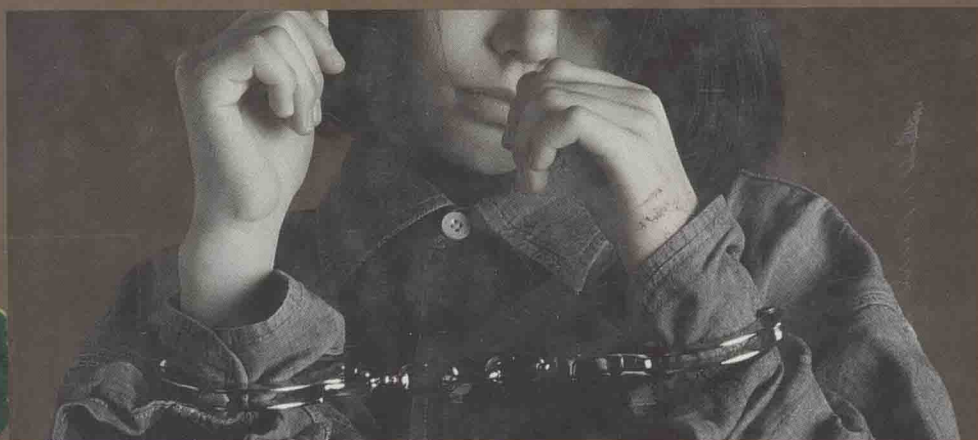


JUVENILE JUSTICE AND PUBLIC POLICY

TOWARD A NATIONAL AGENDA



EDITED BY

IRA M. SCHWARTZ

Juvenile Justice and Public Policy

Toward a National Agenda

Edited by

Ira M. Schwartz



Lexington Books
An Imprint of Macmillan, Inc.
New York

Maxwell Macmillan Canada
Toronto

Maxwell Macmillan International
New York Oxford Singapore Sydney

Library of Congress Cataloging-in-Publication Data

Juvenile justice and public policy : toward a national agenda / edited by Ira M. Schwartz.

p. cm.
ISBN 0-669-26902-6

1. Juvenile justice, Administration of—United States.

I. Schwartz, Ira M.

HV9104.J866 1992

364.3'6'0973—dc20

92-14562

CIP

Copyright © 1992 by Lexington Books

An Imprint of Macmillan, Inc.

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the Publisher.

Lexington Books

An Imprint of Macmillan, Inc.

866 Third Avenue, New York, N.Y. 10022

Maxwell Macmillan Canada, Inc.

1200 Eglinton Avenue East

Suite 200

Don Mills, Ontario M3C 3N1

Macmillan, Inc. is part of the Maxwell Communication

Group of Companies

Printed in the United States of America

printing number

1 2 3 4 5 6 7 8 9 10

List of Tables and Figures

Tables

Table 1-1. U.S. Part 1 Arrests by Sex—Juveniles (Under 18 Years of Age), 1979, 1984, 1989. 4

Table 8-1. U.S. Public Detention Centers and Training Schools: Operating Expenditures FY 1982 and FY 1988 152

Table 8-2. U.S. Public Juvenile Training Schools: Expenditures per Eligible Youths, by State, 1988 154

Table 8-3. U.S. Public Juvenile Detention Centers: Expenditures per Eligible Youths, by State, 1988 156

Table 8-4. U.S. Public Juvenile Detention Centers: Detained Admissions Rates by State, 1982 and 1988 158

Table 11-1. Effectiveness of Training Schools 218

Table 11-2. How State Juvenile Crime Control Funds Should Be Spent 222

Table 11-3. Age at Which Juveniles Should Be Prosecuted as Adults 222

Figures

Figure 1-1. U.S. Public Juvenile Facilities One-Day Rates 6

Figure 9-1. U.S. Public Detention Centers One-Day Counts by Offense and Gender 169

Figure 9-2. U.S. Public Training Schools One-Day Counts by Offense and Gender 170

Figure 11-1. Preferred Response to Property Crimes 219

- Figure 11-2.** Preferred Response to Drug Use 219
- Figure 11-3.** Preferred Response to Small Drug Sales 220
- Figure 11-4.** Preferred Response to Large Drug Sales 220
- Figure 11-5.** Preferred Response to Violent Crimes 221

Preface

Juvenile crime continues to be one of the most significant domestic policy issues of our time. Billions in federal, state, and local dollars are spent on this problem every year. Indications are that juvenile-crime-control activities will consume an increasingly larger share of scarce public resources in the future.

Despite the understandable and pressing interest in this issue, little progress is being made to reduce serious juvenile crime rates. Public policy decisions aimed at preventing and controlling juvenile crime are usually made within an atmosphere characterized by rhetoric and a remarkable absence of facts. In too many instances, policies are developed in response to one or two particularly heinous acts by young people, acts that are the exception rather than the rule. For example, in Massachusetts, the governor recently proposed enacting a law that would automatically result in the prosecution of juveniles in adult courts for crimes ranging from armed robbery to murder. This proposal resulted from an incident involving a sixteen-year-old boy who “sprayed Highland Avenue in Roxbury with gunfire. . . . killing Charles Copney, eleven, and Corey Grant, fifteen” (*Boston Globe*, 17 October, 1991).

This volume examines some of the most critical and troubling issues in juvenile justice. The chapters are written by some of America’s most respected juvenile justice scholars and professionals. It is hoped that the contents of this volume will serve as a catalyst and resource for developing sound juvenile justice public policy decisions. This volume also addresses some important areas for further research.

In Chapter 1, Barry Krisberg, president of the National Council on Crime and Delinquency, examines the strengths and weaknesses of various national data bases on juvenile justice and discusses what they tell us about the juvenile crime problem. Krisberg also shares his thinking on an important but severely neglected topic, the need to focus attention and research on juvenile delinquency prevention.

In Chapter 2, C. Ronald Huff, director of the Criminal Justice Research Center and a professor in the school of Public Policy and Management at Ohio State University, shares his views on one of the most controversial and volatile subjects in juvenile justice today, youth gangs. Huff discusses how and why gangs form, the changes that have taken place in gang composition over the years, and target strategies to address this alarming phenomenon.

Although juvenile crime is a serious problem, it is generally acknowledged that far too many cases are referred to juvenile courts. Many experts recognize there are many cases that do not need formal juvenile court intervention and can be resolved outside of the court setting. In Chapter 3, Mark Ezell, associate professor of social work at the University of Washington in Seattle, discusses issues associated with the diversion of young people from the juvenile justice system. Diversion is not a new concept. It is an idea that was tried during the 1970s and early 1980s without much success. Ezell reviews this history and discusses his own research on the topic. He offers some valuable insights on how we can benefit from past mistakes.

Chapters 4 and 5 address one of the most provocative subjects in juvenile justice, the future of the juvenile court. In Chapter 4, Barry C. Feld, professor of law at the University of Minnesota, and one of the leading scholars on the juvenile court, reviews the history, theoretical underpinnings, and results of attempts to reform the juvenile court. Feld concludes his chapter with an important question for policymakers and juvenile justice professionals: "Is there any reason to believe that the contemporary juvenile court can be rehabilitated?"

Judge Frank A. Orlando (Ret.) and Judge Gary L. Crippen are well-respected jurists with considerable expertise in juvenile and family issues. In Chapter 5, they too document the juvenile court's shortcomings in procedural matters and in providing quality treatment. However, unlike Feld, they suggest that the juvenile court might still be redeemed. They conclude chapter 5 with an ambitious list of recommendations for change.

Chapter 6 discusses new and emerging roles for prosecutors in juvenile justice. The chapter was written by James Shine, director of the American Prosecutors Research Institute and Dwight Price, senior attorney, National District Attorneys Association, two highly respected professionals with expertise in the area of juvenile prosecution. Shine and Price discuss the newly developed juvenile prosecutorial standards and their implications for the field. They point out that prosecutors are playing an increasingly larger role in juvenile justice and that this trend is likely to continue in the future.

Chapter 7 addresses the growing interest in interconnections between juvenile justice, child welfare, and children's mental health services. Although these systems serve many of the same children, there is a significant lack of coordination and cooperation between them. Mark I. Soler, one of the nation's most prominent children's public interest lawyers and a student of children's service organizations, explores issues pertaining to coordination of services and highlights some promising national developments.

Ira M. Schwartz, professor and director of the Center for the Study of Youth Policy at the University of Michigan's School of Social Work, and Russell K. Van Vleet, senior associate at the center and former director of the Utah Division of Youth Corrections, are the coauthors of Chapter 8. They examine the costs and benefits of various state and local youth detention and incarceration policies and explore their implications for public policy. They point out that some jurisdictions are utilizing youth detention and correctional system funds far more efficiently than other jurisdictions.

Chapter 9 discusses race, gender, and ethnicity issues in juvenile justice. The chapter includes data documenting recent trends regarding out-of-home placement of females and minorities, discusses the impact of the mandates of the federal Juvenile Justice and Delinquency Prevention Act on females and minorities, and identifies some policy and programmatic questions that must be addressed in the future. The coauthors of this chapter are Katherine Hunt Federle, associate professor of clinical law at Tulane University, and Meda Chesney-Lind, associate professor of sociology and director of women's studies at the University of Hawaii.

The private sector has always played a significant role in juvenile justice, but very little has been written about that role. In Chapter 10, Yitzhak Bakal, director of Northeastern Family Institute, Inc. and Harvey Lowell, director of Special Projects, Northeastern Family Institute, Inc. draw upon their experience and expertise in delivering services and influencing youth corrections policy to discuss the role of the private sector.

Policymakers and juvenile justice professionals often claim they are advocating for policies that reflect public demands. In Chapter 11, Ira M. Schwartz presents and discusses the findings from a 1991 public opinion survey on public attitudes toward juvenile crime. It is the first comprehensive public opinion survey on this topic. Among other things, findings suggest the public is not quite as supportive of "get tough" policies as they have been made out to be by some elected public officials and juvenile justice professionals.

Contents

Preface ix

1. **Youth Crime and Its Prevention: A Research Agenda** 1
Barry Krisberg
2. **The New Youth Gangs: Social Policy and Malignant Neglect** 20
C. Ronald Huff
3. **Juvenile Diversion: The Ongoing Search for Alternatives** 45
Mark Ezell
4. **Criminalizing the Juvenile Court: A Research Agenda for the 1990s** 59
Barry C. Feld
5. **The Rights of Children and the Juvenile Court** 89
Frank A. Orlando and Gary L. Crippen
6. **Prosecutors and Juvenile Justice: New Roles and Perspectives** 101
James Shine and Dwight Price
7. **Interagency Services in Juvenile Justice Systems** 134
Mark Soler
8. **Public Policy and the Incarceration of Juveniles: Directions for the 1990s** 151
Ira M. Schwartz and Russell Van Vleet
9. **Special Issues in Juvenile Justice: Gender, Race, and Ethnicity** 165
Katherine Hunt Federle and Meda Chesney-Lind

10. The Private Sector in Juvenile Corrections 196
Yitzhak Bakal and Harvey Lowell
11. Juvenile Crime-Fighting Policies: What the Public Really
Wants 214
Ira M. Schwartz
12. Toward a National Juvenile Justice Agenda 249
Ira M. Schwartz
- Index 253
- About the Contributors 267
- About the Editor 271

1

Youth Crime and Its Prevention: A Research Agenda

Barry Krisberg

Despite the consistently high level of public concern over youthful criminals, reliable national data on juvenile delinquency are extremely limited. The large gaps in existing statistical data do not help policymakers to effectively respond to public fears and prejudices about youthful offenders. The scarcity of valid information forces program and policy development to be largely dependent on anecdotal information rather than solid empirical data. This problem has become more serious over the past ten years because of minimal federal investment in basic research on the distribution and correlates of delinquent behavior.

In this chapter I will review current data sources on delinquency trends. I will also examine data on the major correlates of delinquency. After describing the shortcomings of our existing knowledge base, I will offer a remedial research agenda.

How Much Youth Crime Is There?

Public opinion surveys consistently show that respondents believe that youth crime is rising out of control (Schwartz & Abbey, 1990; Steinhart, 1988). The general public view is consistently reinforced by politicians who pander to these fears and by a media that is fascinated with heinous offenses committed by young people. Further, there is a seemingly inevitable human tendency for each aging generation to view its young successors as especially threatening to public order (Sanders, 1970).

But what are the facts? Has juvenile crime escalated dramatically in the last ten years? Are young criminals today more vicious and more prone to senseless violence than their predecessors? Are young people commencing their criminal activities at any earlier an age than in previous eras? Unfortunately, the answers to these seemingly straightforward questions are not easy to obtain.

As I will discuss later, serious technical problems plague current efforts to describe more accurately the contours of juvenile delinquency. To partially remedy these deficiencies, a genuine financial commitment to sponsor new data-collection efforts and to improve existing data collection will be required. At present there is little evidence that either the federal government or state governments are willing to make this sort of commitment of new research funds. But without new research investments, the knowledge base supporting delinquency prevention-and-control efforts will remain woefully inadequate.

National Data Sources on Youth Crime

All current measures of the nature and extent of delinquency are indirect, at best.¹ The main statistical data sources are essentially indicators of the activities of police agencies, juvenile courts, and juvenile corrections agencies. Put simply, the amount of crime committed by juveniles is unknown and perhaps unknowable. What is known, albeit imperfectly, is the number of juveniles who are taken into custody and processed by the juvenile justice system. The dimensions of youth crime are very poorly captured by juvenile justice agency data.

Data on Juvenile Arrests. The principal national data on youth crime are derived from the Federal Bureau of Investigation's Uniform Crime Reports (UCR) (Sessions, 1990). The UCR present the annual number of persons under age eighteen who were taken into custody, a figure only distantly related to the number of juveniles who actually commit criminal offenses each year. The tenuous link between these two statistics can be easily illustrated by examining the attrition of cases as they pass through the criminal justice system. Each year the Bureau of Justice Statistics conducts a large household survey of the extent of victimization in the United States. These surveys typically reveal that citizens report to the police roughly 30 percent of the crimes that actually occur (Bureau of Justice Statistics, 1988). Law enforcement agencies make an arrest in 20–25 percent of the cases in which they are notified. Thus the pool of persons arrested may represent as little as 6–8 percent of those actually committing criminal offenses. This proportion may be somewhat higher if one assumes that persons who are arrested commit a significant proportion of the offenses that are never brought to the attention of police agencies (Greenwood & Abrahamse, 1980).

To discover how many juveniles actually committed crimes one must examine data gathered at the point of an arrest.² But data on trends in youth crime and, more generally, offender characteristics, are highly

dependent on law enforcement practices. For instance, the current national "War against Drugs" led to a sudden increase in the number of juveniles and adults arrested for possessing and selling drugs. Indeed, juvenile arrests for drug offenses climbed by 36 percent between 1984 and 1989. But this sudden increase in drug arrests did not mean that illegal drug use among adolescents was rising. Quite the contrary: the annual household survey conducted by the National Institute of Drug Abuse (1988) actually showed a decline in the proportion of American youngsters using illicit substances.

Moreover, arrest statistics are a flawed indicator of youth crime because the FBI counts the number of juveniles arrested. This system skews the data because juveniles, more than adults, tend to commit crimes in groups. This is especially true for offenses such as robbery and aggravated assault. Thus, the group nature of juvenile crime may well inflate the FBI counts.

It is important to note that the FBI provides very sparse information about offender attributes. One can learn about the race, gender, and age of the juvenile. But data on prior criminal histories are not collected and information about the circumstances of the criminal event, including the harm done to the victim, is very limited.³

Reviewing FBI data, one would conclude that juvenile crime is on the upswing. Between 1984 and 1989 the juvenile arrest rate for crimes such as homicide, rape, robbery, aggravated assault, auto theft, burglary, theft, and arson rose by 18 percent; the arrest rate for violent crimes increased by 39 percent. But during the period 1979–1984 juvenile arrests were declining, so that total arrest figures in 1989 were still below those of ten years earlier (see Table 1-1). It is worth noting that public opinion polls conducted during periods of both rising and falling juvenile arrest rates found that the citizenry felt that juvenile crime was growing at an alarming rate (Haugen, Costello, Schwartz, Krisberg & Litsky, 1982; Steinhart, 1988).

While much speculation is possible about the reasons for these changes in juvenile arrest rates, few well-tested theories and little empirical research accounts for juvenile crime trends. This lack of theory, combined with the well-documented limitations of UCR data, constrains public policy leaders who wish to comprehend, much less alter, juvenile crime rates.

Juvenile Court Statistics. Another measure of youth crime is provided by the National Juvenile Court Data Archives (NJCDA). Since 1975 the NJCDA has provided information on the number and characteristics of youths flowing through the nation's juvenile courts. The data are collected

Table 1-1
United States Part 1 Arrests by Sex—Juveniles (Under 18 Years of Age) 1979, 1984, 1989

	1979			1984			1989		
	Total Arrests	Rate* per 100,000	Percent** Change 79-84	Total Arrests	Rate per 100,000	Percent Change 84-89	Total Arrests	Rate per 100,000	Percent Change 79-89
Part 1 Arrests									
Male	664,456	2,310.9	-31.6	423,749	1,580.7	18.7	479,812	1,876.3	-18.8
Female	146,896	510.9	-24.3	103,717	386.9	15.8	114,579	448.1	-12.3
Violent Arrests									
Male	75,044	261.0	-24.6	52,758	196.8	38.9	69,894	273.3	4.7
Female	8,566	29.8	-17.5	6,594	24.6	44.0	9,060	35.4	18.8
Property Arrests									
Male	589,412	2,050.0	-32.5	370,991	1,383.9	15.8	409,918	1,603.0	-21.8
Female	138,330	481.1	-24.7	97,123	362.3	13.8	105,519	412.6	-14.2
Drug Arrests									
Male	92,383	321.3	-40.0	51,805	193.3	48.5	73,379	287.0	-10.7
Female	18,155	63.1	-45.0	9,356	35.0	7.0	9,565	37.4	-40.7
Eligible Youth Pop.	28,752,979			26,807,000			25,572,000		

Source: Federal Bureau of Investigations, Uniform Crime Reports, analyzed by the National Council on Crime and Delinquency.

* Rate is calculated on youth age 10 to upper age of juvenile court jurisdiction in each state

** Percent Change denotes change in juvenile arrest rates per 100,000 by sex

from a nonrandom group of approximately half of the nation's juvenile courts. These courts serve jurisdictions in which nearly two-thirds of America's youth reside. However, the nonprobability nature of the sample hinders our ability to generate national estimates from the statistics derived from the NJCDA collection efforts.

Trend data from juvenile courts suggest little change in recent years in the rate of case referrals. For instance, from 1977 to 1987 the rate of delinquency cases referred to court decreased by 4 percent. Despite the overall stability of court referral rates, a greater proportion of these cases were for crimes against persons. Thus, viewed from the vantage point of juvenile court statistics, delinquency rates were stable, even though young people appeared to be committing more serious offenses. As noted below, there are several reasons suggesting great caution in using court data to make inferences about juvenile crime trends.

The NJCDA follows *cases rather than individuals* through the court process. Because one individual may have several charges lodged against him (or her—though much less frequently) and some youth go to court many times in a given year, the resulting data on crime trends and offender attributes are biased to an unknown extent. Moreover, the NJCDA focuses only on cases that are formally referred to the court. Because many cases are diverted so that large numbers of juvenile offenders are handled informally by police, prosecutors, and court intake officers, the cohort of youths referred for official court handling is very different from the cohort of those who were arrested. Here again, the attrition of cases as they pass through the juvenile justice process creates major biases in statistical conclusions drawn from analysis of NJCDA data.

Children in Custody. A final source of data on youth crime and youthful offenders is the semiannual survey of juvenile correctional facilities, known popularly as Children in Custody (CIC). The survey permits limited analyses of trends in admissions and one-day counts for both public and private juvenile correctional facilities. Whereas the coverage on public facilities is comprehensive, there are serious questions about how well CIC maps the universe of privately operated juvenile facilities.⁴

CIC data show a steady growth over the last decade in juvenile incarceration in public facilities (see Figure 1-1). Between 1979 and 1989, juvenile confinement rates rose by 45 percent. These data also show that the proportion of confined youths who are nonwhites rose from 47 percent to 60 percent between 1985 and 1989. However, during that same period the distribution of offenses of incarcerated youths remained virtually unchanged.

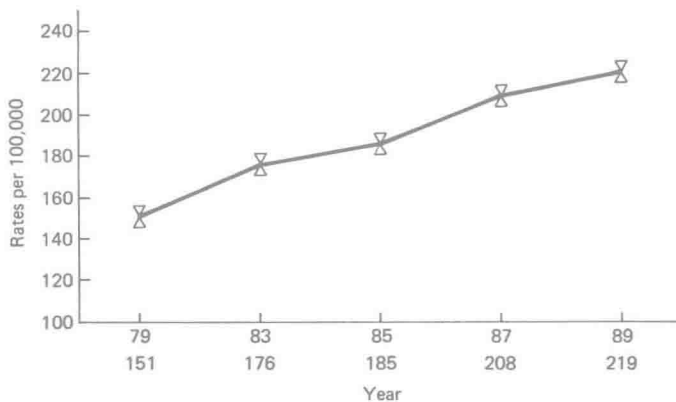


Figure 1-1. U.S. Public Juvenile Facilities One-Day Rates

Source: National Council on Crime and Delinquency Juveniles Taken into Custody Research Program.

The CIC contains some data on youth attributes based on the one-day counts, including commitment offense, gender, race, and age. However, the CIC information is based on aggregate counts, not individual cases. This prevents most multivariate analyses of the available data. Further, the use of the one-day counts creates a statistical bias in favor of those youths charged with more serious offenses who typically have longer institutional stays. For example, in 1989 the CIC reported over 800,000 admissions to juvenile correctional facilities, but the one-day counts only covered approximately 93,000 youngsters. The CIC offers little help in describing the much larger universe of young people who experience short periods of detention.

In sum, current national data are woefully inadequate for answering even the most basic questions about youth crime trends or about the characteristics of juvenile offenders. At best, these data provide an imprecise snapshot of how the juvenile justice system handles the young people who come to the attention of the police and the courts. Depending upon the source of the data they utilized, policymakers would reach very different conclusions about youth crime trends.

Increasing Information on Youth Crime Trends

Other potential sources of data on juvenile delinquency trends are two national probability samples of adolescents: the University of Colorado's National Youth Survey (NYS) (Elliott, Huizinga & Ageton, 1985) and the University of Michigan's Monitoring the Future Project (MFP) (Bachman,

O'Malley & Johnston, 1978). The NYS is a longitudinal survey based on a national probability sample of American youths that was begun in 1976. Data are derived from the self-reports of these young people. The MFP also relies on self-report data, but its annual sample is drawn from the universe of high school seniors. The NYS is particularly valuable for theory testing and research on delinquent careers. But the NYS was not designed to generate regular national estimates of delinquency rates. The MFP misses those youth who have dropped out of school—a very significant omission for delinquency research. On the other hand, the MFP is better designed to yield annual trend data for those adolescents covered in its sample.

The results of the NYS and MFP provide an important supplement to the picture of juvenile crime that emerges from the FBI data. NYS data from 1976 shows that 29 percent of males and 11 percent of females aged eleven to seventeen years committed a Part 1 offense. These percentages are considerably higher than those figures computed from studies based on official data (Elliott, Huizinga & Morse, 1987). The NYS data indicate that birth cohorts born after 1960 have lower delinquency prevalence rates, but those youths who report committing serious offenses also report higher incidence rates (more crimes per offender). The NYS thus suggests that a smaller fraction of the adolescent population is getting involved in serious delinquency, but that this subgroup is committing more crimes. At an aggregate level, these two findings provide a much richer picture of delinquency trends than the UCR figures cited above. Interestingly, the MFP reports very similar findings in terms of declining general prevalence rates and increasing incidence rates for chronic offenders.⁵

The augmentation of the NYS to cover an annual, nationally representative sample of adolescents could greatly enrich our comprehension of juvenile crime trends, especially for particular demographic subgroups. This change would require a regular commitment of federal funding (probably by the U.S. Bureau of Justice Statistics) to sustain the NYS on a consistent basis. While these self-report data would not supplant the need for continued data collection on juvenile arrests, a new NYS would substantially add to our knowledge. Most important, the utilization of self-report data would move us closer toward estimates of the actual extent of juvenile law violations, so that we would not have to rely on the surrogate measurements that are presently collected.

The experience of the National Institute of Drug Abuse (NIDA) household survey on drug abuse could provide genuine guidance for designing annual self-report data collection on youth crime. The NIDA survey has been criticized on two grounds: first, for its exclusion of the incarcerated population, and second, for alleged underreporting of prob-