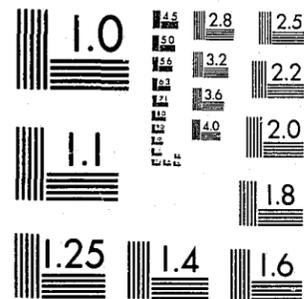


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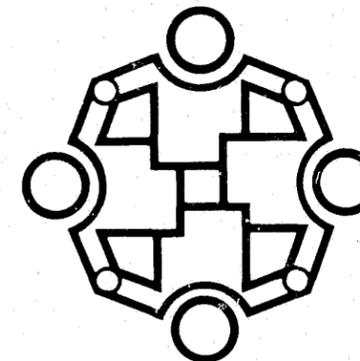
# Reports of the National Juvenile Justice Assessment Centers

## A National Assessment of Serious Juvenile Crime and The Juvenile Justice System:

The Need for a Rational Response

*Volume I  
Summary*

65398



**Reports to Date in the Assessment Center Series:**

A Preliminary National Assessment of Child Abuse and Neglect and the Juvenile Justice System: The Shadows of Distress.

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Volume IV — Economic Impact.

U. S. Department of Justice  
Law Enforcement Assistance Administration  
*Office of Juvenile Justice and Delinquency Prevention*

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*National Institute for Juvenile Justice and Delinquency Prevention*

## **Reports of the National Juvenile Justice Assessment Centers**

### **A National Assessment of Serious Juvenile Crime and The Juvenile Justice System:**

#### **The Need for a Rational Response**

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#### *Volume I Summary*

by  
Charles P. Smith  
Paul S. Alexander

April 1980

This report was prepared by the National Juvenile Justice System Assessment Center of the American Justice Institute under Grant Numbers 77NI-99-0009 and 77 JN-99-0008 from the National Institute for Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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## FOREWORD

The National Institute for Juvenile Justice and Delinquency Prevention established an Assessment Center Program in 1976 to partially fulfill the mandate of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, to collect and synthesize knowledge and information from available literature on all aspects of juvenile delinquency.

This report series provides insight into the critical areas of how serious juvenile crime impacts on U.S. society and how the juvenile justice system responds to it.

The assessment efforts are not designed to be complete statements in a particular area. Rather, they are intended to reflect the state-of-knowledge at a particular time, including gaps in available information or understanding. Each successive assessment report then may provide more general insight on a cumulative basis when compared to other reports.

Due to differences in definitions and the lack of a readily available body of information, the assessment efforts have been difficult. In spite of such complexity, the persons who participated in the preparation of this report are to be commended for their contribution to the body of knowledge.

James C. Howell, Director  
National Institute for Juvenile Justice and Delinquency Prevention

## ACKNOWLEDGEMENTS

The principal writers for this volume are Charles P. Smith and Paul S. Alexander. Writers of sections of this volume summarizing other volumes in this assessment report series include Paul S. Alexander, Thomas V. Halatyn, Garry L. Kemp, Edwin M. Lemert, Chester F. Roberts, Charles P. Smith, and Donald J. Thalheiner.

Graphic arts are by Tom Yamane. Administrative editing and production were done by Dorothy O'Neil, Paula Emison, and Deborah Black.

In addition to the above individuals, appreciation is extended to the many librarians, researchers, statisticians, authors, and practitioners who provided substantial assistance or materials in the preparation of this volume.

## PREFACE

As part of the Assessment Center Program of the National Institute for Juvenile Justice and Delinquency Prevention, topical centers were established to assess delinquency prevention (University of Washington), the juvenile justice system (American Justice Institute), and alternatives to the juvenile justice system (University of Chicago). In addition, a fourth assessment center was established at the National Council on Crime and Delinquency to integrate the work of the three topical centers.

This report on "A National Assessment of Serious Juvenile Crime and the Juvenile Justice System: The Need for A Rational Response-Volume I: Summary" has been developed by the American Justice Institute. This volume is a summary of all three other volumes in the assessment report series dealing with specific subject areas in relation to serious juvenile crime and offenders. Other volumes are "Volume II: Definition; Characteristics of Incidents and Individuals; and Relationship to Substance Abuse," "Volume III: Legislation; Jurisdiction; Program Interventions; and Confidentiality of Juvenile Records," and "Volume IV: Economic Impact."

Other work of the American Justice Institute as part of the National Juvenile Justice System Assessment Center includes reports on the status offender, child abuse and neglect, and classification and disposition of juveniles.

In spite of the limitations of these reports, each should be viewed as an appropriate beginning in the establishment of a better framework and baseline of information for understanding and action by policymakers, operational personnel, researchers, and the public on how the juvenile justice system can contribute to desired child development and control.

Charles P. Smith, Director  
National Juvenile Justice System Assessment Center

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EXECUTIVE SUMMARY

*This volume is a brief summary of the major findings, conclusions, and recommendations contained in a 1,124 page report assessing serious juvenile crime and the juvenile justice system. This summary was compiled from the topical sections of the report on definition, characteristics, substance abuse, legislation, jurisdiction, confidentiality of records, program intervention, and economic impact. For purposes of readability, no citations or footnotes are included in this summary. A complete list of the references for the report is included in appropriate other volumes of this report.*

DEFINITION

A definition of serious juvenile crime must include both the offense and the offender. What should be considered a serious juvenile offense? Who should be considered a serious juvenile offender?

As a first step in developing the definition of seriousness, the following definition was adopted for this assessment for the term juvenile offender as it reflects the ages most likely to be found in various jurisdictions:

A person not yet 18 who has been adjudicated for a delinquent act by the juvenile justice system or for a crime by the criminal justice system; or, for purposes of disposition, a person not yet 21 who has been adjudicated as an offender by the juvenile or criminal justice system for acts committed prior to his or her eighteenth birthday which would be considered either juvenile delinquency or a crime.

This section was developed through an assessment of the literature, statistics, and expert opinion.

Three criteria for seriousness are identified:

- violence or injury to persons
- property loss or damage
- chronicity or repetition of offenses.

A serious juvenile offense is defined to include the following offenses (or ones of at least equal severity as measured by the Sellin-Wolfgang Seriousness Scale):

- homicide or voluntary manslaughter
- forcible sexual intercourse
- aggravated assault
- armed robbery
- burglary of an occupied residence
- larceny/theft of more than \$1,000
- auto theft without recovery of the vehicle
- arson of an occupied building
- kidnapping
- extortion
- illegal sale of dangerous drugs.

A serious juvenile offender is defined as one whose offense history includes adjudication for five or more serious offenses (on the Sellin-Wolfgang Scale) or one who is adjudicated for one or more offenses whose severity is equal to homicide or forcible sexual intercourse as measured by the Sellin-Wolfgang Scale.

#### CHARACTERISTICS OF INCIDENTS AND INDIVIDUALS

This section includes an assessment of three topics:

- patterns and trends of serious juvenile crime
- spatial distribution, contexts, and settings of serious juvenile crime
- characteristics of juveniles arrested and adjudicated for serious offenses.

The method used in preparing this assessment consisted of an informal "grapevine survey," a review of available national data, a nationwide survey of State agencies, and a general literature search on characteristics.

According to the definition recommended in this report, not all incidents subsumed within the Uniform Crime Report (UCR) Index Crime categories can be considered serious, and the UCR omits some incidents the recommended definition includes. However, since UCR is the only national source which provides detailed data of the kind needed for this topic, the index crimes are used as the basic indicator of the extent of serious juvenile crime. The UCR shows that:

- Based on 1977 arrest frequencies, the property crimes (burglary, larceny-theft, and motor vehicle theft) are more proportionately committed by juveniles than are the violent crimes (murder, forcible rape, robbery, and aggravated assault). In fact, arrests of juveniles for the four violent crimes only constitute 1 percent of all arrests for criminal offenses (both juvenile and adult).
- Overall, arrest rates for 1964 to 1977 indicate that juveniles are continuing to be involved in the property crimes of burglary and larceny theft, but leveling off their involvement in the violent crimes of murder and forcible rape.
- The proportion of juveniles to other age groups (i.e., 18- to 20-year-olds and 21- to 64-year-olds) arrested for the crimes of robbery and aggravated assault has steadily increased from 1964 to the present.
- There is little resemblance between geographic regions or individual States ranked according to juvenile arrest rates for violent versus index property crime. This suggests that demographic distribution of property and violent crime is not similar. However, juvenile property crime is more equally distributed than juvenile violent crime.
- Based on 1977 arrest rates, it appears that involvement in index property crime "peaks" around age 16, while involvement in the violent offenses increases throughout the juvenile years. Similar age distributions are found when each offense type is examined individually. Based on arrest frequencies, juveniles in the age group 15 to 17 appear to be most responsible for the serious index crimes.
- Arrest rates among all juvenile age groups for every index offense except motor vehicle theft increased from

1964 to 1974, then stabilized or declined from 1975 to 1977. From 1964 to 1977, motor vehicle theft arrest rates stabilized among the younger juveniles (10 and under, 11-12), while declining significantly among juveniles aged 13-14, 15, and 16.

- Based on 1977 arrest frequencies, the juveniles most responsible for index offenses are males. Although the arrest rates for females have increased more rapidly over the time period 1964 to 1977, males are still responsible for a much greater proportion of the index crimes.
- Arrest frequencies for 1977 indicate that black juveniles are "overrepresented" (i.e., arrested more frequently than would be expected based upon their population) in each of the index offenses, particularly the violent crimes. A comparison of arrest rates for 1964 to 1977 indicates an increasing likelihood that a juvenile arrested for some of the index crimes will be black.

Based upon these findings, the following recommendations are made:

- A survey should be undertaken of selected States to ascertain the characteristics of those arrested and referred to court or corrections.
- An effort should be made to determine the amount of crime (over time) attributable to those with prior records and the nature of that relationship.

#### RELATIONSHIP TO SUBSTANCE ABUSE

This section assesses the state-of-knowledge concerning the relationship between substance abuse and serious crime among juveniles.

Abstracts, reference lists, and indexes of literature were searched for the years 1968 through 1978. All but four of the 77 studies reviewed were concerned primarily with adults; however, all had some relevance for juvenile drug abuse and serious crime.

The studies consistently revealed three different patterns of relationship between substance abusers and serious crime:

- the drug-abusing criminal, who usually has a lengthy career of crime prior to the onset of drug use
- the criminal-abuser, who generally does not become involved in any extensive criminal behavior until after the onset of drug abuse, and
- the criminal-alcoholic, whose violent behavior and alcohol abuse both begin in early adolescence.

Primarily among the latter two, substance abuse and serious crime are centered on juveniles.

The crimes of the criminal-abuser are nearly always related to need for money with which to purchase drugs. The crimes of the criminal-alcoholic are largely unpremeditated and episodic, resulting in violence.

No association was found between serious crime and the use of the depressant, stimulant, or hallucinogenic drugs other than their role in generating "rip-offs" and retaliations within the drug world itself. Marijuana was not directly associated with serious crime, although, since it is highly associated with the use of other drugs, it tended to be indirectly correlated with the occurrence of serious crime through users of other drugs (particularly opiates and alcohol).

The studies concur that elements of the social and economic background of the individual, their personality and psychological set, and the influence of locale and time are all of importance in determining whether any criminal event will occur in relation to substance abuse.

Recommendations include the following:

- There must be a considered effort to initiate and conduct multi-variate studies of the role of drugs and other mediating elements on serious juvenile crime. Most of the studies to date have been simple correlational or group comparison studies which are unable to expose the real nature of the relationship between substance abuse and serious juvenile crime.
- Voluntary self-help centers are necessary since it is highly improbable that the individual who needs help with an actual or impending drug problem will voluntarily

seek assistance from a facility associated with or sponsored by agencies of law enforcement or criminal justice.

- Alternatives to narcotics (e.g., the provision of both opiate [methadone] and other alternatives to illicit narcotic use) must be considered as preventive, rather than simply treatment, approaches.

## LEGISLATION

This section reports on the statutes in the United States (50 States and the District of Columbia) related to the serious juvenile offender.

The information was gathered from a statutory analysis of Federal guidelines and juvenile law in the 50 States and the District of Columbia concerning the dispositional methods created specifically for dealing with the serious juvenile offender. Dispositions refer to four juvenile justice processes: (1) detention, (2) jurisdiction of the juvenile court, (3) sentencing, and (4) confinement.

It does not appear that there has been much Federal direction given to the States since 1967 on what to do with the serious juvenile offender.

The statutory analysis identified six States (California, Florida, New York, Colorado, Delaware, and Washington) with more severe provisions for dealing with the serious juvenile offender.

In the jurisdictional area, Florida now provides for mandatory waiver hearings for certain youth that commit one of a group of target crimes listed in the statute; a second jurisdictional mechanism used in Florida and New York is to exclude certain offenses from the jurisdiction of the juvenile court; and a third mechanism developed in California creates a presumption in favor of waiver if one of 11 target offenses is alleged. In the sentencing area, Colorado, Delaware, and Washington have passed mandatory sentencing laws for juveniles of a type that have traditionally been used in the States only for adults. Finally, in the confinement area, California, Florida, and New

York have provisions which permit juveniles to be placed in adult, youthful offender facilities.

The analysis of State statutory provisions to deal with the serious juvenile offender shows that a small group of more urbanized States have decided to deal more punitively with youth charged with serious offenses. This action has been limited in other States, with the vast majority of jurisdictions still maintaining the traditional juvenile court philosophy that is dedicated to rehabilitation. Among these States that are dealing more punitively with the serious juvenile offender, it looks as though the options are divided essentially between waiving the juvenile to the adult court and prescribing mandatory sentences within the juvenile justice system.

## JURISDICTION

This section reviews statutory provisions regarding jurisdiction of the juvenile court and the criminal court over youths under the age of 18 in all 51 State jurisdictions of the United States (50 States and the District of Columbia).

The report is based on a review of available and current literature on jurisdictional statutes and practices in the United States and upon a statutes analysis.

As shown below, there is considerable variation among jurisdictions:

- The juvenile court has jurisdiction over youths under 18 in 39 jurisdictions, over youths under 17 in eight jurisdictions, and over youths under 16 in four jurisdictions.
- In 37 of the 51 jurisdictions, the time at which the jurisdiction of the court attaches is the date of the offense.
- The duration of juvenile court jurisdiction extends until age 21 in 32 jurisdictions, and until ages 18, 19, or 20 in all except one of the others (which does so until age 23).
- All except ten of the 51 jurisdictions provide for exclusive original jurisdiction over juveniles by the juvenile court.

- In ten jurisdictions, provisions are made to exclude certain serious offenses from the jurisdiction of the juvenile court. In ten jurisdictions also, there is concurrent jurisdiction between the juvenile and criminal courts.
- The waiver of jurisdiction from juvenile court to criminal court is designed for the serious offender. All but three of the jurisdictions permit waiver. Twenty-six of the jurisdictions require either a felony or a specified serious offense before waiver to the criminal court. In almost all of the jurisdictions, a waiver hearing is required before a juvenile can be transferred to criminal court.

The following recommendations are offered:

- The maximum jurisdictional age of the juvenile court for adjudication should be the eighteenth birthday and for corrections, the twenty-first birthday.
- The time at which the jurisdiction of the juvenile court attaches should be the date of the offense.
- The juvenile court should have exclusive original jurisdiction over all youths under 18 and no offenses should be excluded from the original jurisdiction of the juvenile court.
- Concurrent jurisdiction between the juvenile and criminal courts should be not be allowed.
- Provision for waiver of jurisdiction over juveniles under 18 to the criminal court should be made in all jurisdictions, with a minimum waiver age of 16, a list of serious or repeat offenses required for waiver, and complete due process protections guaranteed.

#### PROGRAM INTERVENTIONS

In this section, 14 programs for the intervention and treatment of serious juvenile offenders are described together with their critical evaluations. The programs are roughly ordered according to their comprehensiveness and differentiation, beginning with those attempting large-scale change of the juvenile justice system and ending with small-scale specialized projects under State, local, and private sponsorship.

All of these with one or two exceptions reflect the movement towards community-based correctional programs for juvenile offenders. Reforms in Massachusetts went farthest in this direction. Claims of success for its programs rested on their great diversity which allowed maximum individualization of treatment. The only program which evaluators asserted to reduce recidivism significantly was the Unified Delinquency Intervention Service (UDIS) in Illinois, which was believed to have a "suppression effect" on further juvenile misdeeds. However, the statistical basis for the claim is questioned.

Generally, exemplary programs tended to revolve around remedial education, vocational training and placement, and recreation, with accessory counseling in one-to-one relationships and in groups.

Issues raised by the program assessment concern the utility of the medical model, system versus service delivery change, institution versus community-based treatment, and methods of evaluation. UDIS and research on programs in Massachusetts raised questions as to what "community-based" means and whether closed residential treatment needs to be retained for residual hard-core, violent offenders.

In line with the discussion of issues, a number of tentative recommendations are offered:

- A number of analytical studies should be commissioned to explore possible applications of non-medical models of intervention.
- Continued support should be given to broad-based, social/political studies of intervention of the sort carried on by the Harvard Research Group, but with additional emphasis on ethnographic and microcosmic aspects of the process.
- Careful consideration should be given to intervention with hard-core, violent offenders by means of small, closed residential centers, using a number of different models.
- A law center should be commissioned with support of the legal profession to study how to reconcile maximum

experimentation in intervention with accountability and protection of juvenile rights.

- The meaning of community-based intervention needs both analytical analysis and empirical investigation.
- Further experimentation with the use of paraprofessionals and community workers in intervention should be supported.
- The problem of high and disproportionate unemployment among minority group teenagers should be recognized, especially in devising aftercare programs.

#### CONFIDENTIALITY OF JUVENILE RECORDS

This section interprets information on confidentiality of juvenile records contained in the American Newspaper Publishers publication on a Reporters' Guide to Juvenile Court Proceedings.

Based on data available, the public and the press appear to be ordinarily excluded from:

- juvenile court hearings,
- inspection of juvenile records, and
- the right to disclose an alleged juvenile offender's identity under jurisdiction of the juvenile justice system.

These prohibitive measures may be stated in the statutes, or the jurisdiction may empower the court to use discretion on the elements within the issue of confidentiality. Exceptions to this practice vary greatly from one jurisdiction to another, but evidence of public disclosure can be found permissible by statute on occasions when the juvenile under jurisdictional consideration is alleged to be a repeat or serious offender. No restrictions are apparent on confidentiality of information when the person under 18 is waived to the criminal court.

#### ECONOMIC IMPACT

This section reviews the economic implications associated with serious juvenile crime in the United States. The report is the result of an assessment of economic literature that has

estimated the costs and cost relationships associated with the commission of serious criminal acts. Costs are divided into two groups: direct costs (e.g., uncompensated costs to victims; psychic costs incurred by victims and witnesses) and indirect costs (e.g., increased expenditures due to rises in consumer prices; increased taxes; diminished neighborhood quality of life; juvenile justice system processing costs).

Cost relationships are subdivided into two separate types of program impact evaluation: process evaluations (i.e., the extent to which inputs contribute to desired program outputs) and outcome evaluations (i.e., extent to which inputs and outputs contribute to desired program outcomes). Together, these measure the extent to which effectiveness is achieved, and serious juvenile crime, with its resulting costs, is decreased.

Some of the principal findings are as follows:

- Based upon estimates of the direct costs of single crime incidents to the victim (using UCR data, victim survey data, and the Sellin-Wolfgang Scale for a severity measure), the average primary costs for serious crimes were computed as follows:

- Homicide	\$178,000
- Forcible Sexual Intercourse (involving serious injury)	\$ 29,000
- Assault (involving serious injury)	\$ 18,600
- Robbery (involving serious injury)	\$ 18,600
- Burglary (forcible entry)	\$ 2,300
- Auto theft	\$ 1,300
- Larceny (loss exceeding \$250)	\$ 600
- Total aggregate primary direct costs of serious juvenile crime in the United States are estimated at 10 billion dollars for 1975.

- Indirect costs of serious juvenile crime were estimated as follows:
  - Cost of business crime, in household expenses, equals approximately \$400 per year per household.
  - Homes in neighborhoods with high crime rates decreased in value between \$3,500 and \$5,500 in average 1977 value.
- Juvenile justice system processing is estimated at \$1.4 billion for an average of \$17 at the household level for juvenile index crimes in 1977.
- Average costs for juvenile arrests were estimated at \$456, for juvenile court processing at \$286, and for secure detention at \$60.
- Non-secure programs are less expensive than secure programs, with per bed construction costs from secure correctional facilities ranging from \$40,000-\$60,000.

Among the recommendations are the following:

- Juvenile justice resources should be concentrated on serious juvenile crimes rather than minor, victimless, or status offenses.
- Small jurisdictions could pool available resources for handling serious juvenile offenders.

#### GENERAL CONCLUSION

In summary, the assessment of serious juvenile crime and the juvenile justice system shows that Federal, State, and local resources and policies should be concentrated on:

- those offenses which are deemed to be particularly severe
- those offenders which are deemed to be particularly chronic
- developing a rational response to serious juvenile offenses and offenders through improved research, statistics, law, procedures, and programs.

## CHAPTER I

### INTRODUCTION

*This volume is a summary of the major findings, conclusions, and recommendations contained in a 1,124 page report assessing serious juvenile crime and the juvenile justice system. This summary was compiled from the topical sections of the report on definition, characteristics, substance abuse, legislation, jurisdiction, confidentiality of records, program intervention, and economic impact. For purposes of readability, no citations or footnotes are included in this summary. However, a complete list of references from the report is contained in appropriate other volumes of this report.*

This report is the result of an assessment undertaken by the National Juvenile Justice System Assessment Center run by the American Justice Institute for the National Institute for Juvenile Justice and Delinquency Prevention.

The assessment effort was designed to synthesize information concerning serious juvenile crime and offenders as handled by the juvenile justice system's 51 State jurisdictions (50 States and the District of Columbia) in the United States.

Included in this series of reports are the following assessments:

#### Volume II, Part A: Definition

This 42-page section contains information concerning:

- definitional problems
- criteria for seriousness
- findings from literature, the Uniform Crime Reports, and seriousness scales
- recommendations for definitions of serious juvenile offense and serious juvenile offender.

Volume II, Part B: Characteristics of Incidents and Individuals

This 397-page section contains information concerning:

- national patterns of serious juvenile crime
- spatial distribution of serious juvenile crime
- characteristics of juveniles arrested and adjudicated for serious offenses
- relative merit of Uniform Crime Report, self-report, and victimization data
- research recommendations
- policy implications.

Volume II, Part C: Relationship to Substance Abuse

This 100-page section contains information concerning:

- abuse of drugs (e.g., opiates, depressants, stimulants, hallucinogens, marijuana)
- abuse of alcohol
- mediating considerations (e.g., pharmacological properties, socioeconomic factors, personality, situations)
- research recommendations
- policy implications.

Volume III, Part A: Legislation

This 86-page section contains information concerning:

- Federal direction as reflected in legislation and work of various commissions
- State compliance with Federal direction
- independent State legislative activities (including legislation that has recently passed, failed, or that is pending).

Volume III, Part B: Jurisdiction

This 64-page section contains information concerning:

- jurisdiction of the juvenile court over juveniles not yet 18
- jurisdiction of the criminal court over youths not yet 18
- transfer of jurisdiction among courts
- recommendations.

Volume III, Part C: Program Interventions

This 87-page section contains information concerning:

- labeling theory
- description and evaluation of various program types (e.g., large scale, special purpose)
- issues
- policy implications
- recommendations.

Volume III, Part D: Confidentiality of Juvenile Records

This 26-page section contains information concerning:

- access of the public and press to juvenile hearings and records; permissibility to publish information about juveniles.

Volume IV: Economic Impact

This 322-page document contains sections on:

- direct costs of serious juvenile crime (e.g., out-of-pocket and psychic costs to victims and witnesses)
- indirect costs of serious juvenile crime (e.g., increased insurance cost, cost of juvenile justice system processing)
- an econometric model for estimating the economic impact of serious juvenile crime

- input, output, and outcome measurement techniques
- policy implications.

The assessment effort involved the following methods:

- search of literature that was readily available in libraries or which could be obtained from researchers or agencies;
- review of statistics that were readily available in published form;
- search of statutes;
- expert opinion (e.g., interviews, symposia);
- on-site observation of police, court, and correctional practices in six States.

The assessment effort was organized in such a way that a combination of core staff and special subject matter consultants participated in the development of each subject volume.

The results of the assessment effort include findings and conclusions. In addition, recommendations are made where possible concerning policy implications, information gaps, and research needs.

The following chapters contain the summary for each subject area. Additional detail (and appropriate citations) can be found in the relevant volume. A complete list of references for the report is contained in appropriate other volumes of this report.

## CHAPTER II

### DEFINITION

#### PURPOSE

The purpose of this section is to develop a set of definitions for use in assessing serious juvenile crime. Although there is widespread and increasing interest in serious juvenile crime in America today, there is little agreement on how to define it. What should be considered a serious juvenile offense? Who should be considered a serious juvenile offender?

For the purposes of this report, a juvenile offender is any one of the following:

- A person not yet 18 who is adjudicated for an act of juvenile delinquency by the juvenile justice system.
- A person not yet 18 who is adjudicated for a crime by the adult justice system.
- A person not yet 21 who has been adjudicated as an offender by the juvenile or adult justice system for acts committed prior to their eighteenth birthday which would be considered either juvenile delinquency or a crime.

For the sake of clarity in the use of this definition in this report, it is important to make this further observation:

- There is an important distinction to be made between a juvenile who has been adjudicated for committing a delinquent act and a juvenile who is alleged to have committed a delinquent act or a crime. The former can properly be called a juvenile offender. The latter cannot.

Nevertheless, the category of juveniles who have been alleged to have committed delinquent acts or crimes is extremely important when one is trying to ascertain the extent and nature of juvenile crime. This is because arrest figures are by far the most widely available and widely used statistics on juvenile

crime. In fact, it is only arrest figures that are collected nationally on an offense specific basis and published in the annual Uniform Crime Reports (UCR) of the Federal Bureau of Investigation.

#### FINDINGS

In the review of the literature, three criteria are identified as being important in the definition of seriousness. They are:

- violence or injury to persons
- property loss or damage
- chronicity or repetition of offenses.

Violence or injury to persons, and property loss or damage are considered as possible criteria in the definition of what is a serious offense. Violence and property loss, plus chronicity, are considered in the definition of who is a serious juvenile offender.

#### Uniform Crime Reports

The Uniform Crime Reports (UCR), published annually by the Federal Bureau of Investigation, uses an index of the following seven offenses to provide an overview of crime in the United States:

- murder and non-negligent manslaughter
- forcible rape
- robbery
- aggravated assault
- burglary
- larceny-theft
- motor vehicle theft

For UCR purposes, all seven of the crimes listed are defined as serious.

#### Seriousness Scales

There have been several attempts to develop measures for the severity of offenses. These are relevant in the present attempt to develop definitions of seriousness. The best known work in this field has been done by Sellin and Wolfgang, beginning with their publication in 1969 of The Measurement of Delinquency. Other literature on this subject which will be reviewed here includes Hoffman, Beck, and De Gostin, 1973; Gray, Conover, and Hennessey, 1978; Mueller and Jaman, 1966; and Blumstein, 1974. Table 1 (p. 9) presents the Sellin-Wolfgang Seriousness Scale.

#### Chronicity as a Criterion

Writers such as Hamparian, Strasburg, and Wolfgang agree that the chronic or recidivist juvenile offender is responsible for a disproportionate amount of all the offenses committed by youth, including a disproportionate amount of the serious crime. As for what constitutes a chronic offender, Hamparian defines a chronic offender as one who has committed five or more offenses; Strasburg describes a chronic delinquent as one with "five or more charges in his record;" and Wolfgang also counted as chronic recidivists "those with 5 officially recorded delinquencies or more."

#### CONCLUSIONS

Several conclusions may be drawn from the assessment of the serious juvenile offenses and offenders:

- The UCR list of index crimes--four violent crimes and three crimes against property--is partially consistent with the use of violence and property loss as criteria in the definition of what is a serious juvenile offense.
- The severity scales reviewed generally agree with each other about what is serious and what is less serious.

TABLE I

SELLIN-WOLFGANG SERIOUSNESS SCALE

Elements Scored (1)*	Number x Weight (2)	(3)	Total (4)
I. Number of victims of bodily harm			
(a) Receiving minor injuries		1	
(b) Treated and discharged		4	
(c) Hospitalized		7	
(d) Killed		26	
II. Number of victims of forcible sex intercourse			10
(a) Number of such victims intimidated by weapon		2	
III. Intimidation (except II above)			
(a) Physical or verbal only		2	
(b) By weapon		4	
IV. Number of premises forcibly entered			1
V. Number of motor vehicles stolen			2
VI. Value of property stolen, damaged or destroyed (in dollars)			
(a) Under 10 dollars		1	
(b) 10-250		2	
(c) 251-2000		3	
(d) 2001-9000		4	
(e) 9001-30000		5	
(f) 30001-80000		6	
(g) Over 80000		7	

Total Score

\*Column 1 contains a list of the elements that can be scored, even though most events will include only one or two of these elements, and Column 2 refers to the number of instances or victims involved in a particular incident. Column 3 gives the weight assigned to the element. Column 4 is reserved for the total score for a given element; this is derived by multiplying the figure in Column 2 by the figure in Column 3. By adding all figures in Column 4, the total score for the event is found

- The severity scales suggest the use of violence and property loss as criteria in defining a serious juvenile offense.
- When seriousness scores are assigned to the seven UCR index crimes, according to the Sellin-Wolfgang Scale, the scores for the violent crimes are significantly higher than the scores for property crimes. This suggests a basis for differentiating between serious and less serious juvenile offenses.
- When seriousness scores are assigned to specific criminal events, some offenses not in the UCR index may be rated as serious (e.g., arson), and some offenses which are subsumed under UCR index crimes may be rated as not serious (e.g., petty shoplifting).
- Chronicity is a reasonable criterion to add to violence and property loss when considering how to define who is a serious juvenile offender.
- The elements of violence, property loss, and chronicity in the offense history of a juvenile may be scored according to the Sellin-Wolfgang Seriousness Scale to provide a relatively objective measure of who is a serious juvenile offender.

#### RECOMMENDATIONS

Two recommendations are presented, one regarding the definition of what is a serious juvenile offense, the other regarding who is a serious juvenile offender:

- A serious juvenile offense includes the following offenses (or ones of at least equal severity) as measured by the Sellin-Wolfgang Seriousness Scale:
  - homicide or voluntary manslaughter
  - forcible sexual intercourse
  - aggravated assault
  - armed robbery
  - burglary of an occupied residence
  - larceny/theft of more than \$1,000
  - auto theft without recovery of the vehicle
  - arson of an occupied building
  - kidnapping

- extortion

- illegal sale of dangerous drugs

- A serious juvenile offender is one whose offense history includes adjudication for five or more serious offenses (on the Sellin-Wolfgang scale), or one who is adjudicated for one or more offenses whose severity is equal to homicide or forcible sexual intercourse as measured by the Sellin-Wolfgang scale.

### CHAPTER III

#### CHARACTERISTICS OF INCIDENTS AND INDIVIDUALS

##### SUMMARY AND CONCLUSIONS

This part of the assessment report has attempted to determine, through the process of assessment and secondary analysis of existing information, answers to three topical areas and related questions. These topical areas involve (1) the amount of serious juvenile crime, (2) the spatial distribution and contexts of serious juvenile crime, and (3) the characteristics of those arrested or adjudicated for serious juvenile crime.

##### Conclusions

According to the definition recommended in this report, not all incidents subsumed within the Uniform Crime Report (UCR) Index Crime categories can be considered serious, and the UCR omits some incidents the recommended definition includes. However, since UCR is the only national source which provides detailed data of the kind needed for this topic, the index crimes are used as the basic indicator of the extent of serious juvenile crime. The UCR shows that:

- Based on 1977 arrest frequencies, the property crimes (burglary, larceny-theft, and motor vehicle theft) are more proportionately committed by juveniles than are the violent crimes (murder, forcible sexual intercourse, robbery, and aggravated assault). In fact, arrests of juveniles for the four violent crimes only constitute 1 percent of all arrests for criminal offenses (both juvenile and adult).
- Overall, arrest rates for 1964 to 1977 indicate that juveniles are continuing to be involved in the property

crimes of burglary and larceny-theft, but leveling off their involvement in the violent crimes of murder and forcible sexual intercourse.

- The proportion of juveniles to other age groups (i.e., 18- to 20-year-olds and 21- to 64-year-olds) arrested for the crimes of robbery and aggravated assault has steadily increased from 1964 to the present.
- There is little resemblance between geographic regions or individual States ranked according to juvenile arrest rates for violent versus index property crime. This suggests that demographic distribution of property and violent crime is not similar. However, juvenile property crime is more equally distributed than juvenile violent crime.
- There are indications that increased mobility through availability of automobiles is partly responsible for changing patterns of criminal behavior among juveniles.
- Based on 1977 arrest rates, it appears that involvement in index property crime "peaks" around age 16, while involvement in the violent offenses increases throughout the juvenile years. Similar age distributions are found when each offense type is examined individually. Based on arrest frequencies, juveniles in the age group 15 to 17 appear to be most responsible for the serious index crimes.
- Arrest rates among all juvenile age groups for every index offense except motor vehicle theft increased from 1964 to 1974, then stabilized or declined from 1975 to 1977. From 1964 to 1977, motor vehicle theft arrest rates stabilized among the younger juveniles (10 and under, 11-12), while declining significantly among juveniles aged 13-14, 15, and 16.
- Based on 1977 arrest frequencies, the juveniles most responsible for index offenses are males. Although the arrest rates for females have increased more rapidly over the time period 1964 to 1977, males are still responsible for a much greater proportion of the index crimes.
- Arrest frequencies for 1977 indicate that black juveniles are "overrepresented" (i.e., arrested more frequently than would be expected based upon their population) in each of the index offenses, particularly

the violent crimes. A comparison of arrest rates for 1964 to 1977 indicates an increasing likelihood that a juvenile arrested for many of the index crimes will be black.

#### Comparative Limitations of Existing Information

This report provided evidence that serious juvenile crime may be stabilizing or decreasing; that index property crimes are more equally distributed than violent juvenile crime; and that the juvenile arrested for violent crime is white (although increasingly likely to be black), 15, 16, or 17 years of age, and generally male. These conclusions were derived from three chapters which, due to information limitations, were presented as separate assessment efforts. Unfortunately, crime and those responsible are in reality not separate but related. For example, if one wanted to know in which States serious juvenile crime was increasing or the characteristics of juveniles arrested in urban versus suburban sections of the country, existing information and its organization would make such comparisons difficult. Each of the topical areas, crime, its distribution, and the characteristics of those responsible, were discussed as non-complementary efforts. This was due to the fact that no major source of information exists which: (1) describes the number of serious incidents or offenses for which juveniles are responsible, and (2) characterizes those convicted for at least some of these offenses. The result of this information gap is that juvenile arrest data was the basis (nationally) for describing the volume of crime, its distribution, and those responsible. Time need not be spent defining the limitations of such an approach, since arrests may not be an adequate measure of either the volume of crime or those responsible for the volume of crime.

An issue which is important to one's understanding is chronicity or criminal history. Assume, for a moment, that one were able to tie total offenses to those responsible (or

at least arrested) and then also could describe the criminal history of those arrested or adjudicated. Such information would indicate what amount of crime was attributable to those with prior records. Such an approach could then be used on both the national and State level using larger data bases of official arrest, court, or corrections information.

Minor information limitations become apparent if, for example, a cross-tabular comparison of age by race by serious offense is required. In this instance, the fact that UCR does not code by both variables simultaneously means that more illustrative descriptions of those arrested are not possible. What is also missing without more precise cross-tabular comparisons is the ability to compile composite descriptions of those arrested.

#### The Legal Label

The stabilizing or decreasing juvenile arrest rates for many serious crimes are relatively uninformative without an ability to dissect these offense types according to their specific events. Zimring has previously noted how the inability to distinguish between types of aggravated assault and robbery requires that discussion of youthful violence remain somewhat superficial. This kind of criticism applies also to noted decreases in arrest rates for the property crime, motor vehicle theft, where the label fails to distinguish between joy-riding and actual theft. The result of this disallows a study of the extent to which each accounts for the decrease in the noted arrest rate. Similarly, larceny-theft is depicted as an offense whose arrest rate is decreasing, although it is commonly known that as of 1974, UCR began including theft of \$50 or less, thus arbitrarily increasing rates for this offense and partially negating the reason for considering the offense a serious crime. The logic of measuring severity by the Wolfgang-Sellin severity scale is critical here since noting arrest rates for crimes including petty thievery (\$50 or less) would not rank the crime as one of a serious nature.

The inability to describe the ebb and flow of specific events within each index crime limits the ability to determine: (1) whether robbery committed by juveniles is increasingly involving the use of weapons (armed) or not (unarmed); (2) the extent to which aggravated assault involves the use of weapons, of what kind, and with what result (nature of injury inflicted); (3) the nature of the contexts and targets for the crimes of burglary and larceny-theft and how they are changing over time. Each of these distinctions ideally represents a better organizing framework for the report. Certainly it would be far more informative to describe changing patterns of arrests and of those arrested for the more intriguing events subsumed within the seven broad index crime definitions. For example, comparing arrests and the characteristics of those arrested over time for armed versus unarmed robbery, types of aggravated assault (classified by type of weapon, and nature of injuries inflicted) would provide a much richer descriptive base from which more meaningful speculation could stem. In regard to aggravated assault, Zimring has noted that the divergence of trends between homicide and aggravated assault could be due to the less lethal nature of aggravated assault or a shift in police reporting practices. The inability to describe incidents or arrests according to types of events requires that description of crime or arrest characteristic trends remain generally uninformative.

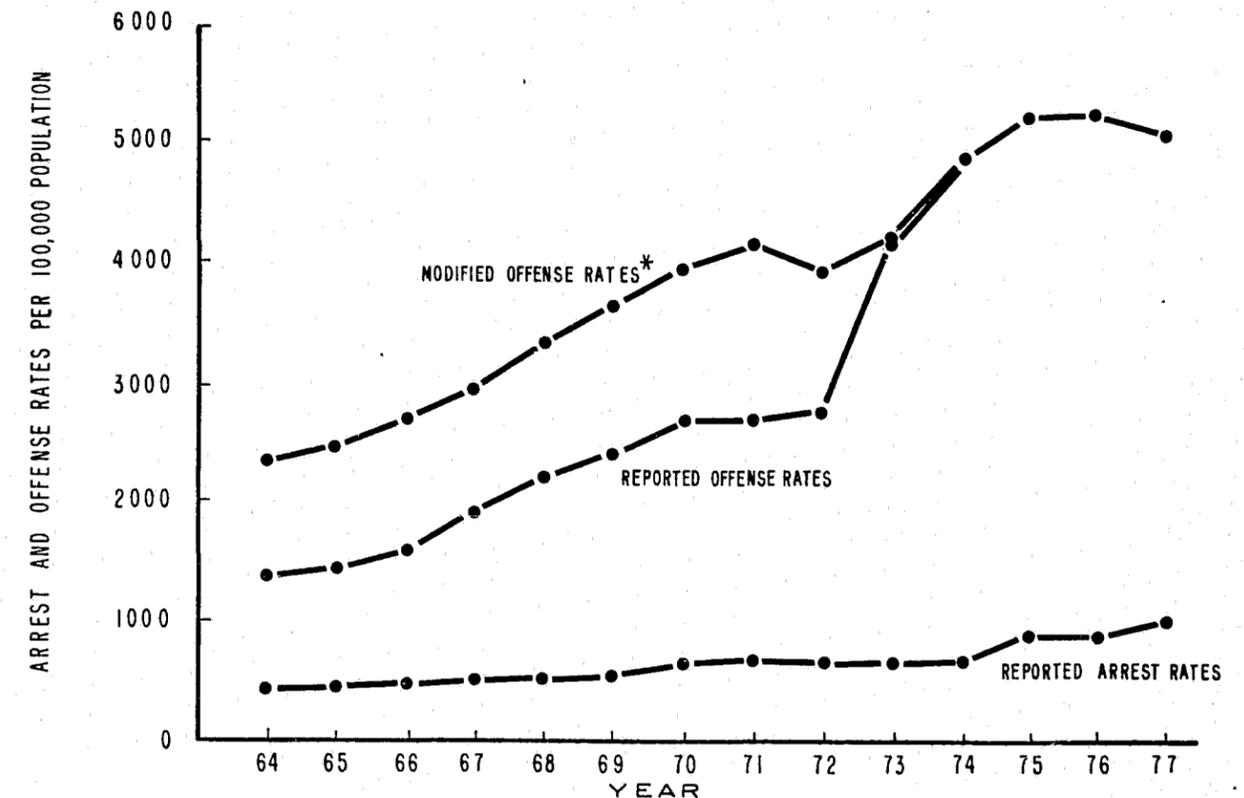
Problems of the legal label also apply to the serious property offenses which, due to the great volume of arrests for such offenses and the great associated financial loss, represent an area of different questions. It was noted in this report that juvenile crime is, according to arrest data, becoming increasingly crime of material gain. This conclusion is important to the extent to which one can penetrate the labels of burglary, larceny-theft, and motor vehicle theft. Essentially, it was noted that juvenile arrests for burglary, larceny-theft, and motor vehicle theft are stabilizing or

declining. However, given that little is known about the changing patterns of the targets of property crime, the labels provide little assistance in predicting future property crime patterns. Questions involving whether burglary is being displaced from commercial establishments to residences would be important as would be additional knowledge of the location and dollar loss associated with larceny-theft offenses. Again, these kind of event-specific descriptions should, ideally, form the basis for study trends of serious juvenile crime and those responsible.

#### Official Data as a Tool of Research

The extent to which one can describe increases or decreases in serious juvenile crime and those responsible is currently dependent upon official data; primarily that of the Uniform Crime Reports. Other than the commonly discussed controversial aspects of UCR, mention should be made of the extent to which such data is conducive to research purposes. UCR does not, after all, claim to be organized for research purposes but rather "its fundamental objective is to produce a reliable set of criminal statistics for use in law enforcement administration, operation, and management." This objective is evident, since the capabilities, organization, and presentation of yearly UCR arrest information are not well suited to answering, for example, the questions of this report. There are "ideal" research uses which are certainly beyond the existing capability of the UCR system. The major one here is linking together offenses and arrest data, thus providing a picture of reported offenses attributable to juveniles arrested while considering clearance rates. This is critically important given the dramatic increases in reported index offenses from 1964 to 1977 accompanied by stable arrest rate for these same years (see Figure 1, p. 19). Certainly, the ability to link together offense and arrest data (for juveniles and other groups)

would help explain this disparity as well as to whether juveniles are increasingly being arrested in groups for individual offenses.



\* THE "MODIFIED" OFFENSE RATES SHOWN FOR THE YEARS 1964 THRU 1973 REFLECT RECOMPUTATIONS MADE BY UCR IN 1974 IN ORDER TO ADJUST FOR A CHANGE IN THE DEFINITION OF LARCENY-THEFT.

**VARIATIONS IN INDEX OFFENSE AND ARREST RATES REPORTED FOR THE NATION (1964-77)**

FIGURE 1

Although not confined to juveniles, Figure 1 clearly indicates the disparity between reported offenses and arrests. Certainly, in relation to juveniles it would be important to understand: (1) whether juveniles are being arrested for more offenses; (2) to what extent increased offenses committed by juveniles are more or less serious as determined by a measure

of severity; and (3) what patterns of juvenile arrests to offenses emerge when compared over time. The inability to answer these kinds of questions is probably the single greatest drawback of official data regarding the measure of serious juvenile crime and the relationship between numbers of juvenile offenses and arrests.

Other more realistic research requests could be made involving, for example, the request that UCR categories of urban, suburban, and rural be defined in a way comparable with U.S. census definitions. Certainly, the ability to make urban to suburban rate comparisons would be facilitated by this procedure. Similarly, the coding of age, sex, and race of those arrested represents the most convenient variables available but are not the most useful. Coding of the racial background of those arrested is always somewhat superficial without some measure or index of socioeconomic status, a variable which is critical to the ability to impart more inferences to what have been rather superficial descriptions. Finally, as mentioned earlier, the coding of additional variables will matter little unless the UCR system eventually permits the special requests of cross-tabular comparisons, e.g., age by race by socioeconomic status. Since UCR is not currently organized to permit such cross-tabular comparisons, better composite profiles derived from methods of tabular analysis (thus permitting an element of analytic "control") will not be possible. The result will continually be similar to the kinds of superficial comparisons attempted herein with the amount of insight obtained being somewhat restricted.

A peculiar situation does arise as a result of UCR's non-research orientation. UCR is, after all, the only source of aggregate national crime data, and therefore, represents a major tool for researchers and policymakers. In fact, given that UCR may be more important to researchers and policy-makers than to law enforcement administrators, questions involving its future orientation must be raised.

Certainly, answers to these questions are a prerequisite to determining the future purpose and structure of UCR.

#### Descriptive Limitations and Prospects

While one might conclude according to this report that: (1) serious juvenile crime may be stabilizing or decreasing, (2) those arrested for certain kinds of offenses are more likely to be black, and (3) different juvenile age patterns result when person and property offenses are compared; these selected conclusions are far outweighed by questions that cannot be addressed and the reasons for not being able to do so. The variety of materials drawn together in this report, in an attempt to answer questions, are themselves indicative of the general disarray of available information. A report as extensive as this, and drawing upon various kinds of official and study information, has produced findings lacking major insight. The reasons for this are, partly apparent: (1) official information lacks specific descriptive abilities but is based upon large sample or population sizes; while (2) research studies are capable of more penetrating analysis but lack adequate sample sizes and complimentary orientations. Obviously, one future orientation might require that the limited findings of the research study be applied and tested with large official data sources. A prime example of this is chronicity, which has been suggested, via study, to possibly be a major explanatory feature of serious crime. Unfortunately, to date, implications of the concept are not sufficiently evident to justifiably influence policy decisions. A logical next step, therefore, would be to apply the notion of chronicity as a criminal history variable or series of variables with a sample of major reporting jurisdictions. Assuming large case sizes of arrests, court referrals, or correctional commitments over time, the implications of chronicity for crime and offenders could be assessed.

This reasoning applies to other description topics of serious juvenile crime where the findings of the research study are applied and tested with large case data sources. Another prime example is the indication that socioeconomic status, while not being related to all self-reported crimes, is possibly related to crimes of a more serious nature. Unfortunately, this cannot be examined with large data sources, since socioeconomic status variables are not coded or commonly available with official data sources. Again, the inclusion of socioeconomic status index variables, at least on a temporary basis, might permit the additional exploration of this relationship with larger population sizes. The desirable alternative to this would involve a major self-report study involving enough cases so that various "serious" subsets of behavior could be examined in relation to socioeconomic status. The estimated cost of such a study might, of course, be a prohibitive feature.

#### RESEARCH RECOMMENDATIONS

The above conclusions and discussion, while reflecting numerous limitations and caveats, suggest a variety of research recommendations which can be ranked according to several criteria. Generally these criteria involve cost, time, resources, and access. Organized along two lines, the recommendations can be labeled short or long range recommendations which reflect these criteria; i.e., the short range recommendations involve less cost, time, and resources and are typically oriented towards the local rather than national level. One major point in considering research priorities is the issue of benefits of the national versus local level. A national data collection effort might be suited to answer the questions of this report, although the information collected would have to comply with some "uniformity" standards. Also, it can be assumed the greater the uniformity requirements the more simple the nature of the information collected. Thus, while one might have better national

information on adjudicated offenders, the variables by which one characterizes them would not be much more complex than age, sex, and race currently coded by UCR. Therefore, it seems that maximum benefit regarding future research prospects concerns the local, rather than national picture. The following recommendations are proposed:

- An extension of the State survey described herein should be undertaken. This extension would involve intensive contact (including travel) or special requests directed at those States with maximum quality arrest, court, or corrections information. Where possible, special requests of variables not commonly known should be attempted. Primary emphasis would be upon the characterization of the serious juvenile offender.
- A smaller subset of States having arrest, court, and corrections data should be studied. The objective here would be twofold: (1) to attempt to follow the characteristics of those arrested and referred to court and corrections as they proceed through the system; and (2) to attempt to characterize the person apprehended at each stage of the system. Primary emphasis would be upon the interaction of system decision with the characteristics of those retained at each stage.
- As a further extension of the survey, an attempt should be made in at least one State or jurisdiction to tie together reported offenses with those arrested for those offenses. The primary emphasis would be upon determining the relationship between offenses committed by juveniles and the numbers of juveniles arrested for these offenses.
- At a single jurisdiction, a measure of incident severity based upon police incident descriptions should be applied to a sample of reported serious offenses. Characteristic profiles of those subsequently arrested and adjudicated for these "incidents" would then be developed and compared to profiles based upon the offense label. Primary emphasis would be upon bypassing the legal label and characterizing serious offenders upon more serious "incidents" typically "hidden" within offense labels.
- Again, at a State level, an effort should be made to implement the study of chronicity and its relationship to crime (arrests or offenses). This would involve the coding of "criminal history" related variables and the

ability to assess the relationship of this history to offense severity. Primary emphasis would be upon determining the amount of crime (over time) attributable to those with prior records and the nature of that relationship.

- A monitoring study should be undertaken in a random sample of UCR reporting jurisdictions at the State and sub-State level. Major attempts should be made to determine the relationship between criminal activity and the ability of UCR reporting to accurately depict that activity over time. Emphasis would be upon further describing the usefulness of UCR as a research tool.

While these recommendations are certainly feasible due to their estimated cost and the few resources required, mention should be made of a more "ideal" study effort. While certainly not an inexpensive effort, an attempt could be made (via the self-report study) to: (1) estimate nationally, serious crime (incidents) known and unknown to the police; and (2) collect via self-report questionnaire, characteristic information permitting description of perpetrators for all incidents and then compare crime and characteristic information with that collected by UCR. The basis for this approach is the inability of victimization information to provide a comparable measure of crime/offenders to official data, while existing self-report efforts are based upon sample sizes too small to permit valid comparisons. Other ideal efforts involve national data collection efforts that are probably too costly to justify the expense, including improving the research value of other information collection agencies to better address the topics and questions of this report. This does not apply to all agencies, however, since Juvenile Court Statistics is scheduled, sometime in 1979, to begin producing documents more suited to this report's objectives.

#### POLICY IMPLICATIONS

This report was structured around key topics and questions which, if answered, could provide numerous policy implications.

The topics were three in number, each based upon current issues of importance: Serious Juvenile Crime-Patterns and Trends; the Spatial Distribution, Contexts, and Settings of Serious Juvenile Crime; and the Characteristics of Those Arrested or Adjudicated for Serious Juvenile Crime. While the questions are important, the total amount of information collected was not impressive for fundamental reasons. These issues are purely descriptive, and were asked in a way that pertinent descriptive information could answer. Unfortunately, in regard to each topic, basic problems were encountered. First, once a tentative definition of serious juvenile crime was established, it was noted that there was no way to determine total offenses committed by juveniles (arrested or otherwise). This was followed by an attempt to estimate crime based upon the only national data source permitting age and offense breakdowns: UCR arrest statistics. Inferences were made and the arrest data was largely responsible for assessing the spatial distribution of serious juvenile crime. While arrest data was being used as a measure of crime and its distribution, it was found that no national data source permitted discussion of offenders by age and offense severity. This UCR arrest data was then used as a measure of national offender characteristics also. While this information was supplemented by State court and corrections data, the entire exercise was limited by the generally poor quality of existing information. The entire amount of information compiled to answer key questions was simply inadequate, so inadequate as to make one wonder why the questions should be asked. However, it can be recalled that the goal of this report was to answer key questions to the extent possible and to assess the ability of existing information to answer these questions in so doing. There are, of course, limited policy implications. For example:

## Serious Juvenile Crime

Arrest information suggest that juveniles are more interested in crime of material gain and that this interest is increasing. This news comes amidst the indication that both index property and violent offense arrest rates are stabilizing or declining from their peak values of the mid-1970's. Thus, while some crime switching is becoming evident, it appears that neither violent nor serious property crime rates will, in the near future, be as high as they were several years ago. Also, there are indications that the 18-to 20-year-old age group is becoming increasingly interested in property crime, somewhat of a surprise given that such crime has increasingly been the province of juvenile age youth. As to the policy importance of these conclusions, it might be suggested that murder and forcible rape are not the indicators of juvenile violence and that robbery and aggravated assault seem to be, although for different reasons. While robbery also roughly fits the material gain hypothesis, continued increases in arrest rates for aggravated assault is a label masking numerous trends that have hard to decipher implications.

Generally, the conclusion of reduced crime fits with that recently made by Doleschal who noted that, while UCR offense data reports dramatic increases in crime (due presumably to increased reporting), crime itself may be remaining stable or decreasing. While arrest data generally conforms to this finding for serious juvenile crime, it seems that crime may become a different kind of phenomenon; more concentrated in terms of area and the characteristics of those responsible.

## Spatial Distribution of Serious Juvenile Crime

Although an intriguing topic, the reality is that little information exists which sheds light on the issue. Generally, the often discussed urban, suburban, rural, and city size rankings

of crime are, and should be giving way to discussions of enclaves, neighborhoods, and contexts which increasingly appear to be the critical spatial "correlates" of serious juvenile crime. Policy and control priorities must now break down the urban and suburban area into segments and subareas of crime. Crime control and prevention efforts would learn much from the exercise, although it is apparent that it is this topic about which least information is available.

## Characteristics of Juveniles Arrested or Adjudicated for Serious Crimes

The identity, background, and living arrangement of the serious juvenile offenders are of great interest, although only superficial profiles of those arrested or adjudicated emerge. There are numerous questions regarding predictability, punishment, and preventive confinement, which follow knowledge of the identity of the serious offender. Some things are clear: offenders are primarily male and white, but the prospect is increasingly black (and misleading). Hidden within the increasing black arrest rates are numerous cultural and economic correlates, none of which are well understood. One could base priorities on "race," with the result missing the concentration of crime, and thus the more pertinent and informational concerns. Generally, the knowledge is too superficial to serve as the basis of any firm conclusions. Boland and Wilson did venture some conclusions suggesting a two-track justice system designed to deal with the "routine" versus "intensive" offender. Obviously based upon the chronic offender studies, it made it apparent that such studies are an insufficient basis upon which to suggest revisions of the criminal justice system.

The relatively volatile changes of black arrest rates represent a challenge to researchers and ultimately to policy-makers. However, the knowledge of offenders based upon age, sex, and race per se will never be a sufficient basis for any policy decision. Not only are these variables not illustrative

of conditions or attributes critical to policymaking, but they are potentially misleading due to the more important correlates which they often mask.

In summary, future orientation should attach great significance to the need for critical and well-timed studies like those suggested. While the short-term prospect for national aggregate data for measuring serious juvenile crime and the juvenile offender is not impressive, there are local and regional efforts which could, within a limited amount of time, provide important dividends. Amidst all of these questions, the indication that serious juvenile crime is stabilizing or decreasing provides adequate reason to find out where and for whom it is or is not stabilizing.

## CHAPTER IV

### RELATIONSHIP TO SUBSTANCE ABUSE

#### INTRODUCTION

The original intention of this assessment, as with all appropriate assessments of the state-of-knowledge, had been to conclude with a focus on "identifying findings on which there is substantial agreement, findings that are in contention, and questions that have not yet been addressed." After this somewhat lengthy review of nearly 80 studies, the conclusion must be that the evidence concerning substance abuse and serious crime among juveniles cannot be so neatly categorized and displayed. Only four of the studies were directly concerned with the relationship between drug use and "crime" among juveniles. Of these, only two were concerned directly with serious or violent crime. Both of the latter were based on small samples of incarcerated assaultive youth in California.

The vast majority of the studies and the early reviews were more global or general in their scope, being concerned primarily with broader categories of drug abusers, nondifferentiated by age, or with criminal behavior, among which drug abuse of various types is almost casually related. Although this assessment has gleaned a considerable amount of information from the studies concerning substance abuse and criminal behavior among juveniles, it has had to be extrapolated, extracted in bits and pieces from tables and graphs, inferred, and even taken by implication from vague or passing references. The state-of-knowledge, then is, at best, fragmentary and largely tentative at this time. The conclusions in this volume

are largely based on almost accidental concurrences and repetitions found among the heterogeneous data of the studies surveyed.

This general summary will look across the various categories of drugs to examine several persistent themes or topics found or implied in the literature.

#### SUBSTANCE ABUSE AND SERIOUS CRIME AMONG JUVENILES

From retrospective studies of adult treatment patients or incarcerated felons, it seems quite clear that a relatively large proportion of known substance abusers have been involved in serious crime in their past. It is also clear that a considerable segment of known criminals are also substance abusers. It is not clear just how large a proportion these are of all substance abusers or of all criminals. For this known segment who are involved in both substance abuse and crime, two different patterns of involvement are shown:

- the drug-abusing criminal, who usually has a lengthy history of delinquency and criminal behavior prior to the onset of substance abuse, and
- the criminal abuser, who generally does not become involved in any great degree of delinquent or criminal activity until after the onset of substance use.

A number of studies reviewed were quite consistent in showing that the first pattern characterizes persons who become seriously involved with drugs after the age of 17 years, while the latter is typical of those who begin their use of drugs before the age of 18 years. For the former, the use of drugs is seen as part and parcel of an ongoing criminal career for some types of persons. For the latter,

- the onset of substance abuse during adolescence is a direct spur to subsequent delinquency and serious criminal behavior.

Except for a relatively small proportion of those characterized by the first pattern, i.e., the drug abusing criminal, substance abuse and serious crime do not become interrelated until after adulthood and are not of further concern to this assessment. For nearly all of those characterized by the second pattern, i.e., the criminal abuser, substance use, and serious crime are both aspects of juvenile behavior and thus central to the concern of this assessment.

The actual numbers of such juvenile criminal abusers is not known, but, from the samples used in various studies, proportions centering around 20 percent are found. That is, about 20 percent of those studied as methadone treatment patients were found to be characterized by the second pattern, as were about 20 percent of those samples based on adult prisoners. If that is true, then it seems safe to venture that:

- a substantial amount of serious juvenile crime stems directly from substance abuse during adolescence.

This observation must be tempered, however, by the point that the difference in pattern does not necessarily hold over all substance abuse categories. It is based largely on studies of opiate addicts, generalized samples of nondifferentiated "drug abusers," and marijuana users. For depressant, stimulant, and hallucinogen users, no specific relationships with criminal behavior were found. For the marijuana users, the evidence suggests that the linkage is not direct, but mediated through use of other drugs. The evidence from the generalized studies of "drug abuse," however, supports the idea that it is applicable to more than just opiate users.

Some support for the juvenile criminal abusers' distinctiveness is found in the types of criminal activities with which they become involved. Essentially,

- the juvenile criminal-abuser becomes involved in crime simply for financial gain to support the use of drugs.

Larceny, burglary, and robbery are the crimes most frequently encountered. Violence is almost never resorted to except during the course of crime for monetary gain.

#### ALCOHOL AND CRIME

A completely different pattern than those for the drug-abusing criminal or the criminal abuser is seen in the case of the criminal alcoholic. The alcoholic is primarily involved in violent serious crime, usually murder, assault, and rape. The studies seem to show that:

- the criminal alcoholic typically has a history of violent behavior and involvement with alcohol from adolescence, or even earlier.

#### MEDIATING CONSIDERATIONS

The relationship between substance abuse and serious crime is neither simple nor direct. Obviously not all persons who drink, or who are alcoholic, commit violent crimes. Not all juveniles who smoke marijuana become opiate addicts. Not all opiate addicts are forced to crime to support their habit. Some studies suggest that the drug-abusing criminals and the criminal abusers are minorities among both the total criminal population and the total drug-abusing population. Most studies are based on either known substance abusers or known criminals since they are the most readily accessible for interviews or survey questionnaires. Thus, it is possible that much of what has been said thus far is simply an artifact of the methodology of the studies on which it is based.

The nature of the relationship between substance abuse and serious crime, especially among juveniles, should also be seen as mediated in terms of the pharmacological properties of the various substances, the background of the user, their personalities, and the situation surrounding the criminal behavior of the individual abuser.

#### Pharmacological Properties

The various substances of abuse tend to rank themselves in terms of their involvement in serious crime. Alcohol and the opiates are seen as closely associated with serious crime, the amphetamines and barbiturates, especially secobarbital, as having a possible close association, and marijuana and the hallucinogens as only casually associated with serious crime.

There is both pharmacological and clinical evidence supporting the direct association of alcohol with violence. However, a considerable extent of the association of alcohol with violent crime must continue to be considered as a consequence of the widespread use of alcohol, which statistically tends to show it related to any number of types of both criminal and noncriminal behaviors. The best that can be said seems to be that:

- the use of alcohol, under some conditions, can be a direct stimulus to violent behavior.

Among the conditions seem to be the amounts and frequency of use, the situational context, the personality of the user, and the type of alcohol used.

There is little pharmacological or clinical evidence, however, for associating any of the other drugs as direct stimuli of serious crime. For the hallucinogens and marijuana, in fact, any direct association seems contra-indicated. In this context, however, it should be noted that there is always the possibility with any substance of the occurrence of psychotic episodes which might lead to violent behavior, simply due to the direct psychoactive effects of the drug on unprepared or naive users.

#### Socioeconomic Factors

A number of studies suggest that the association between substance abuse and serious crime stems primarily from the fact

that they tend to be found in the same environments--the slums, the ghettos, among the poor and the racial minorities. It is argued that the same amount of crime would continue to take place, probably by the same criminals, even if drugs and alcohol were totally eliminated. It is pointed out that crime rates for the 18-21 age group rise rapidly, especially for certain social classes, even for those who are not substance abusers. This line of argument tends to counter the distinction between the drug-abusing criminal and the criminal-abuser which was pointed out earlier.

#### Personality Factors

The substances of abuse work their effects on individuals largely in terms of their predisposing sets or expectations. Differences have been shown in hostility, aggressiveness, ego-strength, and frustration between different types of substance abuses (assaultive versus non-assaultive) as well as between abusers and non-abusers. It is probably best, then, to think of the association between substance abuse and serious crime as an interaction between the effect of the substance, itself, acting on the personality and background characteristics of the abuser which predispose him to crime.

#### Situational Components

Some crimes are planned and intentional, others are unpremeditated and episodic. Opiate abuse is generally associated with the former; alcohol and possibly barbiturate or amphetamine abuse, with the latter. In the first instance, the situational component is primarily availability of monetary gain through criminal action. The crime is for procurement in most cases. In the latter case, however, elements in the situation other than gain often precipitate the crime--family squabbles lead to assault, two drunken friends arguing over a baseball game can end in murder. An increasing situational component lies in the

nature of the illicit drug trade itself. Sometimes it is simpler to procure drugs not through purchase but simply by "knocking off the dealer himself." Or, perhaps the dealer cheats the customer, who retaliates. Here, the crime is associated with drug abuse, but it is the situational elements which are overriding.

#### A CONTRADICTION

This summary of the findings of the assessment on substance abuse and serious crime has exposed two diverse and seemingly contradictory strands. One strand emphasizes the close association of various substances of abuse with serious crime among juveniles, the other emphasizes the indirect and mediatory influences which limit and prescribe the extent of that association. In the first view, juveniles who use opiates, steal and rob directly to acquire their narcotic; alcohol, and possibly the barbiturates and amphetamines, are seen as directly releasing inhibitory controls resulting in violent assault. In the second view, however, those actions are seen as occurring only under certain conditions, among certain individuals, in certain settings, and at certain times. Perhaps the best analogy of the relationship of substance abuse and serious crime is that of a piece of rope--each strand entwining, limiting, and reinforcing the other in a continuing relationship.

#### IMPLICATIONS FOR POLICY AND RESEARCH

##### Policy Implications

What clues do the data provide concerning the prevention and control of serious crime by juveniles?

- If it is true that the juvenile criminal-abuser is largely non-delinquent prior to the onset of drug use and that most criminal activity thereafter is directed to monetary gain for drugs, then it seems clear that a considerable proportion of the serious crime committed

by juveniles is a consequence of that drug use. It follows that any effort to prevent or control that segment of serious crime must also, and perhaps primarily, be concerned with the prevention and control of juvenile drug use.

Whatever is done should not be carried out unilaterally by any single Federal or State agency. For example:

- The Office of Juvenile Justice and Delinquency Prevention must form a cooperative working arrangement with such other agencies as the National Institute on Drug Abuse and the National Institute on Alcoholism and Alcohol Abuse if anything more than a piecemeal approach to the problem of juvenile substance abuse and serious crime is to be attempted.

Among other approaches to the prevention and control of substance abuse among juveniles, the following should be given consideration:

- Early detection--the literature suggests that the juvenile drug abuser has certain special distinguishing characteristics in terms of social background, personality, and psychological makeup.
- Voluntary self-help centers--it is highly improbable that the individual who needs help with an actual or impending drug problem will voluntarily seek assistance from a facility associated with or sponsored by agencies of law enforcement or criminal justice. Such facilities must be locally supported and operated and engender a feeling of security and support for their clientele.
- Alternatives to narcotics--the provision of both opiate (methadone) and other alternatives to illicit narcotic use must be considered as preventive, rather than simply treatment, approaches.

#### Research Implications

The need for valid, systematic, and explicit knowledge in the area of substance abuse among juveniles and its relation to serious crime is apparent from only a glance through this

assessment. The following emphases are paramount:

- Research must focus on what occurs with juveniles who become criminal-abusers and alcoholics.
- Those characteristics of juvenile criminal-abusers and alcoholics which distinguish them from their peers must be defined and interrelated for purposes of early identification and diagnosis.
- The extent to which juvenile criminal-abusers and alcoholics contribute to the total of juvenile crime ought to be determined in order to develop appropriate strategies and resource allocations.
- Research on appropriate and useful prevention techniques and control and treatment strategies for use with juvenile substance abusers must be carried out before a total realistic approach to the problem can be developed.
- There must be a considered effort to initiate and conduct multivariate studies of the role of drug and other mediating elements on juvenile serious crime. Most of the studies to date have been simple correlational or group comparison studies which are unable to expose the real nature of the relationship between substance abuse and serious juvenile crime.

## CHAPTER V

### LEGISLATION

This report has examined the juvenile law in all 50 States and the District of Columbia to see what dispositional mechanisms are being used as a method of dealing with the serious offender.

To provide a frame of reference for the reader, a description is provided of a group of Federal actions which were undertaken to provide direction to the States on how to handle juveniles. These Federal efforts were examined specifically with the intent to abstract the content and guidelines for the use of dispositional mechanisms for serious juvenile offenders.

The Federal efforts reviewed were:

- The President's Commission on Law Enforcement and the Administration of Justice - 1967;
- The National Advisory Commission on Criminal Justice Standards and Goals - 1973;
- The Juvenile Justice and Delinquency Prevention Act of 1974 as amended in 1977; and,
- The Juvenile Justice and Delinquency Prevention Task Force - 1976.

A review of these Federal efforts disclosed that Federal guidance had primarily been directed at setting due process standards for the waiver of certain juveniles to adult court for criminal prosecution; some minimum standards for determining the circumstances under which juveniles should be detained; and guidelines for post-adjudication confinement.

The essence of the Federal recommendations to the States on the subject of waiver was that a juvenile should be at least

16 years of age, that there be a hearing to determine that probable cause exists to believe that the juvenile committed the alleged offense, and that there be criteria established to determine the amenability of the youth to services available to the juvenile court. On this last point, regarding the amenability of the youth to treatment, there was variance in the degree of specificity for the criteria. The specificity of the criteria was directly related to the chronology of the Federal efforts, so that by the time of the Juvenile Justice and Delinquency Prevention Task Force in 1976, the recommendations insisted that only the most serious offenders should be transferred to the adult court. This fact was evidenced by an insistence that the delinquent act be "aggravated or heinous in nature or part of a repetitious pattern of delinquent acts."

In addition to recommending heightened due process safeguards, Federal direction again (culminating with the Juvenile Justice and Delinquency Prevention Task Force) specifically rejected the notion of mandatory waiver hearings for juveniles. Though no concrete alternative was suggested to this practice, the Task Force encouraged cautious and infrequent use of the waiver mechanism.

In the detention area, the Federal guidelines were quite simple. They argue, in effect, that detention should be used sparingly for juveniles that represent a danger to themselves or others. Little elaboration is given here, except to say that, as a general rule, detention should not be required or used prior to adjudication.

Similarly, the Federal recommendations in the confinement area deal only in general terms. The substance of the provisions being that juvenile confinement should not exceed the period of time that an adult would serve for the same offense, and that the least restrictive sentencing alternative be used, commensurate with the seriousness of the offense.

As mentioned earlier in this report, this group of Federal recommendations for dealing with the serious offender is modest in nature. There has not been a concerted Federal effort to explicitly address the many nuances of serious juvenile crime. In view of these facts, one might reasonably ask how individual States have reacted legislatively to the juvenile crime problem. One way of answering this question is to say that 27 States\* have adopted the basic provisions of one of the Federal waiver recommendations cited in Chapter II; 21 States\*\* have adopted the Federal guidelines relating to detention; and three States\*\*\* have followed the recommended confinement provision. The incidence of State adherence to Federal recommendations, legislatively, has not been widespread. Part of the reason for this may be due to the fact that the Federal provisions have not been significant enough, substantively, to warrant much change.

A second way to answer the question of "how States have reacted legislatively to the juvenile crime problem" is to look at what States have done apart from, or independent of, Federal direction. Within this context, it can be said as a whole that few States have taken significant steps to adopt or adjust dispositional mechanisms to deal with the serious offender. For example, in the State of California, the waiver provision (Section 707 of the Welfare and Institutions Code) was amended to create a presumption in favor of waiving juveniles who are alleged to have committed one of 11 specified target offenses

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\*Alabama, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Mexico, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia.

\*\*California, Colorado, Florida, Indiana, Louisiana, Mississippi, Montana, Nebraska, New Mexico, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

\*\*\*California, Florida, and Louisiana.

to adult court for criminal prosecution. A similar provision was passed in the State of Florida which calls for a mandatory waiver hearing for youths aged 13-15 and the exclusion of the case from juvenile court for a youth over age 16 who previously has been adjudicated delinquent for one of a series of specified felony offenses. Also, in both Florida and California, there are now more severe confinement provisions in effect. In Florida, the law permits the assignment of an adult sanction (i.e., confinement in a youthful offender facility used for youths over 18) for juveniles waived to adult court who are convicted; and in California a juvenile who is similarly convicted in adult court can be confined in the California Youth Authority until age 23, with the option to "graduate" the youth to prison at the end of that time, if he is still believed to represent a danger to the community.

In the State of New York, the Juvenile Justice Reform Act of 1976 was amended in the summer of 1978 to include a new "juvenile offender" provision. The basic substance of this legislation is that juveniles age 13-15 who commit one of a series of specified violent offenses (e.g., murder, rape) are excluded from the jurisdiction of the New York Family Court. This provision, coupled with the maximum age of original jurisdiction of the Family Court being set at 16, makes this law one of the most severe in the country.

Finally, in the States of Colorado, Delaware, and Washington, mandatory sentencing laws have been passed for juveniles. Under these statutory provisions juveniles who are "repeat" or "violent" offenders (in Colorado), or have committed a serious felony (in Delaware and Washington) will be subject to a minimum sentence of confinement in a juvenile facility or institution. Such confinement does not have to be in a training school in Colorado, although it may be. In the other two States, institutional confinement is mandated by the legislation.

Looking at State activity as a whole, legislatively, it seems that there is a great deal of confusion and mixed sentiment

concerning what to do about the serious offender. The policy options that are available to the States cover a wide spectrum. Many States may not want to take immediate action to create new dispositional mechanisms. The current methods for handling such offenders may be perfectly adequate in such States, with a range of services available through the juvenile court and a waiver mechanism that can be used for certain serious juvenile offenders. Other States may want to develop new intensive treatment centers like the ones situated in Massachusetts as alternatives to maximum security training schools, or to develop special juvenile offender programs that phase youth in and out of the system as in Minnesota, where special treatment services for the serious offender are now being used.

At the more punitive end of the spectrum, States may feel compelled to pass major changes in their juvenile law like the six States (California, Florida, New York, Colorado, Delaware, and Washington) discussed in detail in Chapter IV. The mechanisms in these States are designed to either treat serious offenders as adults for dispositional purposes, or to pass some kind of mandatory/determinate sentencing scheme for use within the juvenile justice system.

It should be pointed out and emphasized heavily that the results of this statutory analysis have gravitated to the punitive mechanisms for dealing with the serious offender. This occurred primarily because the punitive mechanisms are the only ones which stand out in the statutes as being efforts to deal with the serious offender. It was not possible in this analysis to find out about less punitive mechanisms that may have been consciously developed and implemented in the States, because the legislation does not make reference to the fact that such mechanisms are tailored to the serious offender. Rather, the statutes talk about delinquents generally. A second limitation to the results of this report is that the analysis was limited to the statutes as they were written.

It was not possible to determine how the statutes have been interpreted in practice or how often they are used.

However, despite the fact that the findings have limitations, some important information has been learned. The legislative changes in California, Florida, New York, Colorado, Delaware, and Washington represent a radical departure in dispositional mechanisms for dealing with serious offenders. Also, the legislation which was attempted in Kentucky and Illinois would have followed these six States if it had been enacted. This information tells us that a small group of more urbanized States have taken major steps to get tougher on juveniles for serious offenses. Meanwhile, the vast majority of the States have apparently retained the more traditional juvenile court philosophy of rehabilitation.

## CHAPTER VI

### JURISDICTION

This section reviews the statutory provisions regarding juvenile and criminal court jurisdiction over youth under 18 years of age in the United States. All 51 State jurisdictions have been included in the review (e.g., 50 States and the District of Columbia). Particular attention has been given to waiver because that procedure transfers jurisdiction of youths from the juvenile to the criminal court (or the reverse) and typically involves the serious offender who is the subject of this report.

The jurisdiction of the juvenile court, the jurisdiction of the criminal court, and the circumstances under which waiver are permitted are all determined primarily by age and offense.

#### JUVENILE COURT JURISDICTION

Normally, the juvenile court will have jurisdiction over youths under 18 years of age. Eighteen is the maximum jurisdictional age in 39 jurisdictions. However, eight jurisdictions have a maximum age of 17, and four have a maximum age of 16. The minimum age at which children come under the jurisdiction of the juvenile court is not so clear. In 45 jurisdictions, there is either a common law presumption of the age of seven or no age specified. In the remaining six jurisdictions, the age is specified as seven or ten.

It is the normal practice that the time when the jurisdiction of the juvenile court attaches is the time the offense takes place. This is true in 37 jurisdictions. However, in the remaining 14 jurisdictions, the jurisdiction does not attach

until the time of detention or filing of charges. Delays can thus shift a youth from juvenile to criminal court.

In 32 jurisdictions, the juvenile court maintains jurisdiction, once established, until the age of 21. The age limit for duration of jurisdiction is younger than 21 in 18 jurisdictions (usually when the maximum jurisdictional age is lower). In one jurisdiction, it extends to age 23.

Finally, with regard to juvenile court jurisdiction, the normal situation is that the juvenile court will have exclusive original jurisdiction over youths under the maximum jurisdictional age. However, ten jurisdictions do not do this and provide instead for concurrent jurisdiction between the juvenile and criminal courts.

#### CRIMINAL COURT JURISDICTION

There are a significant number of youths under 18 who come under the original jurisdiction of the criminal court. This is because four jurisdictions provide for criminal court jurisdiction as soon as the age of 16 is reached, and eight others provide for criminal court jurisdiction at the age of 17. There are only a few jurisdictions which provide youthful offender facilities and treatment programs for the younger inmates of their adult systems.

Another group of under 18 youths who find themselves in the adult criminal court consists of those accused of certain offenses specifically excluded from the jurisdiction of the juvenile court. In the ten jurisdictions where this is so, the offenses include murder, any crime punishable by death or life imprisonment, and certain other serious felonies.

Finally, concurrent jurisdiction between the criminal and juvenile courts is provided for in the statutes of ten jurisdictions. Most of these specify concurrent jurisdiction only in cases of serious felonies, but two of the jurisdictions allow it for any offense and at any age. The role of the

prosecutor is crucial in determining which court will have authority in the situation of concurrent jurisdiction, and the presumption is that the original jurisdiction will fall to the criminal court in the more serious cases.

#### WAIVER

Waiver, the procedure whereby the juvenile court transfers jurisdiction over a youth to the criminal court (or the reverse), is of vital importance where the serious juvenile offender is concerned. All except three of the 51 jurisdictions provide for waiver.

When the age and offense criteria for waiver are considered, the special relevance of the procedure to serious juvenile offenders can be seen. Usually waiver is used for youths over a certain minimum age-16, 15, 14, or even 13-who are accused of felonies, and who are considered no longer amenable to treatment within the juvenile justice system. There are, however, ten jurisdictions which do not require a minimum age for waiver.

Twenty-six of the jurisdictions permitting waiver require that the offense be either a felony or a specified serious offense, while 22 jurisdictions do not specify an offense. Five jurisdictions provide for mandatory waiver hearings where juveniles are accused of specified serious offenses (or, in one case, have two previous delinquency adjudications). Provisions for mandatory waiver hearings place a definite limit on the discretion of the juvenile court judge.

In almost all of the jurisdictions, a waiver hearing is required, and the guidelines for waiver in the various jurisdictions of the country are generally derived from the Kent criteria.

#### JURISDICTIONAL ISSUES

By its nature, this report has been a review of statutory provisions in the U.S. which govern jurisdiction over youths

under 18. It is most important for the reader to keep in mind, however, that the statutes by themselves do not reveal a complete picture of the actual policies and practices of the jurisdictions involved. Or, as Zimring puts it, "The contrast between what we say and what we do can be stark in a policy area generously endowed with both nostalgia and hard cases."

A single illustration will show the information needed beyond the relevant statutes. Arizona has a maximum jurisdictional age of 18, no minimum waiver age, no offenses excluded from the jurisdiction of the juvenile court, grants exclusive original jurisdiction to the juvenile court, and provides no offense criteria for waiver. This permits them to waive any juvenile of any age for any offense. This fact, combined with the lack of information on how often waiver is actually used, means that little is known about how the serious juvenile offender is handled in Arizona. To learn that, one needs to know the numbers of juveniles waived, their ages and offense histories, their dispositions, and the average length of commitments. A similar situation exists in the other 50 jurisdictions. It is necessary to obtain a great deal of information beyond the statutes themselves in order to learn how serious juvenile offenders are actually handled. This information is rarely available in convenient form, if at all. Information on the use of waiver procedures is especially hard to come by.

Recognizing, then, that there is a disparity between statutory provisions and implementation of statutes, here are some of the jurisdictional issues which arise concerning serious juvenile offenders:

- Maximum Jurisdictional Age  
Should the maximum jurisdictional age be a uniform of 18, or should it be lower to bring more youths under criminal jurisdiction?
- Time at Which Jurisdiction Attaches  
Should the time at which juvenile court jurisdiction attaches be fixed uniformly as the date of the offense?

This would prevent intentional or unintentional delays from de facto waivers into the criminal court.

- Criminal Court Jurisdiction Over 16- and 17-Year-Olds  
Should there be provisions for separate facilities and treatment programs for these young offenders who come under the jurisdiction of the adult system?
- Offenses Excluded  
Are the wide variations in offenses which can be excluded and the limitations on judicial discretion necessary?
- Concurrent Jurisdiction  
Are the ambiguities and the prosecutorial powers inherent in concurrent jurisdiction necessary or helpful in handling serious juvenile offenders?
- Waiver  
Is the juvenile's "right to treatment" with the juvenile justice system abrogated in the waiver process?  
Is mandatory waiver for certain offenses necessary for dealing with serious juvenile crime, or is it an unnecessary limit on juvenile court powers?  
When juveniles are waived to criminal court, are their sentences comparable to those received by adults for the same offenses?  
Should criteria for waiver be standardized for all jurisdictions?
- Confidentiality of Information  
Should the hearing, records, and identity of all persons handled by the juvenile justice system under 18 be maintained as confidential?

An overreaching issue is whether the jurisdiction of the juvenile court should be limited so that more serious juvenile offenders are handled in the criminal court or the resources of the juvenile court should be strengthened to provide more just and efficient treatment for those serious juvenile offenders.

## CONCLUSIONS AND RECOMMENDATIONS

The expansion of options for limiting the jurisdiction of the juvenile court over serious juvenile offenders indicates a question in the minds of many regarding the capacity of the juvenile justice system to handle these troublesome youths.

As the Twentieth Century Fund report says:

State law can provide for these "deep-end" cases in three ways: by lowering the maximum age of juvenile court jurisdiction (typically to under sixteen or seventeen), by increasing the sentencing authority of the juvenile court, or by providing for the transfer of cases to the criminal court.

The following recommendations are offered:

- The maximum jurisdictional age of the juvenile court should be 18 in all jurisdictions.
- The minimum jurisdictional age of the juvenile court should be ten.
- The time at which the jurisdiction of the juvenile court attaches should be the date of the offense.
- The duration of juvenile court jurisdiction should extend to age 21.
- The juvenile court should have exclusive original jurisdiction over all youths under 18.
- No offenses should be excluded from the original jurisdiction of the juvenile court.
- Concurrent jurisdiction between the juvenile and criminal courts should not be allowed.
- Provision for waiver of jurisdiction over juveniles under 18 to the criminal court should be made in all jurisdictions, with a minimum waiver age of 16, a list of serious or repeat offenses required for waiver, and complete due process protections guaranteed.

## CHAPTER VII

### PROGRAM INTERVENTIONS

#### SUMMARY

This report has surveyed a number of intervention programs selected on the basis of their recency, differentiation, and innovativeness. These range from large-scale attempts to revolutionize and significantly alter the juvenile justice system down to programs which introduce some novel method for the delivery of services and, in some cases, no more than comparatively brief unusual or exotic experiences.

A hard look at the programs reveals that there are a limited number of things which can be done to or for serious delinquents, although the ways of doing them can and do vary considerably. Basically, correction workers can provide remedial education, vocational training, recreation, and counseling. This last takes two main forms: one-to-one talk and verbal interaction within small groups. For violent, assaultive delinquents, of course, there must be added the medical remedies of psychotropic drugs, plus various restraining and stimulating techniques traditionally used in mental hospitals.

Most of the programs scrutinized tended to follow a medical model in the sense that a professional staff did something to or for the serious delinquent. This was particularly true of the few programs in existence for violent and assaultive delinquents. An underlying assumption was that delinquency is a symptom of some defect or disorder which takes the form of "acting out." An opposing point of view is that the serious delinquent has developed a destructive self or identity based on persistent deviance. Needed is a situation encouraging

resocialization, calling for deliberately induced self-doubt, anxiety, depression, and frustration. The only program clearly organized around this latter, a self-help model, was Elan.

Actually, the program planners in Massachusetts, Illinois, and Pennsylvania were aware of the issues surrounding the medical model for treating serious juvenile offenders, but problems of management, funding, and program survival took precedence over those of program goals and their fulfillment. Attempts were made to recognize the self-help aspect of treatment by directives to bring serious offenders into program planning, but evidence of success in doing so was slim, perhaps because of too great reliance on behavior contracts.

The only unequivocal claim to success in terms of recidivism was made by the Unified Delinquency Intervention System (UDIS) evaluators who held that both the institutional program in Illinois as well as the experimental program, had a suppression effect on delinquent actions. The interpretation of this digressed from the medical model by arguing that youths were placed in situations or so handled that probabilities of punishment became credible and that they made rational choices to change their ways of acting. This amounts to a kind of revisionist version of classical penology, but made amenable with deterrence and labeling theory of deviance.

The Massachusetts reforms led to a large proliferation of programs, but no claim that recidivism was any less for delinquents under community-based programs than it had been for those previously held in institutions. The evaluators at the Harvard Center, however, found virtue in all of this on grounds that handling delinquents in Massachusetts became more humane and diversity of programs gave great flexibility necessary for individualized treatment.

Partisans of the Massachusetts reforms believe that they offer a model for correctional change. However, conditions for such wholesale renovation of juvenile corrections probably were advantageous and would be difficult to reproduce in many

other States. Yet, Miller has cast a long shadow and the ideas he sought to incorporate into juvenile correctional programs pose continuing questions for consideration.

In one respect, Miller was overzealous in his obvious distaste for any coercive control of juveniles. This is especially true in struggling with the thorny problem of the violent and destructive delinquent. The UDIS evaluation cast doubt on the claim that the "least drastic" alternative would be the most successful. Moreover, in Miller's initial environment, Massachusetts, some of the Harvard research questioned whether continued close contacts with the community did not actually diminish the effectiveness of open programs, primarily because they lessened participation, monitoring, and feedback.

It may be significant that programs as far apart as the Minnesota experiment and Elan begin with closed residential treatment and then proceed to a more community-based type of treatment.

Generally, the quality of evaluations of the programs examined here was not high. In part, this was due to difficulties in obtaining reliable and complete data, but it also may be a consequence of reliance upon the experimental model. The difficulty with such evaluations is their failure to show how changes occur and how variant human evaluations and choice affect outcomes of programs.

The issues raised by the program survey concern the utility of the medical model, system versus service delivery changes, closed residential versus community-based treatment, and methods of evaluation.

#### RECOMMENDATIONS

The small number of programs identified specifically for serious juvenile offenders and the general state of uncertainty in the field of corrections caution against any but the most tentative recommendations for policymakers. Nevertheless, some

ideas emerge which are worth further thought and possible research. These will be discussed in order of their presumed importance:

- (1) A number of analytical studies of non-medical models for intervention should be commissioned. These should explore alternative ways of instituting intervention programs which are in other than the conventional experimental form. These might conceivably include: the middle-class family model, peer group models, self-help model, and possibly a "shape up or ship out" military model. This last might epitomize the part of deterrence and choice in human behavior change.
- (2) Continued support should be given to studies of the socio-political aspects of intervention into problems of children and youth of the general nature of those being done by the Harvard Center. However, more attention should be given to in-depth study of intervention at the lowest level of social interactions.
- (3) Intervention with hard-core, violent offenders by means of small, closed residential centers should be given careful consideration. Programs should be evolved using a number of different models but which allow comparison along similar dimensions. Apart from McEwen's Massachusetts research findings, sociologists going back to Cooley and Sutherland have agreed that the most powerful influences shaping or reshaping human behavior are asserted in small, face-to-face groups characterized by continuous, personal interaction. This wisdom should be perpetuated in intervention schemes. In addition to the dimensions of size and continuity of interaction, comparisons should include those of equality and participation.

- (4) A law center or institute with the support of the legal profession should be commissioned to study means for reconciling maximum experimentation in intervention with accountability for protecting rights of juveniles. This recognizes that small groups, as well as large bureaucratic organizations, may evolve in ways which distort the order of values needed to give priority to the welfare of children and youths.
- (5) The nature and meaning of community-based intervention needs analysis and empirical investigation. The very idea of community is a debatable term--and it may not exist in urban areas--except as it is expressed by activities of organized groups. Community-based may mean nothing more than the existence and coordinated delivery of helping services. If so, then the conception of case managers or service brokers is highly important, but needs further formulation and research into procedures built on the idea.
- (6) Youth advocacy on its face merits expanded funding and support. Use of college students, women especially, as youth advocates is a facile way to utilize a readily available source of energy, interest in helping others, and free time. College and university students can be recruited at relatively small costs, particularly where arrangements allow some form of work-learn credit. Their utilization can, in some degree, help minimize the "burn-out" problem encountered among staff in programmatic intervention.
- (7) Further experimentation with the use of paraprofessionals and community workers should be supported. This is related to problems of discovery and coordination of helping services in urban areas with heavy minority concentrations. It also addresses some of the problems of

equality and participation noted in recommendation No. 3.

- (8) The problem of high unemployment among minority group teenagers should be recognized in devising aftercare programs. As noted, remedial education and employment are not sufficient but rather necessary elements of the intervention and change process. Inasmuch as many programs tend to fill up with disproportionate numbers of minority groups, then problems peculiar to blacks require special attention.

## CHAPTER VIII

### CONFIDENTIALITY OF JUVENILE RECORDS

With regard to the confidentiality of information within the juvenile justice system:

- The general public is ordinarily excluded, by statute, from attendance at juvenile court hearings, with exceptions within the discretion of the court, by 33 of the 51 jurisdictions. Eleven of the jurisdictions do not specify the exclusion of public attendance, but empower the court to admit or exclude usually in accordance with statutory guidelines. Four jurisdictions ordinarily admit the public in juvenile court hearings and provide the judge the discretionary power to make exceptions. Three jurisdictions do not include provisions in the statutes regarding public attendance at juvenile court hearings. Some jurisdictions provide clauses which allow the media in closed juvenile hearings, and general public attendance in hearings, if the case involves a serious or repeat offense.
- Public inspection of juvenile records requires express permission of the court in 42 of the 51 jurisdictions. Five of the jurisdictions allow legal records to be public, and one State allows the legal record to be public in any case alleged to be a repeat offense. Another jurisdiction allows the news media to inspect the police records of juvenile offenders on the condition that there be no public disclosure of identity.
- The public disclosure of juvenile identities ordinarily requires court permission in 47 jurisdictions. The few exceptions to the restriction of public disclosure of juvenile identities include cases when the juvenile offender has been classified as repeat (two jurisdictions), serious (one jurisdiction), or repeat-serious (one jurisdiction).

The control or confidentiality of information on juveniles being handled by the juvenile justice system is primarily within the discretionary power of the juvenile courts. Public

attendance at juvenile hearings without necessary court permission has been granted by only a handful of jurisdictions, as is the case with the public inspection of juvenile records. Although, occasionally, the press has been granted the right to attend closed hearings and inspect legal records (on the grounds that the juvenile's identity remain confidential), the exceptions to the usual practice of confidentiality in hearings, records, and the release of identities appear to occur when the juvenile under consideration by the jurisdiction has been classified an alleged repeat, serious, or repeat-serious offender. When a person under 18 is waived to the criminal court, no restrictions are apparent on the confidentiality of information.

## CHAPTER IX

### ECONOMIC IMPACT

#### SUMMARY

This volume of the report has been concerned with assessing the economic impact of serious juvenile crime. Economic impact was defined as a disruption caused by serious juvenile crime in the existing patterns of production, distribution, and consumption of goods and services. Economic impact was divided into direct and indirect costs of serious crime.

Direct costs comprise: (1) net (or uncompensated) costs incurred by the victim because of the serious crime committed, including monetary loss and the cost of physical and psychic injury; (2) costs of psychic injury incurred by a witness to the commission of a serious crime; (3) net monetary costs and psychic costs of the victim's participation in subsequent juvenile justice system processing; and (4) net costs to the witness of participation in subsequent juvenile justice system processing.

Indirect costs comprise: (1) the cost of increased household expenditures caused by increased consumer prices and the cost of residential and personal security; (2) the cost of taxes for the public compensation of victims and witnesses through specific compensation programs, and public compensation mechanisms, such as unemployment compensation, and finally, the cost of processing juveniles charged with or convicted of a serious crime; and (3) the cost introduced by diminished property values in crime-ridden neighborhoods. Each of the different types of costs was explored and estimated in this

report, but the focus of the effort was on determining the direct costs of crime and the indirect costs associated with juvenile justice system processing costs.

The different approaches which exist for estimating primary direct costs were collapsed into seven categories:

- (1) A discounted present value of net future earnings approach;
- (2) A human capital approach; evaluating life based on the education, vocational training, experience, and adaptabilities that the individual has personally vested;
- (3) Estimating net losses incurred by victims, witnesses, and their families;
- (4) Examination of the implicit values placed on injury, or loss of life by the political (legal) process;
- (5) Examination of injury or threatened injury as determined in victim compensation programs;
- (6) Imputation of the value of injury, or the loss of life, by an examination of the individual willingness of a person to avoid or pay to avoid risky, potentially injurious, or fatal situations; and
- (7) Imputation of direct costs by means of econometric analysis.

Each of the approaches was analyzed in terms of its merits and limitations, particularly the econometric approach. As a result, an extensive economic model was developed. All of the approaches, including the econometric approach, failed to result in reliable, comprehensive, direct cost estimates. An estimation methodology was subsequently developed by matching the most reliable cost estimates for certain serious crimes to the Sellin-Wolfgang crime index. This effort generated a logarithmic function and yielded cost estimates for each of the serious crimes. Utilizing these individual estimates, aggregate data estimates were derived for total serious crime on a national level and for serious juvenile crime. Total serious crime costs

in 1976 were estimated at approximately \$35 billion (in 1977 dollars). Serious juvenile crime costs were found to amount to 28 percent of that figure (or \$9.8 billion). Indirect costs, excluding juvenile justice system processing costs, were estimated at the household level. These indirect costs are comprised of increases in consumer prices amounting to \$404 annually. Indirect costs introduced by increased taxes were found to be negligible on an annual basis. Indirect costs introduced by diminished property values, however, were found to be substantial, particularly in those neighborhoods characterized by very high levels of serious crime.

The economic impact of processing juveniles charged with or convicted of serious offenses was estimated and analyzed on several different levels: (1) average costs, in the form of input and output costs; (2) output and output effectiveness; and (3) outcome costs or the level of cost effectiveness.

In another chapter, differences between output or process evaluation and outcome evaluation were explored in depth, as were problems in the design and undertaking of both. The different purposes of evaluation and the types of evaluation design were also explored. The outcome effectiveness of juvenile justice system processing was subsequently assessed, beginning with the juvenile justice system as a whole (with a focus on deterrence and incapacitation), and then a separate analysis of each process area. Several programs processing primarily serious juvenile offenders were described and assessed in terms of their individual outcome effectiveness.

The current state-of-the-art of outcome cost or cost effectiveness analysis lags substantially behind simple cost analysis and simple effectiveness analysis. The assessment of outcome costs or cost-effectiveness focused on the deficiency in past and current analytical efforts and developed a recommended strategy for the continuing evolution of reliable and usable outcome cost analysis information.

## RECOMMENDATIONS

The principal policy recommendations emerging from this assessment are as follows:

- Existing data bases should be evaluated and refined, new data bases should be designed and established, and research efforts should be undertaken to identify factors which contribute to serious juvenile crime production. The types of questions that the research efforts address should determine data needs, and the types and quality of data should determine the extent of validity of consequent research conclusions.
- Programs should be established which are specifically concerned with reducing serious juvenile crime and which are specifically tailored to correcting environmental or individual deficiencies determined to result in serious juvenile crime production.
- A systematically reliable design should be developed and implemented to test the extent to which inputs and outputs contribute to outcome effectiveness.
- Funds should be targeted for processing specific groups of serious juvenile offenders as a means of encouraging the emergence of privately operated programs. Small jurisdictions could pool available resources for treating serious juvenile offenders. Such a policy would be particularly cost-effective for female serious juvenile offenders whose numbers are typically low in comparison to male serious offenders.
- Police resources should be allocated among activities and areas within the jurisdiction on the basis of the estimated aggregate serious crime costs imposed.
- A balance must be struck between the cost incurred by (or for) the offender and the costs incurred by the community.
- Finally, various free market strategies for reducing crime targets and potential crime situations should be expanded and new strategies devised. Existing strategies include automatic transfer of social security payments to participating bank accounts, and gasoline station policies which require exact change or credit cards for nighttime purchasing transactions.

## APPENDIX A

NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

STAFF, ADVISORY COMMITTEE,  
AND PROGRAM MONITORS

NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

STAFF

DIRECTOR

Charles P. Smith

PRINCIPAL INVESTIGATORS

Paul S. Alexander    David J. Berkman    T. Edwin Black    Donald E. Pehlke

SENIOR CONSULTANTS

Robert M. Carter    Sheldon L. Messinger

RESEARCH ANALYSTS

B. Duane Baker    Warren M. Fraser    Garry L. Kemp    Adrienne W. Weir

CONSULTANTS

Dean V. Babst	Thomas V. Halatyn	Lloyd E. Ohlin
Jerome R. Bush	Donna M. Hamparian	Llad Phillips
Bette Caminez	Deborah Leighton	Chester F. Roberts
Fred R. Campbell	Edwin M. Lemert	David R. Rudisill
Eleanor Chiang	F. Raymond Marks	I. J. Shain
Robert Coates	Romey P. Narloch	Kenneth Smith
Bruce Fisher	Marcus G. Neithercutt	Donald J. Thalheimer
Peter G. Garabedian	Eli Newberger	Leslie T. Wilkins
Keith S. Griffiths		Paul M. Whisenand

ADMINISTRATIVE ASSISTANTS

Paula Emison    Dorothy O'Neil

RESEARCH ASSISTANTS

Ray Badger	Teresa Rooney	Bryan Smith
Saul Geiser	Roben Sellers	Carl Sundholm
Mollie Harris	John Sewart	John Sutton
Tina Romano		Ronald Tuttle

GRAPHIC ARTISTS

Ray McKinley    Tom Yamane

CLERICAL ASSISTANTS

Deborah Black    Andrea Marrs

ADVISORY COMMITTEE

Alfred Blumstein    Lee P. Brown    Peter W. Forsythe

PROGRAM MONITORS

James C. Howell    Phyllis D. Modley

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