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STEPHEN COLEMAN, PhD

1989

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The aim of the Statistical Analysis Center is to translate data into policy. This report is one of several published by the Statistical Analysis Center that explore emerging trends in criminal justice.

EXECUTIVE SUMMARY

This report examines violent and chronic juvenile crime in Minnesota. The number of juveniles arrested has been increasing steadily since 1980 despite a decline in the number of juveniles in the state. Arrests for violent crimes have also increased, although only about 2 percent of all juvenile arrests are for violent crimes.

Each year 400 juveniles are brought to juvenile court for especially violent crimes (homicide, sexual assault in the first or second degree, aggravated assault in the first or second degree, or aggravated robbery). To study what happens to violent juveniles, a group of violent juveniles under 15 years old was followed for two years through court records in Hennepin County.

Those juveniles who started out their delinquent activity by committing serious assaults had a 62 percent chance of being returned to juvenile court in the follow-up period for a new delinquent offense, although they were unlikely to be charged with another violent crime. Those juveniles who started out by committing a sexual assault were much less likely (27%) to return to court. The type of court intervention did not appear to have a significant impact of the likelihood of a violent juvenile returning to court.

In Hennepin and Ramsey counties, there are several hundred juveniles who are charged with three or more offenses in a year and up to a dozen offenses. To find out what happens to these active offenders, a group who were under 15 years old and who were nonviolent were followed for two years.

Of the juveniles in the active-but-nonviolent group, 57 percent were found delinquent for a new criminal offense in a two-year follow-up period. Again, court intervention seemed to have little effect of the likelihood of continued delinquency.

The Report Concludes With Several Recommendations:

- Aggravated assault should be a special concern among those who deal with juvenile delinquents. Serious assaults are the fastest growing component of violent juvenile crime, and juveniles who commit aggravated assaults are likely to become chronic, but usually nonviolent, delinquents.
- The courts need to examine their approach to juveniles in the 14-or-under age range who have committed a violent crime or who are in court repeatedly in a short time period. These juveniles are likely to become chronic offenders, and yet court interventions do not appear effective at reducing the likelihood of future delinquent activity. At the same time, these juveniles are too young simply to be locked up or sent on to adult court.

The report also considers a number of court practices concerning juveniles and how those practices affect the fairness of the juvenile court process.

Overall, this analysis of juvenile delinquency shows that we are in a difficult position with regard to violent and chronic juvenile offenders. If the court, or the legislature, moves in the direction of punishment and incarceration of serious juvenile offenders (as other states have done), we can expect to see a substantial increase in the need for facilities and institutions. There are many juveniles who might be called serious delinquents, but most of these offenders are not under confinement at the present time. On the other hand, the traditional treatment and rehabilitation approach of the juvenile court does not seem effective.

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ACQUISITIONS

INTRODUCTION

According to news reports, the country has a growing number of dangerous juveniles who are contributing to the increase in reported crimes. In Minnesota, criminal justice professionals have spoken about a new type of juvenile offender, more violent and hardened than in the past. In 1984, a Presidential Advisory Committee concluded that the major juvenile justice problem facing the United States is the serious, chronic, violent juvenile offender. Other researchers have shown that a majority of juvenile crime is committed by a relatively small portion of juveniles--the chronic delinquents. With rising crime rates and an increasing drug problem, public interest is turning toward stricter control over juvenile offenders.

This report will investigate violent and chronic juvenile crime in Minnesota. Is this a problem? How much crime is caused by the chronic, serious offender? Can we predict who these offenders will be? What are the courts doing with violent juveniles? The answers to these questions have a bearing on the future of the juvenile court and whether it should continue in its orientation to rehabilitation rather than punishment.

Trends in Juvenile Arrests

An examination of juvenile arrests in Minnesota since 1980 bears out the idea that juvenile crime may be increasing. (We do not know how many juveniles commit crimes, but we know how many are arrested.) Arrests of juveniles have increased from 36,000 in 1980 to 44,000 in 1988. It is possible, however, that some of this increase in arrests is the result of increased law enforcement activity.

Juvenile arrests for violent crimes (homicide, rape, robbery, and aggravated assault) increased from 737 to 1,021 over the same period, with most of the increase in aggravated assaults. Of the 1,021 arrests in 1988, 687 (67%) were for aggravated assault, 240 (24%) for robbery, 66 (6%) for rape, and 28 (3%) for homicide. Arrests for simple assault (a misdemeanor) increased from 1,276 to 2,051 between 1980 and 1988.

For some types of crimes, however, juvenile arrests have decreased throughout the 1980s. Burglary arrests have dropped from 3,207 in 1980 to 2,057 in 1988. Narcotics arrests have followed a decreasing trend over most of the 1980's, from 1,550 in 1980 down to 809 in 1987, but in 1988 juvenile narcotics arrests increased sharply to 971. Of the 971 drug arrests in 1989, 41 (6%) involved cocaine, compared with 688 (71%) that involved marijuana.

The decline in burglary arrests, combined with the increase in violent crime arrests, is an indication of a shift from property crime toward violent crime among juveniles. Nevertheless, the statistics above show that **only 2.3 percent of all juvenile arrests in 1988 in Minnesota were for a violent crime.**

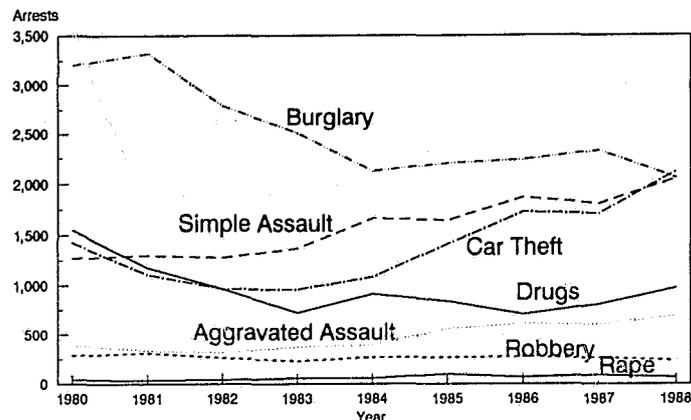
The recent increase in juvenile arrests is surprising because the number of juveniles in the state has been decreasing. According to estimates of the State Demographer, the number of persons between the ages of 10 and 19 decreased between 1980 and 1985, from about 733,000 to 629,000. (Only those below age 18, however, are juveniles.) The number of persons in the 15-to-19 age bracket will continue to decrease through 1990. This decline will be only partly offset by an expected increase in the 10-to-14 age group between 1985 and 1990, from 300,000 to 310,000.

Actual juvenile arrests in 1988 were about 14,000 over what the State Planning Agency had forecast based on expected size of the juvenile population--actual 44,000 versus projected 30,000 (Coleman and Guthrie, 1986).

The increase in arrests has not been uniform around the state. Ramsey County, for example, had a decrease in juvenile arrests from 6,100 in 1980 to 4,600 in 1987, followed by an increase to 5,200 in 1988. Hennepin County had an increase over the 1980 to 1988 period, from 10,500 in 1980, to 12,900 in 1987, to 14,300 in 1988.

The increase in Hennepin County juvenile arrests occurred at all ages. The greatest increase was in the 17-year-olds. This age group increased as a proportion of all juvenile arrests--from 22 percent in 1980 to 26 percent in 1988--while the other age groups declined in proportion, despite the increase in numbers of arrests.

State Juvenile Arrests 1980-1988



Along with the statewide increase in arrests, the racial balance among those arrested has also changed in the 1980s. The increase in juvenile arrests has been especially prominent among Blacks and Indians. Black juvenile arrests increased from 2,500 in 1980 to 4,800 in 1988, and Indian arrests went from 1,400 to 1,900 over the same period. In 1980 Blacks and Indians were 10.5 percent of juvenile arrests; in 1988 they were 15.3 percent.

Minorities are especially overrepresented in arrests for the violent crimes; in 1988 Black and Indian juveniles were 61 percent (249 of 409) among those juveniles arrested for violent crimes in Hennepin County. About five percent of the population of Hennepin County are minorities.

A portion of the increase in minority arrests may be the result of population increases in the minority communities, which are growing rapidly. It is not believed, however, that population growth has been as rapid as the increase in arrests.

Trends in Juvenile Court

Juvenile court data (made available by the Supreme Court) is another source of information on trends in violent juvenile crime. Beginning in 1985, the system for reporting crimes was changed to allow a finer distinction of the types of crimes being prosecuted. The court data is more specific as to the degree of the crime than is arrest data.

Let us focus on those juveniles who had juvenile court dispositions, or who were referred to adult court, for the most violent crimes: murder in the first or second degree, sexual assault in the first or second degree, aggravated robbery, and (aggravated) assault in the first or second degree.

A count of these violent crimes in juvenile courts statewide from 1985 to 1987 shows no clear trend over the three years. The totals for the three years are 440, 392, and 407 (Table 1). The corresponding annual totals for Hennepin and Ramsey counties are 202, 173, and 193.

Within the group of crimes identified here as the most violent, the most common among juveniles are criminal sexual conduct cases, followed in number by aggravated assaults. These statistics are shown in Table 1 for the three years from 1985 to 1987.

TABLE 1

The distribution of the most violent crimes, by charge at case disposition, for juveniles in juvenile court in 1985 to 1987; cases that were referred to adult court are included, but dismissed cases are not included.

Crime (Degree)	Year		
	1985	1986	1987
Murder (1, 2)	6	5	4
Crim. Sex (1, 2)	212	183	196
Assault (1, 2)	180	158	152
Agg. Robbery	42	46	55
Total	440	392	407

Trend Summary

From the evidence of juvenile arrest data, it is apparent that there has been a real increase in the number of juveniles coming into the juvenile justice system in the 1980s. The causes for this increase are unknown. Further, the arrest data does not indicate how much of the increase has been caused by first offenders and how much by chronic offenders.

Although about 400 juveniles are in court each year because they have committed especially violent crimes, violent crimes are only a small fraction of all crimes committed by juveniles. What ought to be done about violent juveniles depends, in part, on how much of a risk they are to commit additional violent acts. In the remainder of the report, we will investigate what happens to violent offenders and the connection between violence and chronic juvenile delinquency.

THE VIOLENT JUVENILE

What does the future hold for the violent juvenile delinquent? This is a question one can study by following a group of violent delinquents over a period of years.

Young and Violent

In order to follow the delinquent path of violent offenders, one must begin with a group of offenders who are young enough to have a few years remaining in the juvenile system. In this study, the group selected was those male juveniles in Hennepin County who were less than 15 years old in 1985 and who had committed any of several violent crimes in that year. The qualifying violent crimes included assault in the first or second degree, aggravated robbery, or any sexual assaults (criminal sexual conduct). This group of juveniles was then followed through 1987.

Because policy discussion about juvenile sex offenders has not been limited to certain types of sex offenses, all degrees of criminal sexual conduct were included when selecting this sample. With respect to sex crimes, therefore, this sample is more inclusive than the group of juveniles referred to above as the most violent offenders in court. Not all cases of criminal sexual conduct involve overt force or violence.

Hennepin County was chosen because it was the only county with sufficient numbers of juveniles of this description to carry out a statistical analysis. Moreover, adding cases from other counties might have introduced confounding effects because counties have different court practices. Murder was also excluded because there were too few cases (one) for a statistical analysis.

The study group was further limited to those juveniles who had not been in court in 1984, so that the analysis would be looking at juveniles at the beginning of their delinquency. This last restriction removed four cases from the study, leaving a sample of 53 young, violent offenders. None of these juveniles was referred to adult court.

One might ask whether young, violent offenders pose the same risks as older, violent delinquents, who were not included in the study sample. Previous research showed, however, that young and violent delinquents in Minnesota are more likely to commit additional crimes than older delinquents (Sommerer et al., 1978). Other researchers (Hamparian et al., 1978) have showed that violent juveniles tend to commit a violent crime on their first offense and that juveniles who start out committing minor crimes usually do not progress to become violent criminals. Furthermore, those who start their delinquency at a young age will tend to

commit more delinquent acts simply because they are juveniles for a longer period of time.

For all of these reasons, it is clear that our attention should be foremost on the juvenile who commits a violent crime at a young age. A successful court intervention holds out the greatest promise for this group.

Two Years After

The group of 53 violent juveniles selected above was followed through the next two years, that is, through 1987. Of the original group, 25 (47%) were back in juvenile court for least one more criminal act during 1986 or 1987 (Table 2), not counting dismissals. Three of the 53 juveniles (6%) committed another violent crime in the follow-up period. (The same types of violent crimes were counted in the follow-up period as were used to select the group in 1985, but homicide was added as another possibility in 1986 and 1987.)

The likelihood of a juvenile returning in 1986 or 1987 for any type of crime was highly dependent on the type of violent crime committed in 1985.

Table 2
Rates at which violent juveniles committed at least one crime during a two-year follow-up period.

Group	Size	Repeat Offense Rate
1. Henn Co., male, under 15, violent crime in 1985,* no prior offense in 1984.	53	47% (6% violent crime)
2. Group #1 but only if 1st. or 2nd. degree assault	24	62%
3. Group #1 but only if sexual assault	26	27%

*Violent crime includes 1st. and 2nd. degree assaults, aggravated robbery, and all sexual assaults. Dismissed cases were not included.

Minority juveniles (Black or Indian) were more likely to be returned to court in the follow-up period than white juveniles, although the race of five of the juveniles was not recorded. The return rates were 82 percent for minorities (14 of 17) and 29 percent for whites (9 of 31). (The difference is statistically significant at the level of $p < .01$.)

The group of 53 violent juveniles committed a total of 136 offenses over the three years from 1985 to 1987. The 25 juveniles who came back to court had a total of 72 petitions in the follow-up period--an average of 2.9 petitions per juvenile.

The likelihood of a juvenile returning in 1986 or 1987 for any type of crime was highly dependent on the type of violent crime he committed in 1985. Among the 24 juveniles who had committed an aggravated assault in 1985, 15 came back in 1986 or 1987--a return rate of 62 percent. The return rate was significantly lower among the 26 juveniles who committed sexual assaults in 1985--seven of this group returned (27%)--but none of the juveniles, in any of these groups, committed a sexual assault in the follow-up period. (In terms of statistical significance, the finding that juveniles who committed aggravated assault are more likely than others to recidivate is marginally significant-- $p = .08$; for the sexual assault group, the tendency not to recidivate is statistically significant-- $p < .01$.) There were too few in the sample who had committed robberies to say anything about the association of robbery with recidivism.

The 62% return to court of juveniles who had committed aggravated assaults suggests court intervention had little effect.

Court Intervention

As we have seen, continued delinquent behavior in violent juveniles is related to the type of violent crime that brought them into court. It is possible, however, that juveniles who commit different types of crimes are handled differently by the court, which may then account for the difference in future delinquent behavior. Or there may be other differences between those who returned to court and those who did not that would help explain the outcomes.

In juvenile court the disposition does not have the same immediate connection to the offense committed as it would have in an adult criminal court. In juvenile court, the judge may look broadly at the juvenile's record in deciding on the disposition. Thus the disposition given a violent offender was not necessarily the result of the petition for the violent offense by itself, but may have resulted from a sequence of offenses committed by the juvenile in 1985. What concerns us here, however, is the relationship between the severity of court intervention in 1985 and what the juvenile did in 1986 and 1987, not the relationship between offense and disposition in 1985.

Of the 53 violent offenders in court in 1985, 12 (23%) were placed in a state or county correctional facility or in a correctional group home at some time in 1985. Another group of 12 juveniles received a disposition in 1985 for medical treatment, in- or outpatient psychiatric care, or in- or outpatient chemical dependency treatment, but they were not placed in a correctional setting. The remaining juveniles were usually put on probation without treatment or incarceration. No data was available on the length of time any juvenile may have spent at a program or facility. Juveniles who received a corrections placement may also have received treatment, but no data was available on that.

In the assault group, 5 of 24 (21%) had a corrections placement in 1985 and 4 of 24 (17%) had non-correctional treatment. Among sex offenders, 6 of 26 (23%) had a corrections placement and another 6 were treated without corrections. In other words, both types of offenders were handled similarly. This suggests, but does not prove conclusively, that the difference in recidivism rates between sex offenders and assault offenders was the result of differences between the offenders rather than the result of the type of court intervention.

It is possible that the act of court intervention may, itself, have had a greater effect on sex offenders in reducing their likelihood of continued delinquency. Without data on the likelihood of continued delinquency among offenders who

are not brought to court, however, one cannot determine the overall impact of court intervention.

The return-to-court rate of those juveniles who committed aggravated assaults (at 62%), suggests that court intervention had little effect on this group. This inference is strengthened when recidivism rates are analyzed separately for those who committed aggravated assaults in relation to the type of court disposition--a corrections program, a non-correctional treatment program, or neither type of intervention. There was no difference beyond chance in the recidivism rates of juveniles divided among these three groups.

Although the sex offenders were less likely to return to court than those who committed aggravated assaults, the type of court intervention again did not seem to have any effect on recidivism. There was no difference beyond chance in the recidivism rates of sex offenders who were placed in corrections programs, non-correctional treatment programs, or had neither type of intervention.

Summary of the Two-Year Follow-Up Analysis

This analysis has shown that young, violent offenders generally do not return to court for additional violent crimes in the years following their first violent crime. We have not found any good predictor for juveniles who commit repeated violent acts, because there were too few in the sample. Similarly, young sex offenders are unlikely to be found delinquent for another sex offense in succeeding years. Because no sex offenders in the sample were found to have committed a sex offense in the follow-up period, however, it is not possible to estimate the likelihood of repeat sex offenses.

It may be that some of these offenders committed additional violent crimes or sex offenses which went undiscovered or unproven. Still, one must base public policy on the offenses for which juveniles are found delinquent.

The best predictor uncovered so far as to future delinquency is whether the juvenile has committed an aggravated assault. A sex offense, on the other hand, is a predictor for not being found delinquent again.

Court interventions, as they have been applied in Hennepin County, do not seem to have been very effective as a deterrent to future crime among juveniles who committed aggravated assaults. One can also observe that fewer than half (47%) of the violent, young offenders were placed in a correctional setting or in a non-correctional treatment program in the year when they first came into court.

The statistical analysis is not adequate to prove that court interventions do not work. Firm statistical conclusions in this type of problem usually require experimental designs, with offenders assigned randomly to the different types of programs before comparing recidivism rates. It might also be the case that effective programs and treatments exist, but that juveniles are not being sent to the right programs. Nevertheless, the results of the analysis--and the high recidivism rates among some groups of offenders--do not offer any reason to be optimistic about the efficacy of court intervention.

CHRONIC DELINQUENTS

Two major research projects have estimated the proportion of juvenile crime caused by chronic delinquents. Wolfgang et al. (1972) followed a cohort of Philadelphia juveniles from birth through age 18. Within this cohort, those juveniles arrested five or more times, who were 6 percent of the cohort and 18 percent of the number of juveniles arrested, accounted for 52 percent of all the arrests in the cohort. Shannon's (1985) cohort study of juveniles in Racine, Wisconsin showed that the five percent of the white males with two or more felony police contacts (arrests) accounted for 75 percent of all felony contacts in the cohort.

Local statistics show too the impact of chronic delinquency. Over a period of four years in Hennepin and Ramsey counties (from 1984 to 1987), half of the 8,580 delinquents in court did not return to court a second time during those years; this group of 4,260 onetime delinquents accounted for 36 percent of all court petitions over the four years. By contrast, 127 (1.5%) juveniles had seven or more petitions to court during the four years, and this small group accounted for 977 petitions. That is, 1.5 percent of the juvenile delinquents were responsible for 8 percent of the petitions. These four-year statistics are not as accurate an estimate of repeat juvenile delinquency as one would obtain from a cohort study, but they give a picture of the share of crime caused by the most active delinquents.

As shown above, those juveniles who commit a serious assault as a young teenager are likely to commit additional crimes and therefore are likely candidates to be chronic delinquents. But so few juveniles commit an aggravated assault that they cannot be responsible for much of the crime caused by chronic delinquents. Therefore we need to broaden our search for the chronic delinquents who contribute so disproportionately to the crime rate.

The Highly Active Delinquent

One does not have to follow a group of juveniles over a period of years to observe that some juveniles are in court repeatedly. In Hennepin and Ramsey counties in 1985, 131 juveniles were in court on five or more separate delinquency petitions in that year.

Because a petition may list more than one offense committed by a juvenile, the number of offenses is a better indicator of repetitive juvenile delinquency than the number of petitions filed against a juvenile. The relationship between petitions and offenses also depends on county practices. In Hennepin County, juveniles are more likely to have multiple charges on the same petition, whereas in Ramsey County there is a

greater likelihood that each crime is charged on a separate petition. In Hennepin County, delinquency petitions are filed by the county attorney's office, which may combine separate offenses on the same petition; but in Ramsey County the police file petitions separately for crimes as they occur.

If petitions are compared between the two counties, it gives the appearance that Ramsey County has more repeat offenders than Hennepin. When the counties are compared in relation to number of offenses per juvenile, however, there is no major difference between the counties.

Within Hennepin County a difference exists in the charging of white juveniles and minority (black or Indian) juveniles. Minority juveniles are more likely to have offenses charged on separate petitions, but white juveniles are more likely to have multiple crimes charged on the same petition. This may give the appearance of greater recidivism among minority juveniles because they would be in court more frequently on separate petitions. (Race data is not available for Ramsey County.)

The number of juveniles in Hennepin and Ramsey counties charged with multiple crimes in a single year (1985) is shown in Table 3. Adding up numbers in the table, one finds that there were 156 juveniles who had committed five or more crimes in 1985. These offenders were 4.6 percent of the number of juvenile delinquents in court that year, but they were responsible for 15 percent (920) of the offenses.

Clearly, juveniles who are in court repeatedly in a short period of time deserve our attention. It is not clear, however, that this group of highly active delinquents is the same type of chronic delinquent discovered in the cohort studies, which followed juveniles over a period of many years. Do these active delinquents continue on committing crimes at the same rate in future years? And what is the relationship, if any, between this group and the violent offenders discussed above? We turn to answer these questions next.

Characteristics of the Active Delinquent

To look for distinguishing characteristics of active delinquents, an analysis of juveniles in Hennepin and Ramsey counties who had three or more court charges in 1985 was carried out. There were 739 juveniles who met these criteria.

The analysis did not reveal any factors that specifically identified this group of offenders. Persons with multiple offenses were much the same as less frequent offenders in terms of age, sex, and race.

Table 3

The number and percentage of juvenile delinquents in court in Hennepin and Ramsey counties in 1985 are shown in relation to the total of their offenses at disposition for the entire year. Cases that were dismissed are not included. There is no statistically significant difference between the counties in the distribution of the number of juveniles by number of offenses.

Number of Offenses	County			
	Hennepin		Ramsey	
1	1,090	56%	791	54%
2	451	23%	336	23%
3	241	12%	176	12%
4	79	4%	77	5%
5	33	2%	41	3%
6	23	1%	26	2%
7	9	0.5%	9	0.6%
8	6	0.3%	4	0.3%
9	1	0.1%	2	0.1%
10	0	0	0	0
11	0	0	1	0.1%
12	1	0.1%	0	0
Total	1,934	100%	1,463	100%

NOTES: Total offenses in Hennepin County 3,466; total offenses in Ramsey County 2,784. Chi-square = 13.2 with 10 df, p = 0.21.

Certain types of crimes were associated with the multiple offender, including violent crimes, burglary, theft, and vandalism. These associations were too weak, however, to allow us to predict who might be the repeat criminals in the year. For example, 30 percent of persons with an aggravated assault charge in 1985 were in the group with three or more offenses, but of the 739 juveniles in the multiple-offense group, only five percent (37) had been found delinquent for an aggravated assault that year. Most of the offenses committed by the active group were property offenses, just as with all juvenile delinquents.

There did not seem to be any particular pattern to the crimes committed by those with multiple offenses. Violent offenders, for instance, were neither more likely nor less likely to have committed burglary or theft than nonviolent juveniles. The active delinquent typically committed a variety of crimes.

The previous analysis of violent offenders showed that aggravated assault offenders are likely to become chronic offenders, that is, are likely to commit additional crimes in future years. Next we examine whether the nonviolent offenders in the highly active group are also prone to become chronic offenders in succeeding years.

Active, Nonviolent Offenders: Two Years Later

The same method used previously for tracking violent juveniles over a two-year follow-up period was used to follow a group of active, property offenders over time. In this instance, however, the analysis was restricted to juvenile delinquents under 15 years old in Hennepin County who had three or more offenses in 1985 but who were not violent offenders.

The selection criteria produced a sample of 140 juveniles for observation. Note that this group of nonviolent, active offenders was over twice the size of the violent offender group (53) but still only a small fraction (13%) of the 1,077 juveniles under 15 years old in court in Hennepin County that year.

Through the end of 1987, 80 (57%) of the nonviolent, active offenders were back in court at least one more time on a delinquency petition (Table 4). This recidivism rate was higher than that observed for the violent offenders (at 47%), but it was slightly lower than among those who had committed aggravated assault (62%). Within the nonviolent group, 60 juveniles were Blacks or Indians; their return-to-court rate was 72 percent. (Of the 140 in the sample, 23 did not have their race identified.) See also Table 5 for a comparison with the violent juveniles.

DISCUSSION

Scope of the Problem

Although most juvenile crime is nonviolent, violent juveniles are a significant problem. About 400 juveniles are in court each year for the most violent crimes. There are also many juveniles who come through the court several times in rapid succession for nonviolent crimes, as the analysis of Hennepin and Ramsey counties showed. Moreover, the high rates of recidivism among these groups of juveniles suggest that court interventions are not having a substantial deterrent effect on these juveniles. The issue is whether the juvenile court, as it is presently oriented to rehabilitation, can deal with these active delinquents.

The magnitude of the problem of violent delinquents may be assessed by comparing the number of violent juveniles with the number of adults convicted of the same types of violent crimes each year. In 1987, these two groups were roughly equal in size, with violent adults slightly outnumbering violent juveniles--429 compared to 407. An additional 245 adults were prosecuted for these violent crimes but were convicted on other charges.

A comparison of juvenile court cases with adult cases is unfair to juveniles, however, because it overstates the share of violent crime caused by juveniles compared to adults. In 1988, for example, there were 4,185 arrests for violent crimes (as defined above), of which 1,021 (20%) were juvenile arrests. In other words, adults contribute much more to violent crime than juveniles, but it is harder to prosecute and convict the adults than to prove juveniles delinquent.

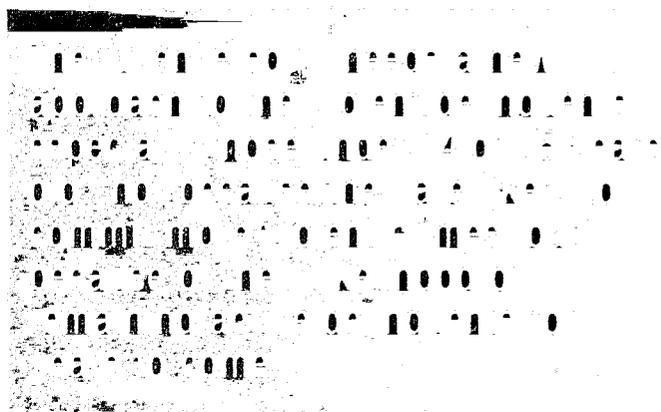
Important differences exist between juvenile courts and adult criminal courts that account for differences in the processing of cases. One difference is that all adults facing a criminal trial have legal representation, but only about half of the juveniles in court in the state have an attorney. The extent of legal representation for juveniles varies markedly by county and also varies by the seriousness of the offense charged. According to Feld (1988: 401), 66 percent of juveniles charged with a felony offense against a person have an attorney, and in felony offenses against property the legal representation rate is 61 percent.

Another difference between adult and juvenile courts is that juveniles do not have the right to a jury trial. Although most adult criminal cases do not go to trial, but are settled by a guilty plea, the right to trial raises the standards that prosecutors must meet.

Because juvenile cases are more likely than adult cases to move through the judicial process to disposition, the potential exists for many more juveniles to be incarcerated should the juvenile court shift away from rehabilitation toward an adult-like punishment model. The number of adults convicted of violent crimes was sufficient to account for 57 percent of the prison population of 2,800 in mid-1988. By that standard, one can see that the potential impact of violent juvenile offenders on corrections might be similar to that of adults, although juveniles are currently much less likely to be placed in a correctional institution than adults. In FY 1988, on the average, there were 179 juveniles in state juvenile corrections facilities, of which about 14 percent were there for violent crimes. Among juveniles in state institutions, the most common crimes at commitment were auto theft and burglary.

Adult and juvenile violent criminals are also alike in that most are not likely to commit additional violent crimes in the future. (For an analysis of adult recidivism in Minnesota, see Coleman and Guthrie, 1985.)

It is clear that the juvenile court needs a new approach to the violent delinquents, especially those who are under 14 or 15 years old--not because they are likely to commit more violent crimes, but because of their likelihood of remaining active delinquents for years to come. The same is true for young, nonviolent delinquents who commit several crimes in rapid succession. Unfortunately, it is not obvious what the best approach is.



The Treatment Alternative

Research on juvenile delinquency has not produced a definitive guide to treatment or rehabilitation, just as our analysis here did not show any benefit of treatment on repeat delinquency. Studies (exhaustively reviewed by Loeber and Stouthamer-Loeber, 1986) showed, for example, that lack of parental supervision, parental rejection, and lack of parent-child involvement are significant predictors of delinquency. Research further showed that families who have delinquent children often have more than one who is delinquent, as siblings of delinquents are prone to become delinquents. And children who start to have serious behavior problems, or become assaultive, at a young age are more likely to become delinquents than other children.

Although these findings suggest that general policies to strengthen families may help to prevent children from becoming delinquents, the research does not tell us what to do for the already delinquent juvenile. Attempts to reduce delinquency by assisting parents to change their parenting styles have not proved successful for older delinquents. Loeber and Stouthamer-Loeber (1986) cited better results, however, for parenting programs aimed at families which had young children with behavior problems.

In some instances, it is the child who has caused the family problems, not the parents. Individual temperament and hereditary factors are also cited by Loeber and Stouthamer-Loeber in their literature review as important in the origins of delinquency.

A more recent study of the family origins of violent juveniles (Fagan and Wexler, 1987) showed that family influences on older, violent delinquents have been overstated. Influences outside the home, such as peer groups, are more important than families in explaining violent behavior, although in some instances family violence against the juvenile is the cause of the juvenile's violence. These authors argued for policies that would strengthen neighborhoods and school environments as well as helping families.

These findings about juvenile delinquency are typical of delinquency research. In sum, those who have studied the causes of delinquency have often argued for general preventive measures rather than demonstrate the effectiveness of specific treatments for various types of juvenile offenders. At the same time, research on delinquency suggests that delinquents are a heterogeneous group as to the origins of their behavior--a fact that implies the need for careful diagnosis or evaluation of juvenile offenders as part of a court intervention.

The Incarceration Alternative

The main alternative to rehabilitation is confinement. Confinement does not deter future criminal behavior but it may protect the public while the offender is in a correctional institution. The National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, is sponsoring a program to identify and prosecute serious, habitual juvenile offenders. The program is modeled after adult career-criminal programs, which indicates the trend to a more adult-like handling of serious juvenile offenders. The goals of the program are to reduce plea bargaining, to increase adjudications (juvenile court "convictions"), and to increase the likelihood of correctional dispositions.

A two-year evaluation of these programs in 13 cities (National Institute of Justice, 1988) showed that the program goals can be achieved, although one of the problems has been that corrections agencies were not prepared to handle the substantial increase in the number of serious offenders sent to them--an outcome that we might expect here in Minnesota as well. The programs also led to an increase in pretrial detention.

The typical offender that met the criteria for these experimental prosecution programs was a nonwhite male, age 16 or older, with several prior adjudications. The majority were prosecuted for nonviolent offenses.

From the perspective of our analysis, however, the National Institute's approach does not address the problem of serious and active delinquency when it involves a young juvenile, in the 14-or-under age category. This is the group that should have our greatest concern, yet there is no consensus that locking up these juveniles for long periods is in anyone's best interest. For example, Minnesota law has been changed in recent years to make it easier to transfer a chronic or violent juvenile offender into adult court (**Statutes 260.125**), but only if the juvenile is at least 16 years old. No juvenile under 14 can be tried in an adult criminal court in Minnesota.

It should be noted that the referral of a juvenile to adult court does not solve the problem of continued criminal activity. An analysis of juveniles referred to adult court in Minnesota for felony crimes (Coleman and Guthrie, 1988) showed that 70 percent committed a second felony within three years after transfer to adult court; this was a higher recidivism rate than for any identifiable group of adult criminals.

From Juvenile Delinquency to Adult Crime

The importance of dealing with serious and active juvenile delinquents, whether by treatment or punishment, is accentuated by the likelihood that many of these offenders will become adult criminals. Research studies (reviewed by Blumstein, et al., 1986: 86-91) have shown that between 30 percent and 60 percent of juvenile delinquents will be arrested as an adult. The chance of a juvenile becoming an adult criminal increases with the number of juvenile arrests. Among juveniles with four or five arrests, 70 percent to 90 percent may later have an adult arrest or conviction.

Although juvenile records may be helpful in identifying active adult criminals, there are good reasons to limit the use of juvenile records in the sentencing of adult criminals. There have been proposals to amend Minnesota's sentencing guidelines to make adults fully accountable for their juvenile records. The result would be that adults with long juvenile records would be much more likely to go to prison if convicted of a felony crime.

This proposal has several problems. First, juveniles do not have the same protections as adults facing a criminal trial--juveniles do not have a right to a trial--and the legal representation of juveniles varies widely around the state. Furthermore, variation in court practices, such as the difference between Hennepin and Ramsey counties in how many charges are listed on a single petition, may create substantial disparities in adult sentencing. Partly as a result of the lack of protections, juveniles are more likely to be "convicted" of a crime than an adult would be. Therefore crimes committed as a juvenile would have a greater effect on adult sentencing than crimes committed as an adult--yet another source of unfairness.

The full use of juvenile records against adults would also have a substantial impact on prison populations--already near capacity. As our analysis shows, it is common for juveniles to have multiple adjudications, and juveniles with multiple adjudications are likely to become adult criminals. Some adults would get long prison sentences on their first conviction, perhaps for a nonviolent crime. But it is not evident that these persons should have a priority for prison space.

Juvenile Sex Offenders

The Attorney General's Task Force on the Prevention of Sexual Violence Against Women (1988) recommended the treatment of all juvenile sex offenders. The Task Force further recommended, at least initially, (p. 7) that treatment continue until it proves effective and that the juvenile court be permitted to continue jurisdiction over the offender until the age of 25 if deemed necessary.

The analysis of young sex offenders here does not support a vast expansion of treatment. Young sex offenders are unlikely to be returned to court for another sex offense, regardless of whether they went to a treatment program or not. (The low rate of sex-offense recidivism may, however, give the appearance that a treatment program is very effective.) It may be that some offenders commit additional sex crimes but are not apprehended. Nevertheless, one should not base policy or punishment on this suspicion. And there may be the rare individuals who do commit a series of sex offenses and who need special treatment and confinement. Still, it may not be prudent to bring all sex offenders under a policy that is needed by only a small number of juveniles and which can be accomplished within the current juvenile court structure.

In 1989, the state legislature mandated that the Department of Corrections establish a range of sex offender treatment programs for juveniles committed to the commissioner. The law further requires that the juvenile court order an independent professional assessment of a sex offender's need for treatment and to order treatment if indicated by the assessment.

Summary

The juvenile justice system has a difficult problem. Either the court must find improved methods for dealing with the most active delinquents, or pressure will continue to move the court in the direction of an adult criminal court. If the juvenile court moves in the direction of punishment and incarceration, we can expect a substantial increase in the need for facilities and institutions. The confinement approach is the dominant trend nationally, and the lack of evidence that rehabilitation programs are successful with older delinquents gives added weight to this effort.

The treatment and punishment alternatives are not mutually exclusive. It is problematic, however, whether the juvenile court could survive in its present form, while going two philosophically different directions at the same time. It is not fair to punish juveniles as if they were adults, without giving them the same protections that adult criminals have.

RECOMMENDATIONS

1. Aggravated assault should be a special concern among authorities who deal with juvenile delinquents. These are crimes where the victim has suffered a serious or life-threatening injury or where the offender used a weapon. Murders are sometimes the result of an assault that goes too far. Arrest statistics show that serious assaults are the fastest growing component of the increase in violent crimes, and young juveniles who commit aggravated assaults are likely to become chronic, but generally nonviolent, delinquents.
2. Because of the lack of success of current methods to deter the behavior of chronic juvenile offenders, it is imperative that the juvenile courts explore a broader range of alternatives for rehabilitation and close supervision. But as new methods are tried, they should be carefully evaluated. The courts and probation services especially need to examine their approach to active and violent delinquents in the 14-or-under age group. It might be that a more careful screening or diagnostic assessment of juveniles would improve the success of court interventions. Simply locking up more juveniles will not, however, solve the problems of violent or chronic juvenile crime. Long-term programs that help families with young children and protect children from abuse and neglect are more likely to succeed in preventing crime.
3. Juvenile delinquents do not get all of the same legal safeguards that adult criminals get. This is in keeping with the spirit of a rehabilitation-oriented juvenile court. As a result, however, it is unfair to hold adult criminals fully accountable for their juvenile records in adult sentencing decisions--as some proposals would have it. Although the knowledge of a juvenile court record might help predict an adult's criminality, the practical effect of using juvenile records against adults (more than is already done) would be to increase greatly the number of persons going to prison. And variation in juvenile court practices would become unfairness at adult sentencing.
4. Proposals to vastly expand the treatment or incarceration of first-time juvenile sex offenders are unfounded, unless the goal is simply to punish the offenders. Most first-time offenders do not return to court for any offense, and repeated sex offenses are rare among those who return to court.
5. The courts should carefully review their practices to insure that minority juveniles are being dealt with fairly. Of special concern are the procedures by which petitions are filed and the opportunities for treatment dispositions, as for psychiatric care or chemical dependency. There is no direct evidence of bias, but differences among the races raise these concerns. (These observations derive from Hennepin County but might apply to any county.)

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