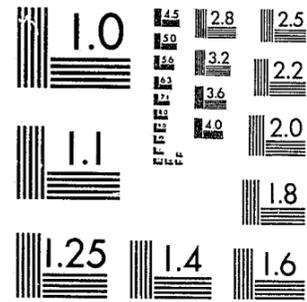


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An Assessment of Juvenile Justice System Reform In Washington State

VOLUME IV

SENTENCING GUIDELINES AND RECIDIVISM
RATES OF JUVENILE OFFENDERS

U.S. Department of Justice
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SENTENCING GUIDELINES AND RECIDIVISM

RATES OF JUVENILE OFFENDERS

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PREFACE

The Washington juvenile justice code is the most unusual and innovative change that has occurred in the juvenile system of any state since the historic court decisions of the late 1960's. Based on the philosophical principles of justice, proportionality, and equality the legislation seeks to establish a system that is capable of holding juveniles accountable for their crimes and a system that, in turn, can be held accountable for what it does to juvenile offenders. The legislation is an articulate and faithful representation of the principles of "justice" and "just deserts."

Consistent with those philosophical principles, the reform of Washington's juvenile system involves proportionate decision-making standards for intake and sentencing; the provision of full due-process rights; and the elimination of all court jurisdiction over non-criminal misbehavior (status offenses).

An assessment of the implementation and consequences of the implementation and consequences of the reform in Washington's juvenile justice system was funded by the National Institute of Juvenile Justice and Delinquency Prevention. This report is one of several which contains information about the impact of the legislation. Reports produced by the study are:

"Executive Summary: The Assessment of Washington's Juvenile Justice Reform" (Schneider and Schram, Vol. I).

"A Justice Philosophy for the Juvenile Court" (Schneider and Schram, Volume II)

"A Comparison of Intake and Sentencing Decision-Making Under Rehabilitation and Justice Models of the Juvenile System (Schneider and Schram, Vol. III)

"Sentencing Guidelines and Recidivism Rates of Juvenile Offenders" (Schneider, Vol. IV)

"Divestiture of Court Jurisdiction over Status Offenses" (Schneider, McKelvey and Schram, Vol. V)

INTRODUCTION

Reforms of the juvenile justice system usually are judged at least partially, if not entirely, by their impact on juvenile crime and recidivism. Although many changes in juvenile justice processes carry their own inherent rationale, the search for a response to juvenile offenders that will reduce or eliminate the commission of subsequent offenses continues to be the primary challenge facing the system. Thus, virtually all significant reforms in juvenile justice--including those which were undertaken primarily for other purposes--need to be examined in relation to their impact on crime and recidivism rates.

The 1978 reform of Washington's juvenile justice system represents a clear and unequivocal shift from the traditional rehabilitative philosophy of the juvenile court to a "justice" or "just deserts" model (1).

The primary purposes of the reform were to bring about a more uniform and proportionate system of justice and to establish a system which, in the words of the reformers, "would be capable of holding juveniles accountable for their crimes" (Schneider and Schram, 1983a).

Even though the Washington reform was aimed chiefly at altering the response of the system to juvenile offenders and status offenders in order to improve the quality of

justice, there is considerable interest in determining whether these changes had an impact on recidivism. Several arguments could be put forth to justify an expected effect.

First, both sentencing and intake decisions are governed by guidelines which specify presumptive decisions based on the seriousness of the offense, the prior record, and the age of the youth. This could have a general deterrent effect if the guidelines increased either the certainty or severity of sanctions received by the youths. The sentencing and intake guidelines are based on an escalating set of penalties which, ~~one might argue~~, could have a specific deterrent impact.

Second, the process of informally adjusting cases by probation officers was virtually eliminated in the reform system and, in its place, a diversion system based on principles of accountability was established. This could have an impact on recidivism for a number of different reasons ranging from a change in the certainty/severity of sanctions to a change in the extent to which juvenile delinquents are labelled by the system. Third, the reform system places much greater emphasis on restitution and community service work for diverted and adjudicated offenders.

Changes in the Washington system present a rare opportunity to compare the recidivism rates of youths entering the system under the traditional "needs oriented" rehabilitative approach with youths who

experienced the offense-oriented "just deserts" model.

Unfortunately, the comparison is fraught with theoretical and methodological complexities which make it impossible to determine whether the shift in philosophy and practices brought about changes in the frequency or seriousness of reoffenses. Differences which were observed appear to be the product of longer-term trends and it was not possible to disentangle changes in behavior of juveniles from changes in law enforcement practices.

The major conclusions drawn in the study are, first, that a shift to a "just deserts" philosophy may not produce changes in the certainty or severity of sanctions that are great enough or consistent enough to bring about a noticeable change in juvenile recidivism. And, second, even if legally-mandated changes did produce substantial increases in the certainty and severity of sanctions, quasi-experimental evaluation designs based on official records data probably will not be able to detect the effect of such changes on recidivism, even if they occur.

POSSIBLE IMPACTS OF A "JUST DESERTS" SYSTEM

Deterrence theory posits that recidivism should be reduced as a consequence of increases in the certainty or severity of punishment (see, e.g., Beccari, 1963; Gibbs, 1957; Tittle, 1974). Underlying this proposition is the relatively simple and almost universally accepted premise that individuals take into account the consequences of their actions and, therefore, changes in the consequences of particular actions should produce changes in the actions that individuals take (2).

The potential relevance of deterrence theory to the Washington law is quite clear: insofar as the legislation altered either the certainty or the severity of the sanctions imposed on youthful offenders, there would be an expectation of a corresponding change in the offense rates as well as in the patterns of reoffending.

From the perspective of labeling theory, however, the expected effects of the Washington law are not favorable. The general thrust of the argument made by labeling theorists is that when the system labels a youth as delinquent, the youth lives up to that expectation and secondary deviance actually increases rather than decreases. If the extent of labeling depends on the degree of involvement with the system, then a change to a "just

deserts" approach would increase labeling if it pulled into the system youths who, in the past, would not have been referred to juvenile court intake. Additionally, the shift in philosophy would increase labeling if it escalated the intensity or length of involvement.

The same changes in system response that are expected to influence the behavior of juveniles may also alter the behavior of law enforcement officers who control the critical "entry" point to the juvenile system. Changes in law enforcement behavior are of concern here because recidivism was measured as law enforcement contacts with juveniles for delinquent acts.

Law enforcement officers in the pre-reform time period were not required to record all contacts with juveniles suspected of committing delinquent offenses. These cases could be diverted or adjusted and, even though incidents of this type usually were recorded as "contacts," some, undoubtedly, were never recorded. Police records from which the data for this study were drawn, therefore, did not include the full universe of contacts. It is possible that the legislation could have produced an increase in the number of recorded contacts without there being any real increase in delinquent behavior.

There are several reasons to believe that the legislation should have provided an incentive for police to record a greater proportion of their contacts and to refer a greater proportion to intake. In particular, the reform

code provides that all offenses, even those for which juveniles are diverted, count as part of the youth's criminal history and, in the event a subsequent offense occurs, these incidents will enhance the penalties. Thus, regardless of whether the new sentencing and intake provisions altered the certainty or severity of punishment for the immediate incident, the fact that future decisions are guided by the number of prior offenses provides a solid incentive for law enforcement not to ignore juvenile offenses. Furthermore, the penalties under the new system are proportionate to the seriousness of the immediate incident. Thus, officers who might be concerned that minor offenders would be punished too severely should be reasonably well assured that there is no harm in referring youths for minor offenses (since the penalty will be diversion and restitution, if there is an outstanding loss to the victim). Officers also should be relatively confident that it is worth their time to refer the more serious or chronic offenders because the reform legislation clearly specifies incarceration or detention for serious offenders.

The analysis was based on approximately 2,400 juvenile offenders whose files were drawn from Seattle and Yakima, Washington police departments. Seattle is the largest metropolitan area in the state and Yakima is a small city located in a rural area of western Washington. A stratified sample (based on site, year, and type of offense) was drawn randomly after a complete enumeration of all cases in both locations for a time period of two years prior to the implementation of the reform code and two years afterward. Thus the population from which the samples were drawn included all recorded law enforcement contacts with juveniles during the two years before the law was passed and two years afterward (3). In both sites, "contacts" definitely included youths who were not officially arrested and many of the contacted youths were never referred to court.

Cases drawn from the law enforcement agencies were tracked to prosecutor records, probation social files, and diversion files. All prior law enforcement contacts and all subsequent contacts--whether noted in law enforcement or in court records--were obtained. Because the sample was stratified, all analysis was conducted on a weighted sample which properly reflects population proportions (4).

Measuring Recidivism

Several different measures of recidivism were used in the course of this study. One of these was survival analysis (see SPSSx, 1983) which shows the proportion of each group that reoffend within one month, two months, and so forth. A second kind of analysis also used in the study was to compare the pre and post groups using the Stollmack-Harris failure rate (Stollmack and Harris, 1976). The failure rate was calculated by summing the total risk time for each group and dividing this figure into the total number of offenses committed by each group. The failure rate assumes that a constant proportion reoffend each month whereas the survival analysis does not require this assumption.

Both of these techniques are based on group rates which makes it cumbersome to examine subgroups or to conduct multivariate analysis. To resolve these problems, individual-level offense rates were calculated by summing the total number of contacts for each person during the risk period and then dividing by the number of days the person was at risk. In addition, the seriousness of the reoffenses was incorporated into the analysis by calculating separate reoffense rates (both for the group and at the individual level) for felonies and misdemeanors.

Another strategy for resolving the problem of varying time-at-risk was to use the number of recontacts as the dependent variable and to include days at risk as a control variable in the multiple regression equation.

One additional strategy for incorporating both the seriousness of the reoffense and the time at risk involved creation of a weighted index (see Sutton, 1980) in which Class A felonies were counted as five points each, Class B felonies were scored as four points, Class C as three, Class D as two and Class E as one point (5). The resulting score was divided by time at risk.

The change from a rehabilitation system to a justice philosophy presented another problem for the analysis of recidivism. The logic of rehabilitation is that the contact with the system will rehabilitate the youth and thereby prevent future offenses. Thus, youths whose cases were handled in the pre-reform rehabilitation system (if the program was effective) should not reoffend during the pre-reform era nor during the post-reform era. Any offenses committed after the new legislation went into effect could, by this logic, be counted against the rehabilitation system. The deterrence perspective, however, holds that if the certainty or severity of the penalty increases, this should deter criminal behavior. Thus, any offenses occurring after the new law went into effect could be counted against the reform system.

The issue, then, is whether offenses committed after the reform went into effect by juveniles whose immediate offense was in the pre-reform era should be counted against the rehabilitation system or against the justice system. The decision was to truncate the follow-up period for

youths in the pre-reform era so that offenses committed by them after the reform became effective were not counted at all. This decision also tended to equalize the amount of follow-up between the pre and post groups. The follow-up period for each group had a maximum of about two years and an average of slightly less than one year.

Measuring the Effect of the Law

The impact of the legislation on reoffense rates was measured by comparing the frequency and type of reoffending for youths whose cases were handled by the pre and post systems. Unfortunately, direct comparisons--such as that obtained from simple proportions or from the survival analysis--may be misleading for two reasons. First, if the characteristics of the juveniles changed between the pre and post time periods (e.g., the post reform youths might be less serious offenders, on the whole) then the reoffense patterns would reflect these differences. The direct comparison of groups would not reveal whether differences should be attributed to the incentives inherent in the legislation or to changes in the types of youths on whom the analysis was based. To deal with this issue, some parts of the analysis incorporated statistical controls for possible changes in the age, gender, and race of the youths.

A second problem was that direct comparisons of the pre and post groups would not distinguish changes produced

by the legislation from changes that should be attributed to an on-going trend which existed in the pre-reform era. Thus, an individual-level time series analysis was conducted in which the intervention variable, a trend variable, and the interaction term were included in the equation (6). If the intervention variable was statistically significant, controlling for trend, then the change could be attributed to the legislation rather than to a gradual trend in reoffense rates.

Types of Offenders

For some parts of the analysis, juveniles were divided into groups based on the seriousness of their immediate offense and their prior record. Three categories were used: minor, middle, and serious/violent. These categories of youths should, under the Washington guidelines, receive relatively homogeneous sanctions within groups and relatively different sanctions, across groups.

Minor offenders were those who committed a misdemeanor and who had one or two prior offenses. The violent group included all youths with Class A felonies: murder, rape, robbery, aggravated assault, kidnapping and first degree arson. Attempted Class A felonies also were included in the violent category. All other youths were placed in the middle offender group. Under the Washington presumptive guidelines, the minor offenders must be diverted and may be required (as part of their diversion agreement) to pay

restitution or do community service work. No other sanctions or requirements may be given to these juveniles and the law prohibits a referral to the formal court process unless the youth violates the diversion agreement. The presumptive sanction for violent offenders is commitment to the state for incarceration.

FINDINGS

Characteristics of Offenders

Offenses for which the juveniles were contacted by police are shown in Table 1. Only a small proportion of the youths were contacted for Class A felonies which carry a presumptive sanction of incarceration. More than half of all the offenders were contacted for Class D misdemeanors, an offense which cannot be filed under the Washington code until after the fourth commission.

It is apparent from Table 1 that there was no change in the types of offenses for which the youths were contacted by the police. In contrast, the proportion of juveniles with no prior offenses dropped considerably in both places (see Table 2). Table 2 also shows some changes in the age, sex, or race of the youths contacted by police in the pre and post systems. In Yakima, the post reform system showed an increase in the proportion of females and

TABLE 1. OFFENSE PROFILE OF JUVENILE OFFENDERS

	King County		Yakima County	
	Pre	Post	Pre	Post
	484	590	671	586
CLASS A FELONY				
Murder, rape, robbery	2%	3%	1%	1%
Aggravated Assault	2	3	2	3
All Others (includes attempts)	1	0	0	1
Class A Total (%)	<u>5</u>	<u>6</u>	<u>3</u>	<u>5</u>
CLASS B FELONY				
Burglary	11	9	4	13
All Other Class B	2	2	1	1
Class B Total (%)	<u>13</u>	<u>11</u>	<u>15</u>	<u>14</u>
CLASS C FELONY				
Auto Theft	6	8	5	6
All Other Class C	4	11	3	4
Class C Total (%)	<u>10</u>	<u>9</u>	<u>8</u>	<u>10</u>
CLASS D MISDEMEANORS				
Theft, Shoplifting	36	36	43	42
Vandalism	5	6	5	5
Simple Assault	4	4	5	5
All Other Class D	8	6	2	5
Class D Total (%)	<u>53</u>	<u>52</u>	<u>55</u>	<u>57</u>
CLASS E MISDEMEANORS				
Drug & Liquor	9	11	13	8
Disorderly	1	1	0	1
Resisting Arrest	3	3	1	1
All Other Class E	6	5	3	3
Class E Total (%)	<u>19</u>	<u>20</u>	<u>17</u>	<u>13</u>

TABLE 2. CHARACTERISTICS OF JUVENILE OFFENDERS

	King County		Yakima County	
	Pre	Post	Pre	Post
PRIOR OFFENSES				
No Prior Adjudicated Offenses (%)	73%	53%	84%	61%
SEX				
Male (%)	69	70	78	71
Female (%)	31	30	22	29
RACE				
Minority (%)	34	41	12	15
White (%)	66	59	88	85
AGE				
14 and Under (%)	22	24	30	29
15 years (%)	21	22	13	19
16 and over (%)	57	54	57	52

in Seattle there was an increase in the proportion of offenders who were of a minority ethnic group.

Change in Sanctions

Actual sanctions for subsequent offenses are shown in Table 3. These were the penalties given to juveniles, in each of the three offense categories, when they committed another offense. Thus, assuming that the youths are aware of the sanctions received for second, third, fourth offenses, these are the results that they should expect to receive if a subsequent offense is committed.

For minor offenders in the post reform system, there was virtually no chance of commitment or detention if the next offense was a misdemeanor. However, juveniles were not very likely to receive an incarcerative sanction in the pre-reform system either.

Another potentially important change is that contacts were not likely to be adjusted in the post-reform system, but were diverted instead. The impact of this change on juveniles' perceptions of certainty or severity depends on the requirements made of youths under the diversion system compared with the informal adjustments. The records generally indicate that diverted cases were much more likely to place requirements of the youths. In the post reform system, restitution or community service work were required of 26 percent of the diverted cases in King county and 49 percent in Yakima. Informal adjustments in King

TABLE 3. EXPECTED SANCTIONS FOR SUBSEQUENT OFFENSES (1)

SITE	Minor Chronic		Middle Chronic		Violent Serious	
	Pre	Post	Pre	Post	Pre	Post
KING COUNTY						
Commitment	1	0	11	6	16	32
Detention	4	0	8	13	8	5
Probation	4	9	10	18	4	0
Adjustment	41	0	24	0	20	0
Not Referred/ Dismissed	48	40	46	51	52	58
YAKIMA COUNTY						
Commitment	1	0	11	0	0	20
Detention	0	0	11	16	0	0
Adjustment	50	0	18	0	30	0
Diversion	0	49	0	8	0	0
Not Referred/ Dismissed	47	39	57	46	70	78

(1) No first offenders are included in this table. The outcomes of the referral are those the youths would receive on a second, third, fourth, and so on recontact.

county (during the pre-reform era) did not involve any requirements in 99 percent of the cases whereas in Yakima county, 89 percent of the pre-reform adjustments were made without supervision or other requirements.

For middle offenders, commitments to the state were somewhat less likely, after the reform, but the combination of commitments and detentions was equally probable in the pre and post system. Juveniles in the middle category were more apt to be placed on probation in the post system and, as with the minor offenders, were more likely to be diverted than to have their cases adjusted informally. It is unrealistic to presume that this somewhat odd mixture of changes in sanctions could have^{had} a consistent or clearly-delineated effect on juveniles' perceptions of either the certainty or severity of sanctions.

For the violent offenders there was a definite increase in the probability of commitment. Juveniles in this group whose cases were referred by the police and were not dismissed for legalistic reasons should expect to be incarcerated: 92 percent of the post-reform sentences were commitment to the state and the others were local detention. Complicating the situation, however, is the fact that most of the violent offenders contacted by police were not referred to court in either the pre or post systems (see Table 3). The probability of not being referred was higher in the post period, however. Although

it is difficult to know how juveniles might weigh these somewhat off-setting changes, it is reasonable to think that the violent offenders should^{not} expect^{ed} a more severe and certain sanction in the post time period than in the pre if they are referred to court. But there is a very high probability that no referral will occur.

Recontact Rates

Contacts with the police were higher in King county during the post-reform era but there was no change or perhaps even a lower rate of contacts in Yakima county (see Table 4). The failure rate (average monthly recontact rate) shown in Table 4 was found by dividing the total number of months at risk for each group into the total number of recontacts for each group. This is the Stollmack-Harris "failure rate" coefficient. To provide a more meaningful figure, the monthly recontact rates were projected to show the total number of recontacts that would occur, per year, for each 100 youths in the pre and post samples. Using this method, the rate for King county was higher in the post period (175 contacts, per year for each 100 juveniles compared with 114 per year in the pre-reform days). The recontact rate in Yakima was down: 74 per year for each 100 youths (pre) compared with 53 per year (post).

The survival analysis (see Table 4) shows the cumulative proportion expected to be recontacted within 6, 12, and 18 months. This figure was calculated by

TABLE 4. OVERVIEW OF RECONTACT RATES BY SITE

	King County		Yakima County	
	Pre	Post	Pre	Post
Number of Cases	510	651	202	201
Total No. of Contacts for Delinquent Offenses	484	867	137	121
Total No. of "Risk Months"	5,092	5,935	2,222	2,722
FAILURE RATE				
Avg. Months At Risk	10	9.1	11	13.5
Avg. Monthly recontact Rate	9.5	14.6	6.2	4.4
No. of recontacts, per year, for each 100 Youths	114	175	74	53
SURVIVAL ANALYSIS				
Cumulative Proportion Recontacted				
One or More Times Within ...				
6 Months	33%	42%	22%	23%
12 Months	46%	56%	29%	39%
Absolute Percentage Recontacted				
During Follow-up	33%	44%	24%	25%

subtracting the proportion who were not recontacted from .1.0. The same general pattern is revealed with this analysis in King county but, in Yakima, the survival analysis indicates no change rather than a decline. The important difference between the yearly projections from the failure rate and the survival analysis is that the latter includes only the first recontact for each youth whereas the failure rate analysis incorporates all recontacts, not just the first.

In the lower portion of Table 4 are the absolute percentages of juveniles in the pre and post time periods who were contacted for one or more offenses, regardless of time-at-risk. These figures indicate the same general pattern as the survival analysis because they also are based only on the proportion who are recontacted, not the total volume of recontacts.

Seriousness of Contacts

The types of subsequent offenses for which the youths were contacted are shown in Table 5. Figures in the upper portion of the Table show the yearly contact rates for each class of subsequent offense as well as the proportion of youths expected to be contacted for subsequent felonies or misdemeanors. In King county, most of the increase in recidivist contacts was produced by increases in Class C felonies (auto theft) and Class D misdemeanors (mainly shoplifting). Increases also were observed, however, in

TABLE 5. SERIOUSNESS OF RECONTACT OFFENSES

	King County		Yakima County	
	Pre	Post	Pre	Post
No. of Subsequent Contacts, Per Year, For Each 100 Juveniles, by Type of Subsequent Offenses:				
Class A	14	25	4	0
Class B	30	33	31	12
Class C	13	32	5	11
Class D	33	57	29	22
Class E	25	30	5	7
Cumulative Proportion Recontacted One or More Times Within 6 Months by Type of Subsequent Offense:				
Felony	19	25	9	10
Misdemeanor	20	25	14	14
Absolute Percentage Contacted for Subsequent Offense During Followup Period, by Type of Subsequent Offense:				
Class A	9%	12%	3%	0%
Class B	13	16	16	7
Class C	7	14	4	8
Class D	16	26	12	9
Class E	12	15	4	7
Proportion Whose Most Serious Subsequent Contact Was...				
Class A	9%	12%	3%	0%
Class B	11	10	14	7
Class C	4	5	1	4
Class D	6	10	5	10
Class E	4	6	1	3
No Recontact	66	57	76	75
	100 %	100 %	100 %	100 %

Class A and Class B felonies. The decline in recidivist contacts observed in Yakima was produced mainly by decreases in Class A and Class B felonies.

Recontacts by Type of Offender

Survival analysis and failure rate calculations both were undertaken to show the differences between recontact rates in the pre and post time periods of youths designated as minor, middle, and violent offenders.

Both methods (see Table 6) show that minor and middle offenders in King county were contacted for more offenses in the post time period than in the pre-reform era. Both methods show that contacts for minor and for violent offenders were down in Yakima although there was an increase for middle offenders. The major difference in estimates produced by the two methodologies was in the violent offender category for King county where the survival analysis indicates a decline and the failure rate method shows an increase.

Table 6 also shows that most of the recontacts in both jurisdictions were with a small proportion of the youths. The most active 10 percent of the juveniles were involved in 55 and 60 percent of all subsequent contacts in King county (pre and post, respectively) and the most active 10 percent in Yakima were contacted for 62 and 72 percent of the incidents, pre and post.

TABLE 6. RECONTACT RATES BY TYPE OF OFFENDER

		King County		Yakima County	
		Pre	Post	Pre	Post
SURVIVAL ANALYSIS					
Cumulative Proportion Recontacted					
Within 6 Months. Any Offense					
Committed By ...	Minor Offenders	18%	33%	19%	14%
	Middle Offenders	42	55	28	35
	Serious/Violent	38	29	35	22
Cumulative Proportion Recontacted					
Within 6 Months. Felonies					
Committed By ...	Minor Offenders	10	14	8	4
	Middle Offenders	25	35	12	18
	Serious/Violent	33	17	23	13
Cumulative Proportion Recontacted					
Within 6 Months. Misdemeanors					
Committed By ...	Minor Offenders	18	25	10	11
	Middle Offenders	24	32	23	19
	Serious/Violent	20	15	22	13
FAILURE RATE					
Risk Time (Months)...	Minor Offenders	6,576	7,591	4,538	2,673
	...Middle Offenders	4,978	6,332	1,382	1,723
	...Serious/Violent	737	398	102	196
No. of Offenses By...	Minor Offenders	153	322	62	32
	Middle Offenders	306	523	62	89
	Serious/Violent	22	18	2.6	3.1
Offense Rate, per year, for each					
100 Juveniles ...	Minor Offenders	28	51	16	14
	Middle Offenders	74	99	54	62
	Serious/Violent	36	54	31	19
PROPORTIONATE SHARE					
Proportion of Offenses Committed					
By Most Active 10%		60%	55%	62%	72%
By Most Active 25%		91	86	100	100

Testing Significance

Although tests of significance were conducted as part of the previous analysis, these tests did not control for changes in characteristics of the youths nor could they distinguish between changes which occurred when the law went into effect from gradual changes that began long before the reform was implemented. Multiple regression analysis was used to examine the impact of the law, controlling for trend, differences in time-at-risk and other differences between the two time periods.

Four slightly different measures of reoffending were used. The first, (DRATE) is a total delinquency rate calculated for each individual by summing the number of contacts for delinquent offenses and dividing by the number of days the youth was at risk. The second variable, called TDSUB, is the total number of subsequent delinquent contacts. Instead of dividing by the number of days at risk, as was done for DRATE, the amount of risk time was controlled in the regression equation itself. The third variable also is similar to DRATE except that a small constant (.01) was added to the numerator before dividing by the number of days at risk. The effect of adding the constant is that juveniles who were not contacted for any subsequent offenses received scores which reflect the amount of time they were at risk. Youths who had no subsequent contacts and were at risk for 100 days, for example, received a score of .0001 whereas those who were

not recontacted but were at risk for 700 days have a score of .000014. This variable is called CDRATE. The final variable, called CSERRATE, incorporates both time-at-risk and the seriousness of the offense for which the youth was contacted. This variable was calculated by first multiplying each subsequent by its "seriousness weight" (Class A = 5, Class B=4 and so forth) and then summing to obtain the numerator. A small constant (.01) was added and the total was then divided by the number of days at risk.

The results of this analysis (see Table 7) clearly show that the intervention had no discernable effect on the recontact rates for King or Yakima counties when other relevant variables were statistically controlled. The fact that the previous analysis showed recontact rates to be higher in King county in the post period was the result of gradual changes, over time, rather than a direct impact of the legislation. Similarly, the somewhat lower recontact patterns in Yakima were produced through gradual changes. As shown in Table 7, the intervention variable had very low correlations with each of the different recidivism measures when no variables were controlled and these small correlations disappeared or were even reversed when controls were introduced.

Interpreting the Results

The analysis indicates that the legislation had no independent impact on recontact rates and this might be an

TABLE 7. MULTIVARIATE TEST OF CHANGE IN CONTACT RATES

	King County			Yakima County		
	r	beta	OSL	r	beta	OSL
DRATE (Delinquency Rate: No. of contacts/risk time)	.09	-.16	.08	-.00	.08	.10
TDSUB (Total Number of Contacts)	.12	-.08	.62	.01	.09	.05
CDRATE (Delinquency risk rate: No. of Contacts +.01/risk)	.05	.03	.35	-.01	.06	.16
CSERRATE (Delinquency seriousness rate)	.04	.01	.63	-.04	.06	.17

The first column for each site shows the zero order correlation coefficient (r) and the second shows beta, the standardized regression coefficient between the intervention and the dependent variables. The partial beta was determined after controlling for time at risk (measured by days between the contact date and the end of the follow-up period), race, sex, age, number of prior offenses, trend, and the interaction between trend and the intervention variable.

indication that there was no effect on recidivism. Unfortunately, the theoretical and methodological complications encountered in this study prevent definitive conclusions from being drawn about the effect of sentencing guidelines on future reoffending.

The expected patterns of change, based on deterrence theory, were not clearly observed in Washington since many of the youths experienced a simultaneous increase in the certainty of a minor sanction and a decrease in the certainty of a severe sanction. Others experienced an increase in the likelihood of not being referred, but, if the police referred them, they almost certainly faced incarceration. Further complicating the analysis is the fact that changes in observed recontact rates could be caused by changes in the reoffending behavior of the youths or by changes in law enforcement policies regarding the contact and arrest of juveniles. If the reform system increased the confidence of law enforcement officers, and thereby increased the contact and referral rates, while simultaneously decreasing "true" recidivism, the net effect would be one of "no change" in recidivism similar to that observed here.

The best technique for separating change in official processing practices from change in behavior of the juveniles is to measure recidivism with self report surveys. The impact of sentencing and intake guidelines which alter the certainty or severity of sanctions on

recidivism will remain beyond the reach of research until comparative studies, using self reported delinquency, are conducted. These studies, if conducted longitudinally, also could examine the elusive issue of juvenile perceptions of the severity and certainty of punishments.

FOOTNOTES

1. A complete description of the Washington juvenile justice code, implemented in 1978, is contained in the reports from a federally-funded study of the legislation. This study was funded by the National Institute of Juvenile Justice (See Schneider and Schram, 1983a).

2. Deterrence theory is similar in its fundamental principles to utility theory, as developed by economists, and to other theories of choice behavior (most of them derivatives of utility theory) developed by psychologists and other behavioral scientists (Beccaria, 1963; Simon, 1957; Coombs, 1970; Downs, 1957).

3. The enumeration of law enforcement contacts was based on computerized contact records in Seattle (King county) which included all contacts for which any record was made, regardless of whether the youth was considered to have been

"arrested" or not and regardless of whether there was a referral to juvenile court.

Yakima police maintained records of all contacts with juveniles on standardized intake forms which were stored in filing cabinets along with all arrests of adults. A complete listing was made of all contacts with juveniles contained in the filing cabinets and from this list the sample was drawn.

4. Details of the methodology and the weighting procedures are contained in Volume IX, "Methodologies for the Assessment of Washington's Juvenile Code."

5. In Washington, Class A felonies include murder, rape, robbery, and aggravated assault. Class B felonies are primarily burglaries and most Class C juvenile felonies are auto thefts or larceny with a loss between \$250 and \$1,500. Class D misdemeanors are property offenses with losses between \$50 and \$250 as well as simple assaults. Class # misdemeanors include drug offenses, disorderly conduct, liquor law violations, and resisting arrest. The number of incidents in each of these categories is shown in Table 1.

6. The effect of the intervention was assessed after controlling for trend. Time was measured in days with the earliest referral date, which was 730 days before the law

was implemented, being scored as -730 and the last referral date (730 days after the law was implemented) scored as 730.

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