

Delinquent Careers of Status Offenders

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1. Introduction

Numerous programs, pieces of legislation and standards for juvenile justice practice as well as resistance to these efforts are based on some very broad assumptions about status offenders and the nature of their offending. One of these is that status offenders are a distinct group of offenders, different in kind from law-violating or criminal offenders, and therefore warranting different and special treatment--certainly separation from other offenders. California's AB5121 (a juvenile court reform law) carefully distinguishes between status and criminal offenders, substantially increasing severity of treatment for criminal offenders and removing almost all control over status offenders from the justice system by prohibiting their incarceration. A clear assumption is that they are different groups of offenders and need different treatment.

A second, and partially conflicting assumption, is that status offending is a precursor to criminal offending, to be taken as a warning signal for intervention. Law enforcement commonly takes this view in arguing for the power to arrest and detain juvenile status offenders. Juvenile court judges base some of their arguments for retaining juvenile court jurisdiction over status offenders on this assumption.*

Others have addressed the same issues (their findings will be discussed in the following section) and have made valuable contributions to our know-

* While many arguments about how status offenders ought to be treated are based on one or both of these assumptions, other arguments are based differently. A substantial group of interested individuals believe that, regardless of a juvenile's history of offenses or potential future offenses, it is simply not fair to subject a child to the justice system for behavior not chargeable for adults. This paper cannot and will not address this audience. However, to the extent that readers are interested in the first two assumptions as they bear on policy decisions, this report will be of some value.

ledge about them. However, prior studies usually have suffered from methodological problems because their data were typically not collected specifically to address these issues. For instance, some are based on offenders taken into programs on the basis of status offenses and therefore may not represent the full range of offenders for proper comparison to status offenders.

A second common methodological problem is that studies are not prospective but retrospective. That is, samples are chosen on the basis of some offense in a juvenile's history, not usually a first offense, and then prior histories are recorded for analysis. This method tends to underrepresent first offenders, and does not allow recidivism risk calculation at each arrest.

This study overcomes both of these problems since youths were selected from police files on the basis of their first offenses, some of which are status offenses and others, criminal offenses. Subsequent arrest histories were collected three to four years later and are analyzed here. Of course, this method, too, has its limitations; comparisons can only be made on the basis of offense histories--such things as family and emotional problems of status offenders cannot be compared to those of criminal offenders since this would require subject interviews. Nevertheless it does address some fundamental issues about the nature of status offenders as they are different from or similar to juvenile criminal offenders.

2. Literature Review

One of the earliest studies to question the two assumptions addressed by the present study was one reported by Klein (1971). In a sample of male gang members, Klein looked at prior offense patterns using official arrest records. He reports 'cafeteria style' arrest patterns, implying that a gang member will commit status offenses as well as serious offenses during his career in no meaningful temporal order. While this study suggests that status offenses are not unique to one particular group and that, at least for gang members there is no homogeneous or ordered offense pattern, it does not address the possibility of a group of less serious offenders, such as status offenders, whose offense patterns may be homogeneous or ordered.

Clarke (1975) examined official offense patterns in the Wolfgang, Figlio and Sellin Philadelphia birth cohort. This group of 9945 male adolescents were tracked from their 7th to 18th birthdays. Clarke's analysis shows that 23% of the 3475 boys with juvenile arrest records were first arrested for a status offense. These status offenders were known to recidivate at a lower rate than criminal offenders both in the short (at two offenses) and the long (at least 5 offenses) term. Thus Clarke suggests there is no support for the "escalation" hypothesis. He does not, however, separate status from criminal offenses after the first arrest, thereby preventing any conclusions about the homogeneity and ordering of status offenders' offense patterns. Furthermore, Clarke's analysis is limited by the absence of females, who figure prominently in the officially recorded status offender population.

Kobrin, Hellum and Peterson (1980) reanalyse Clarke's data to address the above criticisms. They compute an average of index offenses for three groups: status, non-index offenders at first offense and beyond

first offense. The average number of index offenses was fairly disparate across groups at first offense, but became much less disparate beyond the first offense. Although no tests that would control for differential attrition in the three groups were reported, Kobrin et al. conclude there is suggestive evidence of a separate population of status offenders which show some escalation in severity of offending. Thomas (1976), in a survey of juveniles' court appearances during a four year period, reaches conclusions opposite to those of Clarke.

Thomas' data show that those initially appearing in court for a status offense recidivate at a higher rate (58%) than those first appearing for a misdemeanor (22%) or felony (31%) offense. Furthermore, the data show that status offenders return to court for criminal as well as status offenses. These patterns of findings persist even after Thomas introduces controls for age and gender. From these findings, Thomas concludes that status offenders are not trivial offenders and are not 'distinctly different' (p 454) from criminal offenders.

Kobrin et al. (1980) suggest that Thomas' contentions are an extreme view of the data he presents. In their reanalysis of Thomas' data, Kobrin et al. show that status offenders recidivate more frequently only because they commit more subsequent status offenses than other groups. Kobrin et al. also examine the relationship between initial offense type (status, misdemeanor or felony) and subsequent offense type. They find that for those reappearing at least once, type of initial offense is significantly related with type of subsequent offenses. This relationship is not significant for those reappearing at least three times. Kobrin et al. suggest that this change in degree of relationship over time supports the escalation hypothesis. How-

ever, a change in the degree of a relationship cannot truly demonstrate a directional hypothesis. The decline in degree of relationship may reflect de-escalation by criminal offenders as well as escalation by status offenders. These data perhaps serve a better purpose to demonstrate the decline of homogeneity of offense patterns with increasing numbers of court reappearances.

Erickson (1979) presents data from court records that corroborate such a decline in homogeneity. He shows that for two cohorts the percentage of juveniles with both status and delinquent offenses in their criminal careers increases from 0% to a plateau of 70-90% at four and more offenses. Erickson also reports that offense patterns become increasingly unsystematic as length of career increases. Of those with nonstatic two-offense careers, 57% escalate and 43% deescalate. Ninety-nine percent of those with nonstatic careers of three or more offenses show a random pattern of offense type. These two categories represent 27% of a cohort of 2843 juveniles. Unfortunately, the third category of multiple offense careers, static "pure" careers, are not delineated by number of offenses.

Erickson also presents self report data from two groups, a high school sample and a sample of juveniles referred to a status offender program. He contends from these data that "pure" status offenders are a rarity. Erickson also maintains that "pure" status offenders rarely show up in the justice system. Of those "pure" status offenders in the high school sample, only 25% went to court for a status offense. Alternatively, those in the sample arrested once for a status offense report more offense activity of all types than those arrested once for a misdemeanor. These self report findings, which undermine the assumption of homogeneity, must be viewed with caution. The high school sample overall reported a high volume of offenses (more than

20 per student in a year) of which only 0.4% involved arrests. Leaving aside methodological comparisons of self report and official records, the use of official records to discuss assumptions about status offenders may be more appropriate than the use of self report since official contacts are used by programs and laws to define status offenders.

Most of the studies discussed so far have examined cohorts of juveniles for their offense patterns during a period of calendar time. The juveniles in these studies vary in the amount of time they have available to recidivate during the collection period. This factor of "risk" time, with one exception (Thomas, 1976) is not controlled in these studies.

Kobrin et al. (1980) studies 3000 juveniles arrested for status offenses in the year before the enactment of a nationwide deinstitutionalization experiment. They conclude that a large population of status offenders exist because 63% of the sample show only status offenses in their careers. However, that figure includes 52% with no prior records, who thus show a status offense career by virtue of their selection into the sample. Viewed differently, the data show that of those juveniles with any prior record, (48% of total), 23% had only status offenses, 40% had delinquent only and 37% had mixed patterns. Kobrin et al. also followed up two subsets of the larger sample, one subset for six months and the other for twelve months. Examining those with both prior and subsequent offenses (i.e., those having at least three-offense careers), Kobrin et al. find that a substantial group (47%) of juveniles with only status offense priors commit subsequent delinquent offenses. However, overall in the two subsets, most have either no subsequent arrests or are arrested for status offenses. Thus, Kobrin et al. claim support for escalation is limited to the small group of the chronic status offenders.

Taken as a whole, the literature presents an equivocal view of the veracity of assumptions underlying status offender programs and legislation. To some extent, the equivocal nature stems from different interpretations of what constitutes escalation and homogeneity. However, cited studies suffer certain methodological problems that could be rectified by a design that more adequately controls for risk time and that collects data from a representative population of juvenile offenders rather than a specialized sample. To that end, we conducted a longitudinal follow-up study of juveniles first arrested during three months of 1975 and three months of 1976. A more complete description of the sample and data collection methods follows.

3. Methods

The sample of the present study comes from two previously conducted research projects. One project sampled 3026 juvenile offenders arrested in 1975 in thirty-three cities of Los Angeles County. The second project sampled 762 juveniles arrested in 1976 and 1977 in ten police departments selected to be representative of Los Angeles County. The present study drew its sample from the 1975 and 1976 arrests, excluding the 1977 group, to allow sufficient time for a subsequent arrest pattern to develop. Three additional criteria were used to arrive at a sample:

1. Pure dependency cases were excluded.
2. Only first offenders were considered for this analysis.
3. Juveniles born before 1960 were excluded.

Thus we constructed a cohort of 588 first-time status or criminal offenders. We chose an age cutoff because we expected that purging and sealing of arrest records would prevent us from getting representative data on those much over 19 years old.

3.2 Data Collection

Data collection took place from January through May, 1979. Data collectors returned to the police department where each juvenile was originally arrested to collect information on subsequent arrest history. A form for each member of the cohort was precoded with name, date of birth, date of original (instant) arrest, charges from that instant arrest and the disposition of that arrest. The date, charges and disposition of each and every juvenile (before 18) arrest subsequent to the instant arrest were coded from police department files onto the form.

Each department's central card index file served as the primary source

of information about subsequent arrests. Arrest was defined in the current study as it had been in the earlier studies, i.e., the juvenile is arrested if brought to the station. Therefore, only information from incidents that were clearly identified as arrests were copied onto the form. Incidents in which the juvenile was a suspect or victim were not included unless the definition of arrest was concurrently met. In less than 20% of the cases, the information in the central card index file was not sufficient to complete the form: Such cases were looked up in arrest files.

✓ A countywide index of juvenile arrests was searched for all cases in the cohort with very limited success. Thirty percent of the cohort, known to have at least one arrest, did not appear at all in the countywide index. Rather than introduce an unknown attrition bias by using the countywide index, we chose to limit our collection of subsequent arrest history to that occurring in the department of the instant arrest.

During data collection we discovered that 41 cases in the cohort (13 status offenders and 28 criminal offenders) had arrests prior to the instant arrest. These cases, plus one additional case (a criminal offender) who died after the instant arrest, were dropped from the analysis. Finally, about 5% of the remaining cases could not be located in the police files. For the most part, this represented the problem of periodic purging and file reorganization undertaken by records departments.

4. Results

The first step in an analysis of first-time status offenders' potential delinquent careers is a consideration of the overall recidivism rate of these offenders, especially compared to their criminal offender counterparts. Table 1 indicates that, regardless of the type of offense involved in rearrests, first-time status offenders recidivate at approximately the same rate ~~that~~ first-time criminal offenders do. It cannot go unnoticed, though, that the rates for status offenders are always slightly lower than those for criminal offenders. The percentage difference ranges from 2% on the second rearrest to 5% on rearrests numbers three and four. Both types of offenders drop from sight rather rapidly, thereby making it unfeasible to continue analyses after the fourth re-arrest. It should be mentioned again that the original sample consisted of 506 first-time offenders, 130 of whom were status offenders and 376 of whom were criminal offenders.

Our first, tentative, conclusion, then, is that status offenders represent no greater risk in terms of the juvenile justice system than do criminal offenders, and perhaps a somewhat smaller risk. The central question, however, is whether or not the status offense is just an early sign that there will be future involvement in criminal offending. That is, is there progression from status offending to criminal offending? Of course, from Table 1 we already know that this could be true only to a limited degree because of the rather low overall recidivism rate. Table 2 addresses this question by indicating the percentage of each rearrest group who are arrested for criminal offenses. In other words, of the original status offenders who were rearrested at least once (N=57), 54.1% were rearrested for criminal offenses. By comparison, of the 120 first rearrests for original criminal offenders, 87.5%

were for criminal offenses. The pattern remains the same through four rearrest conditions with the exception of the third rearrest where original status offenders slightly exceed original criminal offenders in proportion criminal offenses. However, the difference is so small, and the number of remaining status offenders so small, that the deviation cannot be taken seriously.*

Three major points can be made on the basis of this table. First a substantial portion of the rearrests of youths who begin as status offenders are for criminal offenses. Second, original criminal offenders show a much higher propensity for subsequent criminal offenses than do original status offenders. Third, there is some evidence of progression to more and more criminal offenses from the original status offenders. If there is a consistent tendency over an offender's career to become more and more involved in criminal offenses, and if this is a general pattern among beginning status offenders, we would expect to see increasing percentages of criminal offenses in each level of rearrest. While we cannot say with certainty that this is shown in Table 2, the evidence is in that direction. The limitation we face is that there are only seven original status offenders remaining at the third level of rearrest and only five at the fourth, thereby creating instability in the cell percentages. However, there are about ten ⁽¹⁰⁾ percentage points difference in criminal offenses between the original status offenders; first and second rearrest levels, increasing to an unstable 86% at the third, and decreasing down to an even more unstable 40% at the fourth level. Aside from the instability of the last two arrest levels, we should not be swept away by this apparent trend for another reason. If we are to keep a proper perspective we must note that only five of the original status offenders remain in the system at all at the five-arrest level (four-rearrests). Another interpretation that follows from the data, then, is that multiple offenders

* This, and following analyses make it clear that, while it would have been valuable to break the trends down by race, sex & gender variables, rapidly declining sample sizes at each rearrest made this impossible.

are more likely to commit criminal offenses than are short term offenders; however, few status offenders remain offensive long enough to progress heavily into criminal offending.

Finally, concerning Table 2, it is possible to interpret the numbers to indicate that the juvenile justice system simply does not continue to arrest juveniles if they only commit status offenses; only if criminal offenses are involved do status offenders continue to be rearrested.

Table 3 is similar to Table 2 with the exception that the "charge" is the unit of analysis rather than the offender. That is, each cell of the table shows the proportion of all charges included in first rearrests that are criminal offenses. This analysis has the advantage of using all offense information gathered on each juvenile rather than ignoring some charges where there are multiple charges. It also adds a modicum of stability in that the "sample" size is increased to the extent that there are multiple charges. Of course, we would not expect dramatic differences in the findings of this table compared to Table 2, and indeed this is the case. It is clear that there were also some status offenses involved in the third and fourth rearrests of original status offenders since the proportions that were criminal offenses decreased when all charges were considered. Nevertheless the same pattern is evident in this table that was evident in the previous table.

The next three tables address the second question raised early in the report: Is the term "status offender" a useful one, that is, does it distinguish a group of youths who commit status offenses (almost) exclusively from a group of youths who commit criminal offenses (almost) exclusively? Secondly, if "status offenders" do commit criminal offenses are they primarily petty in nature?

Tables 4 and 5 show the offense distributions at each arrest level for

original status offenders and criminal offenders respectively. (Both tables are charge-based rather than arrest-based.) The distributions are different, especially in the area of status offenses. Original status offenders are more likely to be arrested for status offenses at each subsequent level except the third where only one of the original 37 was arrested for a status offense, and the differences are substantial in each case. Of course this was evident from previous tables. The new information from these tables includes the fact that the original status offenders were quite heavily involved in non-petty theft property offenses. This category was consistently the heaviest non-status category, followed by drugs and alcohol. Original criminal offenders show the same ordinal rankings but are more heavily involved in just about every category as they must necessarily be since they are less involved in status offenses. This relative ordinality is more apparent in Table 6 which accumulates all the subsequent arrests and compares the charges across original status and criminal offenders. With the exception of the status offense category, the ordinal level of each category is the same for status and criminal offenders. While these tables (4 through 6) are instructive, one more is necessary to determine the relative involvement of each type of offender in the various offense types, excluding status offenses. That is, in the previous tables, our estimate of offenders' (status vs., criminal) involvement in, for example, property offenses was complicated by the fact that percentage calculations were highly influenced by the presence of a large number of status offenses for original status offenders and a small number of status offenses for original criminal offenders. This skewness, then, complicated the estimate of the relative involvement of each type of offender in other types of offenses. Table 7 addresses this issue more adequately. In this table, the number of

property crimes charged against original status offenders (in total) is divided by the number of person-rearrests, making the measure independent of status offense charges. "Person-rearrests" is defined here as the total number of arrests represented by all arrest levels; i.e., the sum of the number of arrests over arrest levels. Of course, this is separated by the usual original offense type distinction (original status offenders and original criminal offenders). This table (7) reiterates the point that original criminal offenders are more involved in every offense type but status offenses, and that the relative ordering of the involvements is almost exactly the same for both types of offenders.

The most extreme form of the question we are currently addressing is: is there a substantial group of "pure" status offenders; that is, are there some status offenders who commit no criminal offenses? This question can be discussed without tables. Of the original 130 status offenders, 17, or 13.1% committed only status offenses on the first rearrest. Only 2, or 1.5% remain as "pure" status offenders at the second rearrest level. We cannot afford to forget, however, that only 28% of the original status offenders recidivated at all, and only 15% of the original group was rearrested at least twice. Finally, of the original status offenders who were rearrested at least three times (7), none remained purely status offenders.

5. Summary and Conclusions

The most striking feature of the data presented is that first offenders (status or criminal) are unlikely to recidivate. Each has about 50% chance of rearrest. Of those status offenders who do recidivate, about half will be rearrested for a criminal offense, most likely for a property offense (a category that excludes petty theft). After the first rearrest, the original status offender will almost assuredly be picked up for a criminal offense if she/he is arrested at all. However, among recidivistic original status offenders, status offenses are more common and criminal offenses less common than is the case for original criminal offenders.

We may say, then, that first-time status offenders who recidivate are likely to progress to nontrivial criminal offenses, but to a less active extent than is the case for original criminal offenders. It is difficult to know whether this apparent progression represents the youths' behavior or the juvenile justice system's behavior.

The shortest possible summary of the data is probably: to the extent that offenders are not rearrested, status offenders and criminal offenders remain distinct groups. To the extent that status offenders recidivate, they tend to become criminal offenders (while continuing status offenses) but less actively so than original criminal offenders who recidivate.

TABLE 1

Number and Percent of Original Sample Remaining at
Each Level of Rearrest by First Offense Type

Number of Rearrests	First Offense Type	
	Status	Criminal
One	37 28%	120 31%
Two	17 13%	55 15%
Three	7 5%	36 10%
Four	5 4%	32 9%
	N= 130	N=376

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TABLE 2

Percent of Rearrests That Are For Criminal Offenses
For Each Level of Rearrest by First Offense Type

Number of Arrests	First Offense Type	
	Status	Criminal
One	54.1% (N=37)	87.5% (N=120)
Two	64.7% (N=17)	81.8% (N=55)
Three	85.7% (N=7)	85.3% (N=36)
Four	40.0% (N=5)	95.8% (N=32)

TABLE 3

Mean Proportion of Charges That Are for Criminal Offenses for Each Level of Rearrest by First Offense Type

Number of Rearrests	First Offense Type	
	Status	Criminal
One	.54	.85
Two	.66	.81
Three	.71	.86
Four	.55	.93

TABLE 4

Distribution of Rearrest Charge Types for Each Rearrest Level for Offenders Whose First Arrest Was For a Status Offense

Type of Charge	Rearrest Level				
	First	Second	Third	Fourth	
Person	5 7.1%	1 4.8%	0 0.0%	0	4
Property	11 26.2%	5 25.8%	4 44.4%	2 28.6%	22
Petty Theft	4 9.5%	2 9.5%	2 0.0%	0	8
Drug/Alcohol	6 14.3%	5 14.3%	2 22.2%	1 14.3%	12
Status	17 40.5%	9 42.9%	1 11.1%	4 57.1%	31
Other	1 2.4%	1 4.8%	0 0.0%	0 0.0%	2
Totals	42	21	9	7	79

TABLE 5
 Distribution of Rearrest Charge Types for Each
 Rearrest Level for Offenders Whose First Arrest
 Was For Criminal Offense

Type of Charge	Rearrest Level				
	First	Second	Third	Fourth	
Person	10 7.2%	6 8.5%	3 7.3%	4 9.5%	23
Property	59 12.4%	38 39.4%	17 41.5%	19 45.2%	23
Petty Theft	23 16.5%	6 8.5%	1 2.4%	2 4.8%	32
Drug/Alcohol	18 12.9%	11 15.5%	8 19.5%	9 21.4%	46
Status	16 11.5%	15 21.1%	8 19.5%	3 7.1%	42
Other	15 9.4%	5 7.0%	4 9.8%	5 11.9%	27
Totals	139	71	41	42	293

TABLE 6
 Percent Of All Rearrests by Charge
 Type by First Offense Type

Rearrest Charge Types	First Offense Type	
	Status	Criminal
Person	5.1%	7.8%
Property	27.8%	42.0%
Petty Theft	10.1%	10.9%
Drug/Alcohol	15.2%	15.7%
Status	39.2%	14.3%
Other	2.5%	9.2%

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TABLE -
Rearrests Of Each Charge Type Per Person-
Arrest by First Offense Type

Rearrest Charge Types	First Offense Type	
	Status	Criminal
Person	.06	.10
Property	.31	.51
Petty Theft	.11	.13
Drug/Alcohol	.17	.19
Status	.44	.17
Other	.03	.11

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