

1

Introduction

Juvenile crime is one of the nation's serious problems. Concern about it is widely shared by federal, state, and local government officials and by the public. In recent years, this concern has grown with the dramatic rise in juvenile violence that began in the mid-1980s and peaked in the early 1990s. Although juvenile crime rates appear to have fallen since the mid-1990s, this decrease has not alleviated the concern. Many states began taking a tougher legislative stance toward juveniles in the late 1970s and early 1980s, a period during which juvenile crime rates were stable or falling slightly, and federal reformers were urging prevention and less punitive measures. Some of the dissonance between the federal agenda and what was happening in the states at that time may have been caused by significant changes in legal procedures that made juvenile court processes more similar—though not identical—to those in criminal (adult) court. The main response to the most recent spike in violent juvenile crime has been enactment of laws that further blur distinctions between juvenile courts and adult courts. States continued to toughen their juvenile crime laws in recent years, making sentencing more punitive, expanding allowable transfers to criminal (adult) court, or doing away with some of the confidentiality safeguards of juvenile court. Many such changes were enacted after the juvenile violent crime rate had already begun to fall. The rehabilitative model embodied in the Juvenile Justice and Delinquency Prevention Act of 1974, focusing on the needs of the young offender, has lost ever more ground over the past 20 years to punitive models that focus mainly on the offense committed. These puni-

tive policies have had a disproportionate impact on some minority groups, particularly black youngsters, an important issue that is explored in depth in Chapter 6.

Crime policies in the United States have been moving in the direction of treating juveniles as adults, even though many young people continue to grow up in settings that “fail to provide the resources, the supports, and the opportunities essential to a healthy development and reasonable preparation for productive adulthood” (National Research Council, 1993a:2)—settings that put young people at high risk for delinquency. In 1997, 40 percent of all those living below the poverty level in the United States were under the age of 18 (Snyder and Sickmund, 1999). Structural changes in society, including fewer two-parent homes and more maternal employment, have contributed to a lack of resources for the supervision of children’s and adolescents’ free time.

Government policy on juvenile delinquency must often struggle with the appropriate balance of concern over the healthy development of children and adolescents who violate the law and a public desire to punish criminals. This tension between rehabilitation and punishment when dealing with children and adolescents who commit crimes results in an ambivalent orientation toward young offenders. Criminal acts must be suppressed, condemned, and punished. Nevertheless, children and adolescents who commit criminal acts must be educated and supported in a growth process that should be the objective of government policy for all young people, including young offenders.

A number of cognitive and social features of childhood and adolescence influence the content of juvenile crime policy. Historically, children under the age of seven have been considered below the age of reason, and therefore unable to formulate the criminal intent necessary to be held accountable for criminal offenses. In practice, children younger than age 10 are rarely involved in the juvenile justice system. Arrests of those younger than 10 years old account for less than 2 percent of all juvenile arrests. By the age of 16 or 17, most adolescents are deemed to have sufficient cognitive capacity and life experience to be held accountable for intended wrongful acts. How to deal appropriately with those who commit crimes between the ages of 10 and 17 is the issue faced in juvenile crime policy. Adolescence is a period of dating, driving, and expanding social networks—all choices that can produce positive or negative consequences for the adolescent and the community. Public policies in the areas of education, medical care, alcoholic beverage control, and juvenile crime reflect beliefs that adolescents have not acquired the abilities or capacities necessary for adult status. Creating the appropriate public policy for a period of semiautonomy is no small task (Zimring, 1982). To

further complicate the matter, crime rates peak in mid- to late adolescence, making policy toward young offenders of special importance.

To best answer the questions of how to deal with young offenders requires knowledge of factors in the individual, family, social settings, and community that influence the development of delinquent behavior; of the types of offenses committed by young people; and of the types of interventions that can most efficiently and effectively prevent offending in the first place or prevent its recurrence. This study reviews literature in all of these areas to provide an objective view of juvenile crime and the juvenile justice system in the United States.

CHILD AND ADOLESCENT DEVELOPMENT: NOT JUST LITTLE ADULTS

What is often missing from discussions of juvenile crime today is recognition that children and adolescents are not just little adults, nor is the world in which they live the world of adults. Physical, emotional, and cognitive development continue throughout adolescence. Although young people can approach decisions in a manner similar to adults under some circumstances, many decisions that children and adolescents make are under precisely the conditions that are hardest for adults—unfamiliar tasks, choices with uncertain outcomes, and ambiguous situations (see, for example, Beyth-Marom and Fischhoff, 1997; Cohn et al., 1995). Further complicating the matter for children and adolescents is that they often face deciding whether or not to engage in a risky behavior, such as taking drugs, shoplifting, or getting into a fight, in situations involving emotions, stress, peer pressure, and little time for reflection.

Young people are liable to overestimate their own understanding of a situation, underestimate the probability of negative outcomes, and make judgments based on incorrect or incomplete information (Quadrel et al., 1993). Although adults are also prone to the same misperceptions, children's and adolescents' lack of experience increases their vulnerability. Quadrel et al. (1993) found that high-risk adolescents (with legal and substance abuse problems, recruited from group homes) were more likely than middle-class youngsters to have incorrect information about risks, while being extremely confident in their information.

Emotions can affect decision making for both adolescents and adults. When people are experiencing positive emotions, such as excitement, happiness, love (as adolescents often do when with groups of their peers), they tend to underestimate the possibility of negative consequences to their actions. When experiencing negative emotions, such as anger, jealousy, sadness, people tend to focus on the near term and lose sight of

the big picture. This is particularly relevant for adolescents, who have been found to experience wider and more rapid mood swings than adults (Larson et al., 1980; Larson and Lampman-Petratis, 1989; Larson and Richards, 1994).

Studies of young people's understanding of legal processing and the consequences of various legal choices, such as forfeiting the right to remain silent or to have an attorney, show differences between those younger and older than about 15 years (Grisso, 1997). Those under age 15 often misunderstand the concept of a right, in general, and of Miranda rights, in particular. They foresee fewer alternative courses of action in legal proceedings and tend to concentrate on short-term rather than long-term consequences (Grisso, 1980; 1981). For example, younger youth often misconstrue the right to remain silent, believing it means they should be quiet until they are told to talk. Nor do they completely understand the right to have an attorney present, without charge, before they talk (Abramovitch et al., 1995; Grisso, 1981). These misunderstandings raise concerns about children's and young adolescents' competence to stand trial in adult court. Children and adolescents from disadvantaged socioeconomic backgrounds and those with low IQs fare worse in understanding the legal process and their rights than do other children and adolescents of comparable ages (Grisso, 1997). Furthermore, experience with the justice system does not ensure that young people fully understand the process, their rights, or the implications of the decisions they make. Both Grisso (1981) and Lawrence (1983) have found that adolescent delinquents had much poorer understanding of their rights than did adult defendants.

Emerging research using magnetic resonance imaging of the brain demonstrates the cognitive and emotional differences between adolescents and adults. Children and adolescents process emotionally charged information in the part of the brain responsible for instinct and gut reactions. Adults process such information in the "rational" frontal section of the brain (Baird et al., 1999). Children and adolescents may be physiologically less capable than adults of reasoning logically in the face of particularly strong emotions. In a recent study, Thompson et al. (2000) found that the brain continues to develop and change through at least midadolescence, with the most active parts of the brain changing during development. These new insights on brain development may have implications for holding children and adolescents criminally responsible in the same way as adults and raise concerns about initiatives to transfer younger and younger defendants to adult courts.

INTERNATIONAL PERSPECTIVE¹

Looking at the policies of other countries provides some perspective on criminal justice in the United States. An international study of 15 countries—Australia, Austria, Belgium, Denmark, England and Wales, France, Germany, Hungary, Italy, Japan, The Netherlands, New Zealand, Russia, Sweden, and Switzerland—notes that all have special provisions for young criminals in their justice systems, although some (such as Denmark, Russia, and Sweden) have no special courts for juveniles. Table 1-1 depicts some of the differences among countries, showing the range in variability for the minimum age of criminal responsibility, the age at which full responsibility as an adult can be assumed, the type of court that handles young people committing crimes, whether such young people can be tried in courts that also try adults, the maximum length of sentencing for a juvenile, and policies regarding incarcerating juveniles with adults.

The United States was not alone in seeing a dramatic increase in violent crime by juveniles in the 1980s and early 1990s. Many European countries and Canada experienced increases in their rates of violent crime, particularly among juveniles (Hagan and Foster, 2000; Pfeiffer, 1998). It is difficult to compare rates across countries, because legal definitions of crime vary from country to country. For example, in Germany, assault is counted as a violent crime only if a weapon is used during the commission of the crime, whereas in England and Wales, the degree of injury to the victim determines whether or not an assault counts as a violent crime. Crime is also measured differently in each country. For example, the United States commonly relies on numbers of arrests to measure crime. In Germany, Austria, and Italy, among other countries, crime is measured by the number of cases solved by police (even if the offender has been apprehended) (Pfeiffer, 1998). Nevertheless, trends in juvenile violent crime appeared similar in many developed countries in the 1980s and early 1990s,² although the rates were different.

The United States has a high violent crime rate—particularly for homicide—in comparison to other countries, although property crime rates, particularly burglary, are higher than U.S. rates in Canada, England and Wales, and The Netherlands (Hagan and Foster, 2000; Mayhew and White, 1997). In 1994, the violent crime arrest rate (includes homicide, aggravated assault, robbery, and rape) for 13- to 17-year-olds in the United

¹The panel is indebted to Elmar Weitekamp, Hans-Juergen Kerner, and Gernot Trueg, from whose commissioned paper this material is drawn.

²Data from other countries after 1995 were not available to the panel at the time this report was written, so no comparisons for the latter half of the 1990s were possible.

TABLE 1-1 International Comparisons of Juvenile Justice Systems

Country	Minimum Age of Criminal Responsibility	Age of Adult Criminal Responsibility	Court That Handles Juveniles
Australia	10 ^a	16-17 ^b	Children's courts, which are part of the criminal justice system and deal with juveniles charged with a crime
Austria	14	19	Special sections in local and regional courts; youth courts
Belgium	16-18	18	Special juvenile courts
Denmark	15	18	No juvenile court
England and Wales	10	18	Youth courts
France	13 (unofficial)	18	Children's tribunals; youth courts of assizes
Germany	14	18	Single sitting judge; juvenile court; juvenile chamber
Hungary	14	18	Special sections of regular courts
Italy	14	18	Separate juvenile courts
Japan	14	20	Family courts
The Netherlands	12	18	Special juvenile courts
New Zealand	14; 10 for murder and manslaughter	18	Youth courts
Russia	16; 14 for certain crimes	18	No juvenile court
Sweden	15	18	No juvenile court
Switzerland	7	18	Special juvenile courts and/or juvenile prosecutors

SOURCE: Weitekamp et al. (1999).

^aThe lower age limit is 7 in Tasmania.

^bAge of full criminal responsibility differs by state

Transfer to Adult Court Allowable?	Maximum Length of Sentence for a Juvenile	Separation of Incarcerated Juveniles from Adults
Yes, for serious felonies	2 to 7 years	Not mandatory, generally separated in practice
No	1/2 adult sentence	Yes
Yes	No juvenile incarceration	Not mandatory, generally separated in practice
N/A	8 years	Yes
Yes	2 years	Yes
No	1/2 adult sentence	Yes
Yes	10 years	Yes
No	15 years	Yes
No	1/3 adult sentence	Yes
Yes	Lifetime sentence	Yes
Yes	Lifetime sentence	Yes
Yes	No juvenile incarceration	No (some exceptions)
N/A	10 years	Yes
N/A	No lifetime sentence	Yes
No	One year	Yes

States was nearly 800 per 100,000 (Federal Bureau of Investigation, 1995). In England and Wales, about 600 per 100,000 14- to 16-year-olds were convicted or cautioned by the police for violent crimes (homicide, assault, robbery, and rape) in 1994. In Germany, 650 per 100,000 14- to 17-year-olds and in The Netherlands 450 per 100,000 12- to 17-year-olds were suspects of violent crime in 1994 (Pfeiffer, 1998).

Comparing how different countries deal with juvenile offenders is equally challenging. Countries differ in the ages of young people considered legal juveniles, in how juvenile courts are organized, and in the types of institution used to sanction juvenile offenders. As Table 1-1 shows, the minimum age for being considered criminally responsible varies from 7 years (in Switzerland and the Australian state of Tasmania) to 16 (in Belgium and Russia). The age of full criminal responsibility (i.e., the age at which an offender is automatically handled as an adult) is 18 in most of the countries studied by Weitekamp et al. (1999), but is as low as 16 in some Australian states and is 20 in Japan. In the United States, both minimum and maximum ages of juvenile court jurisdiction vary by state, with most states having no minimum age (although in practice, children younger than 10 are seldom seen in juvenile courts). The maximum age of juvenile court jurisdiction is younger in many U.S. states than in the other countries studied, with 3 states having a maximum age of 15, 10 of 16, and the remaining states having a maximum age of 17.

At the same time that states and the federal government in the United States have been moving toward treating juvenile offenders more like adult criminals, many other countries retain a strong rehabilitative stance. The 1988 Youth Court Law of Austria, for example, describes juvenile offending as a normal step in development for which restorative justice, not punishment, is the appropriate response. The Belgium Youth Court Protection Act specifies that the only measures that can be imposed on a juvenile are for his or her care, protection, and education. In New Zealand, since 1989, Family Group Conferences have been used to replace or supplement youth courts for most of the serious criminal cases. In the early 1980s, England and Wales moved toward community-based sanctions for young offenders and away from institutional placements. This trend was reversed in the 1990s, however, when England and Wales reacted to the upswing in juvenile violence in a manner similar to the United States, focusing on the offense, rather than the offender. The U.K. Criminal Justice and Public Order Act of 1994 made it easier to place offenders younger than 15 years in juvenile correctional facilities and extended the maximum length of allowable sentences. The U.K. Crime and Disorder Act of 1998 moved the English juvenile justice system even further toward a punitive, offense-based model.

Neither Sweden nor Denmark uses a separate juvenile court, but youthful immaturity is considered a mitigating factor in deciding their criminal responsibility. In Denmark, maximum punishments well below those available for adults are specified in law for juveniles 15 and older; juveniles under the age of 15 may not be punished, but may be referred to a social welfare agency. In Sweden, imprisonment may only be imposed on juveniles under exceptional circumstances, and even then, the sentences imposed are shorter than for adults.

The United States has a very high overall rate of incarceration. At 645 per 100,000, the U.S. incarceration rate is second only to that of Russia at 685 per 100,000 (Walmsley, 1999). Although adequate juvenile incarceration figures do not exist in the United States, the incarceration rate for homicides committed by juveniles is illustrative of the difference in incarceration rates. In 1992, 12.5 people per 100,000 were incarcerated in the United States for homicides committed as juveniles. Comparable numbers in other countries are 2.3 per 100,000 in The Netherlands, 1.6 per 100,000 in Italy, and 1.3 per 100,000 in Germany (Pfeiffer, 1998). Some of the differences in juvenile homicide incarceration rates are likely to be due to differences in homicide commission rates. In none of the 15 countries surveyed by Weitekamp et al. (1999) can a juvenile who commits a crime be executed, whereas this practice is allowed in the United States.

CHARGE TO THE PANEL

The Panel on Juvenile Crime: Prevention, Treatment, and Control was asked to identify and analyze the full range of research studies and datasets that bear on the nature of juvenile crime, highlighting key issues and data sources that can provide evidence of prevalence and seriousness; race, gender, and class bias; and impacts of deterrence, punishment, and prevention strategies. The panel was further asked to analyze the factors that contribute to delinquent behavior, including a review of the knowledge on child and adolescent development and its implications for prevention and control; to assess the current practices of the juvenile justice system, including the implementation of constitutional safeguards; to examine adjudication, detention and waiver practices; to explore the role of community and institutional settings; to assess the quality of data sources on the clients of both public and private juvenile justice facilities; and to assess the impact of the deinstitutionalization mandates of the Juvenile Justice and Delinquency Prevention Act of 1974 on delinquency and community safety.

To meet this charge, the study panel and staff gathered information in a number of ways. Relevant research studies were identified through

targeted searches of UnCover, Medline, Educational Resources Information Center (ERIC), and the National Criminal Justice Research Service (NCJRS). The panel met six times between June 1998 and October 1999 to discuss data availability and research findings, identify critical issues, analyze the data and issues, seek additional information on specific concerns, formulate conclusions and recommendations, and develop this report. Four of these meetings were preceded by workshops at which experts presented information on selected topics and engaged in discussions with panel members. Workshops were held on education and delinquency, juvenile justice system issues, developmental issues relevant to delinquency, and racial disparity in the juvenile justice system. (See Appendix E for workshop agendas.) In addition to the workshops, Howard Snyder, research director of the National Center for Juvenile Justice, spent part of one meeting discussing relevant datasets with the panel members. The panel commissioned three papers: "International Comparison of Juvenile Justice Systems" by Elmar Weitekamp, Hans-Juergen Kerner, and Gernot Trueg; "Police Encounters with Juvenile Suspects" by Robert Worden and Stephanie Myers; and "The Indeterminacy of Forecasts of Crime Rates and Juvenile Offenses" by Kenneth Land and Patricia McCall. Several members of the panel made site visits to juvenile detention and correctional facilities in Texas and New York. Study panel members and staff also consulted informally with various experts between meetings.

The charge to the panel was extremely broad, covering many topics that merit books unto themselves, and indeed some of the areas have been the subject of more than one recent book. The panel chose to provide a broad overview of juvenile crime and the juvenile justice system, touching on all the topics in its charge, but going into various levels of depth depending on the amount and quality of data available. In organizing its plan for the study, the panel focused on answering several questions:

1. What have been the major trends in juvenile crime over the past 20 to 30 years, and what can be predicted about future trends?
2. What is the role of developmental factors in delinquent behavior and how do families, peers, communities, and social influences contribute to or inhibit that behavior?
3. What responses are in place to deal with juvenile crime today, are they developmentally appropriate, and do they work?

This report reviews the data and research available to answer these questions, suggests areas that require additional research, and makes recommendations about policies for dealing with child and adolescent offenders.

DEFINITIONS USED IN THIS REPORT

The terms *juvenile* and *delinquency* (or *delinquent*) have specific legal meanings in state and federal law. In this report, however, the panel uses the term *juvenile*³ in its general sense, referring to anyone under the age of 18, unless otherwise specified. The terms *young person*, *youngster*, *youth*, and *child and adolescent* are used synonymously with *juvenile*. For many of the analyses of crime trends in Chapter 2, *juvenile* refers to those between the ages of 10 and 17, because those under the age of 10 are seldom arrested. We use the term *adolescent* to refer specifically to young people between the ages of 13 and 17.

The term *delinquency*⁴ in this report refers to acts by a juvenile that would be considered a crime if committed by an adult, as well as to actions that are illegal only because of the age of the offender. The report uses the term *criminal delinquency* to refer specifically to the former and *status delinquency* to refer specifically to the latter. Criminal delinquency offenses include, for example, homicide, robbery, assault, burglary, and theft. The term *juvenile crime* is used synonymously with criminal delinquency. Status delinquency offenses include truancy, running away from home, incorrigibility (i.e., habitually disobeying reasonable and lawful commands of a parent, guardian, or custodian; also referred to in various statutes as unruly, uncontrollable, or ungovernable behavior), and liquor law violations. In some states, status delinquents are referred to the child welfare or social service systems, while in others status delinquents are dealt with in the juvenile justice system.

PLAN OF THE REPORT

Following this introduction, Chapter 2 discusses the datasets commonly used to measure juvenile crime rates, examining the relative strengths and weaknesses of each. The chapter then discusses the trends in juvenile crime rates over the past several decades and how trends differ depending on the dataset employed. Differences in crime rates and

³In the context of crime, juveniles are defined as those under a specified age, which differs from state to state, who are not subject to criminal sanctions when they commit behavior that would be considered criminal for someone over that age. Depending on the state, the age at which a young person is considered a juvenile may end at 15, 16, or 17. This makes the legal use of the term *juvenile* difficult when discussing multiple jurisdictions.

⁴The use of the term *delinquency* differs from state to state. In some states it refers only to offenses that would be criminal if committed by an adult; in others it also includes status offenses.

types of offense by sex and race are noted. The chapter ends with a discussion of forecasting juvenile crime rates.

Chapter 3 examines factors related to the development of antisocial behavior and delinquency. Several other recent reports (Loeber et al., 1998; Rutter et al., 1998) have extensively reviewed the research on many of these factors, particularly as they relate to the development of serious, violent offending. In this report we have attempted to supplement these other reports rather than duplicate their literature reviews. In addition, this report does not confine its discussion to serious, violent offending.

Chapters 4 and 5 cover responses to the problem of youth crime. Chapter 4 focuses on preventive interventions aimed at individuals, peer groups, and families, interventions delivered in schools, and community-based interventions. Chapter 5 describes the juvenile justice system process in the United States and discusses treatment and intervention programs delivered through the juvenile justice system.

Chapter 6 examines the issue of racial disparity in the juvenile justice system, discussing explanations that have been put forth to explain that disparity and the research support for those explanations.

The panel's conclusions and recommendations for research and policy can be found at the end of each chapter.