

# Juvenile Delinquency Policy and Juvenile Crime in the American States

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## **Abstract**

Every year each state comes out with a report on all the possible crimes that were committed and how many people were convicted for various crimes in a given state. The same goes for juveniles, as reported in the Juvenile Offenders and Victims 2006 National Report. I compiled data on the fifty states and their programs directed towards juveniles. I then compared the different crimes against the different programs to see if there was any significant difference in

Crime rates between states having a specific juvenile justice program or not. I found that some of the programs did affect crime rates, such as balanced and restorative justice, legislative language guide, and child welfare emphasis. While others such as juvenile court language and accountability protection agencies did not make a difference.

## **Introduction**

In today's world it seems that there are more and more young adults (juveniles) who are out on the streets getting into more and more trouble than there use to be back in the day. It seems that more people are starting to commit offenses at a younger age and if we can curb this before they get to be an adult we lower the chances that a juvenile will commit more offenses as an adult. There are different factors that go into why some young adults commit crimes. I studied the different programs/polices each of the 50 states takes when dealing with juveniles; I will be looking at each state's policies of how they punish juvenile offenders according to the crime they commit. In some states, depending on the crime that has been committed they can decide to send the juvenile(s) to adult court, where they can be charged as an adult, but not all states do this. With this information you will be able to see why it is important that we do something about juvenile crime.

An article from *The New York Times* printed December 3 of 2005, explained the story of a young girl who was now sitting in jail for the decisions she made. In November 1997 she hailed a cab with an 18-year-old friend named Clifton Gilchrist. He had a gun, and within minutes, the cab driver was shot in the head. The driver, Richard Todd Phillips, 25, took several days to die. Each of the teenagers later said the other had done the shooting. Ms. Falcon's jury found her guilty of murder, though it never did sort out precisely what happened that night, the jury foreman said. It was enough that she was there." In most states even if you are there during the time of the crime or know someone that is or having reason to believe that someone might do something is enough to be counted as an accomplice to the crime and therefore, you get the same penalty as the true offender.

In the *StarTribune*, printed October 3, 2009 told a story about two juveniles who were from Oregon and how they plotted to shoot several staff. "SALEM, Ore. - Two Oregon teenagers have admitted their role in an alleged plot to shoot students and administrators at schools in the Willamette Valley farming town of Turner. The Statesman-Journal reported a 14-year-old girl admitted to a conspiracy to commit assault in a juvenile court hearing Thursday. A teenage boy also admitted to a similar juvenile charge and was ordered to serve five years on probation. Authorities say two girls and two boys plotted to shoot specific administrators and students at Cascade Junior High School and Cascade High School in April. Marion County Deputy District Attorney Kurt Miller says the hearings took the place of a trial for the two teens. The girl is awaiting disposition, the equivalent of sentencing in adult court, on Nov. 4." So, because this girl had plotted and had followed through with her plans and actually killed others, she is facing charges in a criminal adult court and whatever happens to her...she can be sentenced as an adult even though she is considered a juvenile.

Another article from the *StarTribune* also reported a crime a boy did in Minnesota, “A 14-year-old boy who was wounded by a St. Paul police officer late Monday after the boy threw a hammer at him has been charged in Ramsey County Juvenile Court with second-degree assault, fourth-degree assault and attempted third-degree burglary. Little information was available about the charges because of the boy's age.” (Usually information about a juvenile’s age or other information isn’t released to public because they are considered to be a minor.)

## **Literature Review**

According to the book *American Corrections*, by Clear, Cole, and Resig (2009), “juveniles and adults are used to justify separate justice systems.” According to the book there are five differences. First difference is that juveniles are usually considered to be ages 10-17 (Every state does have a limit on what they consider a juvenile to be, so the ages could vary). The second difference is that juveniles have a higher rate of desistance. This refers to the age of the offender, so the younger the offender, the more likely that the offender will fail under community supervision. The third difference is the families of the offender. When it comes to juveniles the role of the family is crucial to the success of any kind of correctional efforts. As some states imply that a juvenile is connected to the family with ties given from birth as well as being tied to the state. These two factors go hand in hand and shape responsibility for the juvenile. So, between the two....the state and family there is suppose to be a way to connect and reach out to the juvenile to help them try not to commit crimes or to stop them from a repeat offense. The fourth difference is that juveniles are easily influenced by their peers. It is a know fact that young adults/teens gather together to meet and come up with ideas on what to do, this is how most teens (juveniles) get started in crime. The final difference is that juveniles usually have no responsibility for others. For an adult they play the roles of parents, worker, citizen, etc... For the juvenile they only have the role as playing the kid and going to school,

but depending on the behavior of that juvenile they might be portraying a “bad” kid. Depending on the crime, the age, and or the behavior of the offender, each offender is diagnosed separately so that a different treatment will be applied that will help them in the end.

Each state has a different set of policies when it comes to dealing with juveniles. Each state has adopted a policy or many policies of corrections to reduce the number of juveniles who are charged with a crime. Each state is pushing towards the goal of deterring juveniles from committing crimes. Each policy is designed to help in a different way.

Rehabilitation is more focused on preventing the criminal from becoming a repeat offender as well as trying to rehabilitate the offender back into the community. This approach looks at different ways to help the offender. According to *American Corrections* by Clear, Cole, & Reisig, (2009, 69) “rehabilitation is the goal of restoring a convicted offender to a constructive place in society through some form of vocational, educational, or some kind of therapy.”

According to this concept of rehabilitation, offenders are treated, not punished, and will return to society when they are able. With this, judges should not set sentences that set a fixed amount of time to serve; instead they should set ones that have a maximum and a minimum term, so that parole boards may release inmates when they have been “rehabilitated.” These are what we know as indeterminate sentences since there is no fixed date, by doing this correction facilities believe if the offender doesn’t know when he/she is getting out they will be more apt to go through with a rehabilitative program rather than if they know their release date, if the release date is fixed they are less likely to comply with the program. Also with rehabilitation offenders ideally would develop life time skills, like through education or other training to help them build self-esteem.

Punitive treatment is another form of punishment. Punitive conditions are “constraints that are imposed on some probationers to increase the restrictiveness or painfulness or

probation, including fines, community service, and restitution.” (Clear, Cole, & Reisig, 2009, 201) This form of punishment is reflected by the seriousness of the offense that was committed. Or the offender might have to pay some kind of restitution which is defined as a sum of money to either the victim or to a public fund for crime victims.

Nancy Rodriguez who did a study on juveniles in Arizona revealed that adolescents who participated in restorative justice programs were less likely to recidivate than juveniles in her comparison group. (American corrections). Restorative justice is defined as a punishment that is designed to repair the damages done to the victim and community by an offender’s criminal act. Each theory is presented to a judge who determines what each juvenile offender should get depending on the crime committed and the elements behind the crime. Juveniles are usually treated differently than adults, but that’s not always the case.

Usually juveniles go to juvenile courts rather than adult court. According to the book *American Corrections*, about 1.6 million juveniles are referred to juvenile court each year. This is where a juvenile attorney could decide to file a petition of juvenile jurisdiction. Or if there is no petition then the offender’s outcome is whatever the court determines. There is also a waiver that many use when they are unfamiliar with the juvenile court and usually have no experience with juveniles. The waiver is a form that basically sends the juvenile to an adult court; usually these are only used when the elements of the crime prove that the offender has committed a more serious offense like, murder in the first degree.

### **Age as a guideline**

Most states have an age limit below which they may not send a juvenile to an adult court. Arizona, Alaska, South Dakota, and Maine do not have a specific age at which a juvenile may be transferred to an adult court. Kansas, Wisconsin, Indiana, and Vermont have an age limit of ten years at which a juvenile can be transferred. Montana and Missouri have the age

limit set at 12 years old. Wyoming, Oklahoma, Illinois, Mississippi, Georgia, North Carolina, New York, and New Hampshire have the age limit set at 13 years of age at which a juvenile may be transferred to an adult court. In California, Nevada, Idaho, Utah, Colorado, Texas, North Dakota, Minnesota, Iowa, Louisiana, Arkansas, Michigan, Ohio, Kentucky, Alabama, Florida, South Carolina, Virginia, Pennsylvania, New Jersey, Connecticut, Rhode Island, and Massachusetts all have the age at which a juvenile can be sent to an adult court is set at 14 years of age. Washington, Oregon, New Mexico, and Maryland all have the age to at which a juvenile can be transferred to adult court at the age of 15. Nebraska and Tennessee have the age at which one can be transferred at 16 years of age. So depending on how serious the crime is, and how old the juvenile is when they committed such offense will determine whether or not a state might send him or her to an adult court.

## **Further Findings**

In 2006 the U.S. Department of Justice did a national report that looked at juvenile offenders and victims. In this report there were some tables and analysis done that showed the different juvenile justice programs that each state has adopted and or follows.

In the U.S. Department of Justice there was an article that showed what each state's juvenile code purpose clauses were and their emphasis. All the states were accounted for other than Arizona, Colorado, Delaware, Nebraska, New York, Oklahoma, South Dakota, and Virginia which were missing in this study. The first clause looked at BARJ, which stands for balanced and restorative justice. This clause advocates that juvenile courts give balanced attention to three primary interests: public safety, individual accountability to victims and the community, and development of skills to help offenders live law abiding and productive lives. The next clause was juvenile court act language. The propose of this act was that "each child coming within jurisdiction of the court shall receive the care, guidance, and control that will

conduce to his welfare and the best interest of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should give him.” (U.S. department of justice) The next clause that most states follow or use is the legislative guide language. This has four purposes to the clause; one is to “provide for the care, protection, and the wholesome mental and physical development of children who are involved in the juvenile court system. The next purpose is to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefore a program of supervision, care and rehabilitation.” (U.S. department of justice) The next clause states that they would remove the child from the home only when it is necessary for his or her welfare or in the interest of keeping the public safe. And the last purpose is to assure that all parties’ constitutional and other legal rights are abided and given when needed. The other clause looked at in this chart is the accountability protection emphasis. Not too many states use this today, but some do. This is said to be seen as “tough” in that the states that do abide by this stress community protection, offender accountability, and crime reduction through deterrence, and or outright punishment. And the last clause looked at on this chart is the child welfare emphasis. Again not too many states have adopted this clause. This is just trying to promote the best interests of the juvenile as the sole primary proposes.

Each state adopts rules and regulations according to its variances in age, race, education, poverty level families, etc... Depending on the crime and the offender, each state takes into account the elements of the actual crime and the reasons for why the crime was committed. Each state then looks at those elements and decides the best form of punishment, “the punishment must fit the crime.” Again usually adults differ than juveniles in each state, because usually juveniles will receive an easier punishment than that of an adult offender who goes to prison/jail or even sentenced to death for their crimes.



## **Methods and Analysis**

I did my own study on juvenile delinquency; and the five different programs, balanced and restorative justice, legislative language guide, child welfare emphasis, juvenile court language, and the accountability of the offender. I tested them against other criminal variables. (Robbery, violent crime index, aggravated assaults, other assaults, weapons used (if any), total juveniles in custody in a state, total of juveniles who are in custody per 100,000, the number of juveniles who are detained, the number of juveniles who are committed, property crime index, burglary, larceny-theft, motor vehicle theft, and vandalism. I looked how each program and the outcome it had on those variables. To test if there was any significance or a close relationship between the juvenile program and any of those variables I did an independent-T-test analysis. I also did some linear regression with testing the five different programs against my control variables: percent of population with a college or higher degree of education, per-capita income, percent Black, percent Hispanic, and percent Republican.

For my independent t tests I found that there are quite some differences between the variables and the five programs that a state might implement. Table 1 looks at the balanced and restorative justice program and how the various variables affect that program.

Table 1: Balanced and Restorative Justice Feature

Dependant Variable Sig	N=No	N=Yes	Mean No	Mean Yes	Mean Difference	
Violent Crime Index	26	15	245.58	235.00	10.557	.550
Robbery	26	15	58.35	62.53	-4.187	.540
Aggravated Assault	26	15	169.65	157.60	12.054	.736
Other Assaults	26	15	784.58	755.13	29.444	.813
Weapons	26	15	106.00	87.80	18.200	.442
Total of Juveniles in custody (State)	27	15	2007.63	1123.80	883.830	.114
Total juveniles in custody per 100, 00	27	15	307.67	251.93	55.733*	.089
Juveniles detained	27	15	76.81	67.73	9.081	.452
Number of juveniles Committed	27	15	225.81	171.80	54.45*	.061
Property crime index	26	15	1620.54	1406.67	213.827	.219
Burglary	26	15	251.12	220.67	30.449	.300
Larceny-Theft	26	15	1194.73	1002.40	192.331	.226
Motor Vehicle theft	26	15	123.69	136.27	12.574	.756
Vandalism	26	15	371.54	294.93	76.605	.173

\* Significant at the .10 level

\*\* Significant over the .05 level

\*\*\* Significant at the .01 level

Table one shows that there are several significances between the total juveniles who are in custody per 100,000 and the number of juveniles who are committed. So, the states that do implement or have the BARJ program see a decrease in the amount of juveniles who are committed and the number of juveniles who are in custody goes down. Also with this program there is a difference to those states that do have this program and those who do not, that their rates of how many juveniles are taken into custody are either higher or lower depending on it. With the variable robbery, 26 states do not have balanced and restorative justice as a program and 15 states do. When it came to robbery the states that didn't have this program had a lower rate of juveniles engaging in a robbery, than those states with the program. Also 27 states that do not have the balanced and restorative justice program have more juveniles in custody than those who do. So, if a state does in fact have or use the balanced and restorative justice program it seems that the less likely, a juvenile will be committed. This program seems to have more of

an effect on juveniles than the other four programs. If one has this, the more likelihood that a state seems to help correct the offender rather than sending them off to jail.

Table 2 shows the relationship or the affect that the program juvenile court language has on the variables. Nothing showed to be statistically significant, but there were some things that showed to be interesting. When it came to the variables, violent crime index, robbery, aggravated assault, other assaults, and total juveniles in custody (state) all seem to have a higher number of juveniles who fall under those categories if the state does use this program. Weapons, total juveniles in custody per 100,000, and juveniles detained have a lower number of juveniles who fall under those categories. So, those states that do have the program juvenile court language have lower amount of juveniles who are caught doing anyone of the crimes listed in the table.

Table 2: Juvenile court language

Dependant Variable	N=No	N=Yes	Mean No	Mean Yes	Mean Difference	Sig
Violent Crime Index	24	17	223.54	267.35	-43.811	.421
Robbery	24	17	57.75	62.88	-132	.800
Aggravated Assault	24	17	150.04	186.71	-36.664	.292
Other Assaults	24	17	771.33	777.29	-5.961	.961
Weapons	24	17	104.92	91.47	13.446	.562
Total of Juveniles in custody (State)	25	17	1623.12	1793.24	-170.115	.759
Total juveniles in custody per 100, 00	25	17	290.80	283.29	7.506	.818
Juveniles detained	25	17	73.96	73.00	.960	.935
Number of juveniles Committed	25	17	206.96	205.88	1.078	.910
Property crime index	24	17	1623.71	1427.35	196.355	.249
Burglary	24	17	239.25	241.00	-1.750	.952
Larceny-Theft	24	17	1193.00	1027.47	165.529	.288
Motor Vehicle theft	24	17	145.25	104.35	40.897	.317
Vandalism	24	17	375.96	297.71	78.252	.154

\*Significant over the .10 level

\*\*Significant at the .05 level

\*\*\*Significant at the .01 level

Table 3 shows the variances in relationships with the legislative language guide. The violent crime index and the variable aggravated assault were significant at the .01 level. This means that a state that does have this program has fewer juveniles that fall into those categories. Burglary was another variable that was affected by the legislative guide program. So the states that have this program the fewer juveniles there are who commit burglary.

Table 3: Legislative guide language

Dependant Variable	N=No	N=Yes	Mean No	Mean Yes	Mean Difference	Sig
Violent Crime Index	29	12	269.86	154.92	114.945***	.037
Robbery	29	12	66.90	35.17	31.730	.135
Aggravated Assault	29	12	184.03	107.08	6.951***	.028
Other Assaults	29	12	771.72	671.50	100.224	.428
Weapons	29	12	107.62	73.08	34.537	.182
Total of Juveniles in custody (State)	30	12	2152.67	1485.75	666.917	.511
Total juveniles in custody per 100, 00	30	12	282.50	259.08	23.417	.498
Juveniles detained	30	12	74.97	56.00	18.967	.108
Number of juveniles Committed	30	12	197.97	210.00	-3.033	.919
Property crime index	29	12	1541.38	1348.00	193.397	.348
Burglary	29	12	251.17	192.33	58.839*	.073
Larceny-Theft	29	12	1123.52	963.83	159.684	.384
Motor Vehicle theft	29	12	144.28	81.92	62.359	.158
Vandalism	29	12	331.34	330.33	1.011	.987

\*Significant over the .10 level

\*\*Significant at the .05 Level

\*\*\*Significant at the .01 level

Table 4 shows the accountability protection agency tested against each of the various criminal acts. There were no variables that were shown to be statistically significant. But, those who have this program seem to have higher number of juveniles who are in trouble with the law, when looking at the variables; larceny-theft, the number of juveniles who are committed, property crime index, weapons, and other assaults have more juveniles that fall into those categories than those states who do not use this program. So, a state would probably be better off not using this program or using this program with another one to keep the variables that are already low, low and to get the other ones to having fewer juveniles in those categories.

Table 4: accountability protection emphasis

Dependant Variable	N=No	N=Yes	Mean No	Mean Yes	Mean Difference	Sig
Violent Crime Index	35	6	239.97	214.33	25.638	.725
Robbery	35	6	57.57	57.83	-262.00	.992
Aggravated Assault	35	6	164.97	141.33	23.638	.611
Other Assaults	35	6	714.17	907.00	-192.829	.234
Weapons	35	6	96.17	105.33	-9.162	.785
Total of Juveniles in custody (State)	36	6	1985.47	1822.00	163.427	.901
Total juveniles in custody per 100,000	36	6	274.36	284.50	-10.139	.821
Juveniles detained	36	6	70.97	61.00	9.972	.518
Number of juveniles Committed	36	6	194.86	222.67	-27.806	.471
Property crime index	35	6	1453.77	1665.67	-211.895	.425
Burglary	35	6	236.26	220.50	15.757	.715
Larceny-Theft	35	6	1035.20	1319.33	-284.133	.227
Motor Vehicle theft	35	6	129.34	106.67	22.676	.694
Vandalism	35	6	329.71	338.83	-9.119	.906

\*Significant over the .05 level

Table 5 was the last variable that I tested, and that was the program child welfare emphasis. There were three variables that were significant at the .01 level, one significant at the .05 level and one significant at the .10 level. So, if a state does have this program they have fewer juveniles that fall into the categories of other assaults, property crime index, larceny-theft, burglary, and vandalism. The total number of juveniles that are in custody in a state, shows to have a huge number of juveniles who are in custody if the state if the state does not have this program.

Table 5: Child welfare emphasis

Dependant Variable	N=No	N=Yes	Mean No	Mean Yes	Mean Difference	Sig
Violent Crime Index	38	3	240.71	179.33	61.38	.535
Robbery	38	3	59.82	26.67	30.149	.421
Aggravated Assault	38	3	163.00	142.67	20.333	.747
Other Assaults	38	3	776.32	312.67	463.649**	.031
Weapons	38	3	102.82	30.33	72.482	.107
Total of Juveniles in custody (State)	39	3	2945.85	879.00	2066.85	.512
Total juveniles in custody per 100, 00	39	3	279.85	223.33	56.52	.350
Juveniles detained	39	3	69.33	72.33	-3.0	.826
Number of juveniles Committed	39	3	202.74	148.00	54.744	.294
Property crime index	38	3	1540.71	776.33	764.377**	.030
Burglary	38	3	241.63	136.67	104.965*	.067
Larceny-Theft	38	3	1115.71	583.67	532.044***	.093
Motor Vehicle theft	38	3	132.29	46.67	85.623	.270
Vandalism	38	3	346.68	133.00	213.684**	.037

\*Significant over the .05 level

\*\*Significant at the .01 level

\*\*\*Significant at the .10 level

The last test I did was linear regression. I took the five different programs and the various control variables and tested them against the total number of juveniles who are in custody per 100,000. Out of the five programs the one that seemed to have significance was the BARJ (balanced and restorative justice) program. With this I also used the .10 significance level. It showed that there was a relationship between the BARJ program and the percent Black. So, if a state enforces the BARJ program the more likely it will be successful in reducing the number of juvenile offenders it has. Also, the more that the population is Black the less likelihood that you will find more of them in custody.

<u>Juvenile delinquency programs</u>	<u>Regression coefficient</u>	<u>T-score</u>	<u>Significance</u>
<b>BARJ</b>	<b>-71.090*</b>	<b>-1868</b>	<b>.074</b>
<b>Juvenile court language</b>	<b>29.975</b>	<b>.797</b>	<b>.433</b>
<b>Legislative guide language</b>	<b>-26.117</b>	<b>-.624</b>	<b>.539</b>
<b>Accountability protection</b>	<b>8.133</b>	<b>.149</b>	<b>.884</b>
<b>Child welfare emphasis</b>	<b>-103.581</b>	<b>-1.655</b>	<b>.111</b>
<u>Control Variables</u>			
<b>% of pop w/college or higher</b>	<b>-14.211**</b>	<b>-2.035</b>	<b>.053</b>
<b>Percapita income</b>	<b>.007</b>	<b>.842</b>	<b>.408</b>
<b>% Black</b>	<b>-3.437*</b>	<b>-1.836</b>	<b>.079</b>
<b>% Hispanic</b>	<b>2.183</b>	<b>.818</b>	<b>.421</b>
<b>R<sup>2</sup> .110</b>			
<b><u>Conclusion</u></b>			

In conclusion I found that the balanced and restorative program seems to be a better program to have if you had to choose one of the five programs to have. It seems to keep the number of juveniles who are incarcerated down. (Less number of juveniles there is running around) Also depending on it, these programs seem to have an effect on some things like the number of juveniles who are in custody, assaults, burglary, and property crime index seem to be the ones that are mostly affected with the five programs that a state might have But, if I had to choose I would pick the balanced and restorative justice program the child welfare emphasis to have. Then they could help balance out the other variables. Then maybe there would be less juveniles running around committing crimes. Plus the more that a juvenile is busy with either after school activities, work, or family functions the less likely they would be getting into trouble. Plus the more educated they are the less likely they are of committing a crime as well.



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- New York police file juvenile charges against by, 12, accuse him of fatally shooting brother;8. (2009, October 13). *Associated Press* .

In 46 states juvenile judges have the opportunity to "waive jurisdiction" in special cases which means that the juvenile delinquents are transferred to adult court. Certain criteria must be fulfilled in order to consider a transfer: a person's age and character, the severity of an offence, and there has to be a sufficiently serious record of previous misdemeanour.[4] [5]. Violent offenses include homicide, aggravated assault, robbery, kidnapping, voluntary manslaughter, (attempted) rape and arson.[8]. 3.) Topical Figures. The quantity of criminal charges increased almost continuously between 1985 and 2002; starting off with approximately 340,000 cases of juvenile delinquency in 1985 and reaching a number of about 630,000 charges 17 years later in 2002.[9]. Today, all fifty states allow for juvenile prosecution in criminal court. There are three ways in which a juvenile can be transferred to adult criminal court. Although juvenile arrest rates have declined in the last several decades there are still valuable aspects of the community, programs, and even protective factors that can decrease the likelihood of juvenile delinquency. In order to reduce the risks of juveniles turning to crime, it is important to understand and recognize the different risk factors and what can be done to prevent and eliminate these risks. Individual Risk Factors: Early aggressive behavior towards others and animals. Although juvenile crime is on the decline knowing the risk factors that lead to delinquency can help to continue this trend. Hence, the reason for juvenile delinquency can become imitation. They can follow the example of: family members who engage in criminal behavior; peers prone to committing criminal acts. Juvenile detainees are a particularly vulnerable group in the penitentiary system. In the Juvenile Rehabilitation Facilities programs aiming at their rehabilitation and re-socialization are defined by the individual approach mechanism. For their elimination complex, comprehensive approaches and engagement of both the state and the society are needed at every stage of the crime. In my opinion, the efficiency of these measures requires that prevention programs reach all members of the risk groups and be fully accessible. Share this.