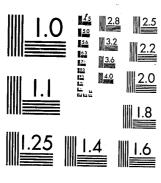
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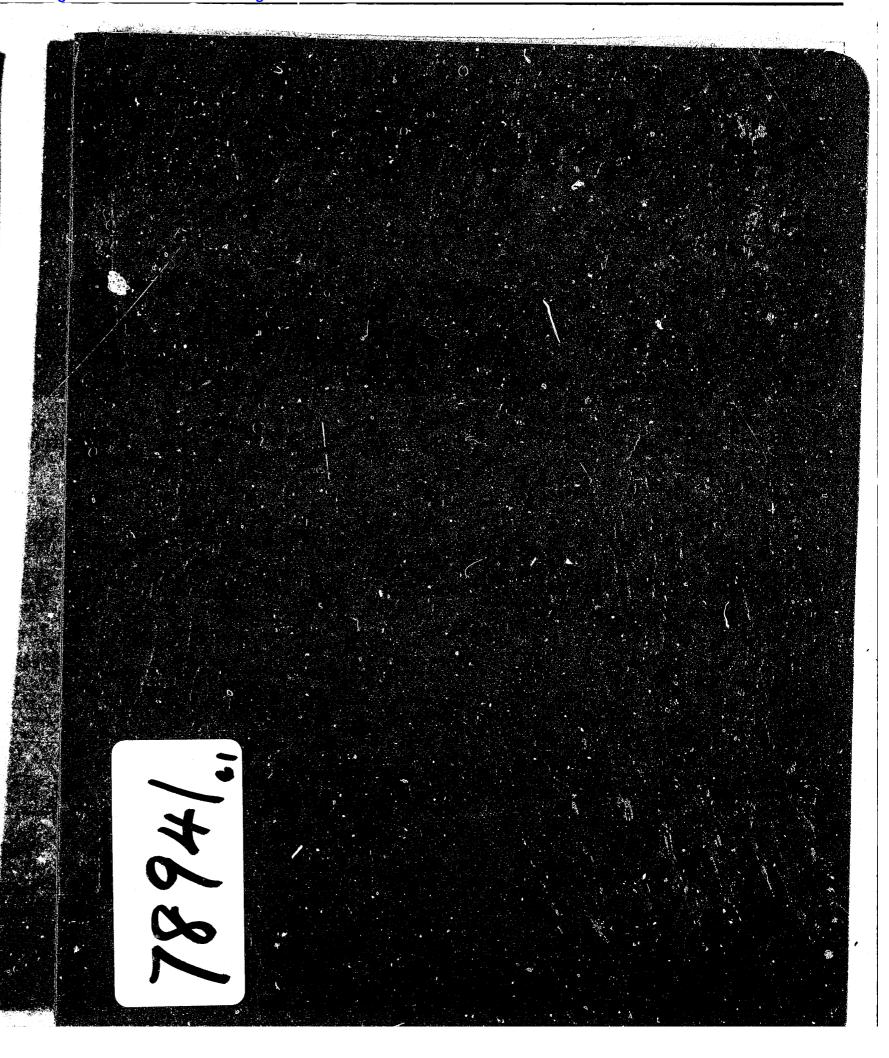
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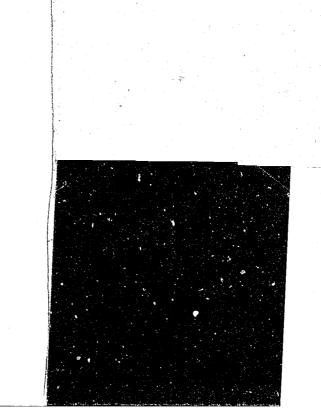
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PEINAL I

STATUS OFFENSES AND THE JUVENILE JUSTICE SYSTEM:
PROGRESS AND PROBLEMS

DAVID J. BERKMAN AND CHARLES P. SMITH MAY 16, 1980

INTRODUCTION

This report assesses the state of knowledge on the status offender and the juvenile justice system. The report was prepared by the National Juvenile Justice System Assessment Center of the American Justice Institute for the U.S. Office of Juvenile Justice and Delinquency Prevention through an analysis of available reports and data.

DEFINITIONAL PROBLEMS

There is a wide variation in the definitions used by States for status offenders or status offense behavior. Behavior which would be considered a status offense in one State is often considered a delinquent act in another. For example, as of 1976:

- 47 percent of the States treated one or more status offenses as delinquent acts (10, p. 44).
- 4 percent of the States considered multiple status offenses as delinquent violations (10, p. 44).
- 20 percent of the States considered violations of a court order as delinquency even when the original offense was a status offense (10, p. 44).
- 33 percent of the States treated status offenses as dependency cases (10, p. 44).

In addition to statutory problems related to definition, there is much confusion in relation to whether or not a status offender or offense can be legitimately categorized. For example, recent research findings suggest that:

• there is a confusion over the interchangeability of offender and offense. For example, while status offender programs attempt to target a particular type of offender, they often end up targeting a particular offense without recognizing the multidimensional character of adolescent misbehavior (6, p. 14).

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- the status offender label is not a pure category, but rather mixed with misdemeanor and felony offenses (6, p. 13).
- status offenders are not significantly different from first-time juvenile felony offenders. They are both mixed type offenders (6, p. 15).
- there are differences between the minor or casual status offender, the chronic status offender, and the mixed status and delinquent offender (11, p. 5).

In spite of these problems, the following definitions of status offense and status offenders developed by the Council of State Governments appear to be the most suitable.

Status offense: Any offense committed by a juvenile that would not be a crime if committed by an adult, according to the statutes or ordinances of the jurisdiction in which the offense was committed, and which is specifically applicable to juveniles because of their status as a juvenile (10, p. 1).

Status offender: Any juvenile who is adjudicated to have committed an act that would not be a crime if committed by an adult, and includes any juvenile who is alleged or adjudicated to have violated a court order, whether during a period of community supervision or institutionalization, which was based upon an offense that would not have been a crime if committed by an adult (10, p. 1).

LIMITATIONS OF AVAILABLE INFORMATION

Comprehensive and reliable national data on status offenders and their processing by the juvenile justice system is severely limited. In addition, there are numerous problems with interpreting the limited data that is available. The following are some of the major problems with available information:

- Data is collected in different formats and for varying time periods.
- Definitions vary so widely that data often reflects different behavior.
- Information on personal characteristics is generally restricted to age, sex, and race.
- Data on disposition is not generally available.

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STATUS OFFENDERS AND JUVENILE JUSTICE SYSTEM PROCESSING

Based on available data regarding the processing of status offenses by the juvenile justice system, it appears that such events or individuals continue to make up a significant proportion of juvenile arrests, intake and court caseloads, as well as institutional populations. Although a large number of accused or adjudicated status offenders are diverted from formal processing at each step in the process, many are formally processed, detained, and eventually institutionalized. Recent data in relation to the major points in the juvenile justice system process are presented below.

Arrest

- In 1977, arrests for status offenses represented 13 percent of total arrests for persons under 18 (4, p. 165) (also see Appendix A, Table 1, p. 18 of this report).
- Status offense arrests decreased by 17 percent from 1975 to 1977 (4, p. 165).
- In 1977, 54 percent of those arrested for status offenses were male as compared to 85 percent of arrests for less-serious offenses who were male (4, p. 165).
- From 1975 to 1977, status offense arrests for males decreased 16 percent while arrests for less-serious offenses increased by 22 percent and arrests for serious offenses decreased by 18 percent. From 1975 to 1977, status offense arrests for females decreased 4 percent while arrests for less-serious offenses increased by 15 percent and arrests for serious offenses increased by 3 percent (4, p. 165).
- In 1977, 82 percent of those arrested for status offenses were white, as compared to 80 percent for less-serious offenses and 68 percent for serious offenses (4, p. 171).
- From 1975 to 1977, status offense arrests for black juveniles decreased 19 percent as compared to a decrease of 14 percent for white juveniles (4, p. 171) (also see Appendix A, Table 2, p. 19).
- The median age of persons arrested for status offenses in 1977 was 15.03 years as compared to 15.65 years for less-serious offenses and 15.09 years for serious offenses (4, pp. 54-55).

Thus, females, whites, and younger aged persons were most frequently arrested for status offenses in 1977. However, between 1975-1977, fewer juveniles were arrested for status offenses with the decrease most notably for males and black juveniles. Concurrently, more juveniles are being arrested for less-serious offenses. Although this trend would suggest that status offenses are

being upgraded to less-serious offenses, precise national data is unavailable to support that interpretation.

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Referral

- In 1977, persons under 18 arrested for status offenses accounted for 21 percent of all referrals to juvenile court intake. This compared to 27 percent in 1975 (4, p. 165).
- In 1977, 72 percent of juveniles referred to juvenile court for status offenses had no prior delinquency referrals as compared to 75 percent in 1975 (4, p. 203) (also see Appendix A, Table 3, p. 20).
- Persons referred to juvenile court for curfew violations are the most likely to have had a prior court referral (2, p. 19).
- A recent study showed that diversion programs which attempt to divert status offenders from juvenile court often do not alter the type of juveniles brought to juvenile court. With or without diversion programs, the juvenile court is confronted with the same offenders, namely juveniles who have committed in varying combinations status, misdemeanor, and felony offenses (6, p. 14).
- Runaway was the most prevalent status offense referred to intake during 1975-1976 (10, p. 95).
- In 1977, 35 percent of the status offense cases referred to intake were petitioned to juvenile court as compared to 42 percent for less-serious offenses and 55 percent for serious offenses. This is a decline from 41 percent for status offenses in 1975 (4, p. 185).
- The establishment of 24-hour intake services results in increased diversion rates for status offenders (3, p. 64).
- In 1977, police agencies referred 56 percent of the status offenders to juvenile court intake as compared to 62 percent in 1975. Also in 1977, 39 percent of the status offense referrals to juvenile court intake were made by the family, citizen, self, or a community agency as compared to 29 percent in 1975 (4, p. 181).

Therefore, between 1975-1977, there has been a trend for fewer police referrals of status offenders and more referrals by family, citizens, community agencies, and self; less use of detention for juveniles prior to referral; and fewer court filings of status offense cases.

Detention and Correctional Facilities

• In 1977, 22 percent of persons referred to juvenile court for status offenses were detained, as compared to 18 percent for less-serious offenses and 23 percent for serious offenses. This is a decline from 1975 when 40 percent of referrals for status offenses were detained (4, p. 219).

- Females are more likely to be detained for status offenses than other offenses (10, p. 114).
- Of those detained for a status offense, 40 percent are held for less than 24 hours and 46 percent for more than one day but less than three (10, p. 114).
- In 1974, approximately 10 percent (or 4,664) of the juveniles held in public juvenile detention or correctional facilities were persons in need of supervision (PINS) as compared to 15 percent in 1977 who were considered as status offenders (15, p. 18; 6, p. 89).*
- In 1974, 16 percent of the juveniles detained in private juvenile detention and correctional facilities were PINS as compared to 32 percent in 1977 who were considered as status offenders (15, p. 19; 9, p. 89) (see Appendix A, Table 4, p. 21).
- In 1975, 18 States had no PINS in detention of correctional facilities whereas California had 2,166 (1,244 public and 922 private), followed by New York with 1,660 (599 public and 1,061 private) and Ohio with 706 (503 public and 203 private) (14, pp. 152, 154).
- From 1974 to 1977, the number of persons detained in public and private detention centers for a status offense decreased by 96 percent (1,405 to 65). This compares to a decrease of 17 percent (from 1,745 to 345) of persons committed to public or private training schools and an increase of 7 percent (from 9,613 to 10, 302) of persons committed to all types of facilities for a status offense (see Appendix A, Table 5, p. 22).

Recent studies have shown that:

- the use of secure confinement for status offenders does not reduce their subsequent recidivism in comparison with offenders given community services. Secure confinement of status offenders provides no gain in deterrence over providing community services (5, p. 20).
- programs directed at deinstitutionalizing status offenders often ignore the complex purposes of detention (e.g., need for protection of the juvenile, psychiatric examination, brief medical and educational services, social and emotional security, and emergency shelter) (11, p. 5).
- while some deinstitutionalizing programs (e.g., Illinois Status Offender Services) reduce the number of status offenders in detention, they tend to increase the time spent by those who are detained. This is especially the case with females (11, pp. 27-28).

The following summarizes the major findings with regard to status offenders in detention and correctional facilities:

• In 1977, the proportion of persons arrested and detained for status offenses was the same as for serious offenses.

- In 1975, three States accounted for 51 percent of persons held in public and private facilities for status offenses.
- Only a small percentage of total persons in custody in 1974 were held for status offenses.
- From 1974 to 1977, there has been a decrease in persons detained for status offenses, but an increase in persons committed for status offenses.

Dispositions

- Between 1975-1977, there was a 40 percent decrease in the number of formal juvenile court dispositions of status offense cases that involved commitment to an institution (3, p. 239) (also see Appendix A, Table 6, p. 23).
- In 1975, 49 percent of the status offender cases referred to juvenile court were dismissed as compared to 44 percent in 1977 (4, p. 239).
- Between 1975-1977, the only juvenile court disposition for status offenders which increased was the use of fines and restitutions (showing a 35 percent increase) (4, p. 239).
- In 1977, 7 percent of the status offenders handled by juvenile court were given a restrictive* disposition as compared to 7 percent of the less-serious offenders and 11 percent of the serious offenders (4, p. 251).
- Between 1975-1977, status offenders receiving a restrictive disposition decreased 43 percent (4, p. 251).
- Runaway and ungovernability is the most likely status offense to result in a commitment to an institution (2, p. 7).

Approximately half of status offense cases referred to juvenile court are dismissed, although the 10 percent decrease in the percentage of dismissals between 1975-1977 could indicate that there is better screening of status offense cases by the police and intake. Between 1975-1977, there was supposedly a substantial decrease in the number of persons committed to institutions for a status offense (which may contradict Children in Custody data for 1974-1977 shown in the previous section).

PROGRAMS

• In 1974, the average age of entry of status offenders into programs was 15 years (10, p. 128).

^{*}Children in Custody defines status offenders as "those who under special statutes for juvenile 'status offenders' have been declared in need of supervision (such as PINS, CHINS)" (see 9, p. 183). All PINS are not status offenders and all status offenders are not PINS.

^{*}Including commitments to delinquency institutions, public institutions and private institutions.

- 70 percent of status offenders in deinstitutionalization programs in 1978 were white (3, p. 8).
- 54 percent of status offenders in deinstitutionalization programs in 1978 were female (3, p. 8).
- Males tend to have more runaway and family problems while females have more school-related problems (10, p. 128).
- In 1974, 48 percent of status offenders in group homes came from families in which the parents are white collar or professional as compared to institutions where 57 percent were from working class families (10, p. 128).
- Incorrigible status offenders are more likely to be referred to the court by parents, handled more formally as a result of circumstances related to parental intolerance of the juvenile's misbehavior and the inadequacy of the parents in dealing with the problem, and thus most likely to be committed to an institution or agency (4, pp. 1120-1121; 2, p. 7).
- Runaway and family problems (e.g., ungovernability and incorrigibility) tend to be predominant (5, p. 8; 10, p. 128).

The NJJSAC report, "A Preliminary National Assessment of the Status Offender and the Juvenile Justice System: Role Conflicts, Constraints, and Information Gaps," found that adequate descriptions of program activities in relation to goals and objectives and sound evaluations were generally unavailable. The following preliminary conclusions are based upon available information:

- Program planning takes place in the context of a decision-making hierarchy that includes Congress, the LEAA/OJJDP bureaucracy, juvenile justice agency officials, and representatives from the community and treatment professions.
- The programs that have been established within the parameters negotiated by these groups appear not to have been aimed at the specific needs of the status offender.
- Of the programs surveyed, the family crisis intervention and diversion model seems to do the most short-term good and show the least potential for long-term damage.
- The organizational relationships between system oriented status offender programs and juvenile justice system agencies lack the formal structure that would prevent the abuse of discretionary decision-making and the eventual predominance of the social control function in the programs. Formalization of procedure tends to be resisted, not only by juvenile justice officials, but also by treatment practitioners, to whom it is an impingement on professional authority.
- Insofar as programs function as appendages of the juvenile justice system, the ultimate goal of returning responsibility for fulfilling the status offender's needs to community institutions will need to be more assertively encouraged (10, pp. 183-184).

The following are some of the major findings in relation to the use of community service programs for status offenders:

- Referral of status offenders to community services most often results in a failure of the juvenile to show (70 percent) unless the juvenile is taken to the referral by staff as in the case of runaways (6, p. 19).
- There is a tendency of community programs to protect their territorial domain by expanding their programs to justify their existence rather than utilizing already available programs (6, p. 20).
- One of the problems mentioned by community programs is the reluctance of juvenile justice agencies to share their authority and control with non-justice agencies, however, as mentioned above, coordination between community programs is also lacking (5, p. 18).
- Most community agencies fail to provide a range of needed remedial services such as social and job skills (5, p. 19).
- Rather than the individual needs of juveniles, cultural, organizational, and random factors appear to determine which services are delivered to which juveniles (11, p. 10).
- Reduced accountability (public and legal) results when the treatment of noncriminal juveniles is placed in the hands of private agencies (5, p. 19).
- The question as to how successful community services programs are in regard to changing status offender behavior remains unanswered. The outcome of one evaluation found that regardless of whether a status offender was placed in detention or a community-based service, in a short-term crisis or longer-term home-based, or even a comprehensive program of services, there was no comparative difference in terms of subsequent numbers and types of contacts with the police or court (11, p. 16).
- It is significant that the <u>less</u> intrusive the service (i.e., advocacy, counseling), the more effective the result (11, p. 21).
- Further development of community service efforts for status offenders is supported by the finding that the more community-based the agency, the less likely youths recidivate (11, p. 22).

Recent research on the use of diversion for status offenders shows that:

- the fundamental problem with the concept of diversion is that no precise meaning or understanding of the term exists. This often leads to confusion, resistance, and negative effects (6, pp. 4-6).
- diversion of status offenders often results in the removal from one system and the re-insertion into another system that is not necessarily more benign or more effective. Often, it is actually more punitive and less tolerant and more stigmatizing than formal agencies of social control (6, pp. 21-22).

The NJJSAC assessment of status offenders could not reliably identify status offender programs which were proven effective. Although there may be status offender programs which are effective at the State and local level, at this time adequate evidence of their effectiveness is unavailable.

The following are examples of status offender programs which have partially been evaluated and which may work:

• Neighborhood Alternative Center (California):

Provides services for status offenders in a neutral community setting, including 24-hour crisis intervention, use of paraprofessionals, and backup short-term residential care (8, pp. 32-34).

• Juvenile Conference Committee (New Jersey):

Provides for limited disposition of less-serious and status offenders by a committee of local residents who function as an adjunct of the juvenile court (10, pp. 174-177).

• Santa Clara County Juvenile Diversion Program (California):

A cooperative effort between law enforcement agencies and the probation department to divert status offenders to community agencies (10, pp. 155-158).

• Bismarck Police/Youth Bureau (North Dakota):

A police program to divert and counsel status offenders (10, pp. 159-166).

• Directions Program (Minnesota):

Provide diversion through assistance by volunteers to probation and police staff (10, pp. 158-166).

WIDENING THE NET

The most dramatic and unintended consequence of introducing deinstitutionalization and special community service programs directed toward status offenders
and offenses upon the juvenile justice system is the phenomenon of "widening the
net." Essentially, widening the net is an extension of justice and service system
jurisdiction in dealing with a category of clients (i.e., status offenders) who
probably would have been ignored or provided with less attention earlier. Consequently, more youths are defined or placed into a deviant category which requires additional system control. The following are some recent research findings
on major impacts widening the net has had upon the juvenile justice system and
the juveniles labeled as status offenders:

• There was an increase of juveniles being served by social service agencies who previously would have been considered ineligible for such services (6, p. 11).

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- Police referrals of status offenders decreased with a proportional increase in referrals by parents, schools, youth service agencies, and juveniles themselves seeking assistance (6, p. 12).
- There was an increase in the number of status offenders labeled as detainable and who penetrated deeper into the justice and social service systems (11, p. 1).
- It became imperative for social service agencies to increase their caseloads to legitimatize their existence--even if it meant delivering inappropriate services (6, p. 9).
- Juveniles (especially females) were more likely to be processed by the juvenile court and treated more severely (11, p. 36).

COSTS

Although an estimation of costs in relation to status offenses must be considered preliminary at this point, a general indication of the national expense involved in handling or processing status offenders can be provided. The following briefly summarizes some of the costs involved:

- In 1977, direct losses to persons as a result of a status offense totaled an estimated \$21 million, as compared to \$1 billion for less-serious offenses and \$10 billion for serious offenses (1, p. 67).
- In 1977, society's loss due to juvenile serious offenses is estimated at an amount six times greater than the juvenile justice system processing cost (of \$2 billion), as compared to the estimate of the cost of processing status offenders by the juvenile justice system which was estimated (at \$20 million) to be 19 times greater than the cost to society (1, p. 15).

CURRENT LEGISLATIVE ACTIVITIES

A review of Federal and State status offense legislation reveals widespread variation among the many jurisdictions as to the content and application
of juvenile codes dealing with status offenders. While it is true that the variability can be advantageous, it also can produce significant disadvantages, particularly in relation to the application and administration of justice,

Utah, Washington, and Maine are examples of States which have made significant changes in their juvenile statutes. The following is a summary of the major provisions of the juvenile codes of these States related to status offenses (see 10, pp. 51-52 and pp. 64-65):

Utah (1977)

• Removes juvenile court jurisdiction from runaway and ungovernable cases unless "earnest and persistent" efforts to resolve the juvenile's problem have proven fruitless.

Washington (1977)

- Adopts "no fault" approach to handling of status offense behavior.
- Restricts the use of detention facilities for status offenders.
- Provides for extensive voluntary family support services and placement alternatives.
- Provides for an extensive array of procedural safeguards (e.g., right of juveniles to bring petitions, have an attorney appointed).

Maine (1978)

- Removes all status offenses (except possession of alcohol and marijuana) from juvenile court jurisdiction.
- No status offenders may be incarcerated (including alcohol and marijuana possession).

A status offender problem which remains to be addressed on the legislative level is the allocation of adequate resources to deal effectively with implementation and monitoring needs, especially the need for strong institutionalized incentives for the monitoring and enforcement of legislation directed at protecting the rights and interests of juveniles.

Within the last ten years, over three-fourths of the States have either enacted new codes or have made substantial modifications related to status offenders. They can be categorized into four broad areas: (1) jurisdiction; (2) pre-adjudicatory detention; (3) adjudication; and (4) disposition (see 10, pp. 42-71).

The following summarizes some of the major factors for each category:

Jurisdiction

- All 50 States and the District of Columbia exercise jurisdiction over one or more "status offense" behaviors (10, p. 42).
- At least seven (7) States include status offense behaviors within the delinquent label (10, p. 43).
- The majority of States (28 plus D.C.) have adopted separate categories for classifying status offense behavior (e.g., CHINS, PINS, FINS) (10, p. 43).

Two general conclusions may be drawn from an assessment of jurisdiction: first, while the general trend is toward a separate jurisdiction for status offenders, a significant number of States maintain discretionary power to treat

status offenders as delinquents. Second, a tendency to reclassify status offenders as dependent children appears to be uneven and equivocal (10, pp. 46-47).

Pre-adjudicatory Detention

- Since juvenile courts in many jurisdictions may impose detention to ensure no further offenses are committed pending adjudication (preventive detention); or, to remove a child from an "endangered" environment (therapeutic detention) even in the absence of proof beyond a reasonable doubt, the potential for the overuse of detention for status offenders exists (10, p. 54).
- One of the most notable features of State juvenile codes is the absence of clear standards regulating police and court intake procedures and detention criteria (10, pp. 55-56).
- Although some States have placed limitations on the use of detention and prohibited the mixing of adults with juveniles, there is little attention given to monitoring to ensure compliance or sanctions for failures to comply (10, p. 56).

Adjudication

- State legislatures are presently struggling, with varying degrees of success, with issues related to juvenile adjudication procedures and due process rights. Even where legislation has been passed to ensure the provision of due process rights for juveniles, the impact of such legislation, in relation to status offenders, is often severely undermined by the broad definitional context in which most States place them (10, p. 62).
- In-many States, procedures followed in adjudicatory hearings for delinquents and status offenders are identical. Generally, where a distinction is drawn, a lesser standard of evidence is required for status offenders (10, p. 62).

Dispositions

- Juvenile codes are generally unclear and sparse with regard to covering the lines of authority and procedural steps to be followed in dispositional decision-making. This results in a wide range of discretion over disposition of status offense cases (10, pp. 62-63).
- A major aspect of the controversy with regard to disposition, as it relates to status offenders, lies in the concern over deinstitutionalization of noncriminal juveniles and their separation from juvenile law violators (delinquents) and adult criminals. Although the majority of States have a separate status offense category, often this serves as merely a labeling device rather than ensuring that youths engaged in noncriminal behavior will be treated separately or differently from youths alleged to be involved in criminal law violations (10, p. 63).

• The majority of States statutorily allow status offenders to be treated in the same institutions as delinquent children under specified conditions (10, p. 64).

JUDICIAL DECISIONS

- Cases dealing with due process within the juvenile court which have been heard by the U.S. Supreme Court have dealt primarily with delinquent defendants, although they have some relevance to all juveniles. As of this writing, however, no due process cases were found dealing specifically with dependent/neglected or status offenders. Therefore, the delinquency cases are important because they reveal recent judicial attitudes concerning the nature of the juvenile court in regard to juvenile rights. They present the various arguments for and against the retention of the current juvenile court system. These decisions lead some observers to conclude that the "status offender" jurisdiction will be reserved by the court for legislative determination (10, p. 20).
- Most of the relevant delinquency cases heard by the U.S. Supreme Court have examined the parens patriae rationale for the juvenile court's jurisdiction. These cases balance the State's right to deprive a youth of his/her liberty without full due process protections, against the extent to which real rehabilitative placement, care, and treatment are being provided. This same "balancing test" was used as early as 1839 in Ex parte Crouse, the first case to invoke the parens patriae justification.* Since that time, the Court has continued to approach this issue on a case-by-case review basis. It is unclear whether a definitive statement on the limits of parens patriae is to be expected in the future (10, p. 20).

CONCLUSIONS

The following are major conclusions resulting from this assessment of status offenses and the juvenile justice system:

- The lack of standard definitions of status offenses and status offenders at the Federal, State and local level makes it almost impossible to conduct any suitable analysis of the subject.
- e Recognition must be given to the distinction between status offense and status offender. Status offenses refer to specific noncriminal infractions that are exclusive to juveniles; status offender is generally not a pure category distinct from felony or misdemeanant offender. It is significant that the vast majority of status offenders commit a wide range of status, misdemeanant, and felony offenses in an erratic or random rather than linear pattern (e.g., they do not generally escalate from status to misdemeanor to felony offenses, but rather follow a flexible erratic pattern alternating between offense categories).

- Efforts to define status offenders and offenses have generally placed emphasis upon specific infractions (e.g., runaway, truancy, ungovernable) rather than upon the overall behavioral problems of juveniles labeled as status offenders. By comparison to more serious violations (e.g., larceny, assault, burglary), status offenses appear insignificant; however, this approach tends to ignore the complexity (e.g., psychological and adjustment problems) of dealing with status offenders as well as justify their diversion and a lack of attention to their needs. Based upon available information, status offenders may be as serious in terms of underlying problems, the difficulty in dealing with them, and the psychological costs to them and their families as some persons who commit criminal offenses.
- An overriding issue with regard to programs is that simply too little is known about status offender programs (e.g., goals and objectives, theoretical foundations, operations, or outcomes) to determine their impact.
- Although in recent years there have been fewer arrests for status offenses, increased use of diversion, and less use of detention and incarceration, there has been an increase of juveniles referred to juvenile court intake by parents, citizens, community agencies, and juveniles themselves. This situation raises the question of whether diversion and nonintervention has been effective in dealing with the problems of juveniles who run away from home, and are beyond parental control. While this approach may reduce the potential negative effects of formal processing, it may also ignore the need for services directed at the cause of the problems which lie within the family and not just with the juvenile.
- A national emphasis on the deinstitutionalization of status offenders may be having some unintended consequence in moving status offenders out of public into private facilities and programs (e.g., groups homes, shelter care). Juveniles admitted to private facilities tend to spend longer periods of time. In addition, private facilities and programs are often poorly monitored by States. Therefore, the potential for abuse, neglect, and lack of attention to serious personal problems may be increased.
- Females are disproportionally effected by the widening of the net phenomena. Relatively more females compared to males end up being detained and for longer periods of time than prior to the implementation of deinstitutionalization programs. There is also a corresponding increase in their contacts with the police and the courts. To what extent this outcome is determined by a greater concern for the protection of females is unknown, although there is some support for this explanation emerging in the literature.
- State legislative reforms, court decisions, and Federal policy have tended to focus upon potential harm of "official" intervention (particularly institutionalization) while minimizing the needs of status offenders, their families, and communities for services. The Washington juvenile code is one of the few statutory reforms which provides for extensive family support services and placement alternatives to replace "official" processing.
- A disproportionate amount of money is spent to process status offenders by the juvenile justice system in comparison to the costs that accrue for the acts. The diversion of status offenders from the juvenile justice system to community programs can reduce costs. A capability to more

^{*}Ex parte Crouse, 4 Wharton (Pa.) 9(1839).

effectively screen status offenders (e.g., at arrest, court intake, and program entry to determine which juveniles need attention, what their needs are, and the priority of those needs) could significantly decrease the costs of inappropriate processing and treatment.

RECOMMENDATIONS

- Emphasis needs to be placed upon delivering services to juveniles with special problems and needs rather than upon labels for their behavior and restrictions for dealing with them.
- The meaning of diversion and deinstitutionalization needs clarification and its potential positive and negative impacts need to be fully examined.
- Although many status offenders may be diverted from the juvenile justice system, there must be better accountability for providing effective services by community agencies and programs.
- The deinstitutionalization of status offenders (e.g., from detention and other secure facilities) must be accompanied with a strong committment to diversion from the justice system, including removal from juvenile court processing if adequate services and sanctions are to be provided outside the juvenile justice system. Otherwise, deinstitutionalization will result in increased court processing, severity of treatment, a "widening of the net," and longer periods of detention for those who are detained.
- Services to status offenders should be community-based with a minimum of intrusion into the lives of juveniles and their families.
- Confusion and conflict over system and agency domain issues (authority and jurisdiction) must be resolved at the community level.
- Consideration must be given to determining which status offenders could benefit from services and which are best left alone. This effort would help reduce the "widening of the net," inappropriate penetration into the juvenile justice system, as well as maximize the utilization of limited community resources.
- There is a need for better monitoring systems of public and private institutions and programs for status offenders.
- Research is needed which can answer questions raised by policymakers, parents, juvenile justice system practitioners, and the community, including:
 - --Do the underlying problems of status offenders lead to later serious adult psychological and behavioral problems?
 - -- Do status offenders become more serious offenders?
 - --What are the major needs of status offenders and their families?

- --What is the appropriate role of the juvenile justice system in relation to status offenders?
- -- Are the needs of diverted status offenders being provided for by the community?
- --If the jurisdiction of the juvenile court is removed for status offenders, how can community agencies deal with families resisting intervention and services?

MATIONAL ESTIMATES OF THE CHANGE IN THE RATIO OF MALES TO FEMALES FOR PERSONS INDEX 18 ARESTED AND REFERRED TO JUVENILE COURT BY CFFENSE CATEGORY (1975-1977)

EN FOR MATION	JARKEWINE	E! ***	A TERI	LE :		A Lynn Millian
CATEGORY	NUMBER	PERCENT	NUNBER	PERCENT	NUMSER	PERCENT
1975						
ARRESTED L	1,894,382	72.5	\$10.865	21.2	2,405,247	100.03
Serious	742,163	81.5	177,449	18.5	959,612	39.9
Less-Serious	914,100	55.1	185,471	16.9	1,099,571	47.7
Status Offenses	198,119	57.2	147,945	42.8	346,064	14.4
REFERRED	1.070,771	76.2	335,306	23.8	1.406.077	100.0
Serious	454,798	87.6	61,547	12.4	496,345	35.3
Less-Serious	447,044	80.9	105,544	19.1	552,588	. 39.3
Status .	188,929	· \$2.9	168,215	47.1	357,144	25.4
VARIANCE ²		-2.6		•2.6		
Serious		+6.1	• 0••	-6.1		. 4.5
Non-Serious		-2.2		+2.2		- 8.6
Status		-4.3	-	4.3		+11.3
<u>1976</u>						
ARESTED	1,880,394	78.5	\$15,862	21.5	2,396,256	100.0
Serious	736,778	81.5	169,628	18.7	906,406	37.4
Less-Serious	960,112	82.6	202.466	17.4	1,162,578	48.5
Status	183,504	56.1	145,768	43.9	327,272	13.7
REFERRED	1,110,426	76.4	365.763	23.6	•	
Serious	\$71.325	82_2	183.760	17.8	1,476,189	100.0
Less-Serious	574,034	\$3.9	71.775	16.1	695,235· 445,809	47_1
Status	164,867	49.2	170,223	50.8	335,095	30,.2 22.7
eran Paniero					333,033	44.7
VARIANCE Serious	-	-2.1 -0.9		+2.1		***
Less-Serious		•1.3		-0.9 -1.3		• 9.3
Status		-6.9		-1.3 -6.9		-18.3
			-	~.,		- 9.0
1977	•		ţ			
MUESTED	1,925,603	78.5	526,715	21.5	2,452,318	100.0
Serious	641,274	78.9	171,830	21.1	813,104	33.2
Loss-Serious	1,118,666	\$4.9	213,063	16.0	1,331,729	54.3
Status .	165,663	53.9	141,322	46.1	307,485	12.5
REFERRED	1,075,108	76.7	326,139	23.3	1,401,705	100.0
Serious	\$60,000	81.7	125,454	18.5	685,434	. 48.9
Less-Serious	357,720	85.4	71,201	16.6	428,921	30.6
Status	157,755	. 54.9	129,595	45.1	287,530	20.5
VARIANCE	***	-1.5		-1.8		•••
Serious	***	-2.5		-2.8	-	-15.7
Less-Serious	***	-1.5		-0.6		-23.7
Status		-1.0		-1.0		- 6.0

Referral statistics include 250,000 cases referred by other sources than law

Sources: U.S. Department of Justice. Federal Bureau of Investigation. Uniform Crime Reports for the United States--1975; 1976; and 1977. (Mashington, O.C.: U.S. Government Printing Ortice, 1970, 1977, and 1973); and National Center for Juvenile Justice. Advance Esquates of 1975, 1976, and 1977 National Court Processing Statistics. (Pittsburgh, PA: National Center for Juvenile Justice, 1979).

S.ack, Edwin T., Smith, Charles F. "A Preliminary National Assessment of the Minners and Characteristics of Journales Processed in the Juvenile Justice System," Secrementa, California, American Justice Institute, January 1880, Table 3-7, p.*155.

Table constructed by the NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CHITER (Sacramento, CA: American Justice Institute, 1980). -18-

APPENDIX A

TABLES

Penforcement.

Variance is the change in proportion of an age group when comparing arrest and referral populations.
Percents in the total column add to 100.0 by population.

CHANGES IN THE NATIONAL ESTIMATES OF THE NAMBER OF PERSONS UNDER 13 ARRESTED AND REFERRED TO JUVENILE COURT BY RACE AND OFFENSE TYPE (1975-1977)

IRFORMATION		FE- AAA	t BLA	CE	914	ER . '5-	T G F	16.
CATECORY	1111(1	PERCENT	131141	1132131	141161	Histor	Irrett	rescent
	,							
1973		3			i	_	,	
MESTED	1,835,867	76.23	1 " 1	21.3	46,344	2.0	2,405,459	100.03
Serious	646,477	69.0	272,055	29.0	19,201		957,733	39.0
Less-Serious	891,984	30.3	195,520	17.7	19,315	1.5	1,107,619	46.0
Status	295,406	\$2.0	57,273	15.9	7,429	2.1	560,107	15.0
REFERRED 1	936,235	66.6	330,439	23.5	139,003	9.9	1,406,077	190.0
Serious	1304,257	61.3	159,970	28.2	58,118	10.5	496,545	33.3
Less-Serious	358,788	64.6	145,515	26.2	\$1,097	9.2	\$55,400	39.5
Status 2	275,190	77.1	43,354	12.8	35,788	10.1	35∴,332	25.2
YARIANCE :		,	· ·		١ ٠			
Total		- 9.6		+Ľ.7		• 7.9		
Serious	·	- 7.7		- 0.8		• 4.5	•	- 3.7
Less-Serious		-15.9		48.5		• 7.4		- 6.5
Status		- 4,9		- 3.1		• 4.0		+10.2
•	1		}					
1976	1				1	•		
ARRESTED	1,824,004	76.1	526,572	22.0	45,681	1.9.	2,396,257	100.0
Serious	613,671	65.1	267,998	29.7	19,476	2.2	901,145	37.6
Less-Serious	943,786	80.7	205,204	17.6	19,570	1.7	1,168,560	48.8
Status	266,547	81.6	\$3,370	16.3	6,635	2.1	326,332	13.6
REFERRED	1,039,817	70.4	326;062	22.1	110,310	- 7.3	1,476,189	100.0
Serious	438,945	62.6	208,955	29.8	\$5,290	7.6	701,190	47.5
Less-Serious	333,694	75.1	77,758	17.5	52,881	7.4	444,333	30.1
Status	267,178	80.5	39,349	11.9 .	24,139	7.3	330,666	22.4
VARIANCE	1		}	_	1			
Total "		5.7		+ 0.1		• 5.6		***
Serious		5.5		• 0.1		- 5.4		+ 9.9
Lass-Serious		- 5.6		- 0.1		• 5.7	,	-18.7
Status		- 0.8		- 4,4		+ 5.2	***	. 1.1
·			ł		1			•
1977			ł		}			
ARRESTED	1,855,664	75.7	544 ,582	22.2	52,271	2.1	2,452,318	100.0
Serious	631,734	68.2	272,706	29.5	21,570	2.3	925,880	37.4
Less-Serious	969,586	79.5	225,525	13.3	24,017	2.0	1,219,428	49.7
Status	254,024	82.7	46,151	15.0	6,884	2.3	307,059	12.5
REFERRED	1,008,473	71.9	284,963	20.3	108,551	7.7	1,401,705	100.0
Serious	446,196	64.7	186,202	27.0	57,240	3.5	689,638	49.2
. Less-Serious	327,267	76.3	284,06	15.5	35,172	4.2	123,922	30.6
Status	235,010	83.0	52,278	11.4	16,139	5.6	233,145	20.2
VARIANCE			٠ ا		1		٠.	
Total		-3.8		- 1.9		+ 5.6		***
Serious		- 3.5		- 2.3		-6.0		-11.4
Less-Serious .		- 3.2		- 3.0		• 6.2		-19.1
1	•	- 0.3		- 3.6		- 3.3		

Referral statistics include 250,000 cases referred by other sources than law

genforcement.
Variance is the change in proportion of an age group when comparing arrest and

referral populations.
Percents in the total column add to 100.0 by population.

Sources: U.S. Department of Justice. Federal Bureau of Investigation. Uniform Crime Records for the United States--1975; 1975; and 1977. (Washington, O.C.: U.S. Government Printing Office, 1976, 1977, and 1973); and National Center for Juvenile Justice. Advance Estimates of 1975, 1976, and 1977 National Court Processing Statistics. (Pittsburgh, PA: National Center for Juvenile Justice, 1979).

Stack, Edwin T.; South, Charles F. "A Prolinthary Sutional Assessment of the Vambers and Characteristics of Euveniles Processed in the Juvenile Justice System." Sacramento, California: American Justice Institute, January 1980; Table 3-12, p. 271.

Table constructed by the NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER (Sacramento, CA: American Justice Institute, 1930).

TABLE 3

HATIONAL ESTIMATES OF THE NUMBER OF PERSONS UNDER 18 REFERRED TO
JUVENILE COURT BY REASON FOR REFERRAL AND BY PRIOR DELINQUENCY
REFERRALS PREVIOUS YEARS (1975-1977)

· INFORMATION CATEGORY	######################################	H7BIHIE		SWEWRO, NE		1661	MINESTER	PERCENT
1975	1,056,030	75.1	(100.0)	350,047	24.9	(100.0)	1,406,077	100.0
Serlous	346,532	72.7	(32.8)	130,128	27.3	(37.2)	476,660	(33.9)
Loss-Serious	436,368	77,2	(41,3)	128,875	22.8	(36.8)	565,243	(40.2)
Status	273,130	75.0	(25.9)	91,044	25.0	(26.0)	364,174	(25.9)
1976	1,042,051	70.6	(100.0)	434,138	29.4	(100.0)	1,476,189	100.0
Serious	437,600	69.1	(42.0)	195,685	30.9	(45.1)	633,285	(42.9)
Loss-Serious	292,602	71.3	(28.1)	117,779	28.7	(27.1)	410,381	(27.8)
Status	311,849	72.1	(29.9)	120,674 .	27.9	(27.8)	432,523	(29.3)
1977	987,798	70.5	(100.0)	413,907	29.5	(100.0)	1,401,705	100.6
Serious	384,067	68.5	(38.9)	176,615	31.5	(42.7)	560,682	(40.0)
Less-Serlous	183,893	71.3	(18.6)	74,021	28.7	(17.9)	257,914	(18.4)
Status	419,838	1.72.0	(42.5)	163,271	28.0	(39.4)	583,109	(41.6)

Note: Two percentages are presented: the horizontal and the vertical percentage (in parentheses).

Source: National Conter for Juvenile Justice. Advance distinctes of 1975, 1976, and 1977 National Court Processing Statistics. (Pittsburgh, PA: National Conter for Juvenile Justice, 1979).

Black, Edwin T.; Smith, Charles P. "A Preliminary National Assessment of the Numbers and Characteristics of Juveniles Processed in the Juvenile Justice System." Sacramento, California: American Justice Institute, January 1980; Table D-26, p. 203.

Table constructed by the NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CHMTER (Secremente, CA: American Justice Institute, 1980).

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TABLE 4

COMPARISON OF PERSONS UNDER 18 COMMITTED, DETAINED, OR VOLUNTARILY ADMITTED

TO PUBLIC AND PRIVATE JUVENILE DETENTION, CORRECTIONAL, AND SHELTER FACILITIES, BY ADJUDICATION STATUS-UNITED STATES, JUNE 30, 1974 and DECEMBER 31, 1977

		1974			1977		CHA	NGE
	Public	Private	Total	Public	Private	Total	Number	Percent
Committed	36,412	23,570	59,982	32,477	23,089	55,566	-4,416	-7.36
Delinquent Offender	31,270	9,874	41,144	28,555	9,316	37,871	-3,273	-7:96
Status Offender	4,644	4,969	9,613	3,332	6,970	10,302	+689	+7.17
Dependent, Neglected or Abused Non-offender	498	7,104	7,602	503	5,064	5,567	-2,035	-26.77
Other Committed Non-offender (1).	. 0	1,623	1,623	61	1,723	1,784	+161	+9.99
Other Committed Juvenile	N/A	N/A	N/A	26	16	42	+42	N/A
Detained	7,831	544	8,375	11,190	894	12,084	+3,709	+44.28
Delinquent Offender	N/A	N/A	. N/A	9,291	N/A	9,291	.+9,291	N/A
Status Offender	N/A	N/A	N/A	1,584	468	2,052.	+2,052	N/A
Dependent, Neglected or Abused Non-offender	N/A	N/A	N/A	203	232	435	+435	N/A
Other Detained Non-offender (1)	N/A	N/A	N/A	54 ·	N/A	. 54	+54	· N/A
Other Detained Juvenile	N/A	N/A	N/A	58	N/A	58	+58	N/A
Voluntary Admissions	679	7,635	8,314	429	5,037	5,466	-2,848	-34.26
Total	44,922	31,479	7 6,671	44,096	20,070	73,166	-3 ,506	4.57

N/A = Not Available

(1) includes emotionally disturbed and mentally retarded

Source: .

Smith, Charles P. "Juvenile Justice System Achievements, Problems, and Opportunities." Sacramento, California: American Justice Institute, February 1980; Table B-9, p. 89.

Table constructed by the NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER (Sacramento, CA: American Justice

TABLE 5 COMPARISON OF PERSONS UNDER 18
DETAINED OR COMMITTED FOR STATUS OFFENSES TO PUBLIC OR PRIVATE FACILITIES
JUNE 30, 1974 AND DECEMBER 31, 1977

		1974			1977		CHANGE			
	Public	Private	Total	Public	Private	Total	Number	Percent		
Detained										
• Detention Center	1,470	N/A	1,470	65	N/A	6 5	-1,405	-96		
• All Facilities	N/A	'N/A	N/A	1,584	468	3,052	n/Å	N/A		
Committed								•		
• Training School	2,090	N/A	2,090	1,745	N/A	1,745	-345	-17		
• All Facilities	4,644	4,969	9,613	3,332	6,970	10,302	+689	+7		

N/A = Not Available 15, p. 18 13, Table 1

Table constructed by the NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER (Sacramento, CA: American Justice Institute, 1980).

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141654411 34	1	T	ED TO		ROV		DI	SMIS	SED	TO	SDI		HEI		OPEN	PRO	 -	LON		ITU	INE,		
liu.	35,234	1.0	(100.0)	835,650	9.7	(100.0)	494,043	31.3	(100.0)	43,424	1.0	(100.0)	34,100	3,4	(100.0)	479,552	31.0	(100.0)	27,727	1.7	(100.		
Serious	0,100	1.6	(11.4)	49,446	9.7	(34.5)	144,174	20.4	(20.5)	8, 024	0.2	(7.4)	11,240	2.2	4 34.01			-	11,772		-		
Lasa-Sarious	11.410	i.2	(45.0)	60,455	11.2	(41,5)	206,112	36,9	(41.1)	1,015	0,2	(7.4)	14,744	2.0	(40.7)			-	10,942		-		
Status	1,105	1.5	. (21.0)	27,157	7.4	(20.0)	144,592	39.4	(29.4)	41,744	3.8	(05.0)	10,276	2.0	(21.1)			(21.5)					
17/4	•,•••	0.7	{1w.0}	774,553	49.2	[150, 0]	4,014		(100,0)	101,004	7.1	(100.0)	\$4,473	3,7	(!00,0)	. 353,673	23.9	{ me,o}	17,356	3.5	(I ==		
Serlous	6,910	1.0	(70.5)	. 310,450	45.9	(43.4)	2,775	0.4	(44.1)	35,346	8.1	(33.4)	24,263	3.6	(.41.7)	199,417	20.0	(54.7)	14,570	1.4	1 1		
Lota-Sórlana	3,779	0.5	(11.7)	245,105	\$5.0	(22,7)	2,210	0.5	(37.4)	21,794	1,0	(21.1)	17, 147	1.9	(22,1)	91,437		-	14,013		-		
Elstm	473	0.2	4 4.4)	167,906	41.4	(22,4)	1,010	0.3	(14.1)	48,110	11.1	(45.5)	17,411	1.7	(71.0)			(17.1)					
1277	13,413	1.7	{100,0}	639,474	45,4	(1100,4)	8,438	6,6	_{104,0}	98,474	7.0	(100.0)	44,272	1.1	{ioo.o}	350,115	15.0	(100.0)	43,491	3.1	(1)		
Ser Janua	13,737	2.0	(50, 3)	207,700	41.9	((5.0)	3,434	2.0	(40.7)	34.403	8.3	(37,0)	10.545		(40.1)				15,7+7		-		
ion Serious	7,115	1.7		217,475			3,017		(35.7)	21,407	5.3	(33.0)	•		(11.5)			(16.1)	-	4.3	-		
Si etus	l			111,745			1,991		1 21.41		11.0	(40.0)	-	4.3	•	60,166	17.7	(11.4)	-	1.1	•		

**********	L		QUENT UTION	PUBLIC INSTITUTION			PUBLIC AGENCY OR DEPARTMENT			PRIVATE AGENCY OR INSTITUTION			INDIVIDUAL			SPECIAL PROCEEDINGS			OTHER TRANSFER			TOTAL	
44114444			111414	*****	-	124141	419868		******	412464	11	. 1111	8) #68	• •	111111	20114		104181	800314		141411	\$11404	*186181
12/1	41,114	3,6	(100.0)	17,170	1,3	(100.0)	45,111	1.6	(100,0)	14,459	1.4	(104.8)	16,757	1.2	(100.6)	-0-		•••	27,087	1.0	(100.0)	1,104,077	100.0
Serious	14,015	4,1	4 67.43	8,149	1.4	1 47.13	21,494	4.8	(11.0)	5,430	1.1	(30.9)	4,404		(27.5)				0,774	1.0	(35.9)	\$11,012	[]4.41
last-berieus	11,100	3.3		-		1 14.01			-			(15.5)	3,671	0.7	(22.1)		-		•		(37.0)	137,319	
Status	4,239	1,)	(14.0)	4,771	1,1	(27.7)	25,444	7.4	(39.4)	1,136	1.4	(25.5)	. 6, 410	2.3	(10.4)	••-	•••	•-	7,240	1.0	(27.1)	344,734	4 24.11
.1274	47,215	1.1	[1m0.0)	27,104	1.5	(100.0)	24,904	114	(104.2)	13,194	•.•	(1×0,0)	2,913	0.)	{100,0}	1,140		{100.0}	71,049	4.0	(100.4)	0,474,149	100.0
See I was	10,516	4.4	{ 61.4)	24,705	1.7	{ 13.2}	11,705	1.7	(43.4)	4,244	•.•	[SU.4)	1,341	0.2	(47.6)	404	0,1	(40.0)	20,140	4.1	(41.0)	411,100	{ 47.0
Lass-Sarinus	10,473	2,4	(22.4)	4,417	1.5	(10.1)	5, 350	1.2	{ 17.0}	3,121	9.7	(21,2)	492	0.3	(30, 2)	414	0,1	(30.4)	21,370	4.8	£ 30.1)	415,000	(10.1)
Status	6, 053	1.1	4 17.6)	3,701	1.1	(14.7)	6,741	2.9	(34.3)	3,420	•.•	(21,4)	473	•.1	(22.0)	-0-	•••	••-	20,631 .	4.1	£ 20.0)	314,571	£ 22.4)
1111	47,419	1,4	(100.0)	. 24,410	1.7	(100.4)	24,016	3.8	(100.4)	12,103	0.9	(100.0)	8,050	0.4	(100,0)	3	-4-	(100.0)	77,427	5.5	(100.0)	1,401,746	144,0
Serious	11,174	4,6	(64.3)	15,110	2.2	(41.5)	10,949	1.4	(44.2)	4,648	1.0	(61.4)	2,04	4.3	(40.7)	3	-4-	(44.7)	34,402	1.1	(47.0)	444,834	[40.0]
last-Serious	11,144	2.6	(23.15	4,455,	3.4	(24.4)	8,104	1,3	(11.11)	3,443	4.8	{ 20.0}	1,291	0.5	(35.5)	••-	-8		23,440	1.5	(10.4)	430,323	1 30.71
States	4,457	1.7	(10.2)	2,045	1.0	(11.7)	9,252	2, 5	(11.2)	1,372	0.7	(14.2)	1,707	0.6	(11.7)		•••	(33, 3)	17,317	4.8	(11.4)	284,546	{ Jo. 1}

Motor Two perconleges are presented: the horizontal percentage and the vertical percentage (in permitheres).

Source: Incloud Conter for Aurentie Justice, Adresco Excinates of 1975, 1974, and 1977 Harianal Cours Processing Statistics, (Pittsburgh, PA1 Mational Conter for Aurentie Austice, 1979).

Black, Edwin F.; Smith, Charles P. "A Proliminary National Assessment of the Numbers and Characteristics of Juvaniles Processed in the Juvenile Justice Jyston;" Sacromento, Colifornia: American Justice Institute, January 1980; Table D-44, p. 339. APPENDIX B

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