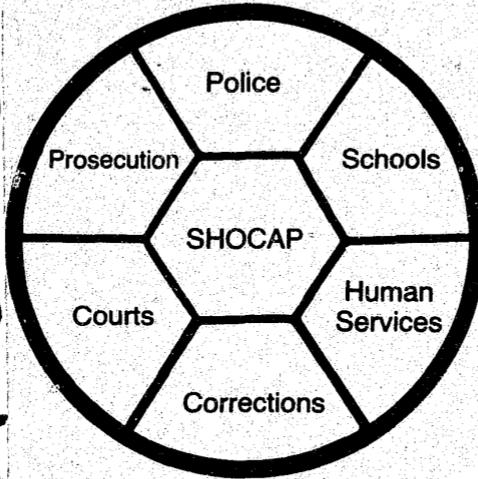


# Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses

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Serious Habitual Offender  
Comprehensive Action Program  
(SHOCAP)



Office of Juvenile Justice  
and Delinquency Prevention

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# Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses



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## Introduction

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### Historical Significance

Some members of a jury in Lexington, Kentucky, recently expressed shock and outrage to find that a young offender, for whom they had recommended a somewhat lenient sentence, had a previous record of serious misconduct. State law prohibited the jury from knowing this prior to their setting of a sentence. The young man had been convicted as an accomplice in the abduction, sodomy, and murder of two high school boys. He will now be eligible for parole in seven years.

Another young man in Kentucky was recently retried on a charge of murdering a seven-year-old girl. He had been convicted previously and received the death sentence. His new trial, which came as a result of an appeal, resulted in a twenty-year sentence. He is eligible for parole immediately.

Tragic? Yes, but an outraged public and legislature did something about it. The Kentucky legislature passed a bill, nearly unanimously, that allows a jury access to criminal history information. It also requires that violent offenders serve a longer prison sentence prior to being eligible for parole.

Is this just an isolated or contemporary problem that will pass with time? Are we overreacting in an overly conservative manner? After all, the old television ad that admonished automobile owners about leaving their keys in the car, conveyed a public attitude about delinquency with the message "don't help a good boy go bad."

The 1957 premiere of the musical *West Side Story* articulated a then-prevalent philosophy about juvenile delinquency in the lyrics of the song "Gee, Officer Krupke":

Dear kindly Sergeant Krupke,  
You gotta understand  
It's just our bring-in upke  
that gets us out of hand.

Our mothers are all junkies,  
Our fathers are all drunks  
Golly Moses, natcherly we're punks!

Gee Officer Krupke, we're very upset  
We never had the love that every  
child oughta get.

## Introduction

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We ain't no delinquents,  
We're misunderstood  
Deep down inside us, there is good!"<sup>1</sup>

Do these sentiments really apply to the problem and to society's response? How should we interpret the meaning? Do all young people who get into trouble merely need a second chance? It is possible that there are a few who are different.

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**"Another young man in Kentucky was recently retried on a charge of murdering a seven-year-old girl. He had been convicted previously and received the death sentence. His new trial, which came as a result of an appeal, resulted in a twenty-year sentence. He is eligible for parole immediately."**

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Another popular musical, *Oliver* (1967), depicted juvenile delinquency in 1840 London as a plight similar to that of the delinquents in *West Side Story*. Oliver Twist and his pal, Jack Dawkins, were portrayed as the victims of circumstance, merely coping with the vagaries of fate. Their primary criminal behavior was pickpocketing, a seemingly harmless profession that was the sole means of survival for these two orphans. Mr. Fagan was portrayed as a ludicrous, but loving paternal image for his gang of boys. Nancy was shown as a kindly prostitute, also a victim of circumstance. And Bill Sikes was clearly a villain.

Good triumphs over evil at the end of the musical. Oliver is saved. Fagan and Dawkins skip off into a happy but continued life of crime. Nancy and Sikes both die, one tragically, the other at the hands of the law. The musical interpretation of this Charles Dickens story clearly reflected the prevailing sentiment about the belief that the juvenile delinquent is really the "victim," one of circumstances and fate. This is a noble and worthwhile assumption, but how should it be interpreted in establishing society's response to juvenile crime?

What emerges from a historical perspective is that many, if not most, young persons will get into trouble as a symptom of adolescent development. Most will overcome delinquent tendencies with maturity, through social development, or through environmental change. But, there are a few who continue

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Bernstein, Leonard and Stephen Sondheim, *West Side Story*, G. Schirmer, Inc. and Chappel Co., Inc., New York, 1957.

## Introduction

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delinquent behavior into adulthood as chronic offenders. Who are they? Should they be treated differently, as a separate and distinct offender class? Should our objective be to rehabilitate or to control them?

For instance, the character Oliver succeeded. Jack Dawkins, however, did not. The villain, Bill Sikes, never showed the slightest sign of the "inner-good" suggested in the song to Officer Krupke. The difference seems to be manifested in the seriousness and number of repeat offenses. It must be assumed that Bill Sikes never varied from a predisposition to violence and a life of crime. But these were fictitious characters, weren't they? In fact, they are based upon real observations of criminals and crime conditions by Charles Dickens when he wrote the book *Oliver Twist* in 1840.

## Contemporary Problems

What is the true magnitude of the juvenile crime problem? What portion of this relates to serious or violent, chronic juvenile offenders?

Figure 1-1 presents some crime statistics for 1989, which lead to the following conclusions:

- 27% of this country's population is juvenile (under age 18).
- 30 index crimes occur each minute, or one index crime occurs every two seconds.
- 11.5% of serious crimes (FBI index offenses) are crimes against persons and 88.5% are crimes against property.
- 47% of violent crimes are solved (cleared by arrest), whereas only 18% of property crimes are cleared.
- 15.5% of all arrests are for juveniles (under 18 years).
- 46.0% of all arrests are for persons under 25 years.
- Juvenile arrests account for 18% of the total clearances for index crimes.

## Introduction

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**Figure 1-1**  
**Population, Offenses, Arrests, and Clearance Rates (1989)**

Population	● U.S. Population	248,239,000 <sup>1</sup>
	● Juvenile Age Population (under 18 years)	67,024,530 <sup>2</sup>
Offenses	● Total Index Offenses (1989)	14,251,449 <sup>3</sup>
	● Violent Crimes—Index Offenses (1989)	1,646,037 <sup>4</sup>
	● Property Crimes—Index Offenses (1989)	12,605,412 <sup>5</sup>
Arrests	● Total Arrests (1989) (all crimes)	11,261,295 <sup>6</sup>
	● Under 25 years (1989)	5,175,877 <sup>7</sup>
	● Juvenile arrests (1989) (under 18 years)	1,744,818 <sup>8</sup>
Solution	<b>Overall Index Crime Clearances <sup>9</sup></b>	
	● Index Crimes	21%
	● Violent Crimes	47%
	● Property Crimes	18%
	<b>Juvenile Index Crime Clearances <sup>10</sup></b> (percent of all clearances)	
	● Index Crimes	18%
	● Violent Crimes	10%
● Property Crimes	20%	

Sources: <sup>1-2</sup> U.S. Bureau of Census Estimates for 1989  
<sup>3-10</sup> FBI Uniform Crime Reports for 1989

These findings present a different and somewhat startling picture of crime in America. Consider the following:

- Nearly one index crime occurred for every 17 persons in the United States.
- Most crimes go unsolved, particularly property offenses.
- Only one arrest is made for every eight index crimes.
- 46.0% of total arrests are for persons under 25 years.
- Juveniles (under 18) compose 27.0% of the population, but account for only 15.5% of all arrests for major crimes.

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Figure 1-2 presents a comparison of arrest trends between the years 1980 and 1989 for adult and juvenile offenders. The data in this figure present an interesting pattern. Juvenile arrests have gone down numerically and proportionally as adult arrests have increased. The drop in juvenile arrest rates has been greater, in proportion, among index (serious) crimes than non-index offenses. Does this mean that juveniles are committing less crime? Or has the aging of the U.S. population accounted for less juveniles, therefore less juvenile crime?

**Figure 1-2**  
**Arrest Trends (1980-1989)\***

	1980	1989	% Change
<i>Total Arrests**</i>	6,652,448	8,495,179	+ 27.7
Under 18	1,409,194	1,316,966	- 7.5
Over 18	5,243,254	7,178,213	+ 36.9
Crime Index Arrests (all ages)	1,529,352	1,818,996	+ 18.9
Violent	316,072	427,620	+ 35.3
Property	1,213,280	1,391,376	+ 14.7
Juvenile Arrests (index offenses)	552,753	492,550	- 10.9
Violent	62,617	62,217	+ 5.7
Property	490,136	426,333	- 13.0

\* These figures include arrests for index and non-index offenses.

\*\* Total arrest figures are adjusted by the FBI/UCR for comparative purposes and do not agree with other 1989 arrest figures presented elsewhere.

Source: FBI/Uniform Crime Reports (1980-1989).

No one really knows the answers to these questions. The juvenile-age population certainly decreased in the mid 1980s. But some other factors may have contributed to the phenomenon. Some persons argue that prevention, diversion, and rehabilitation programs have worked. Others indicate that public policy changed, that law enforcement agencies were influenced to de-emphasize arrest as a means of handling juvenile offenders. There is even some evidence suggesting that the juvenile-age population stopped declining by 1983-84 and is in a growth cycle.

## Introduction

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### Chronic Juvenile Offenders

Is there a difference between the typical adolescent who gets into trouble occasionally and one who is habitual? Will one eventually go straight with maturity, while the other continues on to a lifetime of crime? Should the schools and the juvenile justice system differentiate between violent, serious, chronic or habitual juveniles? Do the size and impact of the chronic juvenile offender population warrant special attention? Is there anything that can be done?

Yes is the answer to each of the above questions. Specific information about each question is provided in later sections of this manual.

### Summary and Scope of Document

"Official statistics" can be as misleading as "unsubstantiated belief." Crime rates are computed on the basis of FBI-Uniform Crime Reports, which really include only index, or the most serious, crimes. Unreported and non-index offenses are left uncounted. Arrest data do not reflect an offender's real crime behavior—only the behavior when he or she is caught!

An estimate of all index and non-index crimes may result in a national crime level that is three to four times the rate of index crimes. The additional level of victimless and non-reported crimes suggests that crime and criminal behavior are potentially pervasive. Conventional approaches to crime solution (e.g., catch the thief, game over) may be one of the greatest misconceptions and fallacies behind the American justice system.

Some crime is inherent in a free society. But must we continue to overlook it when it is probable, predictable, and a distinctive pattern of behavior among a small number of individuals in our society?

The major sections of this document provide answers to questions, guidelines for action, and information that may be used by the general public as a tool for obtaining public policy, legislative, and political response. This is not intended to be a scholarly treatise, but a laymen's guide to the facts, fallacies, and required actions. Scholarly research and communication among scholars are still needed. But public action is often impeded by the complexities and limitations of social science and behavioral research. Research sometimes becomes a quagmire of ideological conflict resembling the proverbial "briarpatch."

Some facts are known or are self-evident. Action can be taken while society awaits the final determination of science. This document attempts to dispel some myths and set out a course of reasonable action.

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## 2 Profiles of Chronic and Violent Juvenile Offenders

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### Why?

What good are a few profiles? Don't they just attempt to sensationalize the real issues? Why waste time reading a few stories to get a reader interested who has already made it this far in the manual? When are we going to get to the "how-to" in place of the "what"?

The following profiles are important because:

- 1) THE PROFILES ARE NOT ATYPICAL!
- 2) THEY REVEAL THE REAL PROBLEM OF  
INATTENTION AND POOR SYSTEM RESPONSE!
- 3) OUR CHILDREN ATTEND SCHOOL EVERY DAY  
WITH KIDS LIKE:  
JAMIE  
LOUIE  
KEITH  
HUEY  
NANCY
- 4) THERE IS NO COMMUNITY, BIG OR SMALL,  
THAT IS IMMUNE FROM THE PROBLEM.

### Jamie and Louie

Peter Meyer's book, *Death of Innocence*, tells the following story. Jamie was 15 and Louie was 16 years of age in 1981 when they committed an offense that shocked a Vermont community. Jamie and Louie were unoccupied one day, so they went out to shoot squirrels with their BB pistols. This was one of their many pastimes, since they rarely worked or attended school. Jamie had quit school, and Louie had been expelled recently for fighting.

The afternoon of the crime they decided to "get some girls." So they waited in a wooded area along a path which was used as a shortcut by school kids and factory workers. Two unlucky 12-year-old girls, Meghan and Melissa, happened along on their way home. Jamie and Louie grabbed them, forced them to strip at gunpoint, raped them, sodomized them, tortured them, and then tried to kill them.

Melissa died of multiple wounds including a pellet shot directly in one eye. Meghan was left for dead after being stabbed repeatedly. The murder site was found by railroad workers and local police after Meghan staggered for help. This began a community nightmare that will be etched permanently in the lives of the surviving victim and the victims' families.

## Profiles of Chronic and Violent Juvenile Offenders

Both Jamie and Louie came from families with problems. The natural fathers had prior criminal histories, and other children in both families had been in trouble often. Marriages were strained and the mothers were extremely disillusioned. Louie's mother had been married at 15 and had five children. Louie's father, nicknamed "Butch," had allegedly sexually abused Louie at the age of seven.

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**"The afternoon of the crime they decided to 'get some girls.' So they waited in a wooded area along a path which was used as a shortcut by school kids and factory workers. Two unlucky 12-year-old girls, Meghan and Melissa, happened along on their way home. Jamie and Louie grabbed them, forced them to strip at gunpoint, raped them, sodomized them, tortured them, and then tried to kill them."**

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Jamie and Louie were eventually arrested for the murder and rapes. Jamie was under 16, so he was protected by the Vermont juvenile laws. Louie was an adult under state law, so he would eventually be tried and convicted in adult court. A police search of Louie's home uncovered the fact that Louie's father kept a secret dark room in which he produced and maintained an extensive porno library. This included extensive photographic evidence of a long history of the father, Butch, sexually abusing Louie's 13-year-old sister. Butch's indignant reaction to the police was "it's my photo studio and my daughter!"

Jamie was adjudicated delinquent (found guilty) during secret proceedings which are required under Vermont law as a provision for young people. He was given the maximum sentence for a juvenile, which amounted to a little over two years (until age 18). Jamie spent his time incarcerated secretly out-of-state. Upon completion of his time, Jamie was assisted in acquiring a new name and identity. He is free now and may have returned to Vermont.

Louie was convicted in adult court after a long trial in which he was defended brilliantly by public defenders. Louie is serving a life sentence, but he will be eligible for parole.

Officially, Louie had no serious record, other than one auto theft and an assault charge. Unofficially, Louie had numerous police contacts, and he admitted to at least 20 burglaries and over 100 auto thefts. Jamie's record was similar. Of course, Louie had also been accused of attempting to rape his sister but was never charged. He was on probation for attempting to assault and rape a college woman at knifepoint.

## Profiles of Chronic and Violent Juvenile Offenders

Everyone knew that these two young men had problems. But no one person or agency could or would do anything to stop them. The schools got rid of them through suspensions and expulsion. The police could only catch them and see them released. The court and youth service agencies were limited, by law, to putting them on probation or placing them in foster homes.

No one in Vermont wanted to believe that the murder and rapes were committed by local boys. Even the police acted upon the assumption that some out-of-state "crazy" had committed the crime. Vermont citizens were even more perplexed to learn that a juvenile could not be charged with an offense, nor incarcerated as a delinquent beyond the age of 18, regardless of the nature of the offense.

Jamie and Louie only got worse. They were, and still are, walking "time bombs." One is at large, somewhere!

### Keith

Keith was 16 when he was sentenced in 1984 to 27 years to life for robbery and murder. He is from a coastal community that is surrounded by farmland. Keith's sentence to adult prison was for a senseless act of murder that was committed while he was robbing a woman of a few dollars that she had in her cash register at a doughnut shop. Keith had been driving around with two friends who had skipped school together and stopped apparently on a sudden desire to get some money. Keith has a long history of unpredictable violence. Even his friends are afraid of him. Keith will be eligible for parole within 12 years after his commitment to prison.

Keith's story is more tragic and frustrating because authorities had been tracking him as a part of a special program. They predicted that he would kill but were powerless to stop him.

Keith was an only child of parents who never lived together. He was shunted back and forth, and he was uncontrollable at the age of seven. He would sometimes stay away from home for as much as two days. His mother fought with "live-in" boyfriends over Keith's behavior. Later interviews would reveal that Keith was physically abused by nearly every adult male with whom he came in contact. Although much of the abuse was clearly an attempt to control unruly behavior, Keith's reaction was to become more abusive and incorrigible.

Problems in school led to a suicide attempt by Keith to "get back" at his mother for spanking him. The attending physician accused Keith's mother of child abuse based upon mental anguish. Keith and a friend stole an

## Profiles of Chronic and Violent Juvenile Offenders

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automobile at the age of 12 and were arrested after they wrecked the automobile in a neighboring town. Within days, Keith was suspended from school for assaulting a student who refused to loan him a pencil. Keith had now lost control. He fought his mother and police officials. He and a friend tortured and hanged a lamb at a nearby school. A string of disciplinary problems ensued until he was placed in a boy's home at the age of 13.

Keith escaped several times and was cited as being disruptive and hostile. He was finally captured and placed in the juvenile detention center after he physically assaulted two girls who were 11 and 12 years old. They were fortunate in escaping without serious injury. Keith's stay in detention was marked by several escapes, misconduct, and fighting. Keith's final escape ended in a seige in which Keith held detention center staff and police at bay with a tire iron. The net result of all of these incidents was that **Keith was placed on probation**, astonishingly, despite the fact that the counselor's report stated that Keith "was capable of assault for little or no reason." Days later, Keith's school bus privileges were revoked because of an altercation with a bus driver. A suspension from school the following week occurred as a result of misbehavior. Two additional incidents occurred, one in which Keith had to be given assistance in regaining control of himself after an argument. The other incident was an attack on a student which got Keith a five-day suspension. Keith's probation officer was notified after each incident, but Keith was only **admonished each time**.

Instances of violent tantrums, vandalism, assaults, and attempted suicide followed in an escalating pattern of violence. The advancing loss of control was evident when Keith set fire to his mother's house in revenge for her having her two friends interfere in his suicide attempt. Police had to release Keith after this incident because his mother refused to press charges or to have him committed. Keith's mother ultimately committed him to a series of group home and residential programs. None worked.

Keith was sentenced to 20 months in a detention facility for attacking his 21-year-old cousin with a hammer. His cousin had tried to counsel him about his drug problem. Keith was 15 at the time. After serving one year, Keith was returned to his home where truancy, disruptive behavior, and drug use continued. The detention facility was apparently happy to get rid of him since he had established a reputation among the counselors as "bad news," someone who would "hit you if he got the chance."

## Profiles of Chronic and Violent Juvenile Offenders

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On May 23, 1984, Keith left school early with two friends. Keith stopped his car at a shopping center to "get some money." He entered a bakery, demanded money from the woman owner, then shot her in the face when she refused to open the cash register. Keith's excuse was, "the bitch should have given me the money, it was her fault."

Keith had been arrested more than 15 times prior to his arrest for robbery and murder.

### Huey and Nancy

Huey and Nancy are not related. Huey was 15 and Nancy was 10 at the time they were profiled. Huey and Nancy probably never knew of each other, although they lived in the same town. The main thing that they held in common was their virtual invisibility to the juvenile justice system. Neither young person has ever been adjudicated delinquent despite repeated, and progressively more serious, behavioral problems in the community.

Huey and Nancy were brought to the attention of the justice system only as a result of a special program of crime analysis that has overcome the obstacles to the sharing and cross checking of information among police, schools, prosecution, and probation agencies. Each agency possessed a little "piece of the puzzle" describing the progression of these young persons toward a life of crime and violence. When the pieces were finally put together, they painted a bleak picture. Yet, they were both **invisible** to a system that was uncoordinated and inattentive. Neither child had ever been adjudicated delinquent (convicted); hence, they were **invisible** to a system that acts primarily on adjudications.

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**"Each agency possessed a little 'piece of the puzzle' describing the progression of these young persons toward a life of crime and violence. When the pieces were finally put together, they painted a bleak picture."**

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Figure 2-1 presents a comparison of the types of contacts that Huey had with public agencies during a 15-month period. These agencies include two different sources in the police department, the arrest files and the crime analysis unit. The other agencies were the school system and the combined social service/probation department. This information indicates that Huey was a victim of abuse, a chronic runaway, and prone to violent acts. Figure 2-2 presents a chronology of all agency interactions, which paints a clear picture

## Profiles of Chronic and Violent Juvenile Offenders

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of Huey's increasing loss of control. Only the act of combining the information from the various agencies brought Huey enough attention for him to be placed under control before he killed himself or someone else.

### Huey's profile reads as follows:

White male, 15 years old, 6' 1" tall, 210 lbs., large and clumsy, unaware of his strengths, very violent nature, disguised as emotionally handicapped, self-contained.

The subject's parents are divorced. He lives with his 51-year-old alcoholic father (who has legal custody) in a racially mixed, lower working class neighborhood. His father, a self-seldom-employed roofer, has a lengthy arrest record dating back to 1951, mostly for alcohol related offenses. His last arrest involved a physical confrontation with the subject wherein blows were exchanged. The subject summoned the police which ultimately led to arrest. The father swore revenge as he was being led away. Unofficial reports reveal that the subject and his father have frequent fights which often escalate to physical violence.

### Figure 2-1 Huey's Contacts With Public Agencies

#### Police Arrest/Contact Records

02-23	Attacked a teacher with a belt
06-29	Assaulted a student with a stick
08-31	Threatened a counselor with a stick
09-16	Threatened to jump from a 2nd floor school ledge
04-13	Came to school intoxicated
04-17	Threatened a school bus driver with a knife

#### School System

02-10	Suspended 3 days for a class III offense
03-06	Suspended 3 days for a class III offense
03-14	Suspended 3 days for a class III offense
04-13	Expelled from school, cannot return

#### Probation/Social Service

03-04	Aggravated Assault	J.A.S.P.
03-04	Assault & Battery	Walker Plan
06-22	Other/Neglect	Held over
06-23	Other/Physical abuse	Unfounded
06-25	Beyond Control	Referred to other agency
06-26	Beyond Control	Heid over

## Profiles of Chronic and Violent Juvenile Offenders

### Crime Analysis/Missing Persons Files

06-18	Ran away from father's home to mother's home
06-19	Returned home
06-22	Ran away from foster home
06-24	Returned to foster home
06-27	Placed in children's home, ran away later the same day
09-01	Ran away from children's home
09-02	Located at grandmother's home
09-15	Ran away from father's home to mother's home
09-20	Ran away from children's home
09-23	Located at father's home

**Figure 2-2 Huey's Combined Agency Record**

SCH 02-10	Suspended 3 days for a class III offense
POL 02-23	Attacked a teacher with a belt, discharged
HRS 03-04	Aggravated Assault, J.A.S.P.
HRS 03-04	Assault & Battery, Walker Plan
SCH 03-06	Suspended 3 days for a class III offense
SCH 03-14	Suspended 3 days for a class III offense
SCH 04-13	Expelled from school, cannot return
CAU 06-18	Ran away from father's home to mother's home
CAU 06-19	Returned home
CAU 06-22	Ran away from foster home
HRS 06-22	Other/neglect, held over
HRS 06-23	Other/physical abuse, unfounded
CAU 06-24	Returned to foster home
HRS 06-25	Beyond control, referred to other agency
HRS 06-26	Beyond control, held over
CAU 06-27	Placed in children's home, ran away later the same day
POL 06-29	Assaulted a student with a stick, discharged
POL 08-31	Threatened a counselor with a stick, noll prossed
CAU 09-01	Ran away from children's home
CAU 09-02	Located at grandmother's home
CAU 09-15	Ran away from father's home to mother's home
POL 09-16	Threatened to jump from a 2nd floor school ledge
CAU 09-20	Ran away from children's home
CAU 09-23	Located at father's home
POL 04-13	Came to school intoxicated, released to grandmother
POL 04-17	Threatened a school bus driver with a knife
POL 05-01	Arrested as a result of the knife assault, pending

POL—Police

CAU—Crime Analysis

HRS—Probation

SCH—School

## Profiles of Chronic and Violent Juvenile Offenders

The subject has been described as a "ticking time bomb" just waiting to explode. Those who know him or have contact with him say he will kill someone someday, it's only a matter of time. He is a combative and violent individual who thus far has failed to respond to treatment. Put simply, "he's crazy," according to a social worker who has tried to work with him. The subject is currently awaiting transfer to a secure commitment facility, **although it has been difficult to locate one that will accept him.** Huey had never been adjudicated delinquent. He was invisible to the system.

What about Nancy? Figure 2-3 presents a comparison of agency data covering nearly a six- year period. Figure 2-4 presents a composite of all the data. Nancy's data are too similar to the other profiles to be coincidental. She clearly progressed from being a victim of abuse and a runaway to criminal activity.

### **Nancy's Profile**

Perhaps the most startling aspect of Nancy's history is that she is ten years old. Her profile reads as follows:

Black female, ten years old, described as bright with about average intelligence.

The subject is the youngest of 14 children: eight girls and six boys. She lives at home with her mother and father in a low income, "high crime" neighborhood. Her father is a disabled veteran who sometimes works as a part-time repairman. He has been described as very uncooperative and combative towards official attempts to help his daughter. The mother is a full-time housewife who, for the most part, is uninformed or unconcerned regarding the subject's behavior. She has a brother, two years older, who is also a SHO with more than 40 arrests to his credit. Most of the remaining siblings have also been arrested; one is in the state mental hospital for the criminally insane. Overall, her relationship with family members is good.

The subject attends elementary grade public school on a regular basis and is considered to be an A/B honor roll student with good book knowledge. She was recently tested for the emotionally handicapped program, but the results are not yet in. At school the subject has been seen with large amounts of cash and is reported to be involved in some type of illegal activity with older students.

She has been arrested 12 times, dating back to when she was six years old. Most of her offenses have been petit thefts, primarily shoplifting. As a result, she has participated in a number of diversionary programs but has never been adjudicated delinquent.

## Profiles of Chronic and Violent Juvenile Offenders

**Figure 2-3 Nancy's Contacts With Public Agencies**

### **Police Arrest/Contact Records**

04-06	Petit Theft-Shoplifting
10-14	Burglary-Residence
12-01	Petit Theft-Shoplifting
12-12	Petit Theft-Shoplifting
01-21	Petit Theft-Shoplifting
02-29	Petit Theft-Shoplifting
04-09	Petit Theft-Shoplifting
05-07	Petit Theft
08-14	Petit Theft-Shoplifting
09-11	Petit Theft
10-24	Grand Theft-Shoplifting

### **School System**

10-13	Leaving School without permission	Suspended for 3 days
11-01	Leaving School without permission	Suspended for 3 days

### **Probation/Social Service**

01-01	Other Physical Abuse
10-12	Other Neglect
01-10	Excessive Punishment
03-17	Excessive Punishment
01-10	Bruises/Welts

### **Crime Analysis/Missing Persons Files**

10-04	Missing person
10-11	Located
01-04	Missing person
03-17	Located
06-18	Missing person
11-21	Located
02-18	Assault suspect
07-11	Missing person
07-14	Located
07-30	Information-suspect (Possession of Stolen Property)

## Profiles of Chronic and Violent Juvenile Offenders

**Figure 2-4 Nancy's Combined Agency Record**

HRS	01-01	Other Physical Abuse, Closed After Counseling
CAU	10-04	Missing Person
CAU	10-11	Located
HRS	10-12	Other Neglect, Closed After Counseling
HRS	11-10	Excessive Punishment, Other Non-Judicial
CAU	01-04	Missing Person
CAU	03-17	Located
HRS	03-17	Excessive Punishment, Other Non-Judicial
CAU	06-18	Missing Person
CAU	11-21	Located
HRS	01-10	Bruises/Welts
CAU	02-18	Assault Suspect
POL	04-06	Petit Theft-Shoplifting, Dismissed Prior to Petition
CAU	07-11	Missing Person
CAU	07-14	Located
SCH	10-13	Leaving School Without Permission, Suspended for 3 Days
POL	10-14	Burglary-Residence, Dismissed Prior to Petition
SCH	11-01	Leaving School Without Permission, Suspended for 3 Days
POL	12-01	Petit Theft-Shoplifting, Noll Prossed
POL	12-12	Petit Theft-Shoplifting, WHAG; Community Control
POL	01-21	Petit Theft-Shoplifting, Dismissed Prior to Petition
POL	02-29	Petit Theft-Shoplifting, Dismissed Prior to Petition
POL	04-09	Petit Theft-Shoplifting, WHAD; Community Control
POL	05-07	Petit Theft, WHAD; Community Control
CAU	07-30	Information-Suspect (Possession of Stolen Property)
POL	08-14	Petit Theft-Shoplifting
POL	09-01	Petit Theft
POL	10-24	Grand Theft-Shoplifting

POL—Police Arrest

CAU—Crime Analysis

HRS—Probation

SCH—School

### The Invisible Delinquent

The stories of Jamie, Louie, Keith, Huey, and Nancy are real life tragedies. These tragedies are the direct by-product of a system of justice that has been uncoordinated and inattentive. Somebody's son or daughter, mother or father, is still alive in the community that took action to control Huey and Nancy. But the communities where Jamie, Louie, and Keith were raised waited too long.

The uncoordinated and inattentive system was designed intentionally to be that way, as a means of protecting young people who need a second chance. Now that very system has run out of control, just like some of the young people it protects. **They are invisible.**

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### 3 A Test of Commonly Held Assumptions

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1. Children are victimized most often at home and at the hands of adults.  
True  False
2. Juvenile crime is a contemporary "growing-pain" of society that will go away with the further development of our civilization.  
True  False
3. Parents, school officials, teachers, and police cause most juvenile crime by creating unattainable expectations for young persons.  
True  False
4. There are many treatment techniques that have proven to be successful in rehabilitating delinquents.  
True  False
5. There are no real criteria or patterns of behavior that differentiate between serious, habitual juvenile offenders and others.  
True  False
6. Chronic juvenile offenders are usually associated with gangs and commit their most violent offenses in the company of their friends.  
True  False
7. Juvenile offenders who are the most dangerous and habitual are more likely to be detained or incarcerated than others.  
True  False
8. Serious, violent, or chronic juvenile offenders are seldom found in regular school classes or programs.  
True  False
9. The transfer of juvenile offenders to adult court is one sure means of obtaining stricter punishment.  
True  False

## A Test of Commonly Held Assumptions

10. The roles of the school and police in controlling delinquents are limited legally and traditionally to suspension or expulsion and arrest.  
True  False
11. Conventional probation and parole functions involve constant supervision and contact with juvenile offenders in the community.  
True  False
12. Current laws are the main obstacle preventing police, school, social service, and juvenile justice officials from sharing information needed to work together effectively.  
True  False
13. Official statistics, such as crime reports and conviction records, provide a complete understanding of a juvenile's history of problems in the community.  
True  False

Correct Answers

All 13 statements are "False." Surprised? Read the next section.

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## 4 Failures, Fallacies, and Myths

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### Children Are Victimized Most Often at Home and at the Hands of Adults (Answer—False)

The recent public attention to the terrible problems of child abuse and abduction have foreshadowed an equally serious problem of child victimization that is much greater in magnitude. The Bureau of Justice Statistics, U.S. Department of Justice, published the results of a 1987 nationwide survey of victimization. This survey identified the following locations by their frequency or percentage of victimization of children and teenagers:

✓ street, park, or playground	36%
✓ at or in school	24%
✓ at or near home	14%
✓ parking lots	9%
✓ commercial, office	6%
✓ transit	1%
✓ unknown or other	11%

This survey reveals that young people are victims of crime that occurs predominantly in school or at the playground.

A 1978 Safe School Study conducted by the National Institute of Education, U.S. Department of Education, revealed that 40 percent of the robberies and 36 percent of the assaults against urban youths took place in schools. The risks were even higher for children aged 12 to 15.

The National Crime Surveys that were conducted between 1973–1987 revealed that juveniles aged 12–19 are seven times more likely to be victimized by other juveniles than the next older group (20–34). That is, juveniles are victimized predominantly by other juveniles. It is more disturbing to learn that juveniles are the most victimized segment of our population and are the least likely to report the offenses.

The movie, "My Bodyguard," was a story about how a large, very strong youth began to protect a group of smaller children from daily assaults and extortion by tough delinquents. It is revealing in this movie that the children never once complained to parents, teachers, or police about the problem. They lived as do many of our children in an environment that accepts this victimization as a normal part of growing up, taking one's share of "lumps."

## Failures, Fallacies, and Myths

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### Juvenile Crime Is a Contemporary "Growing Pain" of Society That Will Go Away with the Further Development of Our Civilization (Answer—False)

One noted researcher made this claim. He supported his theory on the basis of juvenile arrest trends in the 1970s and 1980s. Much of the argument centered upon the direct correlation between the size of the juvenile-aged population and arrests. Accordingly, arrests went up in the decade of the 1970s because there were more juveniles as a proportion of our overall population. **Simple?**

Not really! There is hard evidence in a number of communities that juvenile arrests continued to decline long after the size of the juvenile-aged population "bottomed-out" and began to increase. Many now argue that public policy against arrest and sanction of juveniles has done more to reduce arrest rates than anything else. Moreover, a huge increase in adult arrests, which is associated with the impact of public policy on drunken driving, has made the overall rate of juvenile arrests appear to shrink. This is because juvenile arrests are reported as a percentage or proportion of overall arrests for both adults and juveniles.

Public policy has a strange way of affecting issues. It now takes up to **three** times longer to arrest a juvenile, in many jurisdictions, in comparison to arresting an adult. Additionally, the arrest of a juvenile is much less likely to result in any official sanction than that of an adult. No wonder that uniformed police officers, who have 90 percent of the contact with juveniles, are more likely to exercise their discretion "to do nothing" than to bother with a youngster who is just going to be released anyway. This is a fallacious but real assumption that affects police practices.

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**"A 1978 Safe School Study conducted by the National Institute of Education, U.S. Department of Education, revealed that 40 percent of the robberies and 36 percent of the assaults against urban youths took place in schools. The risks were even higher for children aged 12 to 15."**

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Another part of the theory that juvenile crime will go away is based upon the reported absence of data or evidence of arrests during the so-called "old days." The supporters of this contention, quite literally, suggest that society "stop fretting about juvenile crime, take two sugar pills, and wait a decade for it to go away." Do you believe this?

## Failures, Fallacies, and Myths

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The absence of historical data is due primarily to the fact that the Uniform Crime Reporting system and the National Crime Panel Surveys of the U.S. Department of Justice are relatively new systems. It is now estimated that less than two-thirds of the law enforcement agencies in the United States regularly and routinely submit crime reports to the U.S. Government. One must, therefore, look to the literature for an understanding of juvenile crime.

Samuel Eliot Morison's, *The Oxford History of the American People* made reference to a New England pastor's 1786 essay on juvenile delinquency in Boston entitled "That Naughty Boy Reformed." Eleanor Moody wrote a book in 1786 about early intervention entitled *The School of Good Manners, composed for the Help of Parents Teaching Children How to Behave*.

Charles Dickens' 1840 novel, *Oliver Twist*, met with extreme criticism when it was published originally in magazines in London. It seemed to the public that Dickens had overstepped the bounds of propriety by describing the actual conditions. Dickens wrote in a preface to the book in his own defense:

"I had read of thieves by scores—seductive fellows, amiable, faultless in dress, plump in pocket, choice in horseflesh, bold, great at song and fit companions for the bravest . . .

But I had never met with the miserable reality. It appeared to me that to draw a knot of associates in crime as they really do exist; to paint them in all their deformity, in all their wretchedness, in all the squalid poverty of their lives; to show them as they are . . .

It appeared to me that to do this would be to attempt something which was greatly needed, and which would be a service to society."

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**"Stop fretting about juvenile crime, take two sugar pills, and wait a decade for it to go away."**

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Charles Dickens went on in his literary career to be a great observer and critic of American and English prison practices. His observations of juvenile crime and adult offenders led often to his defending the accuracy of his description of the villain, Bill Sikes, by writing that "there are in the world some insensible and callous natures, that do become, at last, utterly and irredeemably bad." Was Charles Dickens talking about a phenomenon that will pass in time?

By the turn of the century in the United States, juvenile courts were being formed to deal with the continuing problem of delinquency. The industrialization of the country made delinquency more visible. The old English work-

## Failures, Fallacies, and Myths

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house became a reform school. Drs. Sheldon and Eleanor Glueck commenced years of delinquency research in the 1930s. Ruth Shonie Cavan, another early sociologist, studied delinquency for decades. Her book cites a history of concern about delinquency dating back to the Codes of Hammurabi nearly 4,000 years ago. Claude Brown's book *Manchild in the Promised Land* describes delinquency in the slums of New York during the World War II and post-war period. A book entitled *Why Did They Kill?* describes the brutal murder of a nurse in Lansing, Michigan, in 1954 by juveniles who had increasingly and progressively lost control of their behavior.

There is very little historical support for the contention that juvenile crime is just a contemporary fad and one that will go away if we just have patience.

### Parents, School Officials, Teachers, and Police Cause Most Juvenile Crime by Creating Unattainable Expectations for Young People (Answer—False)

Criminologists, sociologists, psychologists, and political scientists have argued for years over the causes of juvenile crime. Many of the theories have been extremely competitive and contradictory. None has been determined to be completely valid. It is conceivable that the American cultural definitions of success are unrealistic and improperly defined. But some very basic facts refute the contention that parents and officials cause most juvenile crime:

- nearly all children get into trouble during their upbringing without regard to social position;
- nearly all children grow up to be law abiding and productive citizens, having developed positive behavior through the process of maturation;
- there are a very small number of children and adults who account for the majority of serious crime.

Would different home environments have made a difference for Jamie, Louie, Keith, Huey, and Nancy? Or were they predisposed towards a life of crime? Do kids ever “go bad” from the so-called “good families”?

The real question here is whether or not there is a distinct difference between most young persons and a few who will progressively lose control.

A book by James Q. Wilson and Richard J. Herrnstein, *Crime and Human Nature*, argues against the purely social causes of delinquent behavior. That is, that delinquency is caused by the weakened, chaotic, or broken family, ineffective schools, gangs, racism, poverty, or unemployment. The authors cite evidence to propose:

## Failures, Fallacies, and Myths

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"The causes of crime lie in a combination of predisposing biological traits channeled by social circumstance into criminal behavior. The traits alone do not inevitably lead to crime; the circumstances do not make criminals of everyone; but together they create a population responsible for a large fraction of America's problem of crime in the streets."

The authors suggest that prevention efforts emphasize early identification of these individuals and special help.

The 1978 Safe Schools Study conducted by the National Institute of Education and a series of follow-up studies consistently support the facts that discipline, control, fair procedures, and predictable consequences have the strongest influence on reducing disruptive behavior and crime in our schools. Therefore, it is more likely that the absence of control has more to do with causing juvenile crime than the opposite.

### **There Are Many Treatment Techniques That Have Proven to Be Successful in Rehabilitating Delinquents (Answer—False)**

Eugene Doleschal's book entitled *Prevention of Crime and Delinquency* presented summaries of research that had been conducted on juvenile delinquency prevention, diversion, and treatment programs. It was his dismal conclusion that few, if any, had shown successes. Moreover, many of the programs seemed to be based upon belief, in the place of fact. Treatment or prevention approaches were preconceptions of the program designers, much as if they were the proverbial "solutions looking for problems."

The criminological literature has consistently reported on the failure of treatment programs for more than 40 years. The failures have consistently and uniformly been associated with what to do with serious or habitual delinquents once they are identified.

Walter Reckless' long-term study of special intervention for pre-delinquent children in Columbus, Ohio, schools in the decade of the 1950s found that the children who received treatment tended to do worse than those who received none. A treatment experiment conducted in Provo, Utah, in the 1960s produced similar results.

In practice, treatment programs are still offered, but no one really believes that they will work, unless the young person wants to change. **The truth is that no one really knows what works in treatment.**

## Failures, Fallacies, and Myths

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### **There Are No Real Criteria or Patterns of Behavior That Differentiate Between Serious, Habitual Juvenile Offenders and Others (Answer—False)**

This is perhaps the most unchallenged area of delinquency research. Yet, there is some controversy.

Marvin E. Wolfgang's classical long-term studies of delinquent youth in Philadelphia revealed that a range of 6–8 percent of male juveniles account for over 60 percent of serious offenses committed by juveniles. Hamparian's study of violent juvenile offenders revealed that 2 percent committed the most violent offenses. Later studies in Philadelphia by Tracy and Figlio discovered that 15 percent of the juveniles in the study group accounted for 82 percent of the serious offenses.

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**“Each type of offender must be controlled in a completely different manner. It boils down to when should society control these children, not why!”**

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Wolfgang's studies revealed that by the third arrest, a juvenile delinquent was virtually guaranteed to continue in a life of crime. The only controversy surrounding the problem of determining who is habitual centers on the type of data used. Some legal groups support the actual number of adjudications or convictions as the sole criteria. Others argue for a broader use of school, police, and social service contact information.

Another issue is related to the use of definitions. There are distinct differences between a chronic juvenile offender and one who is less violent. Likewise, a delinquent child may habitually commit or orchestrate the commission of serious crimes, whereas another may simply repeat a string of individual offenses that are more mindless than serious. **Each type of offender must be controlled in a completely different manner. It boils down to when should society control these children, not why!**

### **Chronic Juvenile Offenders Are Usually Associated with Gangs and Commit Most of Their Violent Offenses in the Company of Their Gang Members and Friends (Answer—False)**

The National Crime Surveys (1973–1987) found that juveniles are more likely than any other age bracket to commit crimes in groups. But these offenses are more likely to be property oriented. The most serious forms of violence tend to occur when a juvenile offender is alone.

## Failures, Fallacies, and Myths

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A study of habitual juvenile offenders in Jacksonville, Florida, found that they were more likely to be involved in informal groups or associations than in formal gangs. However, the most violent acts were committed alone. A similar project in Oxnard, California, indicates that 55 percent of the habitual juvenile offenders were affiliated with gangs, but the most violent acts were committed alone.

It is certain that gang affiliation or membership is detrimental. But the most violent acts are committed on an individual basis. The National Crime Surveys (1973-1987) also concluded that juveniles are less likely to use deadly weapons in their crimes than are their adult counterparts (juvenile use is 27 percent versus adult use of 41 percent).

The implication is that a community does not have to have formal gangs to have a problem with habitual juvenile offenders. However, the recent findings about **informal associations** are worthy of attention. The Jacksonville and Oxnard projects revealed that habitual juvenile offenders were often assigned to the same schools and classes, thus facilitating their contact and conspiracies. Special crime analysis methods which are referred to as "link analysis" confirm some highly complex and direct ties between habitual juvenile offenders, which merits attention, if nothing else, to keeping them separate in school programs and community control.

### **Juvenile Offenders Who Are the Most Dangerous and Habitual Are More Likely to Be Incarcerated Than Others (Answer-False)**

A 1982 report issued by the Office of Juvenile Justice and Delinquency Prevention disclosed that a little over 500,000 juveniles were admitted to public juvenile detention facilities. Another 300,000 were held in local jails where there was no separate juvenile facility. Twenty-seven percent of the juveniles held in detention were awaiting trial. Seventy-four percent of those held in jails were awaiting trial.

A further study by the U.S. Department of Justice indicated that only 37 percent of the juveniles awaiting trial were accused of committing violent offenses. A 1971 report by the National Council on Crime and Delinquency revealed that 43 percent of juveniles held in jails had not committed crimes but were determined to be incorrigible and in need of supervision.

What does this mean? One conclusion is that less than 18 percent of all juveniles who are arrested are held in pretrial detention. Approximately one-third of them are accused of violent offenses. Moreover, it is clear that the majority of juvenile offenders held in institutions for pre- and post-trial detention have not committed violent acts. The question that has been asked by many researchers and administrators is "are the right juvenile offenders being held?"

## Failures, Fallacies, and Myths

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The Jacksonville, Florida, Serious Habitual Juvenile Offender project initially identified 92 juveniles who met the criteria for being a serious habitual. Of this number, only 19 were held in detention facilities. Each of the 92 habituais was re-arrested every 90 days with an average of eight arrests per offender. The local detention center could house 100 individuals. Who was really in there, if not the serious offenders?

It is a basic fact that many serious habitual juvenile offenders are not placed in pretrial detention or sentenced to institutional programs because they are too difficult to handle. Treatment programs have been accused of "creaming," that is, accepting only those children with the greatest chance of a successful treatment. A 1973 study by Cressey and McDermott found this to be a common practice. Further proof of this may be found in the case histories of Jamie, Louie, Keith, Huey, and Nancy. **No one wanted them!**

This poses two serious issues:

- protection of the public from the progressively violent offender.
- protection of the public and property from the habitual who commits an estimated 10-20 offenses for every time he or she is caught.

It must not be assumed that the most violent and habitual juvenile offenders are likely to be detained or incarcerated.

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**"Many school superintendents are unaware of the status of these children, or they are afraid of being sued if they share information with other agencies."**

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### **Serious, Violent, or Chronic Juvenile Offenders Are Seldom Found in Regular Programs or Classrooms in School (Answer—False)**

Thirty-nine percent of the Serious Habitual Juvenile Offenders in Oxnard, California, are enrolled in school. Fifty-four percent of the same category of offenders are enrolled in school in Jacksonville, Florida. Jamie quit school, Louie had just been suspended for fighting, Keith left school to commit a murder, Huey had been expelled, and Nancy was considered to be an honor student.

Our children often go to school with habitual juvenile offenders. Can you remember any attending your schools when you were a child?

## **Failures, Fallacies, and Myths**

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Many school superintendents are unaware of the status of these children, or they are afraid of being sued if they share information with other agencies. **These troubled, problem, or delinquent children are officially invisible until they commit an extremely serious crime.**

### **The Transfer of Juvenile Offenders to Adult Court Is One Sure Means of Obtaining Stricter Punishment (Answer—False)**

Until the U.S. Supreme Court issued the landmark Gault decision in 1967, a juvenile was actually placed under more jeopardy in the juvenile court than in adult court. The basis for the Gault decision was that young Mr. Gault had been sentenced by Arizona courts to the "term of his minority," which was nearly six years, for an offense that would have received a maximum fine of \$25 in adult court.

The current trends toward a "get tough" attitude have resulted in the increased practice of transferring or certifying certain juvenile offenders to adult court. There was the automatic assumption that this procedure would increase convictions and sentences. On the contrary, a number of studies have found that transfer to adult court has not made much of a difference.

Hamparion's 1982 study, "Youth in Adult Court: Between Two Worlds," presents some information about court dispositions which does not vary significantly from juvenile court dispositions. The National Center for Juvenile Justice published a comparative report on juvenile court outcomes in 1982. Following is a summary of the two studies:

- 50.5% of juveniles sentenced in adult courts received fines or probation.
- 47.0% of juveniles sentenced in juvenile court received probation.
- 11.4% of juveniles sentenced in adult court were sent to institutions.
- 10.4% of juveniles sentenced in juvenile court were sent to institutions.
- 30.0% of juveniles sentenced to institutions in adult court were sent to adult prisons; the remainder were sent to juvenile institutions.

An overall conclusion is that transfer to adult court may not be the only or best answer to the problem.

### **The Roles of the Schools and the Police in Controlling Delinquency Are Limited Legally and Traditionally to Suspension and Expulsion or Arrest (Answer—False)**

Schools are one of the oldest institutions in the United States, second only to churches. The right and responsibility of the schools to control and discipline

## Failures, Fallacies, and Myths

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our children has been upheld traditionally by the legal concept of "in loco parentis," meaning literally "in the shoes of the parent." What had been a broad range of disciplinary powers in the past has been weakened legally and as a matter of public policy. School officials are now extremely hesitant to discipline and control children through other means, for fear of lawsuit or a negative parental response.

Schools now exercise fewer methods of controlling and disciplining children than ever in the history of organized schooling in America. They are now limited in practice to suspending or expelling troublesome students. Yet, this recent trend conflicts with the fact that children spend up to 25 percent of their waking hours in school, nearly twice as much as they spend under the direct supervision and control of their parents.

Police have traditionally spent up to 85 percent of their time in order maintenance and crisis services, with only 15 percent consumed directly in crime related activities. It was a basic understanding and mission of the police to "prevent and control juvenile crime, using the courts only where punishment was needed." This policy statement was typical of guidelines and procedures for police written as early as 1892 and in 1905. August Vollmer, who is considered to be one of the early leaders in the development of contemporary police systems, wrote in the 1930s that the primary role of the police in handling juvenile crime was to prevent, divert, and rehabilitate juvenile offenders. Arrest and legal sanctions were to be reserved for when all else failed. Moreover, Vollmer felt that the uniformed patrol officer was the most important individual, since over 90 percent of a youth's potential contact with the justice system begins and ends with the street officer.

Police juvenile programs and services have been reduced or eliminated since the late 1960s as a result of major shifts in public policy. Yet as the direct outcome of the failure of community-oriented prevention and diversion programs, national standards groups are recommending a return to traditional police values. Present police policies and procedures are centered primarily on arrest and physical custody which is relative to less than ten percent of their contact with children.

Police and school programs possess broad legal and traditional roles in controlling delinquency, which have been limited only recently by changing public policy. However, schools and police have more contact with children than do any other individuals or agencies. They, therefore, may serve as "surrogate" parents to assist real parents in the struggle to raise children.

## Failures, Fallacies, and Myths

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### Conventional Probation and Parole Functions Involve Constant Supervision and Contact with Juvenile Offenders in the Community (Answer—False)

John Augustus, a Boston shoemaker, developed a volunteer probation service in Boston in 1841. Private probation services sprang up in urban areas until the end of the 19th century when the Juvenile Court was established. Since then, probation services have continued to be provided by private organizations, although most of the case loads are now handled by full-time government or court employed probation officers.

Early in the 20th century, police departments were ordered by juvenile judges to assume probation services. This led to the establishment of separate juvenile units within police agencies. It also led to an aggressive approach to probation supervision, since police officers had greater access and protection in the community. Although probation services eventually became separate from police agencies, adult and juvenile probation officers were given full peace officer status and carried weapons until the early 1960s.

Conventional probation services have been organized around the support of court activities and supervision. It was estimated by a 1983 Bureau of Justice Statistics report that 381,194 juveniles were under probation or parole supervision, compared to 71,792 juveniles who were confined (for the year 1979). The cost difference is staggering. Probation supervision usually costs less than 20 percent of the cost of incarceration.

The objective of probation or parole is either to leave an offender in or return him or her to the community under certain restrictions or limitations of behavior. Conventional approaches emphasize the role of the officer in counseling and rehabilitation. In practice, high case loads and little or no coordination between police, schools, and probation result in a passive system of supervision. Juveniles on probation are generally required to meet weekly or monthly with their probation counselors and stay out of trouble. Unless the school files a direct complaint or the police arrest the juvenile, the probation counselor is often unaware of improper behavior. It is not uncommon for the communication or sharing of information between these agencies to be prohibited by procedure or custom. Moreover, there are often serious conflicts in philosophies and personalities.

Probation counselors are usually unaware of disciplinary infractions in schools and reprimands made by police. They have little, if any, home contact or night and weekend involvement with probationers. When a juvenile is arrested for another offense, his or her current probationary status may not be affected.

## Failures, Fallacies, and Myths

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It has been estimated that serious, habitual juvenile offenders commit a range of 10-20 offenses for each arrest, based upon a range of career criminal and habitual juvenile offender studies. Without **active** field supervision or **cooperation** between agencies, how is the probation counselor going to provide effective supervision?

Ugly as it sounds, the only constant supervision and contact occurring in this country are in those few programs referred to as "house arrest" or "punitive probation." Offenders are subject to extreme physical limitations and random checks 24 hours per day. These programs, or less extreme versions, can be enhanced considerably through interagency coordination and sharing of information.

Probation and parole functions do not generally provide constant supervision or contact in our communities. Jamie, Louie, Keith, Huey, and Nancy were all on probation supervision many times.

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"The National Council of Juvenile and Family Court Judges published 38 recommendations in 1984 calling for more cooperation and sharing of information and resources among police, schools, probation, and courts. One recommendation stated that 'legal records of juveniles should be open to those who need to know.' The judges clearly do not perceive the law as an impediment to the proper use of information."

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### Current Laws Are the Main Obstacle Preventing Police, School, Social Service and Juvenile Justice Officials from Sharing Information Needed to Work Together Effectively (Answer—False)

It is a common complaint or reference by police, school, probation, and social service agencies that the laws prohibit them from effectively working together. Supreme court decisions have been cited by many school administrators as limitations on their ability to discipline children effectively and to cooperate with other agencies. The fear of litigation may have stifled inter-agency cooperation more effectively than any law.

In response to broad claims that laws are the main obstacle to effective cooperation, a number of studies were conducted. A 1983 report prepared for the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, reviewed the laws in all 50 states. This review failed to confirm the existence of serious restrictions or impediments. The National Center for Education Statistics recently released results of a study indicating that

## Failures, Fallacies, and Myths

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only a small number of school principals consider case law and Supreme Court rulings to be a burden. Instead, they cited lack of understanding of procedures as the problem. Confusion and miscommunication have been cited by education law specialists Lufler and Schimmel (in separate publications) as greater problems than legal restrictions.

The National Council of Juvenile and Family Court Judges published 38 recommendations in 1984 calling for more cooperation and sharing of information and resources among police, schools, probation, and courts. One recommendation stated that "legal records of juveniles should be open to those who need to know." The judges clearly do not perceive the law as an impediment to the proper use of information.

The basic fact is that the laws are not a major impediment to cooperation. Inattentiveness, confusion, and lack of communication are the known problems. Moreover, where the laws are problems, communities are changing these laws (e.g., Vermont and Kentucky).

### **Official Statistics, Such as Crime Reports and Conviction Records, Provide a Complete Understanding of a Juvenile's History of Problems in the Community (Answer—False)**

An issue that has been debated hotly by researchers and the legal community relates to which records to use in determining action. A number of judges, prosecutors, and probation officials argue that it would be unfair to use anything but actual convictions to determine whether a juvenile offender is habitual. Others argue that this is irrational, because a juvenile offender is not likely to be convicted, or adjudicated delinquent, until he or she has been in trouble a number of times.

Jamie had never been adjudicated delinquent. Louie and Keith were not adjudicated delinquent until they had developed extensive arrest and school problem records. Nancy and Louie have never been adjudicated delinquent. So, how long do we wait?

A 1984 publication entitled "Violent Juvenile Offenders: An Anthology" contains a report of a study of six juvenile courts. This study covered "System Processing of Violent Juvenile Offenders: An Empirical Assessment." The report cited a number of problems, including undercharging, consolidating petitions (charges), suspending adjudications, plea bargaining, and transferring youths to adult court. The study demonstrates that the negative effects of these practices on official statistics renders them totally inadequate.

## Failures, Fallacies, and Myths

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A Rand Corporation report in 1982, entitled "Varieties of Criminal Behavior," analyzed the results of a series of career criminal studies. One major conclusion was the need to emphasize early juvenile offending patterns as the most important predictor of future behavior. Another conclusion was that official criminal records are too limited to use in accurate prediction. It is recommended that "prosecutors might be able to distinguish between predators and others if they had access to school records and other appropriate information about juvenile activities."

By placing limitations on the reasonable use of information, the system makes some problem children "invisible."

### Conclusions

Public opinion, public policy, and system performance continue to operate upon the "failures, fallacies, and myths" about juvenile crime and the juvenile justice system. This will continue as long as belief is substituted for fact.

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## 5 Juvenile Justice System

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### Background to the Development of Juvenile Courts

Jails and dungeons have been common places to hold people since early Egyptian history. But one of the first formal prisons in the world was the Hospice at San Michele in Rome, Italy, which was erected in 1704 by Pope Clement XI. This institution was created for the treatment of wayward youth. Youths under the age of 20 who were sentenced by the court for commission of crimes were lodged with "incorrigible" boys who could not be controlled by their parents.

Houses of refuge for children were opened in New York, Boston, Philadelphia, Chicago, Cincinnati, Bangor, Richmond, and Mobile between 1824-1840. These institutions were founded upon the principle that juvenile offenders, disobedient children, and orphans needed a "course of rigid discipline, unrelenting supervision, mild but certain punishments, and habits of quiet and good order at all times." Reform schools were established in 1846 as a more specific approach to punishment and rehabilitation in Maine, New York, and Massachusetts. Programs were expanded by the State of New York in the 1870s to include a reformatory for male first offenders who were between the ages of 16 and 30. This program featured the idea of indeterminate sentences and parole. That is, the progress of the juvenile in positive behavior change had more to do with his release than the severity of his crime or sentence.

Concern about delinquency and the problems of children being placed in adult institutions led to the creation of the first juvenile court in Cook County, Illinois, in 1899. The establishment of a separate juvenile court was based upon a philosophy that juvenile delinquents needed to be treated separately from the criminal justice system. The idea was that the criminal justice process was inappropriate for children who needed to be treated for their misbehavior, rather than punished. Therefore, the juvenile court was placed legally under the less stringent rules of the civil court where rules of evidence and guilt were more broadly perceived. The concept of "parens patriae" or the state is the "father of the child," provided the legal basis for a court that could focus its attention on the needs of the child, as opposed to the legal merits of the delinquent act.

The juvenile court could operate out of the bounds of due process and rules of evidence in order to provide the state control of the delinquent child. Hence developed a system of juvenile courts that functioned under a family court philosophy that gave broad powers to the court and the state. The determination of delinquency was, therefore, more concerned with "what was in the best interests of the child" than the severity of the criminal act. This

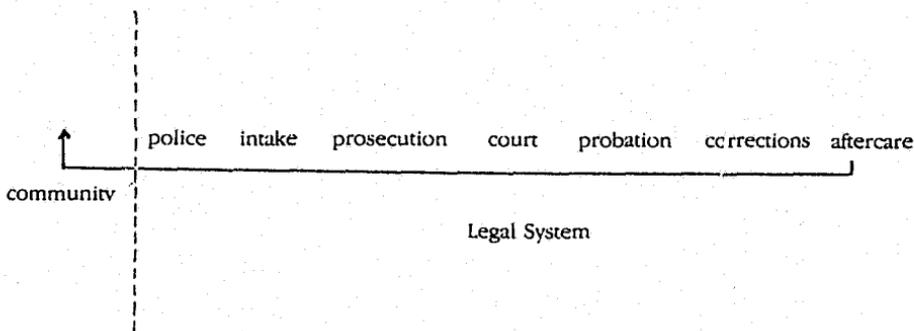
## Juvenile Justice System

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resulted in a system that eventually came under "fire" from legal groups which sought to limit the control and discretion of the court. The ensuing legal conflict created the paradox of our present systems, where young persons like Jamie, Louie, Keith, Huey, and Nancy are invisible, while the system emphasizes control over less serious cases.

### The Funnel Fallacy

The juvenile justice system is depicted in Figure 5-1. It starts with the police as the primary intake point that feeds the system with cases. An official intake function is provided by prosecutors or state officials where decisions are made about whether or not formally to send a case forward, or to handle the problem informally. Once a case is officially referred to the court, the prosecutor or state official has the option to defer the prosecution, or to go to court. The actual court hearing may result in the adjudication, or conviction of delinquency, an acquittal, or a deferral of adjudication in lieu of a treatment



**Figure 5-1 The Juvenile Justice System—A Generic Process Flow**

placement. Probation is the predominant disposition after a conviction, although a few convicted delinquents are institutionalized or sent to jail. State corrections receive the commitments and eventually release the juveniles to parole, or what is euphemistically referred to as "after-care."

What really happens? Figure 5-2 presents a numerical depiction of what really happens. A number of research projects and informal surveys of over 1,500 juvenile officers who have attended a nationwide training program spon-

## Juvenile Justice System

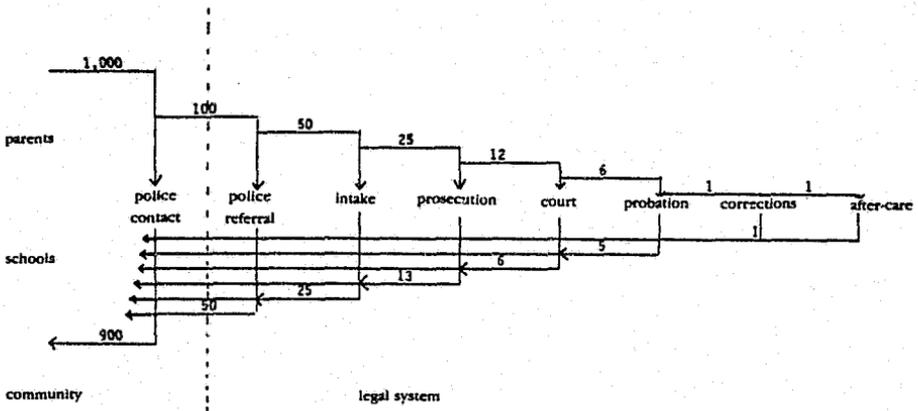
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sored by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and the Federal Law Enforcement Training Center, have confirmed the following breakdown of juvenile justice system transactions:

- ✓ **police contact**—for every 1,000 young persons in contact with police, 10 percent or **100** are arrested.
- ✓ **police referral**—police commonly drop charges or reprimand and release about 50 percent of all juveniles who are arrested. Therefore, only **50** cases are filed with court intake.
- ✓ **intake screening and referral**—of the 50 cases formally presented to the court intake, which is usually a detention counselor or state probation official, only about 50 percent or **25** are sent forward. The remainder are counseled and released or put on informal supervision. Few are actually placed in pretrial detention.
- ✓ **prosecution screening**—unless a young offender has been arrested before or the immediate offense is serious, less than 50 percent of the cases, or **12** juveniles, will be referred to the court. The rest have charges dropped or are placed on deferred prosecution while attending treatment programs, as a condition of dropping charges.
- ✓ **court trials**—less than 50 percent of cases presented result in the adjudication, or determination, of delinquent status. This means that only **6** accused delinquents will be found guilty and sentenced.
- ✓ **court disposition**—most (5 out of 6) sentences will be for probation with some sort of supervision, which may include counseling or treatment. **One** juvenile will be incarcerated in a state reform school or a residential treatment program.
- ✓ **probation**—the 5 juveniles placed on probation will generally see the probation counselor weekly or monthly and follow a set of rules that restrict the delinquent from certain locations, associations, or activities.
- ✓ **state corrections**—the **1** juvenile from the original 1,000 contacted by the police will serve a sentence in a state program.
- ✓ **after-care**—the **1** juvenile sentenced to a state program will probably be released eventually on parole, which is euphemistically referred to as after-care.

# Juvenile Justice System

Where are we? The system is designed intentionally to let juvenile offenders “drop through the cracks.” This is probably acceptable because our children will get into trouble, and they need a “second chance” to grow up. But is the system out of control? Or is the system working, except for the lack of coordination and inattention to the problems of a few?



Police really are primary participants in the community, instead of the juvenile justice system, since 90% of their contacts do not result in arrest.

Figure 5-2 The Funnel Fallacy  
Processing and Dropout  
Rates of the Juvenile Justice System

The concept of the “funnel fallacy” is that the juvenile justice system is probably functional or appropriate for the bulk of juvenile offenders. It fails our philosophy of child raising only when it does not allow us to act to control the serious offender: the problem, troubled, and habitually delinquent young person. The “funnel fallacy” teaches us a number of crucial lessons:

- ✓ **First**—the conventional conception of the role of the schools and police is not accurate.
- ✓ **Second**—that schools and police are fundamental to the community control of delinquency.
- ✓ **Third**—school and police officials have more contact with our children than does anyone else, except parents.

## Juvenile Justice System

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- ✓ **Fourth**—the juvenile justice system is irrelevant to the desire for the prevention and diversion of delinquency, because the schools and the police are not a significant part of the system. They are at the opening of the “funnel” and have been mistakenly excluded from the concept of the community’s responsibility for controlling delinquency.
- ✓ **Fifth**—parents, school officials, and police are the primary actors in the basic function of “parenting” in contemporary society.
- ✓ **Sixth**—the contact and information that **could** be shared between parents, schools, and police are the **key** to the effective functioning of our juvenile justice system. They are the filtering point to the end of the “funnel” that feeds the legal system that has only one purpose—the effective control of individuals whom the community is unable to **control!**

Children spend up to 25 percent of their waking hours in school. It has been estimated that 18 percent of their time is spent with their peers—other children. Another 18 percent of their waking hours may be spent in front of the television. Police are the only other significant parental type, albeit surrogate, in contact with our children. Therefore, the role of the schools and police as surrogates, and supporters, of parental supervision is a critical factor in the community concept of delinquency prevention and control.

### Impediments to School and Police Supervision of Young People

“Parens patriae” and “in loco parentis” have been challenged more by court decisions and by perceptions of limitations on the authority of schools and police than by actual laws. Conservation and “avoidance behavior” reactions by schools and police have been influenced by the perception that **public policy** is against the effective supervision and control of young people by our schools and police.

The first mandatory school attendance law was passed in Massachusetts in 1843. Most states had mandatory attendance laws by 1920. Since 1899, state and federal legislative bodies and courts have continued to affirm the rights and responsibility of the school to discipline children and the police to exercise discretionary authority. Recent court decisions require that schools administer fair disciplinary rules.

These rules, or disciplinary codes, cover a range of infractions that move from violations of administrative rules and truancy up to the commission of major felonies. School officials may conduct reasonable searches when they

## Juvenile Justice System

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suspect that a rule has been broken. The case of *Goss v. Lopez*, 419 U.S. 565 (1975) specifies clear procedures for suspensions. *New Jersey v. T.L.O.*, 105 S. Ct. 733 (1985) provides guidelines for school searches.

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**“Children spend up to 25 percent of their waking hours in school. It has been estimated that 18 percent of their time is spent with their peers—other children. Another 18 percent of their waking hours may be spent in front of the television. Police are the only other significant parental type, albeit surrogate, in contact with our children.”**

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Police discretionary authority is authorized by state legislation and has the support of every major standards group. The word “discretion” means that police are authorized to do something other than to make an arrest when they observe a juvenile commit an offense, or have reason to believe that an offense has been committed. These groups include:

- the International Juvenile Officers Association (1978)
- the International Association of Chiefs of Police (1971, 1973)
- the American Bar Association (1972)
- the National Advisory Commission on Criminal Justice Standards and Goals (1973)
- the Juvenile Justice Standards Project (1973, 1977).

These standards-making groups agree on the need for:

- planning, evaluation, and program management capabilities in law enforcement agencies to govern police juvenile services
- the active role of patrol officers in field contact and surveillance and supervision of juveniles
- the need for community networks to share information and support program activities and services
- emphasis on improved police patrol procedures and methods

The laws and court decisions do specify some safeguards. But the police, schools, and community have more self-imposed limitations than the law requires. Why? Is it a clear case of “avoidance behavior,” “misperception,” or both? Habits are hard to change, but a concerned public may demand a change.

Traditional police values were interpreted by August Vollmer, Chief of Police, Berkeley, California, when he wrote in the 1930s that “the basic role of the police (in juvenile matters) was the prevention and control of juvenile crime, and rehabilitation of offenders, using the courts only when punishment was needed.” It seems that a return to traditional police values is needed.

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## 6 Action Steps

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### Can the System Be Changed?

It has been said often that "you can't fight city hall." The mood and sentiments of the community are rarely reflected in public policy. Whenever the public becomes upset about a problem, there is a tendency for elected officials and bureaucrats to rush to be innovative by announcing a new or special program. These programs are usually "quick-fix" and difficult to sustain. They often disappear quietly, when the "heat-is-off."

Long-term public policies emerge most often from a vacuum caused by the lack of coordination and communication. The "baby is often thrown out with the bath water" when programs seem to fail or problems go unresolved. Agencies become isolated and begin to function autonomously. Conflict in agency objectives is handled by simply avoiding each other and staying out of each other's way. This leaves the door open for outside groups and interests to create policies and programs that defeat overall system goals and objectives.

For instance, how many people or what percentage of the population, in Vermont, California, and Florida do you believe wanted Jamie, Louie, Keith, Huey, and Nancy to return to the streets? Was the general public in Kentucky responsible for laws and procedures that allowed one of the men to get off with a light sentence who had been convicted of abduction, sodomy, and murder of two high school boys? Should this criminal have been treated as a first offender, and given a "second chance," despite a history of progressively serious juvenile crime?

The public policy that guides the present juvenile justice system does not always reflect the desires of the people, nor the best interests of juvenile delinquents. Much of this policy was developed in a vacuum that was created by the lack of a coordinated approach to expressing community values. **The present policy can be changed!** A growing list of communities and states is actually changing the system. Vermont, Kentucky, and California are among the states that have passed laws requiring coordination and cooperative efforts. Many local jurisdictions, such as Jacksonville, Florida, and Oxnard, California, have successfully demonstrated the positive value of change in juvenile policy.

### What Are the Steps?

1. Conduct a self-assessment of a community's juvenile justice programs.
2. Develop a formal model program and execute written interagency agreements.
3. Implement improved procedures and services in participating agencies and institutions.
4. Construct new public policies and promote legislative action to assure long-term change.

## Action Steps

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The following sections provide simple guidelines and examples for each action step.

### Community Self-Assessment

Change can be imposed in two ways. One way is for change to be forced on a community by some outside force. The other means is for change to emanate from within the community, preferably by the persons or groups who have the most at stake. Self-imposed change tends to work better, last longer, and be more desirable. Americans have never responded well to outside direction.

Self-assessment can range from a structured discussion between key officials and organizations to a highly sophisticated, empirically based assessment that involves measurement of outputs, surveys of personnel, and the development of scenarios for simulation of pretesting. The most important aspect of the self-assessment is its establishment as the basis for making decisions about change. Regardless of the degree of sophistication of the self-assessment, the process will promote more informed decisions and organization involvement. This lays the groundwork for the routinization of the structured decision processes that are the backbone of an effective juvenile justice system.

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**"Success in organizational development depends on the participation and cooperation of persons throughout the system."**

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Three processes occur during the self-assessment period:

1. **Diagnostic**—The process of making a series of measurements and observations about the present organization and its functions. The observations are made in respect to the elements and key points in the process of community control and the legal system.
2. **Prognostic**—The development of an overall understanding, statement, or picture of the organization's current stance in the habitual offender model, including an estimation of the requirements and time frame for successful program implementation.
3. **Prescriptive**—The specific actions (either pre-conditions or project activities) that constitute a formal habitual offender program. This course of action may be either incremental or remedial, or it may be a combination of both.

This is the same process that your doctor goes through when you come in complaining of an ailment. The doctor makes sure that the "solution fits the problem," in the place of a "solution looking for a problem."

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Success in organizational development depends on the participation and cooperation of persons throughout the system. The appointment of an overall steering committee is one of the first steps. The purpose of this committee is to:

- conduct the self-assessment of present juvenile justice operations;
- identify goals and objectives for improvement of the system;
- publish the self-assessment report and a plan of action;
- designate working groups and responsibilities for the implementation of planned improvements; and
- provide oversight to implementation activities and develop remedial action as necessary.

The steering committee should be composed of representatives from all levels and functions. It must be understood that the steering committee is not intended to obviate the chain of command. Its purpose is to act in a strong advisory position and supplement the normal managerial responsibility for organizational assessment. The steering committee helps to bridge the gap of credibility between management, staff, line functions, and the community.

At the minimum, the Juvenile Matters Steering Committee should include:

- superintendent of schools;
- police chief and sheriff;
- prosecutor;
- chief probation officer; and
- chief executive of the jurisdiction.

Participation may vary widely depending on the strategic value of some individuals or groups, as well as the political significance. Judges will usually attempt to remain neutral, although they should not be excluded out of hand.

Appendix A contains an example of self-assessment worksheets that have been used in a number of jurisdictions which participate in the Serious Habitual Offender (SHO) Program. This format covers the following eight areas which represent the key elements of the SHO Model:

1. **Establishing a Data Base**—Who keeps juvenile records? What types of records are maintained? Do these records identify or separate habituals from minor offenders? Do crime and intelligence analysis records exist? Do school records contain disciplinary code violations?
2. **Criteria for Habitual Status**—Do statutes, administrative rules, court policy, or other agency rules exist that identify habitual offenders? Who sets these criteria? By what standards?

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3. **Procedures for Early Identification**—Do methods, procedures, or programs exist for flagging habituals as they come into contact with police or school officials? Do police patrol officers and detectives have access to prior contact records, detention orders, truancy data, disciplinary code violations, and probation rules? How feasible is this access? Do legal or procedural restrictions exist?
4. **Special Crime Analysis Capabilities**—Do crime analysis units exist in law enforcement agencies? If not, do records analysts or special records clerical personnel exist who may develop profiles? What types of files and computer capabilities exist currently?
5. **Linkage and Flow of Information**—What type and how much information is presently shared within the law enforcement agencies and among the other agencies? Do legal and procedural impediments exist?
6. **Establishing Special Criminal Justice Procedures**—How does the present system work? What processing criteria and procedures will have to be changed? Can the present system be evaluated? Is there clear documentation regarding what happens to each case? Do cases fall through “cracks”? Are there any legal or procedural limitations or dispositional alternatives?
7. **Interagency and Community Support**—What are the primary agencies and groups that will be affected by a habitual offender program? Do networks or interagency agreements exist presently? Do data or records exist which verify the actual level of cooperation? How well do these networks represent the real need?
8. **Technical Resources**—What unique programs, resources, or assets exist presently? What additional resources are needed? What resources are likely to emerge?

The most important aspect of a self-assessment is to ask questions and verify answers with hard facts. There are often genuine differences between how a system is supposed to work and how it really works.

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**“It is important to remember that formal documentation is the only valid means of assuring continuity and a long-term commitment of agencies and institutions.”**

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An attempt must be made to define juvenile service matters to determine the potential requirement. The figures must be contrasted with current

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workload data to point to areas of concern and impact. Any major differences or contradictions that stand out will probably indicate a program development or remedial need.

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**“Many of the agencies and officials have co-existed for years. Most are totally unaware of their ignorance of how other operations work, or of the problems and needs of other components of the system.”**

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The experienced analyst or person assigned to the task of conducting a special operations analysis of juvenile matters needs to be forewarned of four specific issues. First is the necessity to dig for data despite the large amount collected by the agencies. This is caused by the absence of precedence for a juvenile operations study. Second is the sensitivity that some units or outside agencies may have to releasing certain data. Third is the misleading nature of juvenile arrest and intake statistics. Police procedures and public policy may have had as much impact on reducing these figures as the declining size of the juvenile population. If contacts are not reported and formalities are avoided, the department is blind. And fourth is the probability that definitions are inconsistent and that most units and outside agencies either misunderstand their own data or are unaware of what is being collected.

It does not matter how sophisticated the analysis is as long as it is objective. Anything more solid than supposition will be an asset in the process of negotiating organizational improvements and change.

### Developing an Interagency Program Model

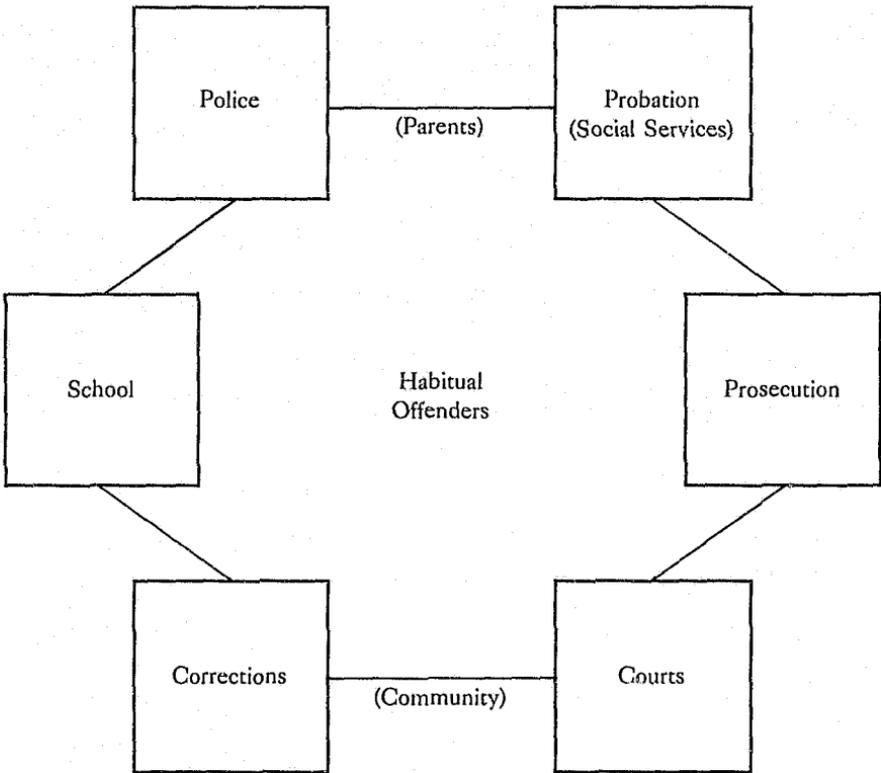
Many of the agencies and officials have co-existed for years. Most are totally unaware of their ignorance of how other operations work, or of the problems and needs of other components of the system.

The initial step, or the self-assessment process, promotes a “discovery phenomenon” that is the prerequisite to success. Cooperation and communication between agency representatives is stimulated on a personal basis, which usually has profound implications for the individual and his/her organization. This enhanced **personal** cooperation and communication must be elevated to a formal process of **organizational** cooperation and communication that transcends personalities. Otherwise, the program will last only as long as the job tenure of the individuals who are initially involved.

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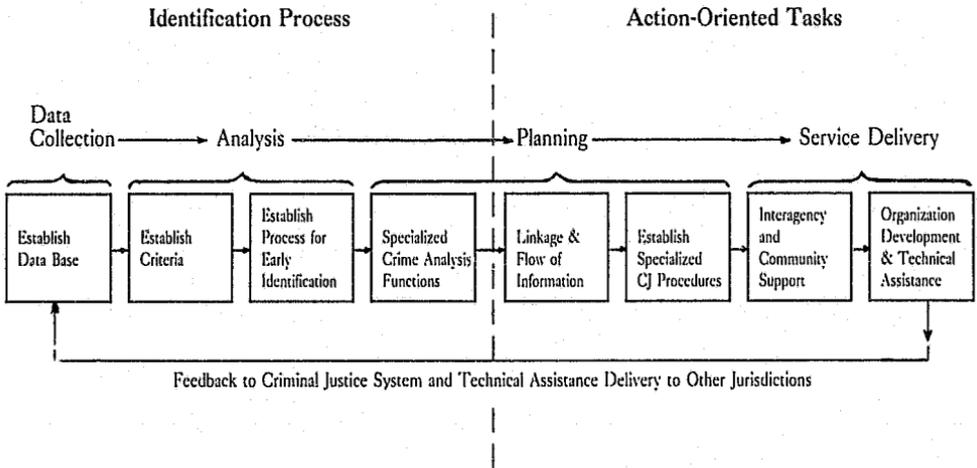
Figure 6-1  
A Community Model for  
Controlling Habitual Offenders



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Figure 6-2  
A Functional Model of  
A Community Habitual Offender Program

## ICAP: SHO IMPLEMENTATION FUNCTIONAL MODEL



W. Pindur and D. Wells  
Old Dominion University  
August 1985

## Action Steps

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The transition from a personality-based system of cooperation to one that is organizational requires the completion of formal interagency agreements and the issuing of written policy statements within each organization. Interagency agreements are commonly referred to as "memoranda of understanding" or "letter agreements." Appendix B presents an example of a letter agreement that binds school and criminal justice agencies in Jacksonville, Florida, into a network of cooperation and mutual support. It is interesting to note that the agencies are committed to mutual support on a broad scale, even though the original impetus came from a specific concern about a small number of habitual juvenile offenders.

Once the interagency agreement is signed, each agency must establish written guidelines for its employees. These guidelines are commonly referred to as "general orders," "standard operating procedures" (SOPs) or "department memoranda." Appendix C contains an example of a general order that was issued by the Jacksonville Sheriff's Department. It is important that officials comply with the new procedures to prevent cases from "slipping through the cracks."

A final step in developing an interagency program model is the creation of a visual model of program activities and tasks. Figures 6-1 and 6-2 present examples of the types of program models that may be adopted. Figure 6-1 presents a conceptual illustration of a community approach to the effective control of habitual offenders. Figure 6-2 presents a functional model that illustrates the tasks and capabilities that are required.

It is important to remember that formal documentation is the only valid means of assuring continuity and a long-term commitment of agencies and institutions. Otherwise, the "cracks" between them get wider, and young persons such as Jamie, Louie, Keith, Huey, and Nancy become "invisible."

### System Performance Actions

There are many activities and services that may be implemented which will improve the overall performance of the juvenile justice system and, more importantly, help to control habitual offenders. Most of these activities help the system to "work smarter." They rely on existing capabilities and do not require additional resources.

There is no good reason for any of the following strategies to be rejected. None are new. Guidelines, materials, and training are readily available. Most are merely improvements to present procedures which produce positive side benefits. Little, if any, cost is involved.

## Action Steps

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The following ten areas of strategy implementation are provided as examples for local action:

1. **Police**—municipal or county law enforcement agencies may institute a number of basic improvements to service management, case assignment, and patrol procedures, including:
  - develop special crime analysis and habitual offender files;
  - coordinate interagency activities and services for designated habitual offenders;
  - prepare profiles of habitual offenders;
  - conduct instantaneous radio checks of a juvenile's prior police contacts for patrol officers;
  - use field interrogation cards or juvenile citations to document reprimands and non-arrest situations;
  - institute directed patrol assignments to increase field contacts, assist in community control of probationers, and follow up on habitual truancy cases;
  - provide daily transmittal of all field interrogation or juvenile citation cards to probation authorities;
  - supply regularly updated lists of designated habitual offenders to all police officers.
2. **Schools**—school districts must have a legally acceptable code of conduct and set of disciplinary procedures. Once these are established, the school district may:
  - identify the school assignment of students who have been classified as habituals by local authorities;
  - share disciplinary code violations and other pertinent data with the police, crime analysts, or other officials designated responsible for profiling habitual delinquents;
  - separate designated habituals by school assignments;
  - establish procedures for notification of principals and teachers regarding the presence and special needs of habituals (care must be taken to protect staff and students, while avoiding unfair discrimination against the habitual).
3. **Social Services**—these agencies will range from public to private, with sometimes erratic funding services. Occasionally, family and mental health services are combined with probation and parole agencies. Some actions are:
  - identify or establish special service and placement opportunities for drug, alcohol, or behaviorally troubled habitual offenders;

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- share case history or diagnostic information with appropriate officials and participate on case management teams formed to assist in the community control of habituals;
  - request police patrol and crime analysis follow up on neglect, abuse, and other problem case areas;
  - provide case support for obtaining civil commitments on troubled, problem, or delinquent youth who are designated as habituals.
4. **Intake**—the intake function varies widely. It may be the responsibility of prosecution, probation, or detention officials. The following strategies may be pursued:
- mandatory holding of all designated habituals who are brought in on new charges;
  - immediate notification of prosecutor of the intake of a habitual;
  - special follow-up and records preparation for the detention hearings for designated habituals.
5. **Detention**—this is the secure holding facility for pretrial cases. Some juvenile detention facilities are not designed to hold dangerous or violent offenders. Bed space is often limited, because the detention facility is commonly used as a placement for serious runaways or other problem children. Some strategies for habituals are:
- establish a policy of separate and secure holding of all designated habituals;
  - provide a special close custody classification for all designated habituals to protect staff and other correctional clients;
  - monitor and record all activities and transactions of designated habituals.
6. **Prosecution**—some juvenile prosecutions have been handled by state level or court counselors. However, most jurisdictions have returned to placing the sole prosecutive responsibility with the district attorney. Some prosecutors will defer a case pending the completion of a treatment program or a period of good behavior, which is an informal type of probation. Other prosecutors will allow whomever is on duty at a given time to handle the various transactions attributable to a single case (e.g., screening, detention, hearing, arraignment, discovery, trial, disposition hearing). Some strategies are:
- file petition (charges) with the court based upon the highest provable offense;
  - resist the pretrial release of any designated habitual offender;

## Action Steps

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- seek a guilty plea on all offenses charged;
  - vertically prosecute all cases involving designated habituals (assign only one deputy district attorney to each case);
  - provide immediate response to police and detention officials upon notification of the arrest of a designated habitual;
  - participate in interagency working groups and on individual case management teams;
  - share appropriate information with the crime analyst or official designated to develop and maintain profiles on habitual offenders;
  - establish a formal policy of seeking the maximum penalty for each conviction or adjudication of a designated habitual offender.
7. **Judicial**—the courts are separate from the executive and legislative branches of government, to ensure objectivity and impartiality. Many judges are concerned not only that their decisions may be overturned, but that their decisions may be sanctioned by higher courts for any act that may appear to bias a decision. Therefore, it is difficult to obtain other than passive support for the designation of “habitual juvenile offenders.” However, the chief judge of a court may express support for the program and authorize the sharing of information. Some strategies are:
- authorize the inspection of records of the juvenile court, probation, protective services, prosecutor, school, and police by the crime analyst or official designated to monitor the habitual offender;
  - place limits on “deferred adjudication,” especially for designated habitual offenders, who may also claim to have drug problems.
8. **Probation**—probation services are commonly provided by employees of the court or the state. However, there have always been a significant number of private probation services. Some strategies are:
- institute intensive and continuous case management for designated habituals;
  - adopt active community control concepts, including 24-hour home checks and limited house arrest;
  - provide mandatory sanctions for each infraction of probation rules, including revocation of probation status.
9. **State Corrections**—state juvenile corrections authorities are responsible for the housing and rehabilitation of adjudicated delinquents who are sentenced to either a definite or indefinite period of incarceration and/or

## Action Steps

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treatment. Many state corrections agencies have had to classify custody levels and diagnose the treatment needs of juvenile offenders without the benefits of the detailed profiles that are being developed on serious habitual offenders. Therefore, some strategies are:

- provide all profile information to correctional authorities upon sentencing of a designated habitual offender;
- share correctional case histories and diagnostic reports with the crime analyst or other officials designated to develop and maintain profiles of habitual offenders;
- develop special classification and custody levels for designated habitual offenders;
- limit placements of habituals to the most secure programs and keep them separate from juveniles of similar status;
- conduct special diagnostic and program activities to control behavior while in institutional programs and to assist in the eventual return to the community.

10. **Parole/After-Care**—many times the same agency handles intake, detention, probation, corrections, and after-care. After-care is a euphemism for parole which was intended to do more than guarantee good behavior on release. After-care counselors continue the treatment process as the young person re-enters life in the community. Some strategies are:

- provide special placements of designated habitual offenders in after-care programs that provide the maximum intensive supervision;
- share information regarding rules and case histories with school officials and police;
- adopt active community control including limited forms of house arrest;
- apply immediate sanctions for infractions of rules, including revocation where criminal offenses are committed.

## Public Policy and Legislative Action

Public policy is affected and changed in a number of ways. Legislative action is a common method of changing public policy. This occurs due to a broad public demand, in response to court decisions, or as a reaction to changing federal policies. The public desires are not always the primary cause of shifts in public policy. Many of the present juvenile justice system practices are the results of the cumulative effects of political and legal activities, coupled with the lack of cohesiveness of public resistance, or merely a continued acquiescence to “what did not seem to make sense, anyway.”

## Action Steps

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Another means of setting public policy is through the granting of "rule-making authority" by legislative bodies. Policies and procedures required to implement a law are delegated to governmental agencies. Consequently, many state juvenile justice agencies and court systems will develop a procedure which "seems to be a good idea" at the time, but it may not be what the public wants. The past 30 years of social, environmental, and public safety programs have demonstrated massive shifts in public policy that represented what the public may have "needed," in place of what was desired. In many cases, public policies that were promulgated at the instigation of the Congress, federal agencies, or special interest groups have improved our way of life. But each must be questioned ultimately.

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**"Many local juvenile justice systems have determined that the participating agencies and institutions currently possess the authority to change the way they operate. That is, if they want to!"**

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How do we have an impact on public policy regarding juvenile delinquency? What needs to be done?

It is clear that at least one of three things needs to be done in every community:

1. Change the state law, or
2. Change the interpretations of present laws and the rules that were developed based upon old interpretations, or
3. Change the way the local system operates.

The states of Vermont, Kentucky, Florida, and others have revised their laws in direct response to public outrage. California passed a law that will set a model for many states. (Appendix D contains a copy of this legislation.)

It may not be necessary to change a law. It may require only a revision to the rules that were promulgated by a state administrative agency or court system. A 1983 and 1987 study of state confidentiality laws for the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, found that the actual wording of state laws was not as restrictive as the practices that ensued. However, some may consider it easier to legislate rule changes than to fight the bureaucracy.

## Action Steps

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Many local juvenile justice systems have determined that the participating agencies and institutions currently possess the authority to change the way they operate. That is, if they want to! Schools, police, state agencies, the prosecutor, and the court in Jacksonville, Florida, determined that a "letter agreement" was all that it took to forge a new partnership. Increased communication and cooperation among a small number of key persons became formal cooperation and communication among agencies. A growing number of communities are doing the same thing. (See Appendix B for a copy of a letter agreement.)

For further information pertaining to material discussed in this pamphlet, bibliographical data, or other information, write to:

Public Administration Service  
Criminal Justice Services Division  
8301 Greensboro Drive, Suite 420  
McLean, Virginia 22102

or telephone: (703) 734-8970.

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## 7 Glossary

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1. **Adjudication**—the formal step in the judicial process where a determination of guilt is made, and the official status of delinquency is acknowledged.
2. **After-care**—a period of post-release treatment and supervision for juvenile offenders, the same thing as parole for adults.
3. **Case Law**—revised interpretations of the law based upon court decisions that are upheld by appeals courts.
4. **Clearance Rates**—a term designating the status of an official criminal complaint which has been solved or closed by the arrest of offender for the crime, or the dropping of charges by the complainant.
5. **Community Control**—a currently popular term which is used in place of the terms probation or parole, although its use implies a more intense supervision than commonly ascribed to probation/parole.
6. **Confidentiality**—a fundamental social and legal principle relating to the right of privacy of records, which has been used to prevent the use of juvenile records for any purpose once a child has reached adulthood. It is also used to prevent or restrict use of juvenile records for purposes which may be discriminatory.
7. **Custodian of Records**—the person or agency authorized specifically by law as the keeper of records and accountable for maintaining privacy and control.
8. **Custody**—the temporary or permanent denial of the right to freedom, associated with the process of arrest, protection, and incarceration. The power of arrest will generally grant the recipient the right to detain individuals for brief periods of questioning or for formal arrest based upon the observance of a crime, a court order, or probable cause that the person committed a crime.
9. **Disciplinary Codes**—the rules of conduct and sanctions that school systems are required to have in order to administer fair supervision and punishment, including suspension and expulsion. The infractions range from violations of administrative rules up to felony crime. The proper handling of these cases relieves the school officials from officially reporting these offenses, in most cases, to criminal justice authorities.
10. **Discretion**—the right generally ascribed to police officers to withhold the legal sanction of arrest in dealing with a juvenile who has committed an offense. Discretionary authority applies also to the responsibility of police officers to decide whether or not to take a person into custody for their own protection, without the normal requirements of due process of law.

## Glossary

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11. **Disposition**—the actual sentence or decision of the court about what is to be done with an offender after the formal determination of guilt.
12. **Diversion**—the act or process of keeping a juvenile from coming before the court, through some alternative means. The juvenile has to agree with the alternative methods by waiving his/her civil right to a trial. Diversion is used as a means of reducing the stigma of being declared a juvenile delinquent, and it relieves the court of a backlog of cases.
13. **Expunging of Records**—many state laws authorize the sealing or destruction of a juvenile's record at the age of adulthood, or after a specific period of good behavior.
14. **Field Interrogation**—the right of a police officer temporarily to detain a person and demand proper identification on the basis of probable cause that a crime was committed, or a suspicious activity, or a situation where the individual may be in danger or need of protection. Supreme Court guidelines have been set down governing this practice, but also protecting its use in the best interests of public safety. The right to field interrogation is a key to effective control of juveniles in the community, as it affords the police an opportunity to document contacts and reprimands for later follow-up with parents and probation/parole officials.
15. **House Arrest**—a concept borrowed recently from the military by civilian courts to enhance the ability of probation/parole officers to supervise effectively offenders who are not incarcerated. The offender is generally restricted to his/her home, place of work, and church, and is subject to immediate arrest and incarceration for violating these rules. Random checks are made by probation officers or police, and some jurisdictions use electronic monitoring devices.
16. **Indeterminate Sentence**—the practice of committing a convicted offender to a corrections authority for the purpose of rehabilitation. Release is usually contingent on good behavior and responsiveness to treatment. Crowded prison conditions result in abuses of the true objectives of indeterminate sentencing. Additionally, it is criticized as subverting the retributive or societal desire for punishment of offenders.
17. **Index Crimes**—the six major categories of crime that were adopted by the FBI for nationwide crime reporting. These crimes are: murder, rape, robbery, burglary, larceny, and auto theft. The reported levels of these offenses are used for comparative purposes by computing them as a

## Glossary

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a ratio of number of crimes per 100,000 population, thus allowing for comparisons between communities of different sizes. The index crime levels, which are also referred to as Part I offenses, may represent only a small portion of overall crime, since they do not include minor offenses or unreported crime.

18. **Informal Supervision**—the diversionary process of offering to defer or withhold charges if a juvenile is willing to undergo a period of supervision or complete some sort of treatment program. The individual must waive his/her civil right to a trial, but many agree to the process in lieu of taking their chances in court. Some argue that this practice is unfair since it could conceivably net people who would otherwise be acquitted at trial.
19. **In Loco Parentis**—an important legal concept which is translated to mean that the school official is literally “standing in the shoes” of the parent when the child is in school. This is used to substantiate the right of discipline and protection, and it justifies the noncriminal handling of certain offenses.
20. **Juvenile/Student/Client**—the different terminologies used by police, schools, and juvenile justice officials in reference to the same young people. The different terms often produce confusion and poor communication.
21. **Intake**—the function of screening for determining the action to be taken on police arrests of juveniles. This is also the initial screening point for all matters that may come before the court.
22. **Memo of Understanding**—a formal, written declaration of a relationship, service, or program to be conducted between two organizations or agencies. This is generally a requirement that establishes the justification and legal protection for joint operations.
23. **Non-Judicial Handling**—this is a formal means of the court to divert cases from being adjudicated, or tried officially, by getting all parties to agree to some informal solution. There is not much difference between this type of handling and informal supervision, except that the judge is often aware of and party to the agreement.
24. **Not-Innocent**—a legal term used in some states as a substitute for the use of the term guilty. Its use is predicated upon the less stringent rules of the juvenile court and the primary emphasis upon the needs of the child, and not the actual offense.

## Glossary

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25. **Parens Patriae**—a legal concept and foundation for the authority of the juvenile court. It is translated to mean literally “the state is the father of the child.” The state is established as the ultimate parent of the child when and where true parental authority or control break down or are unavailable.
26. **Petition**—the formal indictment or charging of the juvenile offender before the court. It is an official request of the juvenile court to hear a case against an alleged juvenile offender, or to hear a case under the jurisdiction of the juvenile court.
27. **Prison**—a place of confinement for persons convicted of a crime. Modern definitions imply that the prison is primarily a place for treatment and rehabilitation. This contrasts with the jail, which is primarily a holding place for persons awaiting trial, who are not released on bail, or for the short-term incarceration of persons convicted of minor crimes. The incarceration in this latter sense is purely for the purposes of punishment, since little else may be accomplished during a short stay in jail.
28. **Probable Cause**—the reasonable and logical suspicion that a crime has been, or is about to be, committed. Federal and state laws, and court decisions, have defined this principle as the basis for action on the part of police or schools to intervene, to conduct a search or to make an arrest. The extension of probable cause authority is presently a “hot” issue relating to crimes where there is no victim or where the victim will not press charges. Police interventions in domestic violence and in child protection are often hampered by the lack of probable cause authority in these cases.
29. **Probation**—the act of suspending a sentence for a convicted offender and granting freedom, subject to good behavior and supervision by an officer or counselor. Probation is a popular concept because it is cheaper than incarceration and allows the offender to work or attend school possibly alleviating the need for dependents to go on welfare rolls.
30. **Referral**—the official recommendation by the police that a juvenile be prosecuted for the commission of an offense.
31. **Revocation**—the action of cancelling or terminating probation/parole status for the commission of another offense or violation of rules of release. Formal charges and a hearing are required for the offender to be denied his/her liberty for violating probation.
32. **Rules**—these are the terms set down for a probationer/parolee. These terms include unallowable activities, associations, and locations. They also may include school or job attendance and some sort of restitution payments

## Glossary

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to the state or to the victim. Any police contact that substantiates a legal field interrogation is probably a violation of probationary rules. However, unless probation officers receive police field interrogation cards, they are unaware of the violations.

33. **Secure/NonSecure Detention**—two types of facilities used for the temporary confinement of juvenile offenders. The difference is whether or not the facility is locked. Minor or trusted offenders are sometimes placed in facilities which may not be locked, either due to the lack of staff or fire/building safety codes. Some use of nonsecure detention is to reduce the stigma of being in jail.
34. **Suspension/Expulsion**—two major disciplinary tools of school systems. Suspensions are used to deny a young person access to the school for short periods of time as punishment for disruptive or minor criminal behavior. Serious crimes or a history of suspensions will result in the permanent expulsion from school with no chance of returning. It is paradoxical that many children are suspended for being truant.
35. **Terms of Minority**—some juveniles are placed on probation or incarcerated for the remaining period of their minority status. That is, until they are legally an adult. A few states may retain control for a period of years after a juvenile has reached adult age. This sentencing procedure “backfires” when it is the maximum disposition allowed to the juvenile court. Conversely, it may be unfair when the time served exceeds the penalty that may have applied in adult court.
36. **Truancy**—the act of violating state mandatory attendance laws.
37. **Vertical Prosecution**—the practice of assigning only one prosecutor to a case, in the place of having different prosecutors handle the case. As it goes through the various steps in the legal system, vertical prosecution replaces the conventional “assembly line” approach where a case is literally passed from one prosecutor to another, depending upon who happens to be on duty. Vertical prosecution is more costly and difficult to manage, but it ensures that a case receives more attention.
38. **Wavier/Transfer**—the contemporary process of legally declaring that a juvenile is an adult, because of the seriousness or habitual nature of his/her criminal acts. Once the declaration is accepted by the courts, the juvenile may be tried as an adult, thereby losing any protections that may have been afforded by juvenile status.

Community Self-Assessment Format

SHO

Project Component  
Assessment



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## SHO Component Assessment

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### 1. Establishing a Data Base

A. Who keeps juvenile criminal history records?

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B. What types of records are maintained?

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C. Do these records separate or identify habitual offenders? If so, how?

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D. Who has access to these records?

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What are the procedures?

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## Appendix A

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### 1. Establishing a Data Base (Continued)

F. What types of crime analysis records or files exist regarding juvenile offenders?

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Who keeps them, and how?

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Who uses them, and how?

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G. What types of intelligence data are collected relative to juvenile offenders?

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Who does this?

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Does the data include the activities and associations of known habituals?

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Does the data contain drug involvement and activities?

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## Appendix A

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### 2. Criteria for SHO

A. Do statutes, administrative rules, court policy, or other agency rules presently exist that identify the SHO?

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If so, describe in detail.

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B. Who will set the SHO criteria?

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By what method?

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\_\_\_\_\_

What data will be used?

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C. What are some of the problems and needs regarding this issue?

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# Appendix A

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## 3. Procedure for Early Identification

A. Do methods, procedures, or programs exist currently for identifying or flagging the SHO? (If so, describe)

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B. Have access to records (check):

Type of Report	Patrol	Detectives
Prior Contacts	<hr/>	<hr/>
Detention Orders	<hr/>	<hr/>
Warrants	<hr/>	<hr/>
School Attendance and Registration	<hr/>	<hr/>
School Disciplinary Incidents	<hr/>	<hr/>

C. What are the procedures and turnaround time for each positive item above?

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## Appendix A

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### 4. Special Crime Analysis

A. Does a CAU exist presently?

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If so, where is it located?

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B. What types of files and services are provided presently?

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C. Where will the SHO specialized analysis be placed?

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Why?

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## Appendix A

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### 4. Special Crime Analysis (Continued)

D. How will basic criminal intelligence and narcotics information be obtained and analyzed?

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E. Are (will) drug-related crimes (be) defined?

Or will this area be limited simply to a correlation with drug offenses/arrests? (Explain)

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F. What automation is used presently?

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What are the plans, if any, for the use of automation in SHO?

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What are the timeframes?

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## Appendix A

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### 5. Linkage and Flow of Information

- A. Describe the present process of information linkage and flow between patrol, crime prevention, and detectives (include a description of methods used such as bulletins, maps, warrant packages, etc.)?

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- B. What improvements are planned?

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- C. Do planned improvements affect direct patrol or unit missions (e.g., crime prevention)? (Describe)

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## Appendix A

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- C. Can the present system be evaluated? (Is it automated or is it part of a performance-based management system?)

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- D. Will the criteria setting process for SHO include an assessment of the impact of SHO on pre-trial, trial, case disposition, and after-care processes?

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- E. What kind of feedback is planned?

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What is needed?

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- F. What are some of the problems and needs regarding this issue?

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## Appendix A

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### 7. Interagency and Community Support

A. What are the primary agencies and groups that will affect or be affected by SHO inside and outside the Police Department?

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B. Are they presently involved?

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How?

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C. Do networks or interagency agreements presently exist?

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Describe:

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## Appendix A

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### 8. Technical Assistance Resources

A. List unique programs or resources that exist presently.

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B. What additional resources (unique) are likely to emerge out of this project design?

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C. What are some of the problems and needs regarding this issue?

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## Appendix B

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### Example of Letter Agreement For Interagency Cooperation

ATTACHMENT 2

LETTER OF AGREEMENT

WITH

THE DUVAL COUNTY SCHOOL BOARD  
JACKSONVILLE SHERIFF'S OFFICE  
STATE ATTORNEY'S OFFICE, FOURTH JUDICIAL CIRCUIT  
DISTRICT IV OFFICE OF THE DEPARTMENT OF  
HEALTH & REHABILITATIVE SERVICES (HRS)

This letter of agreement is made by and between the Duval County School Board, Jacksonville Sheriff's Office, State Attorney's Office, Fourth Judicial Circuit, and the District IV Office of the Department of Health and Rehabilitative Services to take place in and be effective for the 1984-85 school year.

The parties, acting cooperatively, have, during the past year developed and implemented a forum at the policy-making level among their organizations to communicate areas of concern, the resolution of which requires interagency support and resources. To date, each of the agencies is a grantee or subgrantee of a project, funded by the United States Department of Justice (National Institute of Justice and Office of Juvenile Justice Delinquency Prevention) and the United States Department of Education, each project requiring joint efforts to assist in preventing and controlling juvenile crime.

The projects are described below:

<u>PROJECT</u>	<u>GRANTEE</u>	<u>PURPOSE</u>
1. School Crime & Student Misbehavior	Duval County School Board	To provide schools with a safer learning environment by:  (a) identifying school crime and student misbehavior  (b) preventing and/or intervening when feasible  (c) providing vigorous criminal law enforcement against school crime and  (d) applying in a firm and fair manner school disciplinary rules

<u>PROJECT</u>	<u>GRANTEE</u>	<u>PURPOSE</u>
2. Serious Habitual Offenders/Drug Involved (SHO/DI)	Jacksonville Sheriff's Office	To identify serious habitual offenders who may also be involved with drugs, to effect an arrest when those offenders are subsequently involved in criminal activity, and to provide case enhancement in their prosecution
3. Serious Habitual and Violent/Juvenile Offender Program (SHAV/JOP)	State Attorney's Office	To target those youths who exhibit a repetitive pattern of serious delinquent behavior for more intensive prosecutorial and correctional intervention toward the goal of reducing the number of offenses committed and increasing citizens' actual and perceived safety in the community
	Health & Rehabilitative Services (HRS)	To develop and initiate treatment programs specifically designed for habitual juvenile offenders and to develop intervention strategies for potential habitual offenders

Regular monthly meetings are held among personnel from these agencies, including the Circuit Court Judges, Juvenile Division. Agency networking at its policy-making and highest level seems assured, effective, and on-going.

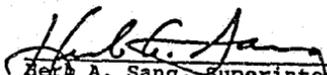
The success of the interagency relationship at the policy-making level has been replicated at the middle-management level by the establishment of a working committee. That group is working specifically on the resolution of difficult cases and the development of operational procedures related to interagency relationships.

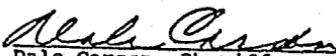
The purpose of this letter of agreement is to commit the undersigned persons and the agencies they represent to the development and implementation of a similar networking process at the operational level among all participating agencies. This process will involve the coordination and reduction of duplicated services, the promotion of effective communication, and assistance to the agencies in making timely and effective responses to the needs of citizens of Duval County. It is the intent of this agreement to facilitate replication of the cooperation and dialogue among these agencies at individual schools which is already shared and enjoyed at the policy-making

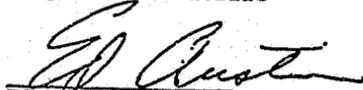
level. Each school would operate as a microcosm of the larger policy-making model, and would have its agency network, consisting of the building principal, a representative of the Sheriff's office, HRS supervisors of major service areas, and a contact person in the State Attorney's Office, Juvenile Division. These persons would facilitate communication and coordination of services at the school building level. It is at this "front-line" operational level that interagency procedures would be developed to address specific concerns. We pledge mutual support by providing guidelines to these groups in the accomplishment of the goals stated above and anticipate persons at the operational level developing their own procedures for solving specific problems.

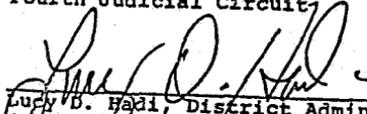
We additionally agree and commit to identifying services available from our respective agencies; to specifying key personnel to serve as interagency contact persons and resource persons in specific problem areas; to sharing data where permissible; and to maintaining an on-going communications network, allowing for more efficient, effective intervention in community problems related to juveniles.

In summary, as the chief executive officers of our respective agencies, we agree and commit to reducing school and community criminal activity through continuing effective dialogue among our agencies, sharing information, investigating data integration potential, and, developing a school-based network model for dissemination purposes.

  
Herb A. Sang, Superintendent  
Duval County School Board

  
Dale Carson, Sheriff  
City of Jacksonville

  
Ed Austin, State Attorney  
Fourth Judicial Circuit

  
Lucy D. Hadi, District Administrator  
State of Florida  
Department of Health & Rehabilitative  
Services

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## Appendix C

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**Example of a Department  
General Order Implementing  
Interagency Cooperation**

# Department General Order

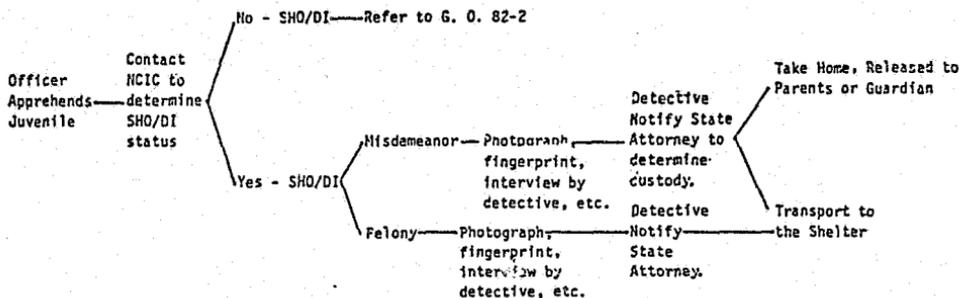
OFFICE OF THE SHERIFF  
Memorandum 84-19

September 24, 1984

SUBJECT: JUVENILE ARRESTS

During the past several months the Crime Analysis Unit has been gathering juvenile offender information under a project known as SHO/DI, an acronym for Serious Habitual Offender Drug Involved. The emphasis of the program is to identify repeat offenders and target them for enhanced prosecution. A cooperative agreement has been established with the Sheriff's Office, the State Attorney's Office, the Courts and H.R.S., to work together to bring about not only enhanced prosecution, but enhanced treatment as well.

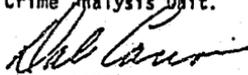
In order to fully implement the program, a list of all SHO/DI juveniles shall be maintained in NCIC and updated bi-weekly. Officers who apprehend a juvenile and have probable cause to make an arrest shall contact NCIC and determine SHO/DI status, indicate the outcome of the NCIC SHO/DI search on the General Report and handle as follows:



Angela Corey is the Juvenile State Attorney and is working with the Sheriff's Office on this project. She can be contacted anytime through the Detective Dispatcher or at 633-6740 during regular business hours. If Ms. Corey cannot be contacted she will designate another Assistant State Attorney to handle SHO/DI cases. If neither of these can be reached, Assistant State Attorney Al Brooke will handle these cases.

SHO/DI juveniles who are transported to the Shelter shall be accepted by H.R.S., and shall not be released without the approval of the State Attorney, regardless of the charge.

Specific information pertaining to SHO/DI juveniles including current status (community control, furlough, etc.), criminal history and known associates can be obtained from the Crime Analysis Unit.

  
DALE CARSON  
Sheriff

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## Appendix D

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### Example of Legislative Change— California's Serious Habitual Offender Program

Introduced by Senator Davis

February 21, 1986

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An act to add Article 13.6 (commencing with Section 500) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to youthful offenders, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2323, as introduced, Davis. Youthful offenders.

Existing law contains various provisions relating to the disposition of minors who have committed crimes.

The bill would appropriate \$1,000,000 to the Office of Criminal Justice Planning for the establishment of the Drug Involved Serious Habitual Offender Program which would provide grants to counties which establish prescribed programs relating to the identification and prosecution of these offenders.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 13.6 (commencing with Section  
2 500) is added to Chapter 2 of Part 1 of Division 2 of the  
3 Welfare and Institutions Code, to read:

4

5 Article 13.6. Drug Involved Serious Habitual  
6 Offenders

7

8 500. The Legislature hereby finds that a substantial  
9 and disproportionate amount of serious crime is  
10 committed by a relatively small number of chronic  
11 juvenile offenders commonly known as drug involved

1 serious habitual offenders. In enacting this article, the  
2 Legislature intends to support increased efforts by the  
3 juvenile justice system comprised of law enforcement,  
4 district attorneys, probation departments, juvenile  
5 courts, and schools to identify these offenders early in  
6 their careers, and to work cooperatively together to  
7 investigate and record their activities, prosecute them  
8 aggressively by using vertical prosecution techniques,  
9 sentence them appropriately, and to supervise them  
10 intensively in institutions and in the community. The  
11 Legislature further supports increased interagency  
12 efforts to gather comprehensive data and actively  
13 disseminate it to the agencies in the juvenile justice  
14 system, to produce more informed decisions by all  
15 agencies in that system, through organizational and  
16 operational techniques that have already proven their  
17 effectiveness in selected counties in this and other states.

18 501. (a) There is hereby established in the Office of  
19 Criminal Justice Planning a program of financial  
20 assistance for law enforcement, district attorneys,  
21 probation departments, juvenile courts, and schools,  
22 designated the Drug Involved Serious Habitual Offender  
23 Program. All funds appropriated to the Office of Criminal  
24 Justice Planning for the purposes of this article shall be  
25 administered and disbursed by the executive director of  
26 that office in consultation with the California Council on  
27 Criminal Justice, and shall, to the greatest extent feasible,  
28 be coordinated or consolidated with federal funds that  
29 may be made available for these purposes.

30 (b) From moneys appropriated therefor, the  
31 executive director of the Office of Criminal Justice  
32 Planning may allocate and award funds to counties in  
33 which programs are established in substantial compliance  
34 with the policies and criteria set forth in this article.

35 (c) Allocation and award of funds for the purposes of  
36 this article shall be made upon application by a district  
37 attorney, a local law enforcement agency, a probation  
38 department, or a school district, that has been approved  
39 by the board of supervisors of the particular county.  
40 Funds disbursed under this article shall not supplant local

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1 funds that would, in absence of the program established  
2 by this article, be made available to support the juvenile  
3 justice system. Local grant awards made under the  
4 program shall not be subject to review as specified in  
5 Section 14780 of the Government Code.

6 (d) Annually, commencing in January 1987, the  
7 executive director shall, in cooperation with the  
8 programs selected for funding, prepare a report to the  
9 Legislature describing the operation and results of the  
10 program established pursuant to this article.

11 502. (a) An individual shall be the subject of the  
12 efforts of programs established pursuant to this article  
13 who has been adjudicated a ward of the juvenile court  
14 and is described in any of the following paragraphs:

15 (1) Has accumulated five total arrests, three arrests for  
16 crimes chargeable as felonies and three arrests within the  
17 preceding 12 months.

18 (2) Has accumulated 10 total arrests, two arrests for  
19 crimes chargeable as felonies and three arrests within the  
20 preceding 12 months.

21 (3) Has been arrested once for three or more  
22 burglaries, robberies, or sexual assaults within the  
23 preceding 12 months.

24 (4) Has accumulated 10 total arrests, eight or more  
25 arrests for misdemeanor crimes of theft, assault, battery,  
26 narcotics or controlled substance possession, substance  
27 abuse, use or possession of weapons and has three arrests  
28 within the preceding 12 months.

29 (b) In applying the selection criteria set forth above,  
30 a program may elect to limit its efforts to persons  
31 described in one or more of the categories listed in  
32 subdivision (a), or specified felonies, if crime statistics  
33 demonstrate that the persons so identified present a  
34 particularly serious problem in the county, or that the  
35 incidence of the felonies so specified present a  
36 particularly serious problem in the county.

37 503. Programs funded under this article shall adopt  
38 and pursue the following policies:

39 (a) Each participating law enforcement agency shall  
40 do all of the following:

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1 (1) Gather data on identified drug involved serious  
2 habitual offenders.

3 (2) Compile data into usable format for law  
4 enforcement, prosecutors, probation officer, schools, and  
5 courts.

6 (3) Regularly update data and disseminate data to  
7 juvenile justice system agencies, as needed.

8 (4) Establish local policies in cooperation with the  
9 prosecutor, the probation officer, schools, and the  
10 juvenile court regarding data collection, arrest, and  
11 detention of drug involved serious habitual offenders.

12 (5) Provide support and assistance to other agencies  
13 engaged in the program.

14 (b) Each participating district attorney's office shall  
15 do all of the following:

16 (1) File petitions based on the most serious provable  
17 offenses of each arrest of a drug involved serious habitual  
18 offender.

19 (2) Use all reasonable prosecutorial efforts to resist  
20 release of the drug involved serious habitual offender at  
21 all stages of the prosecution.

22 (3) Seek a plea of guilty on all offenses charged in the  
23 petition against the offender. The only basis upon which  
24 charges may be reduced or dismissed by the court shall  
25 be cases in which the prosecutor decides there is  
26 insufficient evidence to prove the people's case, the  
27 testimony of a material witness cannot be obtained or a  
28 reduction or dismissal will not result in a substantial  
29 change in sentence. In those cases, the prosecutor shall  
30 file a written declaration with the court stating the  
31 specific factual and legal basis for such a reduction or  
32 dismissal and the court shall make specific findings on the  
33 record of its ruling and the reasons therefor.

34 (4) Vertically prosecute all cases involving drug  
35 involved serious habitual offenders, whereby the  
36 prosecutor who makes the initial filing decision or  
37 appearance on such a case shall perform all subsequent  
38 court appearances on that case through its conclusion,  
39 including the disposition phase.

40 (5) Make all reasonable prosecutorial efforts to

1 persuade the court to impose the most appropriate and  
2 restrictive authorized sentence upon such an offender at  
3 the time of disposition.

4 (6) Make all reasonable prosecutorial efforts to reduce  
5 the time between arrest and disposition of the charge.

6 (7) Act as liaison with the court and other criminal  
7 justice agencies to establish local policies regarding the  
8 program and to ensure interagency cooperation in the  
9 planning and implementation of the program.

10 (8) Provide support and assistance to other agencies  
11 engaged in the program.

12 (c) Each participating probation department shall do  
13 all of the following:

14 (1) Cooperate in gathering data for use by all  
15 participating agencies.

16 (2) Detain minors in custody who meet the detention  
17 criteria set forth in Section 628.

18 (3) Consider the data relating to drug involved serious  
19 habitual offenders when making all decisions regarding  
20 the identified individual and include relevant data in  
21 written reports to the court.

22 (4) Intensively supervise any such person under the  
23 care of the probation officer.

24 (5) Use all reasonable efforts to file violations of  
25 probation pursuant to Section 777 as soon after the  
26 violation as possible.

27 (6) Establish local policies in cooperation with law  
28 enforcement, the district attorney, schools, and the  
29 juvenile court regarding the program and provide  
30 support and assistance to other agencies engaged in the  
31 program.

32 (d) Each participating school district shall do all of the  
33 following:

34 (1) Cooperate in gathering data for use by all  
35 participating agencies.

36 (2) Report all crimes that are committed on campus  
37 by drug involved serious habitual offenders to law  
38 enforcement.

39 (3) Report all violations of probation committed on  
40 campus by drug involved serious habitual offenders to

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1 the probation officer or his or her designee.

2 (4) Provide educational supervision and services  
3 appropriate to drug involved serious habitual offenders  
4 attending schools.

5 (5) Establish local policies in cooperation with law  
6 enforcement, the district attorney, probation and the  
7 juvenile court regarding the program and provide  
8 support and assistance to other agencies engaged in the  
9 program.

10 504. The judge of the juvenile court shall authorize  
11 the inspection of juvenile court records, probation and  
12 protective services records, district attorney records,  
13 school records, and law enforcement records by the  
14 participating law enforcement agency charged with the  
15 compilation of the data relating to drug involved serious  
16 habitual offenders into the format used by all  
17 participating agencies.

18 505. Notwithstanding Section 781, the juvenile record  
19 of an individual once prosecuted and convicted as a drug  
20 involved serious habitual offender shall not be sealed.

21 506. Within one month of implementation of the  
22 program, all participating agencies in a county shall  
23 execute a written interagency agreement outlining their  
24 role in the program including the duties they will  
25 perform and the duties other agencies will perform for  
26 and with them. All participating agencies will meet no  
27 less than once each month to plan, implement, and refine  
28 the operation of the program and to exchange  
29 information about individuals subject to the program or  
30 other related topics.

31 507. Law enforcement agencies and district attorneys  
32 participating in programs funded pursuant to this article  
33 shall adopt procedures to require a check of juvenile  
34 criminal history of all adults whose cases are presented to  
35 the district attorney's office for filing. The juvenile  
36 criminal history shall be considered by the district  
37 attorney in the charging decision and establishing the  
38 district attorney's position on the appropriate plea and  
39 sentence.

40 508. Notwithstanding Section 676, all court hearings

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1 of a person designated a drug involved serious habitual  
2 offender are open to the public on the same basis as the  
3 public may be admitted to adult court proceedings.

4 SEC. 2. The sum of one million dollars (\$1,000,000) is  
5 hereby appropriated from the General Fund to the  
6 Office of Criminal Justice Planning, without regard to  
7 fiscal years, for the purpose of this act. An amount not to  
8 exceed 5 percent of the total appropriation may be used  
9 by the Office of Criminal Justice Planning to administer  
10 the program.