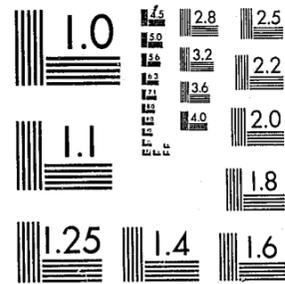


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THE PREDICTION OF VIOLENT BEHAVIOR IN JUVENILES: A REVIEW OF THE LITERATURE

Final Report to the National Institute of Justice
US Department of Justice

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National Institute of Justice

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THE PREDICTION OF VIOLENT BEHAVIOR IN JUVENILES:
A REVIEW OF THE LITERATURE

A continuing concern of the Texas Youth Council is the prediction of future violent behavior of those youths under the jurisdiction of this agency. The Texas Youth Council bears the dual responsibility of the protection of the civil rights of its students and the protection of society from crimes of violence by juvenile offenders. Because of the serious consequences of decisions for the student and for society regarding future violent behavior, a need was determined to review current research trends and opinions of those professionals in the criminal justice system involved in predicting dangerous behavior. The following paper summarizes the latest information on the topic.

Of specific concern to the Texas Youth Council are the following topics: a comprehensive definition of the violent juvenile offender; the most recent authoritative opinions on the apparent increase in violent juvenile crime; problems associated with the prediction of dangerousness; techniques for predicting violent behavior; studies of the evaluators' perception of dangerousness; societal trends in working with the violent juvenile offender; and finally, new correctional programs for the violent juvenile offender.

DEFINITION OF THE VIOLENT JUVENILE OFFENDER

Since the definition of the violent or serious juvenile offender varies from author to author and from state to state, a need was seen for a comprehensive definition of the serious juvenile offender. Samuel Sublett, Jr. defines the serious juvenile offender as that juvenile guilty of acts of violence against a person or of threatened acts of violence against a person, that juvenile guilty of acts of violence or threatened acts of violence against a person coupled with serious property offenses such as auto theft or arson, and finally that juvenile guilty of acts of violence or threatened acts of violence against a person, and serious property offenses linked to repetitive criminal behavior of a less serious nature.

IS THERE AN INCREASE IN VIOLENT JUVENILE CRIME

Authorities differ as to the occurrence of an increase of violent behavior by juveniles in the United States today. Barbara Boland and James Q. Wilson (1978) state that juveniles, especially chronic juvenile offenders, commit a far greater proportion of serious crimes than arrest reports indicate. They further state that the rate at which the juveniles commit crimes declines as they become older, while the chances of being arrested, convicted, and incarcerated are higher not when the offenders are young active offenders but when they are older and less active. They further state that juveniles are committing violent offenses at a greater rate than non-violent offenses, and finally that juvenile crime is increasing at a faster rate than crime in general. Donna Hamparian (1978) states that juvenile violence is increasing at a more rapid rate than adult violence. Shirley Goins (1978) also states that statistics indicate an increase in the arrest of juveniles for violent crimes. She further states that these statistics could be a result of increased law enforcement activity and not an increase in actual juvenile crime. An alternative view is offered by Patricia Connell (1978), a staff attorney at the National Center for Youth Law. This center provides aid to public defenders and legal aid services across the country and Ms. Connell's experiences in this capacity indicate that there has not been an increase in violent youth crime.

PROBLEMS IN PREDICTING DANGEROUSNESS

The problems associated with predicting dangerousness are aptly described by Edwin I. Megargee (1976). Megargee states that while the public, the police, and the legislature commonly feel that the mental health profession is releasing too many potentially violent individuals, empirical data indicate that clinicians tend to overpredict and classify too many people as dangerous. He discusses the problem of using a statistical prediction designed for a group to predict the behavior of one individual. Since error will always exist in the use of statistical predictions, we must balance the civil rights of the potentially violent person against the need for protection by society.

Megargee indicates that both personality factors and situational factors must be defined and accurately assessed before we can correctly identify potentially

dangerous individuals. Personality factors can be divided into motivation, internal inhibitors, and habit strength. Motivation can be assessed in terms of aggression, which can be angry aggression, or instrumental aggression. Angry aggression is a transitory emotion, while instrumental aggression is a premeditated use of aggression to accomplish an end. Motivation can also be seen in terms of hostility, which is a relatively enduring characteristic of a person, and anger, which is a transitory emotion. Psychological tests traditionally direct their assessments to hostility, which is seen as an enduring characteristic and ignore the transitory emotion of anger. Megargee believes that case histories and family interviews are more useful than psychological tests in gauging hostility and anger.

Megargee next discusses the role of internal inhibitors in predicting dangerousness. These are internalized rules which stop us from acting in a violent or aggressive manner. These internal inhibitors can vary from target to target. An example of this would be of a man who becomes angry with his employer and violently attacks a fellow patron in a bar as a substitute for his aggression. Internal inhibitors can vary as a function of the act. An example of this would be a man who would never use a knife or a gun to harm another person, but would beat another person to death. Finally, internal inhibitors can vary as a function of distance. An example of this would be a man who would never fight with, shoot, or knife another person, but would set a fire in which he knew people would be harmed. Internal inhibitors can also vary as a function of chemicals. An example of this would be a person who would normally not act in a violent or aggressive manner, except under the influence of alcohol or drugs. Some violent people are characterized by excessive inhibitors. Aggression in these individuals builds till the inhibitors are overwhelmed. An example of this would be a man who acts in an excessively mild manner until he buys an arsenal of weapons and kills numerous people. This person, when incarcerated, might never be violent again or might act in a violent manner at some future date. There is no way to predict at what point this person's inhibitions will become overwhelmed by pressure.

Finally, Megargee talks about habit strength, the extent to which aggressive responses have been reinforced in the past. If a person has satisfied his need for sex, power, mastery, or wealth by instrumental aggression and in a socially disapproved manner, he will be much more likely to continue his violent behavior.

Another person may also use aggression to satisfy these needs but will satisfy the needs in a socially approved manner by joining the police or the military.

Situational factors are seen as important in the prediction of violent behavior of juveniles. Examples of critical situational factors are the availability of a weapon to the victim or to the assailant, the presence of onlookers, the behavior of the potential victim, the level of frustration in the environment, or the social approval of violence in a particular subculture. Situational factors can facilitate or impede dangerous behavior. An example of this would be the presence of a gun in the hand of a potential victim, which would discourage violent behavior by the assailant, or the presence of a gun in the hands of the assailant, which would encourage violent behavior.

The problem is to determine which variables in the personality and in the situation are relevant variables in predicting dangerousness. Once we determine the relevant variables, we must correctly assess them. Unfortunately, there is no way at this time to determine which variables are relevant, and no assessment devices exist to accurately measure the relevant variables, even if we were able to define them. Additionally, variables other than those variables related directly to aggression may result in aggressive behavior. Examples of these variables are sex, hunger, and the need for status.

Most literature on the prediction of dangerousness focuses on the reliability and validity of personality assessment devices. Many of these personality assessment devices can discriminate between those patients and criminals who have been involved in violent behavior in the past and non-patients and non-criminals who have not been involved in violent behavior in the past. No assessment device exists at this time which can discriminate between violent criminals or patients and non-violent criminals or patients. These assessment devices can accurately differentiate between people who have been violent in the past and a normal non-violent population, but the devices cannot predict future behavior.

The best prediction of future behavior is a history of violent behavior. Predicting future violent behavior by past violent behavior fails to take into account personal change through maturity and experience. Many people experience a great sense of guilt after a violent act. Many other people feel a great sense of

release of tension after the violent act and will never act in a violent manner again. Additionally, a person's experiences in the criminal justice system may result in the elimination of aggressive responses. A person in a prison setting may refrain from violence for years because of counseling, chemotherapy, and the strong external controls of the prison situation. This person may become violent when released from the strong external controls and put in a less structured, less supportive community setting. Contrarily a person who is involved in violent behavior inside an institution may be simply responding to the particular stresses and demands of the institutional subculture. The same person may never again be involved in violent behavior once released to the community.

Because of the difficulties inherent in predicting violent behavior, Megargee suggests confining only those people whose overt behavior justifies confinement. For those persons whose behavior does not justify confinement, he suggests more benign procedures, such as peace bonds, close parole supervision, warning the potential victim, and brief preventive detention on legal or psychiatric grounds. He strongly states that in the absence of overt behavior, no indefinite detention should occur. He suggests a modest approach by professionals in predicting dangerous behavior. He finally stresses again the need to balance the civil liberties of those persons who might be labeled as dangerous against the need for society to protect itself.

Numerous authors reiterate the fact that predicting potentially dangerous behavior is impossible at this time. Stephen J. Pfohl (1978) attacks the reliability and validity of psychiatric decision-making in predicting dangerousness. Pfohl believes that psychiatric decision-making is "biased in favor of preserving the balance of power in the criminal justice system and in social service agencies." He suggests a jury hearing before one's peers as a means of predicting future dangerousness. Nicholas Pileggi (1977) states that there is no method to predict future violent behavior. Wright Williams and Kent S. Miller (1977) state that our best predictions are likely to be little better than chance.

TECHNIQUES FOR PREDICTING VIOLENT BEHAVIOR

Several approaches have been used by the criminal justice system to predict violent behavior. Beverly Koerin (1978) describes the two most commonly used

techniques of predicting dangerousness. The first technique used by the criminal justice system is the clinical case study method. This technique utilizes a wide band procedure. A broad range of information about the subject is gathered from interviews, social histories, and projective testing. Those professionals involved in the assessment of the potential dangerousness of this individual discuss the accumulated information and make a decision on this person's potential dangerousness on the basis of the clinical information gathered. The second technique of predicting dangerousness commonly used by the criminal justice system is the statistical or actuarial method of evaluating dangerousness. This technique assesses a narrow range of facts found to be specifically related to criminal behavior. Characteristics of the youth or inmate are then compared to the same characteristics on the statistical table to determine the probability of the inmate's potential violence.

Problems are associated with both techniques of assessing dangerousness. Koerin states that the reliability of a clinical prediction has been undermined. She further states that the prediction of dangerousness is not within medical competence. Problems are also associated with the statistical or actuarial method of predicting dangerousness. Koerin states that while probabilities are useful in predicting dangerousness for large groups of people, they are not reliable in predicting dangerousness in individual cases. Additionally, tables fail to take into account the possibility of change on the part of the person being assessed. No single personality trait has been found to be associated with criminal and/or violent behavior.

Koerin cites numerous studies done by the criminal justice system to determine the reliability and the validity of these techniques. Mannheim and Wilkins reported that statistical prediction is twice as accurate as the clinical approach. The Parole and Community Service Division in the California Department of Corrections evaluated techniques of predicting dangerousness based on social histories and found that the social history of the inmate is not a reliable predictor of violent behavior. The California Department of Corrections devised and tested a Violence Predictor Scale and found that 86 percent of those inmates labeled violent by the Violence Predictor Scale were not in fact violent when released. Koerin concludes her article by saying that past behavior is the best indicator

of future violence, and suggests improving the chances of predicting violent behavior by using a combined statistical and clinical approach to prediction.

Various other studies have attempted to assess the reliability and validity of the clinical and statistical approach to predicting dangerousness, with mixed results. Stephen E. Schlesinger (1978) used predictor variables identified by nine previous studies and by staff members of a family court and its psychiatric clinic to predict dangerousness. Examples of predictors identified by previous research are abnormal EEG, epilepsy, alcoholism, drug dependence, and known history of violence. Examples of variables identified by the court and clinic staff are sex of juvenile, race, amount of education, and reading below grade level. Schlesinger found no significant relationship between the predictor variables, clinic recommendations to the court, and subsequent dangerous behavior. In this study the clinical approach and the statistical approach using the variables of the study were found to be unreliable predictors of dangerousness. He concludes that the present detention policies are unfair and dubious. An opposing view is stated by Murray L. Cohen, A. Nicholas Groth, and Richard Siegel (1978). Despite the fact that most critical studies concluded that predictive accuracy of the clinical approach has not been demonstrated, these authors present data supporting the soundness of the clinical approach as opposed to the statistical approach of predicting dangerousness.

Numerous studies have attempted to determine variables related to violent behavior. June M. Andrew (1979) reports that poor reading achievement is related to a history of violence among both males and females. Another study (Criminal Justice and the Public: 1978) reports that the violent delinquents more often suffered from psychiatric symptoms such as paranoia, hallucinations, and delusions. Violent subjects more often than non-violent subjects had neurological symptoms such as black-outs, and one-third of the violent offenders had abnormal encephalographs or a history of grand mal epilepsy. A significant number of the violent group had early head injuries. Stephen F. Curran, Robert J. Blatchley, and Thomas E. Hanlon (1978) found violent inmates had significantly greater sensitivity to approach than non-violent inmates on both assessment techniques. A Texas Youth Council study (1978) found no significant positive or negative relationship between the following tests: the Holtzman Ink Blot test, the Best, Bess-Durkee, an aggressive inventory, historical information, such as committing offense,

previous aggressive and/or suicidal behavior, and marital status, staff ratings, and actual violent incidents reported. These measures were not found to be reliable predictors of aggressive behavior. Finally, Jim Atkinson (1979) states that violent behavior is associated with early school failure, low I.Q., and poor language skills.

EVALUATORS' PERCEPTION OF DANGEROUSNESS

Various studies have attempted to assess raters' perceptions of dangerousness. Vernon L. Quinsey (1979) hypothesized that length of stay in such an institution is related to the patient's education, age on admission, an offense of homicide, and a diagnosis of retardation. Patients who had less education, who were younger, who were admitted for an offense of homicide, and who were diagnosed as retarded stayed longer in the institution. Quinsey suggested that less intelligent patients simply lack the ability to lobby their way out of the institution, and were subsequently seen as dangerous because of the length of time they stayed in the institution.

Wright Williams and Kent S. Miller (1977) found that rater characteristics such as discipline, educational degree, and the employment setting are related to judgements about persons' dangerousness. Evaluators who worked in a maximum security setting and who had less education were found to predict a greater incidence of dangerousness than professionals who did not work in a maximum security setting and had more education. Williams and Miller conclude that the predictors of race and age are more accurate in predicting violent behavior than the clinical records or criminal records of the inmates.

SOCIETAL TRENDS IN WORKING WITH THE VIOLENT JUVENILE OFFENDER

Various authors have documented trends in working with the violent juvenile offender. Jim Atkinson (1979) states that the criminal justice system is too easy on the serious offender, and that short determinate sentences in a juvenile facility are needed. He also suggests expanding juvenile jurisdiction to 21 through 25 years. Donna Hamparian (1978) suggests that juvenile violence is increasing at a more rapid rate than adult violence, and that juveniles are treated with increased severity despite the fact that not more than 15 percent of

the confined juvenile are violent. She further states that a large number of violent juveniles are arrested and commit no further violent offense. She suggests that treatment in conventional correctional institutions is adequately supported but poorly executed.

Shirley Goins (1978) suggests a trend towards deinstitutionalization to community-based care, and an increase in the number of youth arrested for violent crime. She indicates that this increase can be the result of an actual increase in crime by juveniles or simply a higher rate of police activity. The public believes that the streets are unsafe, but this could be due to increased media coverage rather than an actual increase in violence. She sees a trend toward a public demand for harsh punishment in the hope that an increased severity of punishment will decrease crime. Despite this, she says that institutional-prone control responses are inappropriate.

Nicholas Pileggi (1977) suggests that the public is fearful, and the criminal justice system is incompetent because of constraints of special interest groups such as judges and police. He believes that rehabilitative efforts of state agencies are ineffective and that sentences are too short. Beverly Koerin (1978) suggests that professionals involved with violent juvenile offenders feel increasing public pressure to protect society primarily by incapacitating the offender. She strongly states the need to balance individual rights with the rights of society for protection.

Samuel Sublett, Jr., (1978) sees a trend toward a get tough attitude toward the violent juvenile offender. He sees further trends toward the purchase of service doctrine, adult certification, and deinstitutionalization. Finally, Patricia Connell states that as a staff attorney at the National Center for Youth Law she has not seen an increase in violent youth crime.

Clearly a trend exists toward a more severe approach to the violent juvenile offender. Stephan Van Dine, John P. Conrad, and Simon Dinitz (1979) evaluated the results of a get tough attitude toward the violent offender. Specifically, they studied: (1) "The effectiveness of different sentencing policies of varying severity in preventing violent crimes by incapacitating the offender at an earlier time."

(2) "The increase in prevention achieved by including juvenile records of violent adult offenders in sentencing considerations." (3) "The effectiveness of applying sentencing policies imposed on adult offenders to juvenile violent offenders."

(4) "The false positive effect of incapacitating sentences." The last statement refers to the number of people who would be falsely labeled as potentially violent and falsely imprisoned because of this. Their findings suggest that "the theoretical application of the most stringent sentencing policies illustrates the impracticality of incapacitation as a primary objective of the criminal justice system." The above-mentioned procedures are all based on prior conviction and overlook the extinction of criminal behavior by and through maturation or changes in a life situation.

NEW CORRECTIONAL PROGRAMS FOR THE VIOLENT JUVENILE OFFENDER

As a result of the emphasis on the violent offender, numerous special programs for the serious juvenile offender are being tried. Donna Hamparian (1978) discusses some of these programs. She begins her article by stating that, because of the trend toward deinstitutionalization, custodial facilities will be more frequently occupied by minors clearly identified as serious offenders. She states that most states send verified violent offenders to traditional facilities such as the training institution in Central Ohio which has a treatment emphasis. The remainder of her article is devoted to new programs for the violent offender.

The Green Oak Center, operated by the Michigan Department of Social Services, is a 100-bed maximum security unit for the severely disturbed older boy requiring institutionalization. This institution accepts boys who are found guilty of felony charges in the juvenile court and who pose a threat to the safety of the community, to other students, or to themselves. The program will accept borderline psychotics, and the average length of stay for the student is 10 months. One-third of these students are rearrested within six months after termination of the program. The emphasis of the program is Guided Group Interaction. Peer pressure is used to teach the student to show concern for himself and concern for others. The next program that Hamparian discusses is the Goshen Center, a maximum security facility in New York with a capacity for 75 students. This program accepts 14- and 15-year-old recidivist violent offenders. The students can be held from 6 to 12 months, and can be under supervision from 30 to 48 months,

depending on their offense. The emphasis of the program is primarily academic. The goal of the program is to bring each student up to a fifth-grade reading level. Little psychiatric or psychological treatment is available. Attention is given to interacting with the surrounding community, and with the family of the student. They do not claim to rehabilitate the student in the 6 to 12 months' stay. No evaluation of this program is available at this time.

The Bronx State Hospital Unit is operated by the New York Division for Youth and the Department of Mental Hygiene of New York. The program is designed for adjudicated delinquents determined to be violent and mentally ill. The program has a 10-bed ward to provide short-term diagnostic, stabilizing, and emergency service to be delivered by the Department of Mental Hygiene, and a 20-bed unit for long-term treatment for youths that is operated by the Division for Youth. The program has been criticized for its drug therapy program and for the low admission rate. Few youth can be defined as both violent and mentally ill according to the definitions of the program.

Hamparian discusses several other new programs operated for the violent offender at this time. Elan, a private enterprise in Maine, is a residential psychiatric center for disturbed adolescents 14 through 25 years. The program consists of 250 residents in four widely separated facilities, and accepts applicants from a number of states and private admissions for extremely serious offenders. The techniques used in the treatment program are those devised by Synanon and Daytop (addiction self-help treatment centers in California and New York.) There is a strong emphasis on peer pressure. The staff is primarily paraprofessional, and several staff members are ex-residents. The program has been criticized for abusive and occasionally violent measures of behavior control.

The Just Community Probation Program operated by the Metropolitan Social Services Department in Louisville, Kentucky applies the concept of moral development to juvenile delinquents in developmental arrest. Originators of the program believe that moral development exists at increasingly sophisticated levels. Examples of these levels would be a person who obeys authority because he is afraid not to obey authority; a person who obeys authority because of a respect for authority; a person who obeys authority because it is for the good of the whole society to obey authority; and a person who obeys authority for the good of the whole society,

but who is also capable of judging the society and going against the society should she or he feel it is correct to do so. The goal of the program is to educate and help the juvenile offender move through these increasingly sophisticated levels of moral development. This program has not been implemented with serious juvenile offenders at this time.

Finally, the Vera Institute of Justice suggests a continuous case management program for the serious juvenile offender. In this program, the juvenile would be assigned to a continuous case management group who would plan his program and follow him from the moment he comes in to the juvenile justice system until services of the system are not needed. The program has been criticized as impractical and too costly.

Various other authors have discussed new programs for the serious juvenile offenders. Peter B. Edelman (1978) discusses in more detail the Bronx State Hospital Unit. Kenneth F. Schoen (1978) discusses the results of a Rand Corporation and Vera Institute study of juvenile delinquency. The studies indicated a need for experimentation and a wide variety of possible program approaches to deal with the violent juvenile offender. Schoen discusses an experimental program (for the violent offender) now in progress in Minnesota that uses existing institutions and intensive community supervision after institutionalization. The program accepts 17-year-olds with specific adjudications for violent offenses. The students are randomly assigned to an experimental and control group. A case management team is assigned to each student in the experimental group. This team is responsible for the individual programs of the student and will develop offender behavioral contracts and coordinate institutional and/or community services for the offender. The low cost of this program is stressed by Schoen.

The Weaversville Intensive Treatment Unit in Pennsylvania is the last special program to be discussed. It is a private enterprise operated by Youth Forum. It is a high security group home with a treatment program based on a behavior modification point system. Individual counseling and educational and vocational programs also exist. The average length of stay for the student is six months, and the cost per student per year is \$38,000. Fifty-two per cent of the students avoided arrest six months after release from the program.

Summary

The most comprehensive definition of the serious or violent juvenile offender defines the juvenile as guilty of acts or threatened acts of violence against a person, combined with serious property offenses linked to repetitive criminal behavior of a less serious nature.

A review of current literature reveals a disagreement among criminal justice authorities as to the increase in violence among juvenile offenders. While most authorities concur in the observation that violence among juveniles is being documented at a higher rate than in the last decade, some professionals attribute this apparent increase to an increase in law enforcement activity rather than an increase in violent behavior.

While criminal justice professionals are mandated by society to assess and predict potentially dangerous behavior, no accurate techniques for prediction are available. Prediction devices for isolating and assessing personality and situational factors relevant to violent behavior are unavailable. Personality factors of motivation, internal inhibitors and habit strength should be determined and assessed. Situational factors such as the availability of a weapon or the presence of witnesses can impede or facilitate violent behavior. Despite the importance of situational factors in predicting dangerous behavior, this aspect of prediction is frequently ignored. Personality assessment devices have traditionally attempted to measure the presumed enduring personality characteristic of hostility and excluded the numerous other personality variables related to motivation, internal inhibitions, and habit strength.

Numerous studies have linked specific variables to violent offenders. Examples of these variables are poor reading achievement and language skills, and low I.Q. scores. While this information has proven useful in discriminating between violent offenders/patients and "normal" non-violent citizens, it has proved relatively useless in predicting future violent behavior.

Despite the demand by society for more stringent protection from the violent offender, empirical evidence indicates that current assessment techniques over-predict potentially dangerous behavior. The techniques most commonly used by the

criminal justice system to predict dangerousness are the Clinical Case Study and the Statistical or Actuarial method. Both assessment techniques overclassify the people as potentially dangerous. The statistical method and the use of case histories ignore the possibility of change through maturation or treatment by the offender. Due to the low base rate of violent behavior in our society, statisticians agree that all predictive techniques tend to overclassify the violent offender.

Despite authoritative observations, and the evidence of critical studies regarding the lack of reliability and validity of the above-mentioned techniques of prediction, decisions by professionals must be made regarding the future of potentially violent offenders. Professionals tend to agree that the chances of predicting dangerousness are improved by utilizing both the statistical and clinical case history approach. Since the prediction of potential dangerousness is so imprecise, most authorities strongly suggest modesty and caution in predicting violent behavior. The best predictor at this time of dangerousness is a past history of repetitive violent behavior.

Various studies indicate that the perception of dangerousness in another person can be linked to characteristics of the evaluator rather than characteristics of that person being evaluated.

Several trends are observed in response to the apparent increase in violent juvenile crime. The most obvious trend is a demand by the public for an increase in severity of treatment for the violent offender. Parallel trends in the criminal justice system toward deinstitutionalization and a purchase of service doctrine may result in the total occupation of traditional institutions by violent juvenile offenders.

Because of the emphasis on the violent juvenile offender in the criminal justice system, various programs for this group have originated. These programs are distinguished primarily by their admission policies rather than innovative or original treatment, vocational, or educational programs.

In conclusion, criminal justice professionals must balance the civil liberties and rights of individual citizens against the right of society for protection by

utilizing the less than precise techniques of predicting dangerousness. These professionals must proceed with the greatest possible caution on both counts, and continue to experiment with a wide assortment of individualized programs for the treatment and possible rehabilitation of the violent juvenile offender.

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