

CRS Report for Congress

Juvenile Justice and Delinquency Prevention: Background and Current Issues

139229

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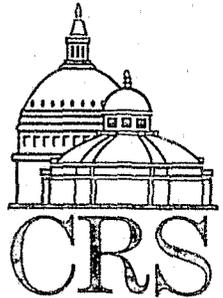
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August 11, 1992



The first part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system of linear differential equations with constant coefficients. In the second part of the paper, the asymptotic behavior of the solutions of the system of linear differential equations with variable coefficients is studied.

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION: BACKGROUND AND CURRENT ISSUES

SUMMARY

The Juvenile Justice and Delinquency Prevention Act of 1974 will expire on September 30, 1992 if not reauthorized by Congress. Inaugurating a comprehensive Federal effort to deal with youth crime and its prevention, the 1974 Act created an Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice to administer grants for the improvement of the juvenile justice system and the prevention of juvenile delinquency.

Three bills to reauthorize the Act have been introduced in the 102d Congress: H.R. 5194 (Martinez); S. 2792 (Kohl); and S. 2915 (Thurmond). Both H.R. 5194 and S. 2792 would increase funding for OJJDP; the Administration's proposal, S. 2915, would reduce funding for the Act by eliminating the formula grant program.

Researchers identify three phases of reform within the juvenile justice and court system at the State level: 1) an initial phase, originating in the 19th century and lasting until the early 1960s, that provided for the creation of separate courts for juveniles, with the objective of rehabilitating youthful offenders; 2) a second phase, beginning in the 1960s and 1970s, that sought to tailor the juvenile justice system to address new problems and correct the abuses of the earlier system; and 3) a final phase, starting in the late 1970s and 1980s, that reacted to the public demand for stricter responses to serious juvenile crime.

Although State and local governments have the primary responsibility for crime control, the Federal Government has assisted them by providing financial and technical aid. Initiatives to combat juvenile delinquency at the Federal level began around 1953, culminating in passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

The current debate over the reauthorization of the 1974 Act focuses on several policy issues, including: (1) whether to continue funding for State removal of juveniles from adult lockups; (2) the desirability of a "get tough" policy as opposed to a more rehabilitative approach to juvenile justice; (3) the controversy regarding the detention of proportionately more minority juveniles; and (4) the concern about the detention of juveniles in psychiatric hospitals.

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION: BACKGROUND AND CURRENT ISSUES

INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415; 88 Stat. 1109) will expire on September 30, 1992, if not reauthorized by Congress. Inaugurating a comprehensive Federal effort to deal with youth crime and its prevention, the Act created an Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice to administer grants for the improvement of the juvenile justice system and the prevention of juvenile delinquency. In addition to establishing OJJDP, the Act created two national advisory groups, and the National Institute for Juvenile Justice and Delinquency Prevention to act as an information and training center. It also established a smaller assistance program for Runaway Youths in the Department of Health, Education, and Welfare (now Health and Human Services).¹ In 1984 Congress expanded the 1974 Act in amendments authorizing the Missing Children's Assistance Program (P.L. 98-473; 98 Stat. 2125).

Three bills to reauthorize the Act have been introduced in the 102d Congress: H.R. 5194 (Martinez); S. 2792 (Kohl); and S. 2915 (Thurmond). Both H.R. 5194 and S. 2792 would increase funding for OJJDP; the Administration's proposal, S. 2915, would reduce funding for the Act by eliminating the formula grant program.

This report discusses three historical phases of juvenile justice reform at the State level, and Federal reform efforts since the 1950s. It provides an overview of the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent reauthorizations in 1977, 1980, 1984, and 1988. Also, the report contains a brief history of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). It presents and briefly analyzes current policy issues relating to juvenile delinquency prevention and control.

BACKGROUND

State Reforms: 1825-1992

Researchers identify three phases of reform within the juvenile justice and court system at the State level. The first phase stretched from the 19th century until the early 1960s. Reformers envisioned the creation of separate courts for juveniles, with the objective of rehabilitating youthful offenders. The rise of fundamental problems within the postwar juvenile justice system, such as growing numbers of young drug users and the advent of violent juvenile gangs, led to the emergence of a second phase of reform in the 1960s and 1970s. Child

¹ The emphasis of this report is on the Juvenile Justice and Delinquency Prevention provisions of the Act. For information on Runaway and Homeless Youth, see U.S. Library of Congress. Congressional Research Service. Runaway and Homeless Youth: Problems, Programs, and Policies. Report by Ruth Ellen Wasem, June 30, 1992. Washington, 1992. 15 p.

advocates sought to tailor the juvenile justice system to address these new problems and correct the abuses of the earlier system. The last phase witnessed a reaction to reforms of the second phase, as public demand for stricter responses to serious juvenile crime grew in the late 1970s and 1980s.

The First Phase

The earliest phase of child welfare reform began around 1825 with the establishment of houses of refuge to confine abandoned children in major cities across the Nation. It culminated in the passage of the Illinois Juvenile Court Law of 1899, which created the first State court specifically for juveniles. Such courts had been established in all but two States by 1925. In addition, child guidance clinics that took a treatment-oriented approach to the problem of juvenile delinquency rather than a legalistic one, were attached to most urban juvenile courts. Juvenile courts viewed the juvenile offender not as a criminal, but as an "errant youth," and sought to rehabilitate, rather than to punish.²

The Second Phase

The next phase emphasized both the need to make changes in the older juvenile justice system and to address new youth related problems. Sociologist LaMar Empey describes four components, or the "Four D's," of the second phase reform movement:

- (1) *Decriminalization.* Reduce the number of legal rules by which juveniles can be defined as delinquent, particularly those covering so-called status offenses. Juveniles should not be prosecuted and receive penal sanctions for behavior which, if exhibited by adults, would not be prosecuted.
- (2) *Diversion.* Divert more first-time and non-serious offenders from legal processing. The goal of any official act should be to normalize behavior. This is best accomplished by nonlegal rather than legal institutions.
- (3) *Due Process.* Extend the constitutional protections of due process to juveniles, not only in cases involving charges of criminal conduct but in cases involving issues of dependency, neglect, or moral turpitude.
- (4) *Deinstitutionalization.* Remove correctional programs from places of confinement and locate them in open community settings. Their purpose should be to integrate

² Kids in Trouble. National Governors' Association. Washington, D.C. 1991. p. 24. See also Simonsen, Clifford. Juvenile Justice in America. 3rd ed. New York, Macmillan Publishing Co., 1991. pp. 228-230.

the offender into the nondelinquent activities of the community, not into the routine of a reformatory.³

For example, some reformers noted that many juveniles found themselves involved in the criminal justice system for status offense violations, such as truancy or running away from home, for which adults would not be prosecuted. They pressed for the decriminalization of these offenses.

Others alleged that children were being denied basic constitutional protections in juvenile courts.⁴ A series of U.S. Supreme Court decisions, beginning with *Kent v. U.S.* (1966), and *In re Gault* (1967), secured for juveniles constitutional safeguards such as the right to legal representation, and protection against self-incrimination.⁵ As a result of these decisions, many State legislatures enacted similar protections.

Also, many public officials and juvenile justice professionals believed that non-violent juvenile offenders should be diverted from the juvenile court system into community-based youth services and detained in smaller non-institutionalized treatment centers. The President's Commission on Law Enforcement and the Administration of Justice (1967) recommended both approaches. It warned that the increases in the youth population and in youth crime were stretching State and local juvenile corrections systems beyond their resources.⁶

Massachusetts pioneered the move towards deinstitutionalization in the early 1970s when Jerome Miller, Commissioner of the Department of Youth Services, announced the closing of the State's training schools, and moved the occupants to community-based alternatives. Utah, following the example of

³ Empey, LaMar. *Childhood, Delinquency and Social Reform*. In Klein, Malcolm, ed. *The Juvenile Justice System*. Beverly Hills, Sage Publications, 1976. pp. 27-28.

⁴ Krisberg, Barry. *The Evolution of the Juvenile Justice System*. *The World & I*. Apr. 1990. pp. 491-92. Hereafter referred to as *Krisberg, Evolution*.

⁵ Schwartz, Ira. *(In)Justice for Juveniles*. Lexington, Massachusetts, Lexington Books, 1989. p. 5. Hereafter referred to as *Schwartz, (In)Justice*. *Krisberg, Evolution*, p. 492, 496. Krisberg notes that later U.S. Supreme Court and other Federal appellate court decisions of the late 1970s and the 1980s both amplified and clarified the nature of due process privileges available to juveniles. On the other hand, Attorney General William Barr recently announced the relaxation of secrecy rules concerning juvenile arrests. The Attorney General has authorized the FBI to collect and make available to local authorities the criminal records of juveniles charged with "serious and or significant offenses." *U.S. Relaxes Secrecy Rules on Juvenile Arrests*. *New York Times*, Jul. 13, 1992. p. A11.

⁶ *Krisberg, Evolution*, p. 494. *Schwartz, (In)Justice*, p.6.

Massachusetts, closed its Youth Development Center and replaced it with community-based programs for all but its most violent youthful offenders.⁷

The Third Phase

By the late 1970s and early 1980s, the pendulum had swung in the direction of more restrictive policies toward juvenile crime, moving away from treatment approaches toward more punitive ones. During this period, almost half of all State legislatures enacted measures permitting the prosecution of chronic and violent youthful offenders in adult courts. At the same time, State juvenile court judges increasingly committed juvenile offenders to detention centers, often making probation contingent upon time served in these facilities. Also, average length of stays in these institutions rose.⁸

Criminal justice researchers argue that a major reason for the shift was the increase in serious and violent crime by youth offenders. For example, although the total number of teenage youth, aged 13 to 17, decreased from a high of 21,313,000 in 1975 to 16,692,686 in 1990, the violent crime arrest rate per 100,000 for this group increased from 452.3 to 651.6 in the same time period.⁹

The Federal Role: 1953-1992

Early Federal Initiatives

Although State and local governments have the primary responsibility for crime control, the Federal Government has assisted them by providing financial and technical aid. Initiatives to combat juvenile delinquency at the Federal level began in 1953 with a Senate Judiciary subcommittee's hearing on the problem of juvenile delinquency.¹⁰ Two years later, President Eisenhower called for

⁷ Schwartz, (In)Justice, pp. 52-54.

⁸ Ibid., pp. 7-11.

⁹ Violent crime includes murder, forcible rape, robbery, and aggravated assault. See table 1, figure 1, and figure 2 on pp. 13-15. See also U. S. Department of Justice. Office of Juvenile Justice and Delinquency Prevention. Arrests of Youth: 1990. OJJDP Update on Statistics. Juvenile Justice Bulletin. Jan. 1992. pp. 1-12. Hereafter cited as Arrests of Youth.

¹⁰ In 1912 Congress created the Childrens' Bureau and authorized it to conduct studies on children and child courts. It provided no assistance to State and local governments. Researchers suggest that the shift in the Federal response to a more active role resulted from concern that: (1) growing juvenile crime and drug abuse threatened the general welfare; (2) youth crime transcended State boundaries; and (3) a small number of juveniles committed a disproportionate share of crime, according to various studies. See U.S. Library of Congress. Congressional Research Service. The Juvenile Justice and Delinquency Prevention Act of 1974, as Amended: Legislative History and

legislation to assist States in combatting the problem of juvenile crime, but Congress did not enact such a measure until 1961, when it passed the Juvenile Delinquency and Youth Offenses Control Act of 1961 (P.L. 87-274; 75 Stat. 572). This Act authorized a Federal grant program, to be administered by the Department of Health, Education, and Welfare (HEW), to develop techniques and train personnel to control or prevent juvenile delinquency. In addition, it created the Committee on Juvenile Delinquency and Youth Crime to study juvenile crime and to offer recommendations for its control or prevention.¹¹

Congress broadened the scope of the Federal response to the problem of juvenile delinquency with the passage of two acts in 1968. The Juvenile Delinquency Prevention and Control Act (P.L. 90-445; 82 Stat. 462) authorized HEW to provide assistance to States and local governments for the improvement of their juvenile justice programs and the coordination of governmental agencies with jurisdiction in this area. The Omnibus Crime Control and Safe Streets Act (P.L. 90-351; 82 Stat. 197) allowed the use of block grant monies to States for the prevention and control of juvenile delinquency.¹²

The Juvenile Justice and Delinquency Prevention Act of 1974

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415; 88 Stat. 1109) chose a course similar to that of State reforms of the second phase, even as the States were moving toward a third phase incorporating a more punitive approach to juvenile crime.¹³ The Act required that States separate juveniles from adults in secure facilities in order to be eligible for Federal formula grant monies. It placed major emphasis on diverting youth from the legal system into community-based treatment centers, and

Summary of Provisions. Report by Charlotte J. Moore, Oct. 21, 1977. Washington, 1977. p. i.

¹¹ Congressional Quarterly Almanac. v. 17, 1961. pp. 204-05.

¹² U.S. Congress. House. Committee on Education and Labor. Juvenile Justice and Delinquency Prevention Amendments of 1988. Report to accompany H.R. 1801. House Report No. 100-605, 100th Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1988. p.3.

¹³ According to Ira Schwartz, former Administrator of OJJDP: "While the federal agenda and the voices of reformers were calling for deinstitutionalization and the emptying of the training schools, an entirely different agenda was emerging in the states. Public outrage over the juvenile crime problem was generating tremendous pressures on state and local politicians, juvenile court judges, prosecutors, and other to take corrective action. The result was an avalanche of 'get tough' policies and practices that were implemented throughout the mid and late 1970s and early 1980s." Schwartz, (In)Justice, p. 7.

deinstitutionalizing youngsters by removing them from large training institutions and placing them in smaller, community-based programs.¹⁴

As Congress reauthorized the Act in 1977, 1980, 1984, and 1988,¹⁵ five themes appeared: (1) an effort to strengthen the position of the Administrator of OJJDP within the Department of Justice (DOJ), (2) the removal of juveniles from adult jails and lockups, (3) the provision of an exception, the "valid court order,"¹⁶ to the requirement that States divert status offenders from secure lockups to community based facilities, (4) a growing emphasis on the prevention and control of serious juvenile offenses and youth gangs, and (5) a renewed mandate for strengthening and maintaining family values.¹⁷

The 1977 and 1980 reauthorizations enhanced the authority of the head of OJJDP by removing the position from within the Law Enforcement Assistance Administration (LEAA), and placing it under the general authority of the Attorney General. The *removal* of youth from adult detention centers, a second theme that appeared in the 1980, 1984, and 1988 reauthorizations, went beyond the 1974 Act's mandate for the *separation* of juveniles from adults in secure facilities. The first reauthorization required States to remove juveniles from all adult detention centers in order to be eligible for OJJDP formula grant monies.¹⁸ The second permitted the "valid court order" exception to the removal initiative, and the last reaffirmed congressional support for the removal of juveniles from jails and extended the deadline for compliance.

The 1980 reauthorization retreated from the language of the 1974 Act by permitting an exception to the requirement that States divert status offenders from secure lockups. The exception allowed such incarceration if the juvenile

¹⁴ According to the language of the 1974 Act, "It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination . . . to develop and conduct effective programs to prevent juvenile delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization . . ." [Sec. 102(b)]

¹⁵ P.L. 95-115, P.L. 96-509, P.L. 98-473, and P.L. 100-690.

¹⁶ The "valid court order" exception means that an adjudicated status offender may be incarcerated in a secure facility if he violates the terms of a dispositional order issued by a court.

¹⁷ A Unique Partnership For Children. National Coalition of State Juvenile Justice Advisory Groups. 1991 Annual Report. Washington, D.C. 1992. pp. 13-17. Hereafter referred to as A Unique Partnership.

¹⁸ According to the Act's formula, funds would be allocated annually to the States on the basis of relative population of people under age eighteen. No allotment to any State would be less than \$225,000.

violates the terms of a "valid court order (VCO)." The Act was further amended in 1984 to provide a definition of a VCO.¹⁹

The 1980, 1984, and 1988 reauthorizations emphasized the need to address the rise in youth violence, the increasing number of juvenile gangs, and perceived breakdown of the family unit.²⁰ For example, the 1988 reauthorization, contained in the Anti-Drug Abuse Act of 1988 (P.L. 100-690), established grant programs within OJJDP for prevention and treatment relating to juvenile gangs, drug abuse, and drug trafficking. Also, the 1988 Act provided for special emphasis programs to develop models to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

The Juvenile Justice and Delinquency Act of 1974 established an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration of the Department of Justice. The Act authorized OJJDP to administer grants for the improvement of the juvenile justice system and the prevention of juvenile delinquency.²¹ Also, the Act created two national advisory groups, the Coordinating Council on Juvenile Justice and Delinquency Prevention, and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. These bodies were established to coordinate, to provide oversight and to make recommendations concerning Federal juvenile delinquency programs. The Act also created the National Institute for Juvenile Justice and Delinquency Prevention to act as an information and training center. Finally, it required that State plans for carrying out the mandates of the Act provide for advisory groups, appointed by the chief executive of each State, to advise the State agency on juvenile justice matters.

This organizational structure was changed in subsequent amendments to the 1974 Act. In 1980, OJJDP was removed from the Law Enforcement Assistance Administration and placed under the general authority of the Attorney General. The 1984 amendments altered that arrangement, and instead, provided that the Administrator report to the Attorney General through an Assistant Attorney General who headed the newly created Office of Justice

¹⁹ The 1984 reauthorization defines "valid order" as "a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States." P.L. 98-473, Sec. 613 amending 42 U.S.C. 5603.

²⁰ The 1988 reauthorization also addresses a new concern, the large representation of minority youth in the juvenile justice system. See below, p. 14.

²¹ For Title II funds authorized and appropriated from 1975 to 1992, see table 2, p. 16.

Programs. At the same time, Congress abolished the National Advisory Committee and chose to retain the Coordinating Council. In addition, the Administrator was required to convene a national conference of representatives from the State advisory groups every two years.

Several policy initiatives during the 1980s affected the operation of OJJDP. Beginning with the FY1984 budget submitted to Congress, the Reagan Administration made successive proposals to eliminate OJJDP. Repeatedly, Congress passed legislation to continue the funding for OJJDP. In 1984, Congress responded to concerns about the equitable awarding of OJJDP discretionary grants by mandating that these grants were to be awarded on a competitive basis.

CURRENT ISSUES

The debate over the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 raises several policy issues, including:

- the need for continued funding for State removal of juveniles from adult lockups;
- the desirability of a "get tough" policy v. a reaffirmation of a more rehabilitative approach to juvenile justice and the related concerns about the growing prosecution of violent juvenile offenders as adults, the use of mandatory sentencing and the enactment of harsher penalties;
- concern about higher percentages of minority juveniles being detained, and the greater risk they face of being held in public facilities while white youth are more likely to be held in private facilities;
- the concern about the detention of juveniles in psychiatric hospitals.²²

State Removal of Youth from Adult Facilities

Critics agree that significant progress has been achieved in the removal of youth from adult detention centers. For example, out of the 56 jurisdictions participating in this program in 1988, 29 States and territories were in full compliance and 13 States met the standards for substantial compliance. In 1982, the base year for data accumulation, 150,099 juveniles were in adult facilities in the United States. By 1988, the number had dropped to 42,537.²³ Some argue that since States are nearing achievement of the goal, further Federal assistance is no longer necessary. In fact, the Reagan Administration

²² These issues are not comprehensive. See below, p. 16.

²³ A Unique Partnership, pp. 24-26. Substantial compliance is defined as "having removed not less than 75 percent of juveniles from jails or lockups for adults or having achieved significant compliance with the Act's requirements coupled with 'an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years.'"

cited these successes to justify its request for no funding for OJJDP from 1984 onward.²⁴ The Administration proposal that was introduced in the Senate on June 30, 1992, would eliminate funding for OJJDP's formula grant program.

Others argue that Federal funding is essential to continue training and technical assistance to States, and to maintain the gains achieved. They note anomalies that need to be corrected within the system. For example, the practice of placing youth in solitary confinement in order to comply with the separation mandate, they argue, has led in part to a higher suicide rate for juveniles in jail.²⁵

A "Get Tough" Policy or a Reaffirmation of Rehabilitation?

Fueled by a rising rate of serious youth crime and a marked expansion in the number of gangs, both in part attributable to an increase in the crime-prone adolescent population, an increasingly "get tough" policy emerged at the Federal level in the early 1980s.²⁶ This trend echoes changes made in State policy during the late 1970s. Juvenile justice professionals and policy makers continue to debate the most effective approach to the problem of juvenile crime and delinquency.

On the one hand, many favor the prosecution of violent and habitual youth offenders as adults; the enactment of mandatory minimum sentencing laws and harsher penalties for juvenile crime; and a renewed emphasis on the incarceration of delinquents. Exponents of harsher treatment of violent juveniles argue that youth who commit heinous crimes deserve to be punished accordingly. Also, they assert that harsher treatment would send a message to others that such activities will not be tolerated.

Others continue to urge a reaffirmation of both treatment and rehabilitation for juveniles within the criminal justice system. They return to the traditional argument that prisons are training grounds for future career criminals. Sociologist Barry Krisberg urges that:

reforms should pursue the 'best interests of the children' by truly implementing individualized treatment plans and

²⁴ On each occasion Congress appropriated roughly \$70 million for OJJDP.

²⁵ A Unique Partnership, p. 23.

²⁶ Schwartz, (In)Justice, p. 17. Criminologists and sociologists generally maintain that the majority of teenagers outgrow their crime-prone behavior by their mid-twenties. Farrington, David P. Age and Crime. In Tonry, Michael, and Norval Morris, eds. Crime and Justice: A Review of Research. v. 7. Chicago, University of Chicago Press, 1986. pp. 189-250. See also, Bennett, Georgette. Crime Warps: The Future of Crime in America. Garden City, New York, Doubleday, 1987. p. 53.

expanding the range of dispositional options available to the court. Incarceration should be used as a last resort.²⁷

Those taking Krisberg's position advocate a return to the prevention and treatment-oriented themes emphasized in the 1974 Act.²⁸

Disproportionate Representation of Minority Youth in the Juvenile Justice System

The 1988 reauthorization of the Juvenile Justice and Delinquency Prevention Act focused new attention on the disproportionate representation of minority youth in the juvenile justice system. It required participating States to introduce initiatives for the reduction of minority representation; it directed OJJDP to use a similar focus in awarding grants; and it mandated further research in this area by the National Institute for Juvenile Justice and Delinquency Prevention.

Juvenile justice professionals maintain that the problem of overrepresentation of minorities appears throughout the system, from arrest to incarceration. For example, data for the 1980s indicated that the arrest rate for violent crimes averaged about six times higher for black youth than that for whites. The violent crime rate is based upon data for murder, forcible rape, robbery, and aggravated assault. Although the drug abuse arrest rates for white and black juveniles in 1980 were about equal, the black rate in 1989 was almost five times greater than the white rate.²⁹

The disproportionate representation of minority youth in detention and correctional facilities and their greater number in public facilities also suggest the systemic nature of the problem. In 1989 white juveniles accounted for 60 percent of youths detained in private facilities, with blacks at 29 percent. By contrast, blacks numbered 42 percent of public facility youths in the same year, with whites at 40 percent.³⁰

Although statistics indicate that minorities are overrepresented in the criminal justice system, research does not furnish a definitive reason for this

²⁷ Krisberg, *Evolution*, p. 501.

²⁸ *A Unique Partnership*, p. 18.

²⁹ *Arrests of Youth: 1990*, pp. 9-10.

³⁰ U. S. Department of Justice. Office of Juvenile Justice and Delinquency Prevention. *National Juvenile Custody Trends: 1978-1989*. Washington, 1992. pp. 30, 42. Also, from 1979 to 1989, the admissions rate for private facilities rose by 104 percent as compared to a 9 percent increase for public facilities, suggesting some disparity in disposition.

state.³¹ Some of those who favor a more punitive approach, regardless of race, may point to evidence suggesting that chronic violent youth offenders, like adult felons, are more likely to be disproportionately black and Hispanic (as compared to their proportion of the total population).³² Some of those who favor a treatment-oriented approach may argue that "as long as great disparities in the socioeconomic status of blacks and whites remain, blacks' relative deprivation will continue to involve them disproportionately in the criminal justice system as victims and offenders."³³

Detention of Juveniles in Psychiatric Hospitals

Some juvenile justice practitioners express concern about the growing number of status offenders and crime-prone juveniles admitted to private adolescent psychiatric hospitals. In its 1991 Annual Report to Congress, the National Coalition of State Juvenile Justice Advisory Groups notes that total

³¹ Criminologists offer two theories to explain the representation of minorities in the criminal justice system. The differential involvement hypothesis suggests that disproportionate minority representation is due to their higher crime commission rate; the racial discrimination hypothesis argues that the problem is one of pervasive racial discrimination within the system itself.

In a study of data for the adult penal system, researcher Patrick A. Langan finds no evidence to prove or disprove the racial discrimination hypothesis. However, he argues that his research supports the differential involvement hypothesis more than the other. Also, he concludes that even if the racial discrimination hypothesis is valid, it explains only a small percentage of the proportional gap between the size of the black population and the number of blacks in prison. Langan, Patrick A. Racism on Trial: New Evidence to Explain the Racial Composition of Prisons in the United States. *The Journal of Criminal Law and Criminology*, v. 76, Fall 1985. pp. 682-83. See also Blumstein, Alfred. On the Racial Disproportionality of United States' Prison Populations. *The Journal of Criminal Law and Criminology*, v. 73, Fall 1982. pp. 1259-1281.

³² U.S. Department of Justice. Bureau of Justice Statistics. Report to the Nation on Crime and Justice: The Data. NCJ-87068. Washington, Oct. 1983. p. 33.

³³ Jaynes, Gerald David and Robin M. Williams, Jr., eds. *A Common Destiny: Blacks and American Society*. Washington, National Academy Press, 1989. p. 498. See also, Mauer, Marc. *Young Black Men and the Criminal Justice System: A Growing National Problem*. Washington, D.C., The Sentencing Project, Feb. 1990. 12 p.

In a related study, the National Council of Juvenile and Family Court Judges concluded that the differences in the ways minority youth are treated within the criminal justice system plays a major role in their overrepresentation at all stages, from arrest to incarceration. See U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Juvenile Justice. *Minority Overrepresentation in the Juvenile Justice System*. Hearings, 102d Cong., 1st Sess., June 25, 1991. Washington, U.S. Govt. Print. Off., 1991. p. 1.

adolescent admissions to member hospitals of the Association of Private Psychiatric Hospitals increased significantly between 1980 and 1985, and admissions stemming from behavior disorders grew by 400 percent during the same period.³⁴ Approximately 43,000 youth were admitted for all reasons to private psychiatric hospitals in 1986; in 1980, 17,000 children were admitted, and in 1970, 6,452 juveniles were placed in these institutions.³⁵

Critics of this practice argue against both "abuses" purportedly taking place in these institutions and the use of such hospitals to circumvent legislation mandating deinstitutionalization. Psychologist Gary Melton of the University of Nebraska maintains that hospitals often are used to warehouse many unwanted or difficult adolescents. Schwartz concludes that "mental hospitals are becoming the jails of middle-class kids."³⁶ Hospital administrators deny that children in their care are abused by the system. They maintain that hospitals are constantly reviewed by insurance companies, government agencies, and medical associations.³⁷

Other Issues

Other current policy issues include initiatives to provide: (1) greater independence to the Administrator of OJJDP by establishing a direct reporting relationship between the Administrator and the Attorney General, bypassing the Assistant Attorney General for the Office of Justice Programs; (2) a renewed emphasis on strengthening and maintaining family values; and (3) the use of multiagency resources to prevent and control youth gangs.³⁸

Recurring Themes

OJJDP reauthorization initiatives have focused on recurring themes—deinstitutionalization, diversion, jail removal, the "valid court order"—since the 1974 Act. The ongoing debate regarding these issues suggests that Congress will consider them in subsequent reauthorization proposals. For example, the problem of serious and violent juvenile crime, addressed in the 1980, 1984, and 1988 reauthorizations, is likely to be addressed once again in the current reauthorization debate.

³⁴ A Unique Partnership, p. 52.

³⁵ Darnton, Nina. Committed Youth. Newsweek, v. 64, July 31, 1989, p. 66.

³⁶ Ibid., pp. 67-68.

³⁷ Ibid.

³⁸ U.S. Library of Congress. Congressional Research Service. Youth Gangs: An Overview. Report by Suzanne Cavanagh and David Teasley, June 9, 1992. Washington, 1992. 16 p.

Table 1: Crime and Teenage Juveniles, Ages 13-17, 1970-1990

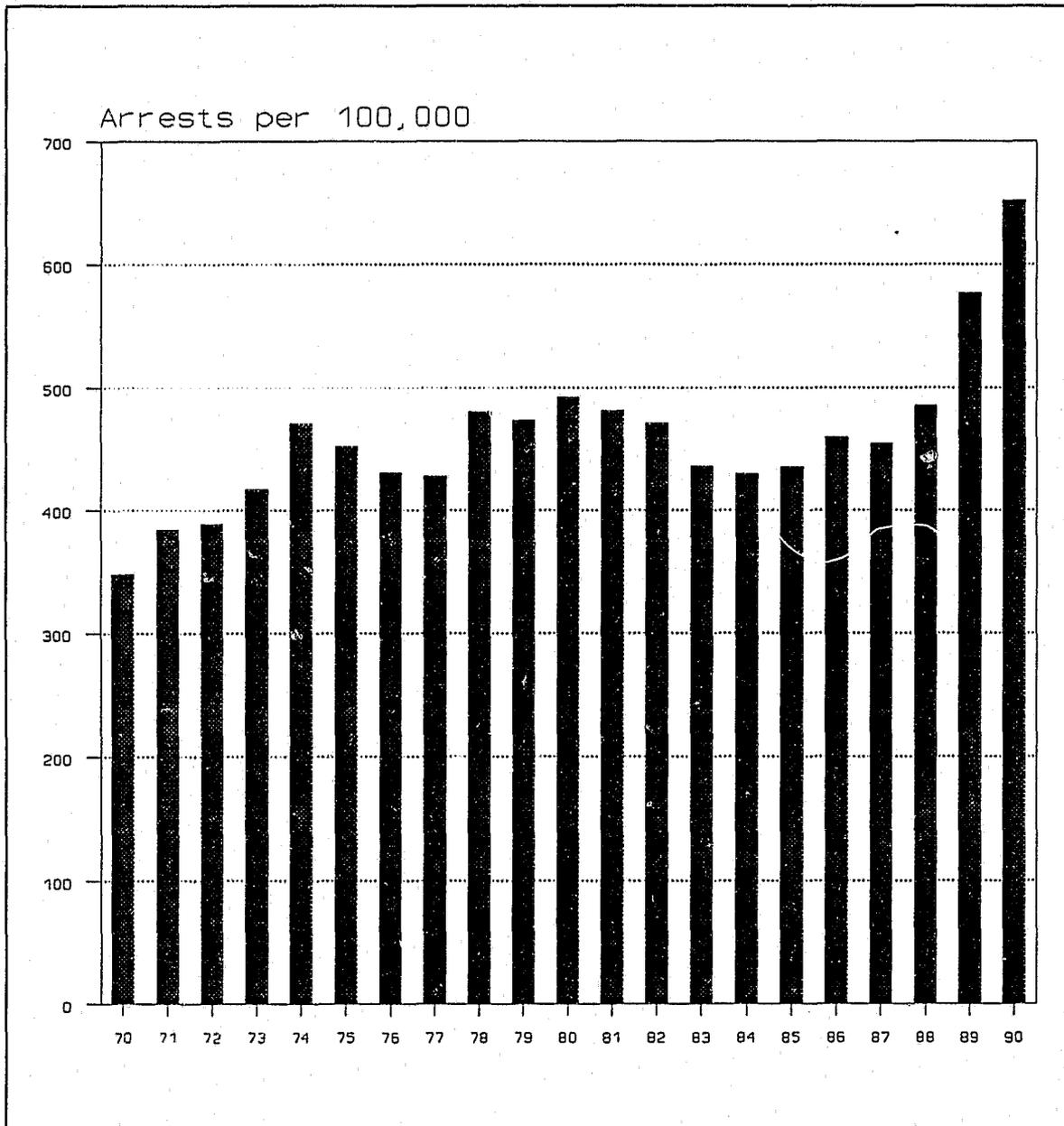
Source: Uniform Crime Reports, FBI

	U.S. Population Ages 13-17	Total Crime No. of Arrests	Total Crime Rate per 100,000	Violent Crime ^a No. of Arrests	Violent Crime ^a Rate per 100,000
1970	20,096,000	1,461,874	10,232.6	49,642	347.5
1971	20,519,000	1,589,437	10,717.1	56,954	384.0
1972	20,830,000	1,602,300	9,999.4	62,261	388.5
1973	21,051,000	1,609,943	10,338.1	64,955	417.1
1974	21,291,000	1,678,793	11,554.8	68,481	471.3
1975	21,313,000	1,688,724	10,884.1	70,180	452.3
1976	21,249,000	1,750,003	10,887.9	69,277	431.0
1977	21,123,000	1,663,951	10,601.8	67,164	427.9
1978	20,865,000	1,921,843	10,907.7	84,666	480.5
1979	20,326,000	1,804,583	10,839.1	78,878	473.8
1980	19,761,000	1,573,911	10,681.5	72,554	492.4
1981	19,120,000	1,671,162	10,784.6	74,649	481.7
1982	18,614,000	1,620,043	10,767.8	70,871	471.1
1983	18,434,450	1,536,375	9,729.2	68,835	435.9
1984	18,495,136	1,493,119	9,570.6	67,074	429.9
1985	18,353,277	1,624,745	10,246.2	69,077	435.6
1986	18,098,414	1,631,135	10,712.8	70,057	460.1
1987	17,693,253	1,597,742	10,862.9	66,873	454.7
1988	17,288,000	1,497,309	11,072.3	65,600	485.1
1989	16,752,964	1,540,675	11,466.3	77,500	576.8
1990	16,692,686	1,563,775	12,074.7	84,393	651.6

^a Violent crime includes murder, forcible rape, robbery, and aggravated assault.

**Figure 1: Violent Crime Rate Among Teenage Juveniles,
1970-1990**

Source: Uniform Crime Reports, FBI



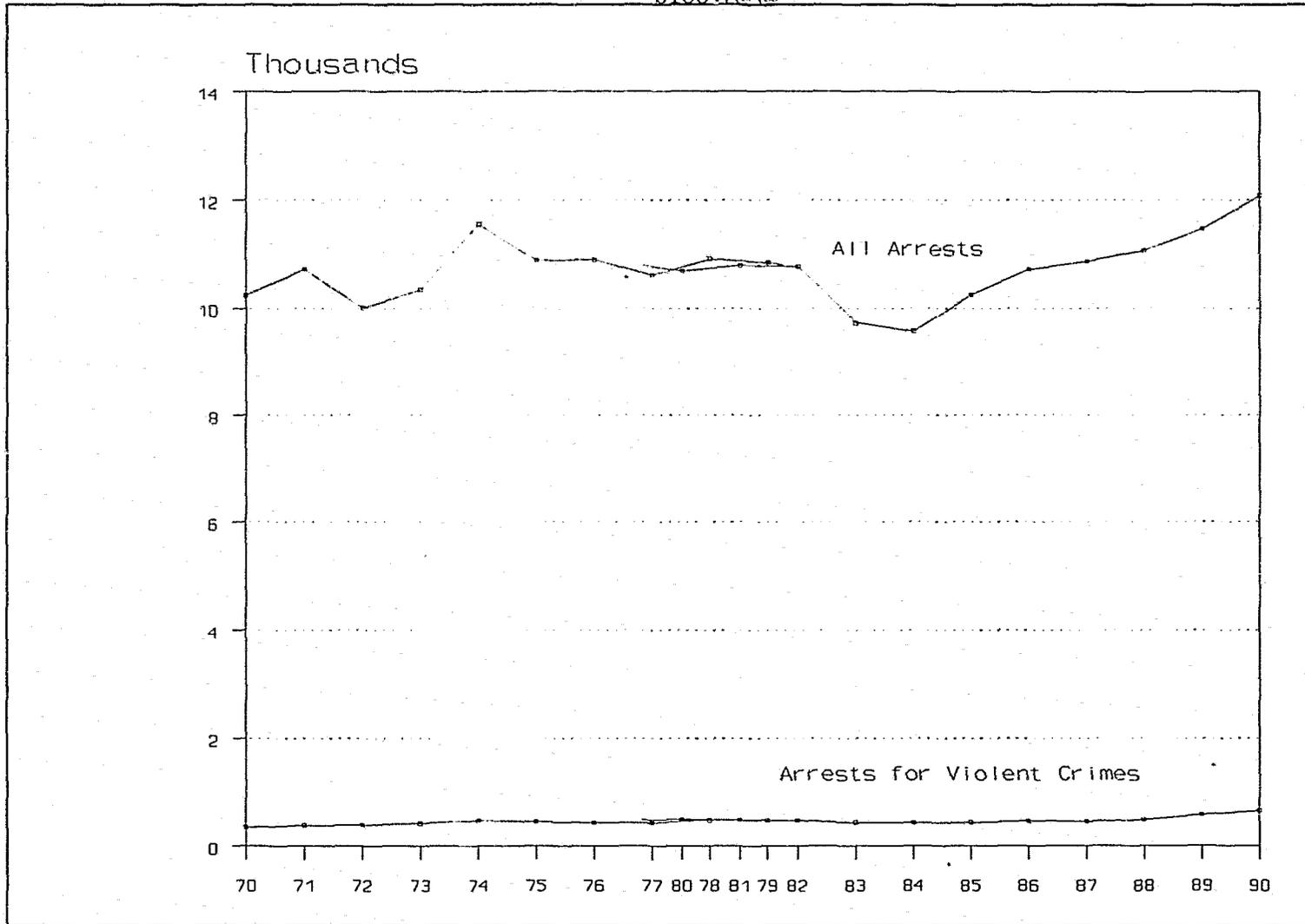
Violent crime includes murder, forcible rape, robbery, and aggravated assault.

Figure 2: Crime and Teenage Arrests, 1970-1990

Arrests per 100,000

Source: Uniform Crime Reports, FBI

*b188W@@



Violent crime includes murder, forcible rape, robbery, and aggravated assault.

Table 2
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (1974)

TITLE II AUTHORIZATIONS AND APPROPRIATIONS
(IN MILLIONS)

Fiscal Year	Authorization	Appropriation
1975	\$75.0	\$25.0
1976	125.0	50.0
1977	150.0	75.0
1978	150.0	100.0
1979	175.0	100.0
1980	200.0	100.0
1981	200.0	100.0
1982	200.0	70.0
1983	200.0	70.0
1984	200.0	70.2
1985	Such sums as needed	70.2
1986	Such sums as needed	67.3
1987	Such sums as needed	70.3
1988	Such sums as needed	66.7
1989	Such sums as needed	66.7
1990	Such sums as needed	72.5 ^a
1991	Such sums as needed	75.3 ^a
1992	Such sums as needed	81.2 ^b

SOURCE: U.S. Budget Appendix, Fiscal years 1976-1992.

^a This sum includes amounts for the separately authorized Prevention and Treatment Programs Relating to Juvenile Gangs and Drug Abuse and Drug Trafficking in Part D of Title II, funded at \$ 2 million for FY 1990 and \$ 3.5 million for FY 1991.

^b Estimated.

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