The Juvenile Court and Delinquency Cases

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Abstract

Growing public concern about the rise in violent juvenile crime is borne out by increases in the juvenile court’s caseload, which rose 23% between 1989 and 1993. The number of cases involving person offenses increased by 52%. Despite the rise in person offenses, the majority of delinquency cases in juvenile court involve property offenses, and less than 10% of the caseload consists of violent offenses.

Almost all juveniles commit at least one delinquent act before turning 18, but most are never arrested. This article follows those youths who are arrested on the pathway through the juvenile justice system. Of all delinquency cases referred to juvenile court, approximately one quarter are dismissed or diverted for handling outside the court process. Another quarter of the cases are handled through informal court processes, while the remaining 51% of cases are formally processed through the juvenile court.

At all stages of the juvenile court process, there is an overrepresentation of black youths in relation to their representation in the population at large. In 1993, while only 15% of the juvenile population was black, black youths were involved in 28% of all arrests and 50% of all violent crime arrests. A meta-analysis of the literature on minority youths in the juvenile court found that racial and ethnic status influenced the decisions made about individual youths at every stage of the juvenile court process.

Juvenile offenders with four or more arrests are responsible for nearly two-thirds of all violent crimes and half of all property crimes referred to court. The author concludes that early intervention into the lives of these youths is necessary to address the increase in juvenile crime.

Nearly everyone commits a delinquent offense while young. A study conducted in Racine, Wisconsin, found that 9 of 10 males and 2 of 3 females who were juveniles in the 1960s and 1970s reported they had committed at least one illegal act before turning 18. Serious criminal behavior is also common for a significant proportion of juveniles. A national study found that 3 of 10 males and 1 of 10 females who turned 18 in the late 1970s and early 1980s reported they had committed three or more violent acts within a 12-month period during their juvenile years. Though the large majority of juveniles will commit a delinquent act, most are never arrested; even most juveniles who commit violent acts are never arrested.
Delinquency Caseloads

Size

In 1993, the juvenile courts in the United States processed nearly 1.5 million delinquency cases. On average, juvenile courts received 55 delinquency cases for every 1,000 juveniles age 10 or above who lived in their jurisdiction. Courts in small jurisdictions had lower delinquency referral rates than courts in larger urban areas. In 1993, the delinquency case rate (number of cases per 1,000 juveniles age 10 and above) in counties with more than 9,700 persons ages 10 through 17 in their populations was about 30% greater than the rate in counties with a youth population of less than 9,700 (see Table 1).

Characteristics

The kinds of delinquent behavior that bring youths into juvenile court can be divided into person offenses, such as assault, robbery, rape, and murder; property offenses that include larceny, automobile theft, burglary, trespassing, arson, and vandalism; drug offenses; and public order offenses, such as disorderly conduct, and weapons and liquor law violations (see Table 2).

Offenses

In 1993, most juveniles were referred to court for a property offense. Six percent were charged with a drug law violation. The juvenile was charged with an offense against a person in about 21% of delinquency cases. Less than half of these person offense cases are generally considered to be violent offenses so fewer than 10% of juveniles referred to a juvenile court in 1993 were charged with a violent offense.

Compared with small counties, larger urban counties refer cases to juvenile court at a greater rate across all offense categories. The offense profile of the cases differs according to the size of the county population as well. The cases handled in large counties involve a greater proportion of person and drug offenses than the caseloads in smaller jurisdictions (see Table 1). For example, on average in 1993, 1,000 juveniles in an urban area were responsible for 17% more property cases than the same number of juveniles in smaller counties. Similarly, the same number of urban juveniles were involved in 55% more person offense cases and 162% more drug law violations than juveniles in less populated counties.

Offense Trends

In recent years, the public’s attention and concern have been focused on violent juvenile behavior. Increases in the juvenile court’s caseloads parallel these concerns. Overall, between 1989 and 1993, the juvenile court’s delinquency caseloads increased 23%, while the juvenile population increased by less than 8%. Between 1989 and 1993, the number of person offense cases processed by juvenile courts increased by 52%, far greater than the increases in most other case types. Juvenile court referrals for weapons law violations and disorderly conduct also showed substantial growth between 1989 and 1993 (87% and 49%, respectively). In comparison, the court’s property offense and drug offense caseloads grew by only...
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about 15% between 1989 and 1993. Clearly, the growth in juvenile court delinquency caseloads cannot be attributed solely to a growing juvenile population. While many have speculated about the causes for the observed increases in juvenile crime (for example, lack of parental supervision, availability of handguns, impact of the drug markets, televised violence, increased police presence), there is little hard research to support these conclusions.

Characteristics of the Youths Referred to Juvenile Court

Between 1989 and 1993, 81% of the juveniles referred to court for a delinquency offense were male. Even though males are referred to juvenile courts at greater rates (cases per 1,000 juveniles in the population) in all delinquency offense categories, males and females are referred to juvenile courts for similar types of offenses (see Table 3). Over the five-year period from 1989 through 1993, 57% of both male and female delinquency referrals involved a property offense, and 18% of both caseloads were public order offenses.

From 1989 to 1993, 40% of delinquency referrals concerned a youth below the age of 15, 21% were age 15, 22% were age 16, and 17% were 17 years of age or older. Older juveniles were referred more often for drug and public order offenses and less often for property and person offenses than were younger juveniles.

During the same time period, 66% of all youths referred to juvenile courts for a delinquent offense were white, 31% were black, and about 4% were Native American or Asian/Pacific Islander. National juvenile court statistics do not independently classify juveniles as to their Hispanic ethnicity. In the United States, nearly all Hispanics are in the white racial group. Black juveniles were referred to court at greater rates than other groups of juveniles in all delinquency offense categories. In addition, the offense profile of black juveniles differed from those of white and other race juveniles. A greater proportion of black juveniles were referred for a person or drug offense, while, correspondingly, the black juveniles had a smaller proportion of property offense cases.

The Juvenile Court’s Response to Delinquency Cases

In general, the juvenile court process can be conceptualized as a series of decision points, each of which directs the case along one of two branches within the court process. All juvenile justice systems contain the same series of decision points; however, who performs these tasks (for example,
police, prosecutor, court clerk, judge, or probation officer) may differ from jurisdiction to jurisdiction.

**Diversion**

Once a juvenile is arrested and the case is referred to court intake, an intake official (for example, a juvenile probation officer with intake responsibility or a prosecutor) decides if the referral should be processed by the court. The intake official’s first consideration is the case’s legal sufficiency—whether there is enough evidence to prosecute the matter successfully. If not, the case is dismissed. If the intake official decides that the case has legal sufficiency, the case may either go to the court or be diverted for handling outside the formal court process. Cases are likely to be diverted if the youth admits to the act, if it is the youth’s first referral, if the charge is not serious, and if the victim is satisfied with the agreed-upon outcome such as the level of restitution. Between 1989 and 1993, approximately one quarter of all delinquency cases were either dismissed or diverted to community agencies at the intake level.

**Preadjudicatory Detention**

At the time of referral to court intake, it is often the intake official who determines if the juvenile should be placed in a secure detention facility prior to the court’s first hearing on the case. The intake official typically is employed by the detention center or by the intake department of the court. Detention may be ordered if the juvenile is a threat to the community, to ensure the juvenile’s appearance at court hearings, or for the juvenile’s own safety. State statutes require that, if detention is ordered, a judge must review the detention decision within a short time period (generally 24 to 72 hours). Juveniles may also be detained later in the processing of the case if the court believes it is necessary.

From 1989 through 1993, in about one in five delinquency cases, the juveniles were securely detained for some period between the date of intake and the date of court disposition. Detention was most likely in drug offense cases (35%) and less likely in public order (25%), person (25%), and property (17%) cases.

Males were more likely to be detained than females (22% versus 16%) for all types of referrals. For example, 36% of males charged with a drug offense were securely detained during the processing of their cases, while only 26% of females with the same type of charge were detained. Across all offense categories, younger juveniles were less likely to be detained than older juveniles (14% of those youths ages 13 or under compared with 23% of those above age 13). Black juveniles (27%) were more likely to be detained than white (18%) or other race (24%) juveniles for all types of offenses.

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**Table 2**

<table>
<thead>
<tr>
<th>The Most Serious Offenses in Delinquency Cases Handled by Juvenile Courts During 1993</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Most Serious Offense</strong></td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Person Offense</td>
</tr>
<tr>
<td>Criminal homicide</td>
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<tr>
<td>Forcible rape</td>
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<tr>
<td>Robbery</td>
</tr>
<tr>
<td>Aggravated assault</td>
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<tr>
<td>Simple assault</td>
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<tr>
<td>Other violent sex offense</td>
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<tr>
<td>Other</td>
</tr>
<tr>
<td>Property Offense</td>
</tr>
<tr>
<td>Burglary</td>
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<tr>
<td>Larceny-theft</td>
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<tr>
<td>Motor vehicle theft</td>
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<tr>
<td>Arson</td>
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<tr>
<td>Vandalism</td>
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<tr>
<td>Trespassing</td>
</tr>
<tr>
<td>Stolen property</td>
</tr>
<tr>
<td>Other property</td>
</tr>
<tr>
<td>Drug Law Violation</td>
</tr>
<tr>
<td>Public Order Offense</td>
</tr>
<tr>
<td>Obstruction of justice</td>
</tr>
<tr>
<td>Disorderly conduct</td>
</tr>
<tr>
<td>Weapons offense</td>
</tr>
<tr>
<td>Liquor law violation</td>
</tr>
<tr>
<td>Nonviolent sex offense</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

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For example, while 22% of white youths and 26% of other race youths charged with a drug law violation were detained, detention occurred in 49% of the cases of black youths charged with a drug law violation between 1989 and 1993.

**Informal versus Formal Processing**

If there is sufficient reason to believe the youth committed the delinquent act and it is determined that the matter requires some form of court intervention, the intake official must then decide if the case should be handled informally or formally. In many jurisdictions, the youth must admit that he or she committed the act before informal processing is permitted. If the case is handled informally, the juvenile voluntarily agrees to serve a period of informal probation, to pay victim restitution, to pay a fine, to perform community service, or to submit to some other sanction. If the youth successfully adheres to this informal agreement, the case is then dismissed. If the youth fails to abide by the agreement, the case can then be reassessed and, in most instances, handled formally. Between 1989 and 1993, about one quarter of all delinquency cases were handled through the imposition of informal sanctions.

Fifty-one percent of delinquency cases disposed of between 1989 and 1993 were formally processed (that is, not dismissed, diverted at intake, or handled informally). In these cases, the court was asked (through the filing of a petition) to intervene formally—to order sanctions to which the juvenile must adhere. Between 1989 and 1993, formal processing was most common in drug (64%) and person offense (56%) cases, and somewhat less common in public order (51%) and property (48%) cases. Across all offense categories, males were more likely to be formally processed than females, blacks more than whites or other-race youths, and juveniles above the age of 13 more than younger juveniles.

**Transfers to Juvenile Court**

There are three basic pathways for a juvenile to be tried in a criminal court: statutory exclusion, prosecutorial discretion, and judicial waiver or transfer. Statutes in many states exclude from juvenile court jurisdiction certain cases involving a person who by age alone would be classified as a...
juvenile and require that they be processed in a criminal court. Along with statutory exclusions, some states give prosecutors the discretion to file certain types of cases in either the juvenile or criminal court. The criteria for statutory exclusion and prosecutorial discretion normally involve factors of age, seriousness of the offense, and prior record. The third pathway enables juvenile court judges to waive the juvenile court’s jurisdiction over a case and send the matter to criminal court. In addition to the factors mentioned above, the judge’s decision is influenced by the juvenile’s amenability to treatment in the juvenile justice system.

Cases that are statutorily excluded and those that the prosecutor chooses to file in criminal court are not technically juvenile court cases and are not considered as such in this article. There are few data about these cases as there are no national statistics on the number or characteristics of cases sent to adult court via the statutory exclusion or prosecutorial discretion pathways.11 (See the articles by Ainsworth and by Greenwood in this journal issue.)

Between 1989 and 1993, a juvenile court judge was asked to consider adjudicating the youths to be delinquent in nearly 3.5 million cases. Between 1989 and 1993, a juvenile court judge was asked to consider adjudicating the youth to be delinquent in nearly 3.5 million cases. The juvenile was adjudicated delinquent in nearly three of every five, or more than 2 million, of these cases. In nearly two-thirds of those cases in which the youth was not found delinquent, the case was dismissed. In the other nonadjudicated cases, the youth voluntarily agreed to some form of probation, restitution, or other sanction(s).

Court-Ordered Dispositions

Once a youth is found to be delinquent, the judge can place the youth on formal probation, order the youth to a residential facility, invoke other sanctions such as restitution, fines, or community service, or dismiss the case in consideration of actions already taken. Between 1989 and 1993, 57% of adjudicated youths were placed on probation, 29% were placed in a residential facility, 11% received some other court-ordered sanctions, and 3% were dismissed (see Table 4). Males were more likely to be placed in a residential facility than females, blacks more than whites.

Between 1989 and 1993, the number of adjudicated delinquency cases that resulted in court-ordered residential placements increased by 11%. When juveniles are placed in residential facilities, a variety of options are available to the court ranging from large state training schools with hundreds of beds to small, 30-bed, community-based facilities, to residential group homes for fewer than six youths. It is not uncommon for juveniles to move through different levels of security within a single institution or through more than one type of facility before completing their court-ordered disposition. (For a more detailed discussion of disposition alternatives, see the article by Greenwood in this journal issue.)

Although there is some variation, in most states the juvenile court may keep juveniles in a residential placement or on probation until their 21st birthdays. Courts in a few states lose jurisdiction at age 18, while at
least two (for example, Massachusetts and Texas) may hold some juveniles well past their 30th birthdays.\textsuperscript{12} In 1990, the average length of stay of juveniles placed by the court in long-term public facilities was six months.\textsuperscript{13}

**Overrepresentation of Minorities in the Juvenile Justice System**

Much attention has been focused recently on the overrepresentation of minorities in the juvenile justice system. Overrepresentation refers to the situation where a larger proportion of a particular group is found at various stages of the justice system than is represented in the general population. In 1993, some 15% of the juvenile population was black. However, in that same year, black youths were involved in 28% of all juvenile arrests and 50% of all juvenile violent crime arrests.\textsuperscript{14} Within the juvenile court system, between 1989 and 1993, black youths were involved in:

- 31\% of delinquency referrals,
- 41\% of referrals for a person offense,
- 40\% of preadjudicatory detentions,
- 36\% of petitions,
- 51\% of judicial transfers to criminal court,
- 35\% of delinquent adjudications, and
- 40\% of court-ordered placements to a residential facility.

On a typical day in 1991, 66\% of the youths confined in long-term public juvenile facilities were black, up from 57\% in 1987.\textsuperscript{15}

Black youths are overrepresented in the juvenile justice system in most jurisdictions across the country. While some of this disparity may be related to behavior, differences in the rates of offenses by black and white youths cannot explain the level of

\begin{table}
\centering
\begin{tabular}{|c|c|c|c|c|}
\hline
\textbf{Offense Types and Demographic Groups} & \textbf{Residential Placement} & \textbf{Probation} & \textbf{Other Sanctions} & \textbf{Dismissed} & \textbf{Total} \\
\hline
\textbf{Offense} & & & & & \\
Person & 32% & 55% & 8% & 4% & 100% \\
Property & 25 & 59 & 12 & 3 & 100 \\
Drugs & 33 & 54 & 8 & 4 & 100 \\
Public Order & 36 & 52 & 9 & 3 & 100 \\
\hline
\textbf{Sex} & & & & & \\
Male & 30 & 56 & 10 & 3 & 100 \\
Female & 24 & 61 & 12 & 4 & 100 \\
\hline
\textbf{Age at referral} & & & & & \\
Under 14 & 25 & 62 & 10 & 3 & 100 \\
14 & 31 & 57 & 9 & 3 & 100 \\
15 & 32 & 56 & 9 & 3 & 100 \\
16 & 31 & 56 & 10 & 3 & 100 \\
17 & 25 & 54 & 15 & 5 & 100 \\
\hline
\textbf{Race} & & & & & \\
White & 26 & 58 & 13 & 3 & 100 \\
Black & 34 & 55 & 6 & 5 & 100 \\
Other & 30 & 53 & 14 & 3 & 100 \\
\hline
\textbf{Total}\textsuperscript{a} & 29 & 57 & 11 & 3 & 100 \\
\hline
\end{tabular}
\caption{Court Dispositions of Adjudicated Delinquency Cases Handled from 1989 to 1993}
\begin{footnotesize}
\textsuperscript{a} Detail may not add to total because of rounding.
\end{footnotesize}
\end{table}

disparity. A meta-analysis of the literature on overrepresentation concluded that two-thirds of existing studies found that racial and/or ethnic status influenced decision makers within the juvenile justice system. This review also found that discriminatory effects occur at every stage of the judicial process, but they were most pronounced at the earlier stages, at the time of arrests and referrals to juvenile court.

Serious and Chronic Juvenile Offenders

Most juveniles (59%) are referred to a juvenile court only once. If the lack of recidivism can be used as a measure of success, one might conclude that the juvenile courts are very successful. However, each subsequent time a juvenile is referred to court, the odds that the court can successfully intervene decline. While 41% of all juveniles with one referral will have a second referral to court, 59% of these second-timers will return for a third referral, and 67% of those will have a fourth referral (see Table 5).

Only 16% of all juveniles referred to court, or fewer than 5% of all juveniles in a community, will ever accrue four or more referrals in their juvenile court careers. But this small group is responsible for nearly two-thirds of all violent crimes referred to juvenile courts and half of all property offenses. If rehabilitation efforts focused on these juveniles early in their delinquent careers, such efforts would have their maximum effect. Although the idea is appealing, the early identification of this small group of chronic offenders has been elusive.

One reason for this elusiveness is that juvenile law-violating careers usually involve a wide range of offenses. Juveniles rarely specialize in one type of offense. There is little pattern to the types of crimes juveniles commit. Their crimes are situational and are linked more with their age than with their prior court histories. In fact, violent offenders are often chronic offenders who eventually commit a violent act.

What Courts Can Do to Reduce Delinquency

Risk factors for delinquent behavior include individual characteristics such as alienation, lack of bonding with society, and substance abuse; family factors like parental conflict and child abuse; early academic failure; peer group influences; and community factors such as economic deprivation and high rates of crime and drug abuse.

Most abused and neglected youths do not become delinquents. Those abused or neglected children who exhibit delinquent
behavior begin their law-violating careers at a younger age than children who were not abused or neglected. They also commit more offenses and are twice as likely to be arrested for a violent crime. These same children may have been under the court’s abuse and neglect jurisdiction, which gives the juvenile court contact with these high-risk children at an early age.

Given their early contact with these juveniles, courts should aggressively seek to provide the protective factors that can counteract the multiple risk factors which exist in the lives of these children. Protective factors such as remedial education, mentoring, parent support, crisis intervention services, runaway youths services, vocational training, gang intervention programs, and community policing are conditions or programs that reduce the juvenile’s exposure to risk factors.21

The court recidivism patterns of juvenile offenders send a clear message about the consequences of failing to intervene successfully following a first offense. If a juvenile has a second court referral by the age of 15, the odds are that he or she will become a chronic offender. Instead of waiting for a juvenile to return to court again and again, consuming scarce resources and becoming more difficult to treat with each new referral, the juvenile courts should telescope the resources they will use on this juvenile to provide significant early interventions.22

Conclusion

Along with more services for abused and neglected children and a policy of meaningful early intervention, juvenile court personnel must work outside the juvenile justice system to advocate for the needs of children. To diminish the flow of delinquents coming through the doors of the juvenile courts, the risk factors in each community that lead to law-violating behavior must be identified and reduced. For example, recent research has shown that the frequency of violent juvenile crime is greatest between three and four in the afternoon and declines throughout the evening hours.13 In communities where this is true, after-school programs seem to be a logical approach to juvenile crime reduction.

Judges, probation officers, detention workers, and others in the juvenile justice system can use their knowledge about juvenile

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Table 5

<table>
<thead>
<tr>
<th>Age at Referral</th>
<th>Percentage of Juveniles Who Returned to Court After Each Referral</th>
<th>Any Referral</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Court Referrals</td>
<td>1</td>
</tr>
<tr>
<td>10&lt;sup&gt;a&lt;/sup&gt;</td>
<td>61%</td>
<td>84%</td>
</tr>
<tr>
<td>11&lt;sup&gt;a&lt;/sup&gt;</td>
<td>60%</td>
<td>85%</td>
</tr>
<tr>
<td>12</td>
<td>59%</td>
<td>83%</td>
</tr>
<tr>
<td>13</td>
<td>57%</td>
<td>82%</td>
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<tr>
<td>14</td>
<td>53%</td>
<td>77%</td>
</tr>
<tr>
<td>15&lt;sup&gt;b&lt;/sup&gt;</td>
<td>45%</td>
<td>69%</td>
</tr>
<tr>
<td>16</td>
<td>33%</td>
<td>55%</td>
</tr>
<tr>
<td>17</td>
<td>16%</td>
<td>27%</td>
</tr>
<tr>
<td>All ages</td>
<td>41%</td>
<td>59%</td>
</tr>
</tbody>
</table>

<sup>a</sup> Blank cells indicate too few cases to obtain reliable percentages.

<sup>b</sup> Juvenile court recidivism rates decline in the older age groups primarily because the time available for a new referral to juvenile court is more limited, ending on the juvenile’s 18th birthday.

crime and risk factors to influence policy and program decisions in their communities. These individuals are well-equipped to join with others working on behalf of children and families to confront the risk factors that lead to delinquency and to help provide the protective factors that need to be introduced into the lives of these youths.

8. A juvenile is a legal classification defined by state statute. During 1993, in 38 states and the District of Columbia, young persons were under the original jurisdiction of a juvenile court up to their 18th birthdays. In 3 states (Connecticut, New York, and North Carolina), the juvenile courts lost original jurisdiction when the youths turned 16 years of age. In the other 9 States, the juvenile court's original jurisdiction ended at age 17.
9. At first glance, the relatively small proportions of 16- and 17-year-olds seem to be in contradiction to the arrest data which show that the number of arrests increases substantially with age group throughout the juvenile years. Remember that 15-year-olds are under a juvenile court’s jurisdiction in all states, while some states exclude all of the 17-year-olds from juvenile court jurisdiction, and a few also exclude 16-year-olds. If all states placed all 16- and 17-year-olds under juvenile court jurisdiction, the proportion of delinquency cases involving 16-year-olds would be substantially above the 15-year-old proportion, and the 17-year-old proportion would be even greater.
10. In the U.S. population during this time period, 80% of juveniles were white, 15% were black, and 5% were other races.
14. See note no. 6, Federal Bureau of Investigation, for figures related to overrepresentation.
