15)	<u>Not Transferred</u> (N=219)	<u>Transferred</u> (N= 33)	<u>Not Transferred</u> (N=237)
<u>Demographic</u>								
% Male	97.6	98.6	100.0	95.6*	100.0	97.7	100.0	97.5
% Nonwhite	85.8	80.8	79.1	74.6	93.3	75.3	66.7	70.9
Mean Age	16.7	16.0***	17.1	15.9***	17.0	15.6***	16.8	15.4***
Age Range	14-18	10-18	14-18	12-18	All 17	12-18	16-17	12-18
<u>Prior Record</u>								
% Serving Sentence or with Pending Charges at Referral	45.7	47.7	66.1	66.8	85.7	73.6	69.7	75.0
Mean No. Prior Charges	8.1	6.8**	11.5	7.9***	8.7	6.0*	8.8	6.5*
Mean No Prior Felony Charges	5.4	4.3**	6.4	4.8**	4.4	2.4***	2.9	2.5
Mean No. Prior Charges Adjudicated	3.5	3.0	4.6	3.7*	3.4	2.6	3.7	2.5***
Mean No. Prior Felonies Adjudicated	2.7	2.4	3.1	2.5*	3.5	2.3**	2.5	2.3

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Table D.3 (continued). Comparison of Qualifiers Transferred and Not Transferred in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	Baseline		Program		Baseline		Program	
	<u>Transferred</u> (N=125)	<u>Not Transferred</u> (N=213)	<u>Transferred</u> (N= 67)	<u>Not Transferred</u> (N=252)	<u>Transferred</u> (N= 15)	<u>Not Transferred</u> (N=219)	<u>Transferred</u> (N= 33)	<u>Not Transferred</u> (N=237)
<b>Most Serious Prior Charge:</b>								
Violent Felony <sup>1</sup>	65.9	51.7**	64.2	49.6**	66.7	37.9*	42.4	45.1
Felony Burglary	30.1	42.7	34.3	40.9	33.3	53.0	45.5	46.0
Other Felony	4.1	5.7	1.5	9.5	0	9.1	12.1	8.9
<b>Most Serious Prior Adjudication:</b>								
Violent Felony <sup>1</sup>	40.7	38.9	46.3	35.3*	53.3	32.0*	33.3	35.9
Felony Burglary	46.3	48.3	43.3	42.1	46.7	55.7	51.5	49.4
Other Felony	13.0	12.8	10.4	22.6	0	12.3	15.2	14.8
<b>% With Prior Sentence to:</b>								
Dept. of Corrections or Equivalent	80.5	65.4**	74.6	59.1*	60.0	20.5***	30.3	11.9**
<b><u>Current Charges</u></b>								
<b>Most Serious Charge Filed:</b>								
Violent Felony <sup>1</sup>	60.0	42.3**	50.7	43.7	46.7	54.8	66.7	51.5
Felony Burglary	28.8	41.3	28.4	44.4	46.7	40.6	18.2	39.7
Other Felony	11.2	16.4	20.9	11.9	6.7	4.6	15.2	8.9

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Table D.3 (continued). Comparison of Qualifiers Transferred and Not Transferred in Baseline and Program Periods: Miami and Milwaukee

Characteristics	<u>Miami</u>				<u>Milwaukee</u>			
	Baseline		Program		Baseline		Program	
	<u>Transferred</u> (N=125)	<u>Not Transferred</u> (N=213)	<u>Transferred</u> (N= 67)	<u>Not Transferred</u> (N=252)	<u>Transferred</u> (N= 15)	<u>Not Transferred</u> (N=219)	<u>Transferred</u> (N= 33)	<u>Not Transferred</u> (N=237)
% Cases Involving Victim Injury	38.3	31.0	27.9	18.7	46.2	25.9	57.6	29.5***
% Cases Involving Weapon	39.2	19.9***	37.3	23.0**	23.1	20.9	51.5	21.0***
No. of Aggravating Factors								
None	1.7	20.2***	6.6	13.8***	6.7	21.9*	9.1	24.9***
One	28.8	45.0	27.9	59.7	40.0	45.7	24.2	38.8
Two	55.1	26.4	44.3	22.0	40.0	25.1	24.2	24.9
Three	14.4	8.5	21.3	4.4	13.3	7.3	42.1	11.4

\*\*\* p<.001    An asterisk indicates that there is a statistically significant difference between the transferred and nontransferred groups on a particular characteristic. The actual measures used vary, depending on the type of data: they include Kendall's tau for ordinal data (data expressed in ordered categories), and F-tests for interval data (data expressed as numbers that are meaningful in themselves such as age or number of prior charges).

\*\* p<.01

\* p<.05

NA = Not Available

Footnotes:

1. This category includes only murder, voluntary manslaughter, attempted murder, kidnapping, felony sex offenses, felony assaults, robbery, and felony arson.

differentiate transferred qualifiers, including prior felony charges (4.4 vs. 2.4,  $p < .001$ ), prior felony adjudications (3.5 vs. 2.3,  $p < .01$ ), most serious prior charge ( $p < .05$ ), and most serious prior adjudication ( $p < .05$ ). One demographic difference just missed statistical significance: 93.3 percent of the transfers vs. 75.3 percent of the nontransfers were nonwhite ( $p = .06$ ).

Summary. On balance, it appears that transfer decisionmakers in Miami attended more to a juvenile's prior adjudications and perhaps somewhat less to the charges in the current case during the program period. In Milwaukee, in contrast, certain aspects of the current offense -- weapons and injury -- take on greater significance in the program period; the characteristics of the current case did not distinguish transfers at all during the baseline period. As for prior record, the absolute numbers of charges and adjudications now seem to matter more than whether these were relatively more serious or felony matters. Multiple aggravating factors are more characteristic of transferred cases in the program period in Miami, while the pattern in Milwaukee has remained fairly constant over time.