

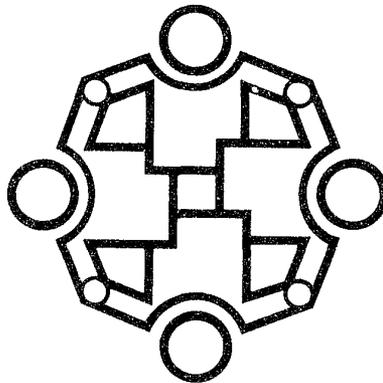
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U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention
National Institute for Juvenile Justice and Delinquency Prevention

Reports of the National Juvenile Justice Assessment Centers

The Impact of Deinstitutionalization on Recidivism and Secure Confinement of Status Offenders

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by
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December 1985

*I would like to acknowledge the assistance of Barbara Allen-Hagen of OJJDP in the preparation and analysis of data, especially the data on secure confinement—ALS.

**Office of Juvenile Justice
and Delinquency Prevention**

Alfred S. Regnery
Administrator

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Executive Summary

Background

Deinstitutionalization of status offenders (DSO) was expected to reduce the number of juveniles who were held in secure confinement for misbehavior that would not be a crime if committed by an adult, such as running away from home, truancy, incorrigibility, and so forth.

It was hoped that removing these youngsters from involuntary confinement would not only reflect an increased emphasis on fairness and justice within the juvenile system, but would also have a positive impact on recidivism, reduce the costs of juvenile justice, and redirect resources toward the serious and violent juvenile offenders.

The purpose of this review is to assess the impact of the deinstitutionalization movement on recidivism and secure confinement of status offenders. The findings reported in this monograph are based on a review of more than 70 empirical studies of deinstitutionalization.

Major Findings

1. Comparisons of DSO and "nonDSO" youths generally showed no differences in recidivism. Of the 14 programs in which recidivism rates could be compared, no differences were found in 8, in 3 the DSO youths did better, and in 3 they did worse.
2. DSO program models varied extensively. Some jurisdictions instituted absolute prohibitions against commitment or detention whereas others established programs that could serve as alternatives to secure confinement without prohibiting it.
3. Commitment of status offenders to public correctional institutions has declined since the beginning of the Federal effort in 1974, but it has not been ended. There has been a substantial increase in commitments to private correctional institutions. The implications of this are not entirely clear, however, since many of the private facilities are "open" rather than "institutional."
4. Most status offenders who are held in secure facilities are confined in detention centers, at the local level, pending adjudication. The impact of DSO on local detention is not clear. There are only scanty data, available from far too few jurisdictions, to determine whether substantial progress has been made toward removing these youths from involuntary confinement. In the studies reviewed for this report, 19 indicated a reduction in detention, 7 reported no change, and 5 reported an increase.
5. Both of the major strategies for reducing or eliminating the secure confinement of status offenders (developing alternative programs or issuing absolute prohibitions against confinement) produced unintended side effects.

6. Many jurisdictions that developed alternatives without prohibiting confinement experienced “net widening” effects, in which the alternative programs were used mainly for juveniles who previously had been handled on an informal basis, and the status offenders who previously had been detained continued to be held in secure facilities.
7. The absolute prohibitions against confinement produced changes in the use of discretion (popularly termed “relabeling”), which resulted in many of the cases that previously might have been treated as status offenders being handled as minor offenses. Additionally, in some of the research jurisdictions that prohibited confinement, the research indicated that law enforcement officers and the agencies responsible for delivery of services on a voluntary basis simply were not dealing with these youths at all and that those most in need of services were not receiving them.
8. Available data on the juvenile justice system suggest a continued recognition of the need to provide services to juveniles whose behavior is noncriminal, though troublesome. However, the trend is toward less restrictive environments in which to provide those services.

Introduction

Serious efforts to deinstitutionalize status offenders (youths whose offenses would not be crimes if committed by an adult) began in most States after Congress established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in 1974 and issued a strong mandate for the removal of these youths from secure confinement. Since that time, many projects at the local and State levels have been sponsored by the Federal agency and most States have altered their laws to be in compliance with the congressional act and its amendments.¹

Deinstitutionalization (DSO) refers to the removal of youths whose only infractions are status offenses (such as running away, incorrigibility, truancy, curfew violation) from secure institutions and detention facilities. In many areas, deinstitutionalization involved a two-step process in which courts were first prohibited from placing status offenders in State institutions and subsequently were prohibited from holding these youngsters in local detention facilities for more than 24 hours.²

Strategies of Deinstitutionalization

Deinstitutionalization brought with it the problems of finding nonsecure placements for status offenders and of devising new methods of enforcing compliance with court-ordered treatment, services, and out-of-home placements. The primary strategies adopted at the State and local levels fall into one of three categories: decarceration, diversion, or divestiture.

In some jurisdictions, the changes have not gone beyond prohibitions on institutional commitment and restrictions on local detention. In this approach, usually referred to as "decarceration," status offense cases are handled in much the same way as before: juveniles charged with status offenses are brought before the court, a petition is filed alleging "delinquency" or "dependency" or "child in need of supervision" (depending on the State), a hearing is held and, if the facts of the petition are upheld, the youth is given a disposition by the court. This can include an out-of-home placement in nonsecure facilities, probation, attendance at specified treatment or service programs, and so forth.

The key changes, under decarceration, are limitations on preadjudicatory detention and prohibitions on institutional placements after adjudication. The 1980 amendments to the Juvenile Justice Act weakened the restrictions against secure

confinement of status offenders, however, in that they permit juveniles who have run away from valid court placements to be charged with contempt of court (a delinquent act) and detained as a result of that offense.³

In other jurisdictions, the change has been much more substantial. Many areas established diversion programs that receive status offense cases directly from law enforcement officers, schools, parents, and even self-referrals. By providing crisis intervention services, these programs seek to return many of the juveniles to their own homes and, for those cases with more serious problems, referrals are made to shelter homes, group homes, or foster homes.

In some areas, the diversion programs are operated as special intake units within the juvenile court, whereas in other areas they are located in nonprofit organizations funded with local, State, or Federal dollars. In a few States, responsibility for diverting status offenders has been given to the State department of social, health, or welfare services which, in turn, establishes intake units and services within its offices at the local level. In most states that have taken this approach, the juvenile court retains official jurisdiction over status offense incidents either as a separate category of behavior or within the dependent and neglected category. Divestiture of jurisdiction, however, was written into law in only two States, Washington and Maine, but may have occurred de facto in other areas.⁴

The primary characteristics of full divestiture are that all services are provided on a strictly voluntary basis by a non-justice agency and the juvenile court cannot detain, petition, adjudicate, or place a youth on probation for the behaviors previously identified as status offenses. The juvenile court simply does not take these cases, at all.

The Rationale of Deinstitutionalization

Several different rationales have been put forth to support a policy of deinstitutionalization. First, and perhaps most common, is the argument that deprivation of liberty for persons who have not violated the criminal code is unjust and unwarranted. This was the position taken by Congress in its passage of the 1974 Act:

The primary bases of Congress' concern about secure confinement of status offenders comes not from complete findings about the effect of institutionalization on youths or on

reduced or increased recidivism rates, but rather from moral repugnance of the incarceration of young persons who have not committed crimes (LEAA 1975).

Another argument is that decreasing coercive contact between status offenders and the juvenile court will have a positive impact on recidivism. Labeling theory provides the chief rationale (see Lemer: 1951; Schur 1971). Labeling theorists contend that a juvenile develops a fixed self-image as a delinquent primarily in response to being treated as a delinquent by persons in authority. This result may occur through subtle psychological pressures or through the learning of delinquent behavior by being confined with delinquents who have committed more serious offenses.

The third argument hinges on costs and priorities within the juvenile justice system. From this point of view, it is considered to be too expensive to institutionalize juveniles who are not committing crimes and too expensive for the court to continue expending a large portion of its resources on these nonoffenders. Instead, the court should devote its attention to serious and violent offenders and leave the nonoffenders in the hands of the social welfare system.

Experiences with deinstitutionalization, however, have not been overwhelmingly positive. In fact, much of the discussion and writing about deinstitutionalization has focused on potential or actual negative effects. These include:

1. A possible failure to reduce the number of status offenders in secure confinement (especially local detention);
2. Net-widening effects (i.e., pulling into the juvenile system youths who would not have been involved before);
3. Relabeling (e.g., adjudicating youths as delinquent or as emotionally disturbed who, in the past, would have been handled as status offenders);
4. Negative impacts or no impact on recidivism;
5. Service delivery problems including inadequate services, or nonexistent services or facilities, or the inability to provide services in a voluntary system.

Much of the blame for the apparent (or presumed) failures of deinstitutionalization has not been attributed to the approach, per se, but instead to improper implementation at the local or State level. As Klein said:

The failure of implementation has occurred for both diversion and deinstitutionalization despite their impressive pedigrees, the powerful theoretical rationales which underlay them, and the strength of the social and political movements to which they are a response. This failure in implementation has been characterized by programs being located where they were not needed, in ways that effects could not be objectively assessed, or in ways that have not properly operationalized the basic tenets of diversion and deinstitutionalization. (Klein, in Morris and Tonry 1979:3.)

The purpose of this report is to review existing studies about the impact of deinstitutionalization on recidivism and

on the juvenile justice system. More specifically, the report will examine findings in relation to:

1. Effect on recidivism rate.
2. Type of DSO program and recidivism rate.
3. Progression to delinquency.
4. Effect on secure confinement (institutional and local detention).
5. Net widening.
6. Relabeling.

To prepare this report, more than 70 empirical studies of status offender deinstitutionalization (many of them unpublished) were reviewed. These reports covered 38 different DSO policies or programs (several were evaluated more than once) in 19 different States. The richest sources of information were the reports from the national and local evaluators who studied the OJJDP special emphasis DSO programs and the case studies contained in the Handler and Zatz (1983) volume. Most of the results from the local and national evaluations of the DSO special emphasis programs are summarized in the three-volume report from the National Evaluation of the Deinstitutionalization of Status Offenders (DSO) project (Kobrin and Klein 1980). (This work was published in December 1983 by Sage; see Kobrin and Klein 1983.)

The studies that were reviewed for this report, their primary purposes, and the major conclusions are shown in Exhibit 1.

This exhibit begins with a few general-purpose reports on status offenders (designated as "research"). Thereafter, the reports are listed in order with analysis of data from multiple sites first (as in the 13 DSO sites studied by the national evaluators from the University of Southern California), followed by the States in alphabetical order.

For each study, the primary purpose is given in column three of Exhibit 1; the findings in relation to recidivism, deinstitutionalization (i.e., whether commitments to secure institutions declined), and detention are given in columns four, five, and six. Also listed are the findings about net widening, relabeling, whether status offenders are a "distinctive" group, and the cost of deinstitutionalization.

EXHIBIT 1. REVIEW OF RESEARCH AND EVALUATION REPORTS

Site	Author	Purpose	Recidivism	DSO	Detention	Net widening	Relabeling	Distinctive	Cost
Research	Clark 1979	Recid/Careers	Progression						
	Costello & Worthington 1981	Legal Analysis							
	Klein 1978	Implementation				Yes	Yes		
	Lerman 1980	Confinement		Contns			Yes		
	Smith et al. 1980	Lit. Rev. Process			Continues		Some		
	Smith et al 1980	Process		Contns	Continues		Yes		
	Thomas 1976 Weis 1980	Recid/Careers Recid/Careers	No Progrsn. No Progrsn.						Yes
10 States	Little 1977	Process							
13 DSO Sites	Heck and Kobrin 1979	Servic/Recid	No Pattern						
	Hellum 1980	Process		Down	Decreased	Some	No		
	Klein and Peterson 1980	Recidivism	DSO Worse						
	Kobrin et al. 1980	Recid/Careers	No Progrsn.					Yes	
	Van Dusen and Peterson 1983	Recid/Service	Patterns						
7 DSO States	Handler et al. 1982	Process		Elimntd	Decreased	No	No		
AR	Cronin 1979	Plan							
	Heuser 1979	Process		No Chng			Yes		
AZ: (State)	Mack and Stookey 1983	Process		Down					
AZ: Maricopa	Mack and Stookey 1983	Process		Down	Decreased	No			
AZ: Mohave	Mack and Stookey 1983	Process		Down	Decreased	No			
AZ: Pima 76-78	Annual Report 1978	Process		Down	Decreased				
	Kobrin and Klein 1980	Recid/Process	DSO Better	No Chng	Decreased	No	No		
	Rojek and Erickson 1980	Recid/Serv/Proc	Min. Better	Alrdy	Continued Low	Yes			
AZ: Pima 78-80	Mack and Stookey 1983	Process			Increased				
AZ: Pima Co.	Peat et al. 1979	Cost							\$520 (DSO) vs. \$630
	Rojek and Erickson 1982	Recid/Careers	No Progrsn.						
AZ: Yuma Co.	Mack and Stookey 1983	Process		Down	No Change	Maybe			
CA: (State)	Palmer 1978	Recid/Cost	DSO Better						\$250 case
	Van Dusen and Klein 1979	Process			Decreased	No	Yes		
CA: Alameda Co.	Issacs, Jack 1978								
	Kobrin and Klein 1980	Recid/Process	DSO Worse		Decreased	No	No		

Exhibit 1 (continued)

Site	Author	Purpose	Recidivism	DSO	Detention	Net widening	Relabeling	Distinctive	Cost
CT	Kobrin and Klein 1980	Recid / Process	No Effect	Down	Increased				
	Rausch 1980	Recidivism	No Effect						
CT: (State)	Rausch and Logan 1981	Process			No Change	No	No		
CT: Dist. I	Rausch and Logan 1980	Recid/Process	No Effect		No Change	No	No		
CT: Dist. II	Rausch and Logan 1980	Recid/Process	No Effect		Increased	No	No		
CT: Dist. III	Rausch and Logan 1980	Recid/Process	No Effect		Increased	No	No		
DE: (State)	Datesman and Scarpitti 1981	Recid/Process	No Effect	Down	No Effect	No	No		
	Kobrin and Klein 1980		No Effect	Down	Increased	No			
DE: (State, 78-80)	Hauty 1983	Process		Down	Eliminated	No	No		
DE: New Castle	Peat et al. 1979	Cost							\$3,313 (DSO) vs. \$4,173
IL: (State)	Litt 1980	Plan							
IL: 3 Co.	Kobrin and Klein 1980	Recid/Process	No Effect	Prohbt	Decreased	Yes			
	Spergel et al. 1980	Recid/Process	No Effect	Prohbt	Decreased	Yes			
IL: Cook Co.	Spergel et al. 1980	Process		Prohbt	Decreased	Yes	Yes		
IL: Lasalle/ McLean	Spergel et al. 1980	Process		Prohbt	Increased	Yes	Yes		
IL: Macon Co.	Spergel et al. 1980	Process		Prohbt	Decreased	Yes	Yes		
LA: (State)	Sheley and Nock 1983	Process		Down			No		
LA: New Orleans	Sheley and Nock 1983	Process			No Change	No	No		
ME	Maine DMHC 1981	Plan							
MA	Arnaud and Mack 1983	Process		Prohbt					
MN	Osburn and Rode 1982	Process			Continues				
NJ	Dannefer and DeJames 1979	Recid/Process	No Effect	Down	No Change	No	Yes		
OK	Olson and Ingraham 1983	Process		Down		No			
PA: (State)	Feldman 1983	Process		Prohbt	Prohbt	No	No		
	Lane 1980	Process		Down			No		
PA: Delaware Co.	Bingham 1978	Relabeling					Yes		
SC	Deutsch and Banks 1979	Commitments		Down					
	Kobrin and Klein 1980	Recid/Process	DSO Worse		Increased	Yes			
UT: (State)	Johnson and Mack 1983	Process			Decreased	No	Yes		
UT: Salt Lake City	Johnson and Mack 1983	Process			Decreased	Yes			
UT: Vernal	Johnson and Mack 1983	Process				Yes	Yes		
VA: (State)	Nock and Alves 1983	Process		Prohbt	Decreased		Yes		
	Virginia Dept. of Corr. 1979	Process		Down	Decreased				
VA: Charlottesville	Nock and Alves 1983	Process		Prohbt			to SO		

Exhibit 1 (continued)

Site	Author	Purpose	Recidivism	DSO	Detention	Net widening	Relabeling	Distinctive	Cost
VA: Richmond	Nock and Alves 1983	Process		Prohbt			Yes		
WA: Clark Co.	Kobrin and Klein 1980	Recid/Process	DSO Worse	Down	Down	No	No		
	Schneider 1981	Recid/Process	DSO Better		Decreased	No	No		
WA: Seattle	Schneider et al. 1983	Recid/Process	No Effect		Eliminated	No	Yes		
WA: Spokane	Kobrin and Klein 1979	Recid/Process	No Effect		Decreased	Yes	Yes		
	Peat et al. 1979	Cost							\$544 (DSO) vs. \$759
	Schneider 1978	Recid/Process	No Change		Decreased	Yes	Yes		
WA: Yakima	Schneider et al. 1983	Recid/Process	Dvstr. Worse		Eliminated	No	Yes		
WI	Sosin 1983	Process		Prohbt	Decrease	Some	Some		

Impact on Recidivism

With but a few exceptions, recidivism was not the primary focus of the evaluations. The impact of DSO on system processing (institutionalization, detention, adjudication) was the most common measure of program effectiveness. Nevertheless, 14 different DSO programs were examined in terms of their impact on recidivism rates.

There were serious methodological problems in virtually all of the studies.⁵ The nonDSO comparison groups, for example, often did not primarily comprise youths who had been held in secure confinement, and the DSO programs generally permitted some short-term detention. In too many of the so-called tests between DSO and "nonDSO" juveniles, the "nonDSO groups" included status offenders whose "treatment" by the formal system differed only in small ways from the DSO groups. Some of the tests involved one type of deinstitutionalization (e.g., decarceration) vs. another type (e.g., diversion). Further complicating the analysis is the fact that the primary distinctions between "DSO" and "nonDSO" differed from one study to the next and, in many, the only obvious difference was in the organizational affiliation of the service provider.

Another confounding factor in understanding the difference between the DSO groups and the nonDSO comparisons is that some of the DSO programs handled youths who, in the past, probably would have had no contact at all with any part of the juvenile justice system, including law enforcement officers, court intake officials, social service workers, and so forth. The result of this phenomenon, popularly referred to as "net widening," was that the DSO status offenders probably were, on the whole, youths with less serious problems than the nonDSO comparisons.

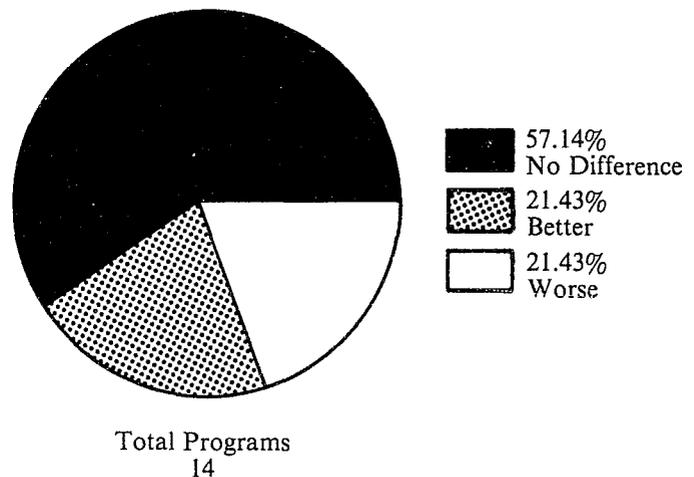
A third methodological issue is the problem of distinguishing between changes in the behavior of juveniles and changes in the practices of law enforcement officers and court intake officials. Relabeling, which refers to a change in the classification of youths, will produce the appearance of an increase in recidivism if the labeling is upward. For example, if the DSO program induces a change from informal adjustments of status offense incidents (without any law enforcement record being made of the case) to official recording and referral to a DSO program, the data will indicate an increase in recidivism rates even if there has not been any change in the behavior of the juveniles.

Comparison of DSO and "NonDSO"

Of the 14 programs in which the recidivism rates of DSO youths were compared with pre-DSO groups (see Exhibit

2), a positive impact was observed in 3, while 8 showed no difference, and 3 indicated a negative effect. For purposes of this comparison, "no difference" was defined as 4 percent or less difference between groups.⁶

Exhibit 2. SUMMARY OF RECIDIVISM FINDINGS



Positive effects were found for the diversion program in Pima County, Ariz., the Clark County, Wash., court-operated diversion effort, and the California diversion programs evaluated by Ted Palmer in 1973-74 prior to the passage of AB3121 (which prohibited secure detention). In California, the overall difference in recidivism rates, measured as recontacts with law enforcement within 6 months, was 29 percent for the diverted status offenders and 39 percent for the formally adjudicated status offenders. The difference in Clark County (re-referrals within 6 months) was similar: 35 percent for the post-DSO youths compared with 44 percent for the nonDSO preprogram group.⁷ (Exact figures were not available for Pima County although multiple regression analyses conducted independently by Klein and Peterson (1980) and Rojek and Erickson (1978) confirm the positive effects.)

Negative impacts were observed for the South Carolina diversion program operated by the State health/welfare system through the youth service bureaus (Kobrin and Klein 1980), the Alameda County, Calif., program implemented after AB3121 was passed (Kobrin and Klein 1980), and for the Yakima, Wash., divestiture program (Schneider 1983). The latter involved a comparison of divestiture with decarceration, however, rather than with a pre-DSO group, and the apparent increase in law enforcement contacts may have

Exhibit 3. PROGRAM DIFFERENCES AND RECIDIVISM RATES

SITE	PROGRAM CHARACTERISTICS			SITE	PROGRAM CHARACTERISTICS				
	DSO	"NonDSO"			DSO	"NonDSO"			
ARIZONA (Pima County)	Process: Diversion	Formal	DSO Better	CONNECTICUT (District II)	Process: Formal	Formal	(Rausch and Logan 1980)		
	Detention: ¼ 10%	½ 25%				Detention: Yes		Yes	No Impact
	Intake Control: Indep.	Court				Intake Control: Court		Court	
	Services: CIS	PO				Services: Court CIS		Court	
	Recidivism: Better	Worse				6 mo. re-refrl. 45%		47%	
		(Kobrin and Klein 1980, 1983)			# refrls. 1.1	.9			
CALIFORNIA (Statewide)	Process: Diversion	Formal	DSO Better	CONNECTICUT (District III)	Process: Formal	Formal	(Rausch and Logan 1980)		
	Detention: No	Some				Detention: Yes		Yes	No Impact
	Intake Control: Police or Probation	Court				Intake Control: Court		Court	
	Services: Indep. or PO	PO				Services: Indep. Full Services		Court	
	Recidivism: (6 mo. recontact) 29%	39%				6 mo. re-refrl. 40%		47%	
		(Palmer 1977)			# refrls. 1.0	.9			
CALIFORNIA (Alameda County)	Process: Diversion	Diversion	DSO Worse	DELAWARE (Statewide)	Process: 77% Dvrted.	44% Dvrted.	(Kobrin and Klein, 1980, 1983)		
	Detention: No	No				Detention: 27% Detnd.		30% Detnd.	No Impact
	Intake Control: Indep.	Probation				Intake Control: Court		Court	
	Services: Indep. (CIS)	PO				Services: 25% Full Services		62% Full Services	
	Recidivism: Worse	Better				6 mo. rearsts. 35%		31%	
		(Kobrin and Klein 1980, 1983)			12 mo. rearsts. 40%	41%			
					# Subsqnts (12 mo) .78	.78			
						(Datesman and Scarpitti 1981)			
CONNECTICUT (Statewide)	Process: Formal	Formal	No Impact						
	Detention: ¾ Yes	¾ Yes			ILLINOIS (3 Areas)	Process: Formal	Formal	(Spergel et al. 1980)	
	Intake Control: Court	Court				Detention: 24% Detnd.	66% Detnd.		No Impact
	Services: Varied	Court				Intake Control: Indep.	Court		
	6 mo. re-refrl. 47%	44%				Services: Varied	Court		
		(Rausch and Logan 1980)			Recidivism (beta) -.03				
		(Kobrin and Klein 1980, 1983)					(Kobrin and Klein 1980, 1983)		
CONNECTICUT (District I)	Process: Formal	Formal	No Impact	NEW JERSEY (Sample Areas)	Process: Formal	Formal	(Dannefer and DeJames 1979)		
	Detention: Yes	Yes				Detention: ½ Detnd.		½ Detnd.	No Impact
	Intake Control: Court	Court				Intake Control: Court		Court	
	Services: Varied	Court				Services: (uk)		(uk)	
	6 mo. re-refrl. 44%	47%				Instnl. Comtmnts None		2-3%	
	# refrls. .9	.9			Recidivism No differences				
		(Rausch and Logan 1980)							

been produced by changes in the recordkeeping practices of the local law enforcement officers rather than by any actual change in behavior of the youths.

Although a few positive and negative effects were found in these studies, the dominant finding was of no difference between DSO and nonDSO recidivism rates. Interpretation, however, is complicated by the fact that the tests of "DSO" and "nonDSO" were not based on a common set of programmatic distinctions and, in some instances, there were

virtually no differences at all in the "treatment" experiences of DSO and nonDSO youths.

Characteristics of the DSO and nonDSO programs are reviewed in Exhibit 3 along with the results of the recidivism analysis. Each DSO program and each comparison group is characterized by whether the youths were diverted or handled formally, whether they were detained or not, whether intake was controlled by the court or by independent case workers, and by the type of service (if known) as well as the agency responsible for the service delivery.

Exhibit 3. (continued)

SITE	PROGRAM CHARACTERISTICS		
	DSO	"NonDSO"	
SOUTH CAROLINA			
Process:	Divert	Formal	
Detention:	15%	16%	DSO Worse
Intake Control:	Nonprofit	Court	
Services:	Nonprofit	Court	
Recidivism:	Worse	Better	
(Kobrin and Klein 1980, 1983)			
WASHINGTON (Spokane)			
Process:	100% Dvrted.	86% Dvrted.	
Detention:	0% Detained	67% Detained	No Impact
Intake Control:	Indep.	Court	
Services:	CIS	Court	
6 mo. rearrest:	29%	30%	
(Schneider 1978) (Kobrin and Klein 1980, 1983)			
WASHINGTON (Clark Co.)			
Process:	All Dvrted.	Some Dvrted.	
Detention:	28% Detnd.	72% Detnd.	DSO Better
Intake Control:	Court	Court	
Services:	Court CIS	Court/DSHS	
6 mo. Recontact:	35%	44%	
(Schneider 1978, 1981) (Kobrin and Klein 1980, 1983)			
WASHINGTON (Seattle)			
Process:	89% Dvrted.	100% Dvrted.	
Detention:	0 Detained	0 Detained	No Impact
Intake Control:	Court	DSHS	
Services:	Court/DSHS	DSHS	(voluntary)
3-month Recntct.	44%	45%	
# Recntct. 3 mo.	.70	.74	
(Schneider et al. 1983)			

SITE	PROGRAM CHARACTERISTICS		
	DSO	"NonDSO"	
WASHINGTON (Yakima)			
Process:	Most Dvrted.	All Dvrted.	
Detention:	0	0	
Intake Control:	Court	DSHS	
Services:	Court/DSHS	DSHS	(voluntary)
3-month Recntct.	48%	63%	
# Recntct. 3 mo.	.73	1.5	
(Schneider et al. 1983)			

Guide to the Table:

- Process: Diverted — diverted before filing of petition and before adjudication begins
- Formal — Petition filed; adjudication
- Detention: Detained — Held at least 1 day in a secure facility
- Intake Control: Court — court-controlled probation or intake unit
- PO — probation officers working out of an agency that is independent of the judiciary
- Indep. — Independent of court and separate from probation
- Services: Court — provided by the court via probation
- PO — provided by an independent probation unit
- Indep — community-based (noncourt; non-PO)
- CIS — crisis intervention services

(a) With the exception of the New Jersey study, all of the results are based on multiple regression analysis in which potentially confounding variables were controlled. The results reported in this table, however, are the bivariate percentages. In virtually all instances, these showed the same pattern of effect observed with the multiple regression analysis.

(b) Recidivism measures in all of these studies included any type of recontact, rereferral to court, or rearrest by the police.

(c) It was not usually possible to determine the nature of the services provided by the court in the preprogram era.

Pima County, Ariz., had more distinctive differences between the groups than most other sites. Here, the DSO youths generally were diverted rather than formally adjudicated and fewer were detained (less than 10 percent), whereas more than 25 percent of the nonDSO preprogram group had experienced detention. Services for the DSO youths were provided by an independent organization that also controlled intake, whereas for the pre-DSO group, intake and service provisions were undertaken by the juvenile court.

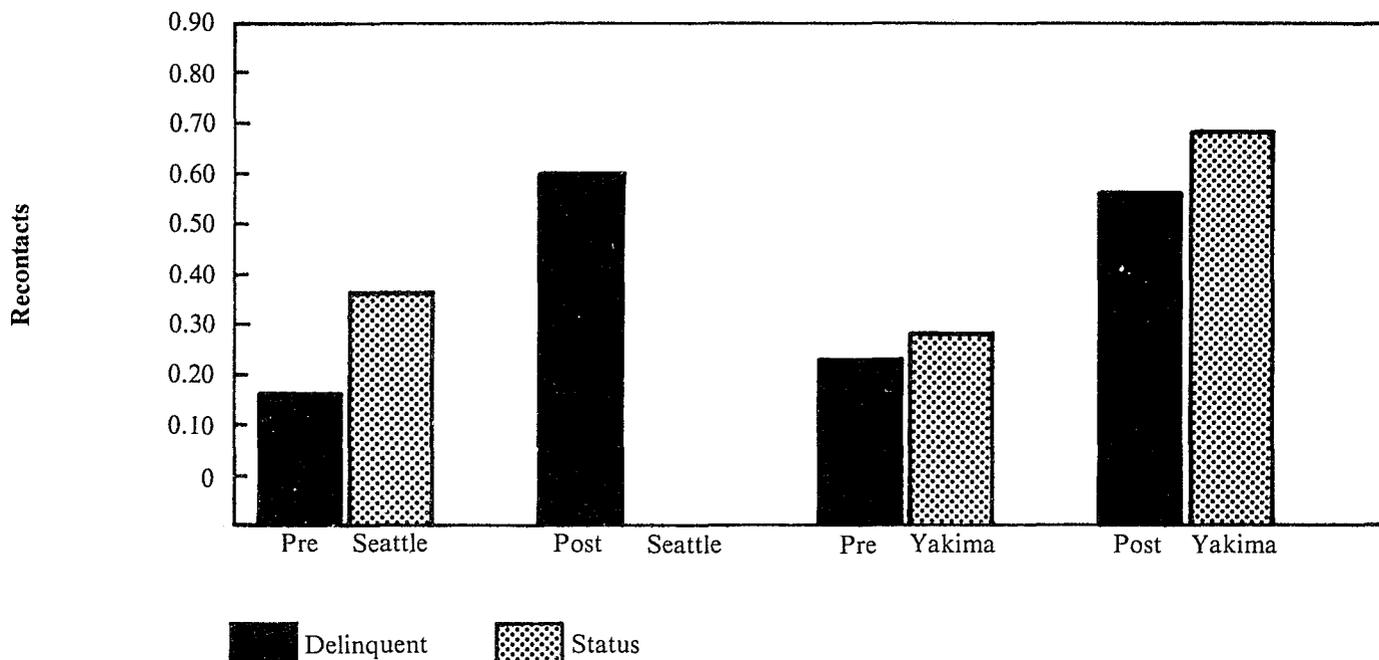
In Alameda County, the only programmatic difference was in the agency that provided services, and apparently probation did better than the independent agency. There were almost no differences at all in Connecticut: all the youths were handled formally both before and after DSO. Two-thirds of each group were detained for at least 1 day, the court controlled intake for both the DSO and the comparison group, and the services varied. The only distinction was

that, for some of the DSO youths, services were provided by community agencies under contract with the court.

It is difficult to discern any patterns in these data. Clear and unequivocal tests of institutionalization do not exist in any of these sites since all had ceased committing status offenders before the DSO programs began. Tests of the impact of preadjudicatory detention are most obvious in Illinois (with 24 percent vs. 66 percent detained), Spokane (with zero vs. 67 percent detained) and Clark county (28 percent vs. 72 percent detained). No impact was found in the first two although a positive effect was observed in the latter.

The only discernable pattern in these data is in the distinction between diversion and formal adjudication. Although actual percentage figures generally were not available, there were four programs in which a major change occurred from adjudicating status offenders (i.e., filing petitions, holding a

Exhibit 4. DIVERSION (PRE) AND DIVESTITURE



hearing, issuing a disposition, placing the youth under a court-ordered program) to diverting them from the formal process. Of these four, three showed positive effects (Pima County, California pre-AB3121, and Clark County). In the other area, Delaware, there was no effect.⁸

The possibility that removing all status offenses from the adjudicatory process has a beneficial impact on the youths, however, is directly contradicted by the findings from the two sites in Washington which have officially divested court jurisdiction over status offenses. In Seattle, there was no change in the recontact rates before and after divestiture occurred (although all of the postdivestiture contacts were for delinquent offenses rather than for the usual mixture of delinquent and status offenses) and in Yakima there was a substantial increase in the contact rates after divestiture (see Exhibit 4).

On the whole, the implication is that it does not matter much, if at all, whether a juvenile status offender experienced the response from the pre-DSO system or the post: in the studies that examined recidivism rates, there were only minimal differences in the "treatments" and no differences in the "effects."

Comparison of DSO Strategies

Several evaluations included comparisons of different treatment strategies ranging from minimum intervention (such as crisis intervention only) to heavier doses of treatments, such as counseling, family counseling, out-of-home placement, and so forth.

In Illinois, comparisons were made between status offenders who received crisis intervention counseling and no other followup services with those receiving various kinds of other services (Spergel et al. 1980). There were no differences between these groups. Furthermore, youths who remained with their families did better in terms of 12-month recontact rates (51 percent recontacted) than juveniles who were placed either in foster homes (62 percent recontacted) or in institutions (60 percent recontacted within 12 months). These effects, however, were diminished after controls were introduced for differences in the prior risk factor.

Datesman and Scarpetti (1981) reported that 41 percent of the Delaware status offenders in their study who received no services other than crisis intervention were recontacted within 1 year compared with 48 percent of those who received multiple services. Van Dusen and Peterson investigated this same issue using a cross-site analysis of data from all of the national evaluation sites and, based on official arrest data, concluded that youths receiving more services actually did worse than those receiving fewer services. Unfortunately, they report that this finding was directly contradicted by the results of the self-report analysis in which those receiving more services did better.

All of these conflicting results were found using very similar methodologies (multiple regression analysis), and in each case the apparent finding was statistically significant at or beyond the .05 level.

The Connecticut studies by Logan and Rausch (1980) indicated no difference between two minimum intervention

strategies, one operated by the court and the other by a community-based agency. Juveniles in a community-based maximum service strategy had a lower probability of reoffending than youths in any of the other programs (40 percent recidivism rate in 6 months compared to 47 percent for the pre-DSO group). However, this finding was not confirmed when the investigators examined the average number of reoffenses within 6 and 12 months. With this measure of recidivism—which is just as valid as the proportion reoffending—they found no differences at all.

Van Dusen and Peterson uncovered one pattern in their analysis which withstood multiple tests and control variables: residential care facilities (excepting group shelters) had a beneficial impact on a group of high-risk runaways.

In all of these studies, the investigators acknowledged the problems of confounding effects (i.e., the youths with more serious problems may have been placed in the groups to receive more intensive services) and sought to control this with multiple regression analysis. Regression analysis, however, does not always adjust sufficiently for pretreatment differences, and this too may have contributed to the confusion regarding the “true” effect of different DSO strategies.

Progression to Delinquency

Deinstitutionalization generally is defended either in terms of a “justice” argument (i.e., youths who have not committed crimes should not be deprived of their liberty) or a labeling argument. The latter contends that status offenders who are handled as if they were delinquents (e.g., arrested, called before the court, sentenced, detained, and so forth) will respond by viewing themselves as criminal offenders. As Kobrin and Klein said:

In many cases, such pressures may induce an adaptive response in which the young person seeks the companionship and social support of those similarly stigmatized. This outcome is seen as more likely if status offenders are held in detention facilities and committed to correctional institutions, where they are thrown into close association with youth held for criminal offenses. (Kobrin and Klein 1983:85.)

Labeling theory has two important implications for status offender policy. It assumes, first, that status offenders are an identifiable group that differs substantially from delinquents and that requires a different treatment modality (or no treatment at all). This argument has been challenged recently by scholars who maintain that there are few, if any, juveniles who are “pure” status offenders. Rather, they contend, minor offenders (whether status or delinquent) have similar needs and require about the same response from the formal system (see, for example, Weis 1980).

A second premise underlying labeling theory is that there is an escalation from status to criminal behavior due at least

partially from exposure to the formal criminal process or to contacts with more serious delinquents.

Recent studies of the offense histories of status offenders indicate no support for the escalation contention (Rojek and Erickson 1982, Kobrin et al. 1980, Thomas 1976). Kobrin’s extensive analysis of data from the National Evaluation of status offender programs indicates that status offenders are not likely to become serious or violent juvenile delinquents. Rojek and Erickson (1982) arrive at a similar conclusion from their analysis of Pima County status offenders:

The implications of these findings . . . seriously challenge the basic tenets of currently emerging status offender programs . . . despite their growing popularity, there is no evidence that juvenile programs predicated on the notion of official offense escalation will have any significant impact on delinquency rates (p. 26).

Kobrin and Klein’s work, however, suggests that a distinction should be made between escalation from status offenses to violent delinquency on the one hand and escalation from minor status offenses to chronic minor delinquency. “Youth marginally involved in status offense behavior are in little danger of moving into the more serious forms of delinquency,” they report, but they continue by saying that “those for whom status offense behavior has become chronic appear to be as likely subsequently to commit misdemeanor and criminal offenses as they are to confine themselves to state offenses.”⁹

While there is little indication that status offenders will become serious delinquents, the issue remains of whether they differ substantially enough from delinquents to comprise a distinctive group requiring different policies and procedures by juvenile authorities.

The early investigation of this issue by Charles Thomas in 1976 indicated that status offenders were not particularly different from delinquents. Joe Weis and his colleagues (1980) found that status offenders and minor delinquents had more in common with each other than either group had with serious and violent offenders and, based on this information, they strongly advised policymakers to consider the diversion of all minor offenders, not just status offenders:

The policy implications are many; among them is the conclusion that jurisdiction should be restricted or, perhaps, abandoned, but not over status offenses . . . only but also over less serious delinquent behaviors . . . (p. viii).

With the exception of Thomas’ study, most of the research indicates that there are clear and distinguishable differences between these groups which merit attention by the authorities. Kobrin and Klein’s extensive analysis of the national evaluation data and their reanalysis of data in other published reports leads them to the conclusion that there are

three "relatively separate groups, each distinguishable on the basis of the predominant character of offenses." They continue:

The first consists of status offenders with little tendency to commit the more serious delinquent offenses; the second includes juveniles whose records show a predominance of delinquent offenses. Finally . . . the data revealed the third and largest group to consist of juveniles without records of either a status or delinquent offense both prior and subsequent to the single incident that defined their membership in a status offender population (Kobrin and Klein 1983:106).

Impact on Secure Confinement

Although most of the research on deinstitutionalization indicates that progress has been made in removing status offenders from secure confinement, there are conflicting reports on exactly how much has been accomplished and how much remains to be done. Handler and Zatz, drawing from the case studies they conducted, issued one of the most optimistic assessments:

Judging from the experience of the seven states, the most basic goal of deinstitutionalization—that status offenders no longer be sent to the large redbrick institutions—has been substantially accomplished (Handler and Zatz 1983:88.)

Paul Lerman, however, after reviewing nationwide data from a variety of correctional, child welfare, and mental health statistical reports was far more pessimistic about the true progress that has been made:

There have been significant reductions in long-term traditional correctional handling of youths in trouble, but it would be misleading to conclude that deinstitutionalization has been achieved. For there have also been offsetting changes in the use of private...facilities...In effect, there has emerged in

unplanned fashion, a new youth-in-trouble institutional system (Lerman 1980:282.)

Commitment to and Detention in Public and Private Facilities

Nationwide, the number of juveniles committed to or detained in public correctional facilities for status offenses has declined considerably since 1973—the first year in which these kinds of data became available (see Exhibit 5 and 6). According to the Children in Custody statistical reports, The number of status offenders in public correctional institutions rose from just over 4,500 in 1973 to a high of 4,916 in 1977 and then dropped considerably in 1979. After the small decline that occurred between 1979 and 1983, a total of 2,390 status offenders were still housed in public correctional facilities on February 1, 1983.

Not all of these youths, however, were held in institutions which would be considered “secure confinement.” Exhibit 7 shows that there has not only been a decline in the total number of status offenders in correctional institutions, but the drop which occurred in 1979 was produced mainly by a sharp decline

Exhibit 5. JUVENILES HELD IN PUBLIC AND PRIVATE JUVENILE DETENTION, CORRECTIONAL, AND SHELTER FACILITIES, 1973–1983: ONE-DAY COUNTS

	1973	1974	1975	1977	1979	1983
Public Total						
Status Offenders	4,551	4,644	4,494	4,916	2,789	2,390
“Open”		681	719	816	1,574	1,072
“Institutional”		3,963	3,775	4,100	1,215	1,318
Dependent, Neglected, Other Nonoffenders	528	498	451	821	576	464
Voluntary	373	679	516	429	301	367
Delinquents	33,385	31,270	34,107	37,846	39,519	45,357
Other and Unknown	6,857	10,177	7,412	84	49	130
Total Public	45,694	47,268	46,980	44,096	43,234	48,708
Private Status						
Offenders		4,969	4,316	7,438	6,296	6,652
“Open”		4,058	3,809	5,765	4,920	5,486
“Institutional”		808	507	1,673	1,366	1,166
Unknown		103				
Dependent, Neglected, Abused, and Other Nonoffenders		7,104	4,844	7,035	6,414	8,219
Voluntary		7,635	5,879	5,087	6,204	5,758
Delinquents		9,874	9,809	9,484	9,607	10,712
Other and Unknown		2,167	2,422	26	167	49
Total Private		31,749	27,290	29,070	28,688	31,390
Combined Totals		79,017	74,270	73,166	71,922	80,097

in youths being held in secure settings. By 1979, in fact, more than half of the status offenders in correctional facilities were held in those classified as "open."¹⁰

The promising changes in the number held in secure settings which had occurred by 1979, however, were not followed by any additional improvement over the next 4 years. In 1983, there was a net increase of 103 in the overall number of status offenders held under secure conditions in public detention and correctional institutions (see Exhibit 5). This increase occurred subsequent to the implementation of the 1980 "valid court order" amendment to the Juvenile Justice and Delinquency Prevention Act, Section 223(a)(12)(A), which permitted the incarceration of juvenile status offenders who had violated a valid court order issued in relation to a previous status offense. This overall increase is due to an increase in those held within long-term correctional institutions since detention in short-term facilities actually declined and somewhat masks the true magnitude of increase in the longer-term facilities. Comparing 1979 to 1983 figures, there was a decline in short-term detention (from 751 to 703) and an increase in long-term detention of 33 percent (464 to 615). (Figures for 1983 are shown in Exhibit 8. Data for 1979 are not shown.)

While the data cannot distinguish between juvenile status offenders who were incarcerated due to violations of valid court orders and those who were not, the surprising increase in long-term detention, in light of the downward trends otherwise, suggests

that the valid court order amendment may have had an impact on the incarceration of status offenders. It should be emphasized, however, that in spite of the increase between 1979 and 1983, the latter figures represent a 66 percent reduction from the high-water mark in 1977 when 1,833 status offenders were incarcerated in long-term public correctional facilities.

The decline in status offender commitments into public correctional facilities (both institutional and open facilities) after 1974 was accompanied by a marked increase in the number of these youths committed to private facilities (see Exhibit 6). When the private and public residents are combined, the total number of youths designated as status offenders in correctional facilities reached 12,354 in 1977—compared with a combined total of 9,613 in 1974 and back down to 9,042 in 1983.¹¹

As Exhibit 7 illustrates, between 1974 and 1983 while the overall numbers of status offenders held are very similar, there was a 48 percent decline in the number of status offenders held in "institutional" facilities. Whereas in 1974 through 1977 approximately 50 percent of those held were held in secure facilities, in 1979 and 1983 only 28 percent were in institutional settings. This suggests that the juvenile justice system continues to recognize the need to provide services to juveniles whose behavior is troublesome, though noncriminal, but that these services can be provided in a less restrictive environment than was common a decade ago.

Exhibit 6. NUMBER OF JUVENILE STATUS OFFENDERS COMMITTED TO PUBLIC AND PRIVATE JUVENILE CUSTODY FACILITIES, 1973-1983 ONE-DAY COUNTS

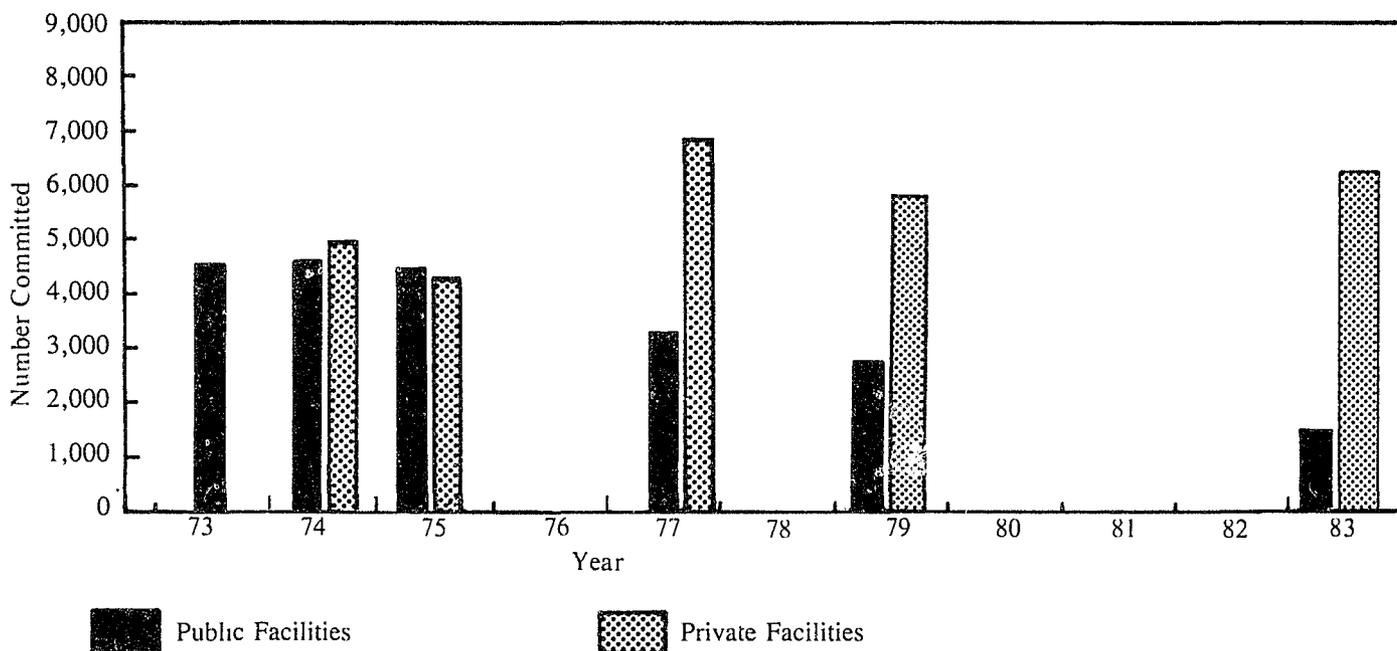


Exhibit 8. CENSUS COUNT (FEBRUARY 1, 1983) OF STATUS OFFENDERS IN "INSTITUTIONAL" FACILITIES AND ESTIMATES OF NUMBER OF JUVENILES ADMITTED ANNUALLY BY AUSPICES OF FACILITY

Auspices	Short-Term Facilities		Long-Term Facilities		Total	
	One-day Count	Annual Estimate	One-day Count	Annual Estimate	One-day Count	Annual Estimate
Public	703	20,587	615	1,864	1,318	22,451
Private	152	2,565	1,014	2,132	1,166	4,697
Total						
All Facilities	855	23,152	1,629	3,996	2,484	27,148

The 1983 Jail Census reported that there were 1,763 juveniles held in adult jails on June 30, 1983, and that 105,366 were admitted to adult jails in the previous year. While this census does not provide a breakdown of the reasons for admission, earlier research on juveniles in detention centers and jails in the mid 1970's (Poulin et. al 1980) indicated that the factor most highly associated with jailing of juveniles in a given jurisdiction was the rate of arrests for status offenses.

Since the number of reported arrests of runaways decreased by almost 50 percent from 1974 to 1983 (Uniform Crime Report 1984) one would expect that this has resulted in a commensurate reduction in the jailing of status offenders. Poulin reported that an estimated 120,000 status offenders were admitted annually to adult jails in the mid-1970's. This figure represented approximately 25 percent of all juvenile admissions to jails. Assuming that recent admissions to adult jails reflect a reduction comparable to that of status offense (runaway only) arrests, one estimate of the number of juvenile status offenders admitted to adult jails in 1982-83 is 60,000 using the mid-1970's data as a baseline.

Applying the previous percentage estimate of 25 percent to the 1983 Census Bureau figure of 105,366 juveniles admitted to jails yields a more conservative estimate of 26,342—almost as many status offenders in adult jails as are held securely in juvenile facilities. Although the combined estimate of juvenile status offenders admitted to secure detention centers and jails—53,490—is a substantial number, it represents a 71 percent reduction from Poulin's original estimate of 185,000 status offenders in jails and secure juvenile detention centers across the nation in the mid-1970's.

Again, it should be noted that none of these data sources include police or court lockups used for overnight, temporary holding of juveniles.

Local Detention of Status Offenders

The studies reviewed for this report (see Exhibit 1) show that local detention rates (defined as holding a youth for a status offense for more than 24 hours in a secure facility) declined

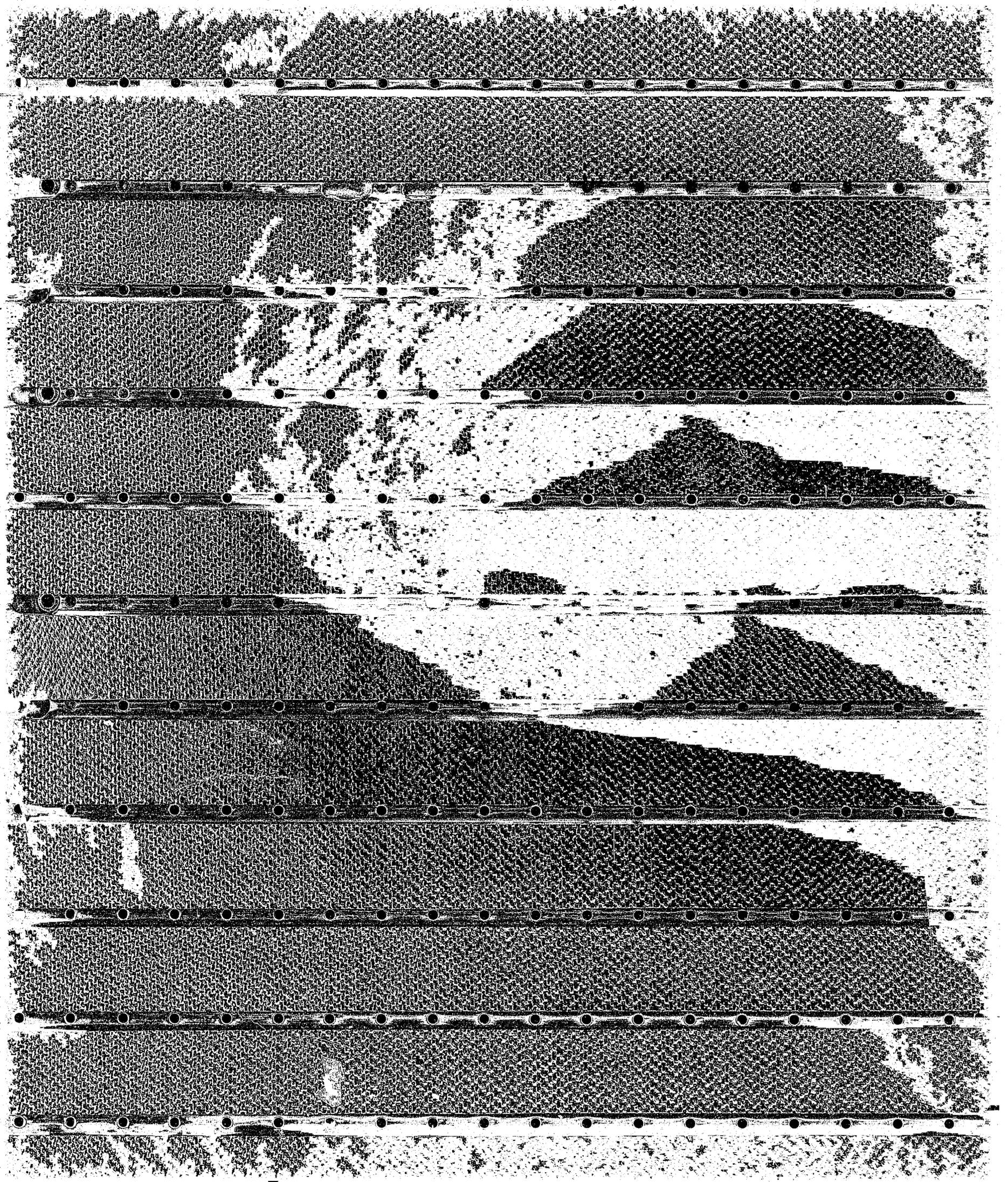
in 19 of 31 jurisdictions, no change occurred in 7, and there was an increase in local detention in 5 areas. It was difficult to gauge the extensiveness of complete prohibitions against local detention or the effectiveness of such prohibitions although detention of youths for status offenses apparently has been prohibited in some areas including California (Van Dusen and Klein 1979), Delaware (Hauty 1983), Pennsylvania (Feldman 1983), Washington State (Schneider et al. 1983), Massachusetts (Arnaud and Mack 1983), and Louisiana (Sheley and Nock 1983).

The early efforts by OJJDP to bring about a reduction in local detention focused on funding special emphasis programs which would provide an alternative to detention without the need for specific local or State prohibitions against this practice. These "carrot" attempts were not generally as successful as local edicts or state legislation prohibiting such confinement (Kobrin and Klein 1983). None of the programs funded by OJJDP and included in the national DSO evaluation, for example, succeeded in completely eliminating secure detention for status offenders unless the practice was ended by judicial fiat. Thus, although detention rates generally declined as a result of providing alternatives to detention, some youths continued to be confined solely on the basis of status offense charges.

Furthermore, the "carrot" approaches were in some instances accused of having a "net-widening" effect which pulled into the alternative programs youths who would not have been involved in the system at all during the pre-DSO era. (See Exhibit 1 for a listing of programs in which net-widening is believed to have occurred).

Absolute prohibitions against the secure confinement of youths accused only of status offense incidents generally produced at least the appearance of an end to this practice. Complications associated with the prohibitions, however, were just as serious as those associated with the programmatic approach to ending secure confinement.

One unintended consequence of prohibiting detention entirely was an apparent decline in services available to status offenders and their families even when the authorities established alternative services on a voluntary basis. This phenomenon, which



Conclusions and Policy Implications

Deinstitutionalization was expected to reduce the number of status offenders held in secure confinement and it was hoped that removing these youngsters from confinement would have a positive impact on recidivism, reduce the costs of the juvenile system, and permit more attention to be given to the serious and violent juvenile offenders.

The impact of deinstitutionalization on recidivism can be summarized very briefly: there does not appear to be any. There has not, however, been an adequate test. This point is made quite forcefully by Kobrin and Klein:

... the programs intervened in the lives of many youths who, in the absence of the programs, would not have been detained or institutionalized. To assess the effects of deinstitutionalization on clients for whom it may not have been appropriate would seem to test the outer limits of evaluation fantasies. We do not assess the effectiveness of parole on non-adjudicated adults, nor of detoxification programs on non-addicts or teetotalers. Then why assess the effects of deinstitutionalization for minor offenders for whom institutionalization was... highly unlikely? (V., 1, Chapter XV, page 2).

Secure commitment and detention of youths for misbehavior designated as status offenses clearly has significantly declined in the aftermath of the Federal legislation but it has not been ended. Further, the significance of the increase in commitments to private institutions is not clear at this writing. If the increase reflects the availability of resources, utilized on a voluntary basis by status offenders and their families, then most would agree the increase is appropriate. If it simply represents a shift from one type of secure and involuntary confinement to another, or inappropriately relabeling behavior for such purposes, then

the goals of deinstitutionalization are being thwarted by shifts to the private sector. In a similar way, the significance of the increase between 1979 and 1983 in youths in long-term correctional settings also is not clear. This could reflect a one-time only phenomenon which will be followed by a continued downward trend or it could reflect a return to increased commitments permitted by the valid court order amendment. While there are no definitive answers, available data on the juvenile justice system suggest a continued recognition of the need to provide services to juveniles whose behavior is troublesome, though noncriminal, but that these services should be provided in less restrictive environments than was common a decade ago.

The impact of deinstitutionalization on jailing juvenile status offenders has been more pronounced perhaps due to the additional thrust of the Federal Government to effect the removal of all juveniles from adult jails. As with the secure confinement of status offenders in secure juvenile institutions, there is still need for substantial progress.

Finally, there continues to be debate regarding the desirability of prohibiting secure confinement for status offenders under all circumstances. Particularly troublesome to some observers is the difficulty in enforcing out-of-home placements. The 1980 amendments to the JJDP act which permit contempt of court charges to be levied against juveniles who have run away from valid out-of-home placements were a response to intense pressure generated by those who oppose the deinstitutionalization movement. These amendments, however, are in turn opposed by those who believe that individuals should not be held against their will for behavior that, no matter how troublesome to the parents, is not a violation of any criminal code and represents no immediate danger to the individual or the community.

is essentially the opposite of a net widening effect, was reported by agency professionals in Washington State (Schneider et al. 1983), California in the wake of AB3121 (Van Dusen and Klein 1979), and in several of the states included in the Handler and Zatz (1983) study. They summarized the issue as follows:

It is unclear what is happening to youth who commit status offenses but do not enter the juvenile system....Are more of these youth being ignored altogether or are they entering other public or private systems? Most officials and observers...are of the opinion that the former rather than the latter is the case. (Handler and Zatz, 1983:89). There are others who have recently suggested that these youth are being "voluntarily" committed to private psychiatric hospitals and treatment facilities by their parents. (Lerman 1980 and Schwartz 1985). However there are no conclusive data currently available to confirm this hypothesis.

The complete prohibitions against detention, whether by local edict or statewide legislation, also produced widespread suspicion of a phenomenon which has come to be known as "relabeling."

Relabeling has not been defined with much precision and efforts to measure it have suffered from the ambiguity surrounding the concept. From a service-delivery perspective, relabeling refers to a situation in which youths who were handled by the juvenile system under a particular label, such as "runaway," continued to be handled within that system even after policy changes that were intended to remove these youths from the system. The involvement continues because the youth has entered under a different label, such as delinquent or dependent.

The Children in Custody data tend to confirm such a possibility with an increase of 14 percent in the number of juveniles held for delinquency between the years of 1979 and 1983 while overall arrests of juveniles for criminal-type offenses has declined nearly 17 percent over the same period. (UCR 1984) In addition, there was a 24 percent increase in the number of dependent, neglected, abused or other nonoffenders in custody during this period, though mostly in the private sector (see Exhibit 5).

Part of the confusion arises because of a failure to distinguish between offenses and offenders. Policy definitions of court jurisdiction usually define specific behavior as being within (or excluded from) jurisdiction. Service providers tend to focus on a particular individual who has exhibited many different kinds of behavior.

"Relabeling" is a direct outgrowth of the discretion available to professionals within the juvenile justice and service systems. In most traditional, *parens patriae* juvenile courts, a youth could be labeled a "status offender" even if he or she committed acts which fell under the definition of crimes defined in the criminal code. The discretion available to law enforcement officers and probation or court intake permitted the use of either label. In some, perhaps many, jurisdictions the status offender label was used whenever possible to avoid the stigma and

(presumably) more stringent processing associated with delinquency.

Nock and Alves, for example, describe the use of status offense labels prior to Virginia's decarceration code revisions of 1977 in the following terms:

In some instances status offense dispositions appear to have been used as a less serious outcome for cases that might otherwise have been handled as delinquencies. (Nock and Alves 1983:485.)

Similar reports emerged from the State of Washington in the aftermath of its divestiture legislation. Prior to the code reform, police officers and probation intake officials tended to use the status offender label for youths whose immediate incident may have been a delinquent act if they were especially young or if they had previously been referred to the court for a status offense incident (Schneider et al. 1983). In general, juveniles who were ever identified as "having family problems" tended to continue under the status offender label so long as their delinquent acts were relatively minor.

The discretion that permitted the choice of "status" or "delinquent" labels in the pre-DSO era still exists in virtually all juvenile courts. Even in Washington State, where there apparently is no choice regarding the category used to designate a particular behavior, the data indicate that many youths engage in both status and delinquent behaviors to the extent that the reduction in processing of status offenders is only about half that which would have been expected on the basis of the total number of status offenses in the predivestiture system (Schneider et al. 1983).

Relabeling, then, should not be viewed as the use of an inappropriate or incorrect label. It represents simply a change in the use of discretion or a shift from the socialworker perspective of the "whole" child to the more legalistic perspective which emphasizes the specific behavioral incident which brought the youth to the attention of the authorities.

Notes

1. See Hutzler and Vereb (1980) for a review of state statutes.
2. This was attributable, at least in part, to the vagueness in Federal definitions of deinstitutionalization and to the enormous resistance from the States which sought to participate in the formula grant program without achieving full compliance with the Federal requirements.
3. See the Federal Register, Part VII, January 9, 1981, for the most recent criteria for compliance.
4. Utah experimented with divestiture of jurisdiction over runaways and truants between 1971 and 1975, but maintained jurisdiction over a wide range of other status offenses including tobacco usage, alcohol, incorrigibility, and so forth. Some confusion has been introduced regarding which States have divested jurisdiction since the removal of status offenses from the delinquency category sometimes is referred to as "divestiture" even though the court maintains the right to petition, adjudicate, and make requirements (such as probation or "treatment") of the former status offenders in their new designation as CHINS or PINS or dependents.
5. The most critical problem was the general absence of a suitable comparison or control group and the corresponding necessity of depending on multiple regression analysis to control for differences between the groups. Multiple regression analysis may control adequately for these differences, but there is no guarantee that it will. In most circumstances, however, multiple regression tends to underadjust-overadjust. Thus, if the DSO groups generally comprised youths with less serious problems, one would expect the multiple regression results to show the DSO youths as being "better" than the controls.
6. One of the Connecticut programs (District III) had a lower recidivism rate than the comparison group (40 percent re-referred in 6 months compared to 47 percent) but the average number of subsequent referrals was the same between these groups. Thus, this program was included with the "no effect group."
7. Kobrin and Klein concluded that there had been a negative impact as a result of the Clark County DSO program. Their analysis, however, was based on a relatively small sample of cases whereas Schneider's analysis included the full set of pre- and postprogram cases. An additional test in the Schneider report was based on a concurrent comparison group, and it too showed a positive impact. The difference in findings probably was produced either by the sample or by the fact that the national evaluators removed all cases that appeared in both the preprogram and the DSO group. In Clark County, this would have removed many of the recidivists from the preprogram group thereby giving the appearance of lower recidivism.
8. The fact that programs which divert juveniles show lower recidivism rates does not, of course, mean that the juveniles within those programs who were diverted were the ones with lower recidivism. To draw such a conclusion is an unwarranted inference (commonly referred to as an ecological fallacy)
9. Kobrin et al. (1980:42).
10. For the years of 1974-1975 "open" facilities are those that classified themselves as shelter care facilities, camps and ranches, or group homes. Beginning in 1977 the Census Bureau devised a more appropriate classification scheme based upon level of security and extent and nature of resident's access to the community.
11. Because these data are derived from 1-day census counts, some fluctuations among years may be due to seasonal influence on populations in residence. Reference dates for census years varied: for 1973, 1974, and 1975 it was June 30; for 1977 and 1979, December 31; and for 1983, February 1. Differences between average daily population for each year and the 1-day census counts were: + 1 percent, 0.7 percent, - 4.4 percent, - 5 percent, and 0.8 percent, respectively. The fact that the reference dates for 1977 and 1979 were both December suggests that the decrease in status offenders was not due to a change in reporting periods.
12. The estimates of the number of status offenders admitted to institutional facilities were derived from the 1-day counts and other data on total admissions to short- and long-term facilities for 1982. This estimation was necessary because the Children in Custody census does not have the capability to collect information on juveniles' adjudication status at the time of admission.

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