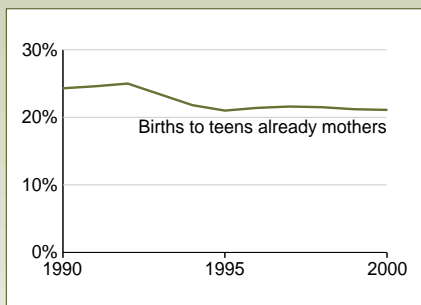
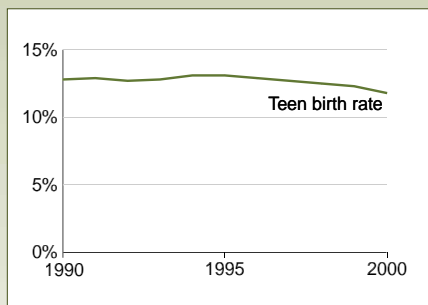


JUVENILE

Births to teenaged mothers remain a critical social issue

Percent of Total Births to Teen Mothers



Percent of Total Births to Teens, 1999

Top 5 States	
Massachusetts	7
New Hampshire	7
New Jersey	7
Connecticut	8
Minnesota	8
Bottom 5 States	
Oklahoma	16
Louisiana	18
Arkansas	18
New Mexico	18
Mississippi	20

Source: The Annie E. Casey Foundation, *The Right Start for America's Newborns*, 2002.

Teen birth rates have been declining;

births to teens who are already mothers account for about 20% of teen births.

Teen birth rates vary considerably by region and state.

Juvenile Caseloads in State Trial Courts

¹ Precise definitions of these and other components of the juvenile court caseload will soon be available in the revised juvenile case prototype of the *State Court Guide to Statistical Reporting*.

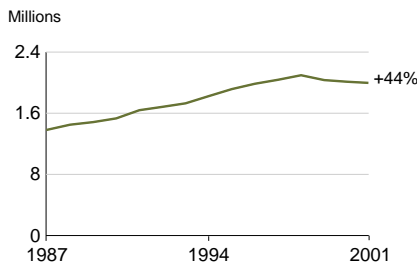
There is considerable variation across states and localities concerning how juvenile courts operate—perhaps more variation than in any other type of court. However, the activity of state juvenile court systems can be broadly summarized using several different caseload measures, each with their own strengths and weaknesses. Three of the most common measures are: (1) number of cases referred, (2) number of cases filed, and (3) number of cases disposed.¹

Referrals count the number of cases entering the juvenile court and are the most inclusive of the above measures. Cases can be referred to juvenile court intake by a number of sources, including law enforcement agencies, social service agencies, schools, parents, and victims. Consistent counts of referrals are difficult to achieve because different methods are employed by juvenile courts to initially screen cases. In many jurisdictions, an intake unit internal to the juvenile court initially screens all referrals. In other jurisdictions, the initial screening function is performed outside the court by another agency (e.g., the prosecutor's office or a social service agency). There is currently no national system that provides a valid and consistent measure of state-to-state juvenile court referrals. Despite the absence of reliable, easily accessible referral data, filing and disposition data are available and serve as the basis for analysis in this chapter.

Juvenile filings dropped to less than two million in 2001

If the intake unit (or other screening authority) decides that a case should be handled formally, a petition is *filed* and the case is placed on the juvenile court calendar. A small number of petitions are dismissed for various reasons before an adjudicatory hearing is actually held. Using filings to measure juvenile court activity discounts the work of intake units but, unlike referrals, provides a reliable and more commonly understood measure of juvenile court caseloads. The Court Statistics Project (CSP) provides a reliable source of information about the annual number of filings. CSP data represent all cases filed in the participating states and are not the product of sampling. Data supplied to the CSP by participating courts are often not uniform across jurisdictions and must be restructured into standardized formats to allow for multi-state analysis.

Juvenile Filings in 48 States, 1987-2001



Juvenile filings in the 48 participating state courts declined by just under 1 percent between 2000 and 2001. From their historic high of nearly 2.1 million in 1998, juvenile filings in state courts have dropped about 5 percent to less than two million in 2001. The decline broke an uninterrupted trend of annual increases dating back to 1987. The number of juvenile filings in 2001, though

less than the filings reported for each of the five previous years, was still the sixth highest since 1987 and represents a 44 percent increase over the number of cases filed in that year. The decrease in juvenile court filings appears due, in part, to declining juvenile arrest rates and the ongoing trend of narrowing the jurisdictional authority of juvenile courts.

The majority (61 percent) of juvenile cases filed in 2001 were for some type of delinquent act. Delinquency cases involve offenses that are considered crimes if committed by an adult. Increasingly, these cases are processed like those in adult court, with the presence of a prosecutor and defense attorney and the use of evidentiary and disposition hearings. Though juveniles, like adults, are subject to a range of sentences from community service to secure confinement, their adjudication may also involve special conditions not typically granted to adults (e.g., special placements, living arrangements, or victim compensation).

Juvenile Caseload Composition in 26 States, 2001



Child-victim cases, in which the court provides protection to children who are allegedly abused or neglected, accounted for 20 percent of the caseload. Child-victim cases may be handled by removing the child from the home or by prosecuting the accused parent or adult in criminal proceedings.

Another 16 percent of juvenile filings were for status offenses, which are non-criminal misbehaviors that are illegal only for juveniles (e.g., truancy, runaway). Cases involving status offenders can be disposed of in a number of ways, including custody changes or foster care placement, counseling, and referrals to probation or community service.

Recent delinquency dispositions are less likely to involve property offenses

A juvenile case is “disposed” when the court takes some definite action on the basis of a petition. Dispositions typically involve a “package” of sanctions or treatment plans designed to both hold the juvenile accountable and to assist in addressing the child’s underlying problems. The only source for national estimates of juvenile court dispositions is the National Center for Juvenile Justice (NCJJ) which produces an annual report summarizing juvenile case dispositions (see also *Easy Access to Juvenile Court Statistics: 1990–1999* <http://www.ojjdp.ncjrs.org/ojstatbb/ezajics>).

Unlike the CSP data collection, NCJJ disposition estimates are generated using data from a large non-probability sample of juvenile courts. For example, national estimates for 1997 were based on analyses of roughly 900,000 individual case records from 1,500 courts with jurisdiction over 54 percent of the U.S. juvenile population, as well as aggregate court-level data on more than 200,000 cases covering almost 600 jurisdictions. NCJJ data elements allow for a detailed description of juvenile court processing based on disposed cases. The following table and charts show disposition trends of juvenile caseloads for delinquency cases based on data provided by NCJJ.

The table below contains the number of delinquency cases by type of referral offense for 1991 and 1999. Property offenses accounted for a smaller proportion of the total number of cases in 1999 than in 1991, while person, drug, and public order proportions increased.

Referral Offenses, 1991 vs. 1999

Type of Referral Offense	1991		1999	
	Total	Percent	Total	Percent
Person	249,542	18.9%	387,067	23.1%
Property	772,797	58.7	706,226	42.2
Drugs	71,049	5.4	191,162	11.4
Public Order	223,625	17.0	388,587	23.2
Total	1,317,013	100.0%	1,673,042	100.0%

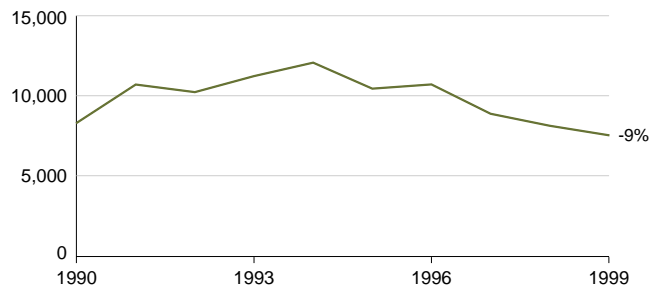
Source: *Easy Access to Juvenile Court Statistics, 1990-1999*. National Center for Juvenile Justice.

The number of juvenile cases judicially waived to adult court is decreasing

The intake unit may determine, based on its state’s statutes governing transfer of juveniles to criminal court, that a delinquency case should be removed from the jurisdiction of the juvenile court and handled instead in criminal court. In such cases, a petition is usually filed in juvenile court asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge then decides whether the case merits criminal prosecution.² The graph below shows that the number of judicially waived cases has been declining in recent years as other mechanisms for transfer (e.g., direct filing by the prosecutor and statutory exclusion) are now available in most states.

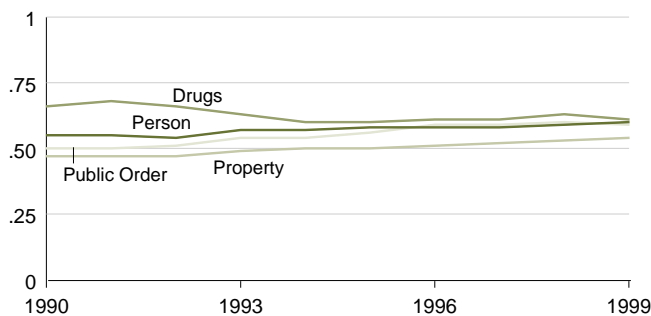
² In some states, a prosecutor has the authority to file juvenile cases that meet specified criteria directly in criminal court. In this section, however, only cases that were transferred as a result of judicial waiver are reported.

Judicially Waived Cases, 1990-1999



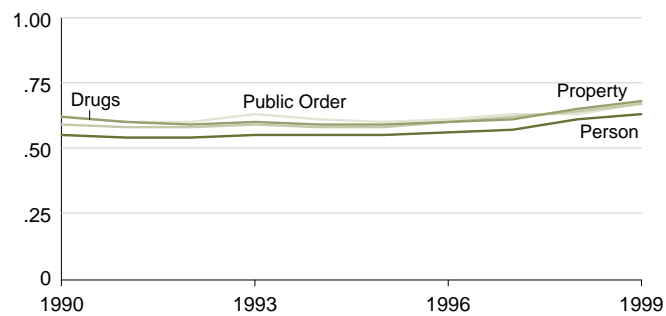
For those cases not transferred, authorities must decide if the case should be petitioned (i.e., handled formally). If the case is petitioned, it will be processed by the juvenile court and can include trial, adjudication, and sentencing. However, many cases are resolved informally or dismissed completely. The graph below shows an increased trend in the formal processing of person, public order, and property offenses; drug cases are increasingly processed informally.

Proportion of Cases Handled Formally by Type of Referral Offense, 1990-1999



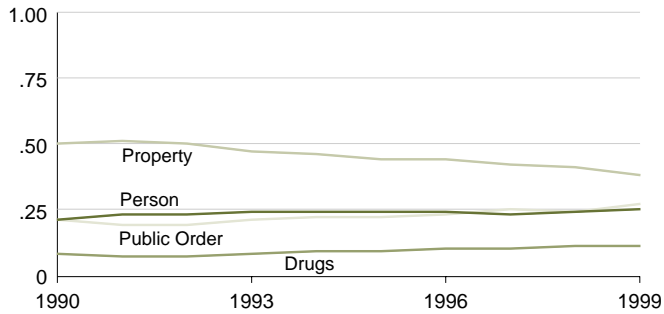
If a delinquency case has been petitioned, the next step in juvenile court processing is adjudication. If a juvenile is found delinquent at the adjudicatory hearing, the case proceeds to a disposition hearing. Alternatively, a case can be dismissed or continued in contemplation of dismissal. In these cases, the court often recommends a youth take additional action prior to the final adjudication, such as paying restitution or voluntarily attending drug counseling. The graph below shows that the proportion of formally processed cases that are adjudicated delinquent has been increasing for all offense types.

Proportion of Formally Handled Cases Adjudicated Delinquent by Type of Referral Offense, 1990-1999

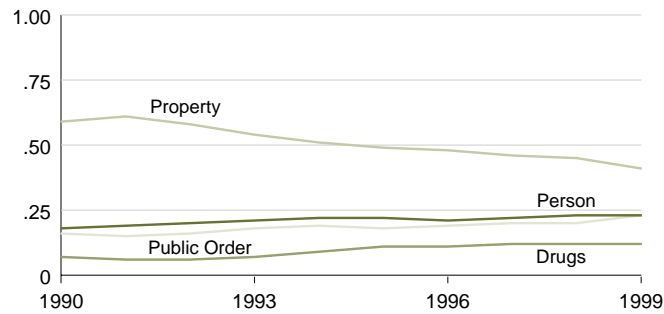


The disposition hearing is used to determine an appropriate sanction. The sanction options available to a judge typically include commitment to an institution, placement in a residential facility, probation, referral to an outside agency, day treatment or mental health program, imposition of a fine, community service, or restitution. The adjacent graphs show the distributions of adjudicated delinquents that were given out-of-home placements or probation and those released or given some "other" disposition. The proportion of property offenders receiving each type of disposition has decreased, while the proportion of person, public order, and drug offenders receiving each disposition has increased. Such a shift in the composition of the type of juveniles receiving out-of-home placements and probation has profound implications for the management of these dispositional alternatives.

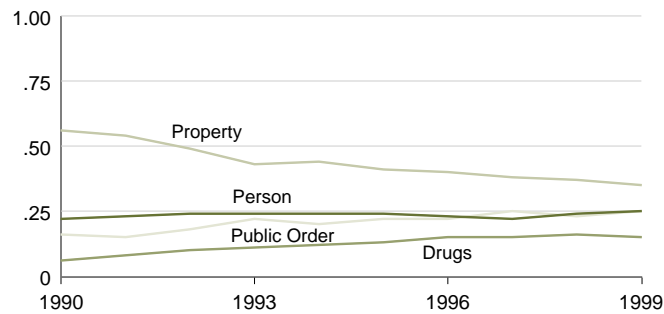
Proportion of Adjudicated Cases Placed Out-of-Home by Type of Referral Offense, 1990-1999



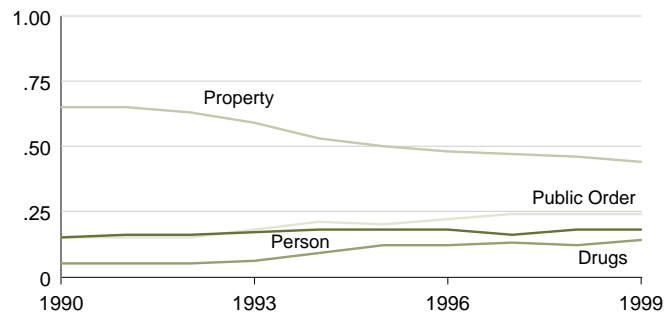
Proportion of Adjudicated Cases Placed on Probation by Type of Referral Offense, 1990-1999



Proportion of Adjudicated Cases Released by Type of Referral Offense, 1990-1999



Proportion of Adjudicated Cases with "Other" Dispositions by Type of Referral Offense, 1990-1999



Blended Sentencing in Juvenile Courts

In recent years, a high-profile juvenile sentencing innovation targeted at serious and violent delinquents has emerged as an alternative to outright transfer to criminal court or traditional juvenile court processing. A “blended sentence” combines juvenile and adult sentences. Many states are considering, and several (Iowa, Minnesota, Connecticut, and Montana) have implemented, a “juvenile-inclusive blend” whereby an adult sanction is suspended pending a violation and revocation of the juvenile sentence.³

Blended sentencing in Minnesota (referred to as “Extended Jurisdiction Juvenile” or “EJJ”) emerged as a political compromise between those who wanted to emphasize public safety, punishment, and accountability of juvenile offenders, and those who wanted to maintain or strengthen the traditional juvenile justice system. The description of EJJ by the task force that recommended its creation captured the essence of the compromise: “It will give the juvenile *one last chance* at success in the juvenile justice system, with the threat of adult sanctions as an incentive not to re-offend.”

EJJ cases are initially adjudicated and sentenced as juveniles, yet they receive all adult criminal procedural safeguards, including the right to a jury trial. Juveniles disposed EJJ receive a juvenile court disposition and a stayed adult prison sentence. The jurisdiction of the juvenile court lasts until age 21, hence the name “extended jurisdiction” juvenile. A court executes the stayed criminal sentence only if the youth fails in juvenile probation.

The addition of EJJ to traditional disposition options (conventional juvenile dispositions and adult certification) created a triad of dispositional alternatives available to juvenile court judges. The intent of the 1994 Juvenile Crime Act that created EJJ was that each dispositional alternative would match a certain offender profile based primarily on age, offense, and prior record. Conventional dispositions would target the youngest offenders who were charged with less serious offenses and had no serious prior record. EJJ and adult certification clearly targeted older offenders charged with serious offenses who had extensive prior records. EJJs were to be distinguished from adult certifications on the basis of age and concern for “public safety” criteria (primarily offense seriousness and prior record). Adult certification cases were expected to be the most serious cases involving youth who were less amenable to juvenile programs. In short, adult certification cases were to be the “worst of the worst,” while EJJs were to be “less bad of the worst.”

An evaluation team at the National Center for State Courts, in conjunction with staff from the Minnesota Supreme Court, examined the EJJ program in an effort to answer the question: *Are each of the three dispositional alternatives being used effectively to target their intended offender populations?* By posing this question, it was possible to determine whether consistent criteria were being

³Sickmund, M., Snyder, H., and Poe-Yamagata, E. (1997). *Juvenile Offenders and Victims: 1997 update on violence*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

used to distinguish between adult certifications, EJJ, and youth receiving a traditional juvenile sentence. Data were collected on a sample of cases disposed during 1997 and 1998 in order to evaluate the offender and offense factors associated with the three different dispositional alternatives.

The results from the evaluation showed that both intended (age, offense seriousness, and previous offense seriousness) and unintended (race and judicial district) factors influenced the likelihood of a juvenile receiving an adult certification rather than an EJJ disposition. The influence of the unintended factors was generally stronger. Furthermore, several intended factors, while significant, did not predict outcomes in the most obvious direction.

Since most current offense and offender culpability factors had little or no influence on the probability of adult certification rather than an EJJ disposition, it was concluded that adult certification and EJJ are not targeting their intended offender populations. In a reversal of intentions, EJJ are apparently the “worst of the worst” while adult certifications are the “less bad of the worst.”⁴

These results can be seen graphically below. The graphs show the probability of receiving each dispositional alternative (EJJ, adult certification, or juvenile disposition) after having been first motioned for either EJJ or adult certification. The type of offense—person, drug, property, and weapons—are shown. The following conclusions can be drawn: (1) the probability of adult certification was much lower than the probability of an EJJ disposition for more serious offenses; and (2) the probability of adult certification increased as offense seriousness decreased. The study concluded that sometimes the best of legislative intentions do not necessarily translate into effective juvenile court procedures.

⁴ Cheesman, F., Green, H., Cohen, T., Dancy, D., Kleiman, M., and Mott, N. (2002). *Blended Sentencing in Minnesota: On Target for Justice and Public Safety? An Evaluation*. Williamsburg, Virginia: National Center for State Courts.

Probability of Dispositional Alternatives by Offense Seriousness by Type of Offense

