JUSTICE RESEARCH

DELAYS IN YOUTH JUSTICE

Historically, the American juvenile justice system has sought to take an individualized approach to each case, focusing more on solving problems than on punishing offenders. But solving problems related to human behavior takes time and can collide with the principles of swift and certain intervention. Delays in the processing of youth through the justice system can have negative results not only for the youth themselves but also for their families and communities.

Improving the timeliness of the justice process is far more than a technical matter for managers and judges; it is a critical part of policy and practice in ensuring the juvenile justice system fulfills its basic mission.

This bulletin reviews a research effort in juvenile case processing that looked at two information sources, a nationwide sample of counties and an indepth investigation of three Midwestern courts:

- The researchers examined case-level data from the National Juvenile Court Data Archive, comparing trends in caseloads and case-processing times from two time periods: a) 1985-1994 (examined in an earlier study) and b) 1995-2004. The comparison shows that caseloads and case-processing times in juvenile courts increased during the first 10-year period but decreased during the second.

- The researchers studied the case management strategies employed by three well-respected Midwestern courts of varying sizes: Hamilton County (Cincinnati, Ohio), Kent County (Grand Rapids, Mich.) and Peoria County (Peoria, Ill.). The efforts to control youth justice delays in these three counties, as in all jurisdictions, focus on managerial, legal and professional issues. All three sites used different tactics, tailored to the size of their jurisdictions and their available financial, human, and computing resources, and all three had success.

Standards for Timely Case Processing

Unlike adults, juveniles do not have a Sixth Amendment right to a speedy trial under the U.S. Constitution. A few states have encouraged speediness using statutes, court rules or both. Others have issued standards for timely case processing. The standards, however, are rarely compulsory. Table 1 shows suggested time limits proposed by various professional organizations. Many jurisdictions still exceed even the most tolerant of these standards.

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TABLE 1: Standard time limitations suggested by professional organizations

Suggested Standards	Maximum Number of Days		
	From Referral to Adjudication	From Adjudication to Disposition	Total
Detained Juveniles			
IJA/ABA standards (1977-80)	15	15	30
NAC/OJJDP standards (1980)	18	15	33
ABA standard 2.52 (1984)	15[a]	15	30[a]
NDAA standard 19.2 (1989)	30	30	60
NCJFCJ/OJJDP standards (2005)	10[b]	10	20
Released Juveniles			
IJA/ABA standards (1977-80)	30	30	60
NAC/OJJDP standards (1980)	65	15	80
ABA standard 2.52 (1984)	30[c]	15	45[c]
NDAA standard 19.2 (1989)	60	30	90
NCJFCJ/OJJDP standards (2005)	20[b]	20	40

Note: IJA = Institute of Judicial Administration; ABA = American Bar Association; NAC = National Advisory Committee for Juvenile Justice and Delinquency Prevention; OJJDP = Office of Juvenile Justice and Delinquency Prevention; NDAA = National District Attorneys Association; NCJFCJ = National Council of Juvenile and Family Court Judges.
a. Deadline triggered by detention admission.
b. Deadline triggered by initial hearing.
c. Deadline triggered by filing of delinquency petition.

Key Findings From a Nationwide Data Sample

To examine the larger context of juvenile justice delays, researchers examined case-level delinquency data from the National Juvenile Court Data Archive.[1] The analysis included information from a large sample of juvenile courts and cases handled from 1995 to 2004. The researchers compared these data with data from an earlier study that analyzed delinquency processing from 1985 to 1994.[2]

From 1985 to 1994, median processing times increased by 26 percent and total caseload increased 57 percent. From 1995 to 2004, median processing times decreased 10 percent and total caseload decreased 8 percent.

In both periods, processing time was related to jurisdiction size. As shown in table 2, for example, by the end of the 1995-2004 period, the median time to disposition was:

- 49 days in large counties.

- 40 days in midsize jurisdictions.

- 34 days in small jurisdictions.

During this period, the median processing time in large jurisdictions decreased, regardless of changes in caseload size, while in midsize and small jurisdictions, processing time increased only when caseloads increased.

Longer processing times were associated with formally charged cases that did not result in adjudication. Forty-five percent of these cases took more than 90 days to finish. These were likely cases held open awaiting other actions, such as when a juvenile is completing a program of voluntary services and sanctions.

TABLE 2: Days elapsed between referral and final disposition for delinquency cases, 1995 and 2004

Case Type	Number of Cases		Median Days to Disposition		Percentage of Cases Over 90 Days	
	1995	2004	1995	2004	1995	2004
Total Delinquency Cases	**600,415**	**552,600**	**49**	**44**	**32%**	**29%**
Small county (under 100,000)	74,228	75,743	32	34	20	23
Midsize county (100,000-400,000)	126,876	128,471	46	40	29	26
Large county (over 400,000)	399,311	348,386	55	49	34	32
No use of detention	282,827	141,558	58	49	35	33
Detention used	55,549	37,006	53	48	31	29
Informal (nonpetitioned cases)	280,094	235,720	24	19	17	15
Formal (petitioned cases)	320,321	316,880	78	70	44	39
Formal Cases						
Small county (under 100,000)	34,206	38,351	55	54	31%	31%
Midsize county (100,000-400,000)	63,411	66,606	67	63	38	36
Large county (over 400,000)	222,704	211,923	85	75	48	42
No use of detention	134,753	56,769	90	83	50	47
Detention used	46,319	30,416	60	55	34	32
Informal (nonpetitioned cases)	143,388	110,321	86	79	48	45
Formal (petitioned cases)	176,200	201,782	72	65	41	37
Person offense cases	77,692	82,777	83	76	46	42
Property offense cases	146,501	108,154	84	78	47	44
Drug law violations	36,575	40,550	76	70	43	39
Public order offenses	59,553	85,399	58	54	34	31
Adjudicated Cases						
Placed out of the home	53,082	56,980	67	56	38%	34%
Probation or other supervision	102,261	130,451	77	70	43	39
Other	20,857	14,351	62	53	37	30

Notes: Detail may not add to total because of missing data for some variables. Cases were handled by juvenile courts in 392 U.S. counties with populations greater than 20,000.
Data Source: National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pa.

Between 1995 and 2004, processing time decreased the most (11 percent) in large jurisdictions with declining delinquency rates, but there was no easy link between jurisdiction size, caseload size and processing time.

The formal delinquency caseload in small counties increased by 12 percent, but processing times remained unchanged. In large counties, the caseload decreased by 5 percent, but median processing times fell 12 percent. Even in large counties that experienced a 50-percent increase in their formal caseloads, median time to disposition fell 11 percent.

In sum, case-processing times decreased between 1995 and 2004, with the sharpest declines in large counties, counties with large proportions of formally processed cases involving secure detention, and counties with large proportions of public order offenses. There may be a number of reasons for these patterns. One explanation could be that these counties likely experienced the sharpest increases in case-processing times during the late 1980s and early 1990s when serious juvenile crime was on the rise. When juvenile crime began decreasing, the counties might have been able to speed up their processing times.

Findings From Three Case Studies

The three jurisdictions in the case studies took different approaches to reducing juvenile court delays, and each was effective. Researchers interviewed judges and other staff, watched proceedings, and reviewed court records and statistical reports.

Two common themes emerged:

- Success in addressing court delay requires leadership in the form of a court culture that is committed to case management.

- Routine and shared communication is vital for any successful case management system, no matter how automated that system may be.

The case studies illustrate a variety of successful case management systems, from a highly automated system in the largest jurisdiction to a largely paper-driven system that uses a simple tracking database in the smallest.

The Hamilton County juvenile court uses a sophisticated, expensive, automated case management system to control delays and manage its work. The court has been successful at reducing delays. Although this system works, it could be expensive for cash-strapped jurisdictions.

The Kent County juvenile court relies on guidelines and time standards to avoid delays and to check its performance. Strong judicial leadership and able court management have been important in this county. A team oversees and tracks performance. This approach depends on a strong local court culture that stresses self-evaluation. The strategy works and could be effective in smaller jurisdictions that cannot afford expensive, automated systems.

Peoria County is a small jurisdiction with a small court staff. Previously, the judiciary identified lagging cases, but staff cuts made it difficult to improve timeliness. The probation department then developed a simple database to track cases, which provided useful information about caseloads and placements. Judges' motivation to reduce delay and the county's stable courtroom workgroups also contributed to efficiency. Peoria's experience shows that simple information management helps to offset the constraints of limited budgets and staff.

Conclusion

The causes of delay in the juvenile justice system are complex. Researchers have linked court delays to a wide range of causes, including workload, jurisdiction size, case characteristics such as offense type and severity, procedural reasons, management and organization, and the informal norms and values of a court.

Processing times in adult courts have been studied more than those in juvenile courts, but those studies may be of limited value in understanding juvenile justice delays. The individualized approach of juvenile court proceedings is more complicated than adult proceedings and often takes more time.

Youth justice delays have clearly not disappeared in U.S. juvenile courts. Many jurisdictions still exceed even the most tolerant standards issued by national organizations and commissions. Courts today

struggle with shrinking budgets and staff losses and processing delays are likely to continue. With sound leadership and creative management of information, however, courts of all sizes can battle delay and deliver timely and effective justice.

Endnotes

1. The National Center for Juvenile Justice manages the archive for the Office of Juvenile Justice and Delinquency Prevention.

2. Jeffrey Butts and Gregory Halemba, *Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process,* Pittsburgh, PA: National Center for Juvenile Justice, 1996.