

Homicides by Juveniles in Wisconsin 1972-1983

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Wisconsin
Statistical
Analysis
Center



Wisconsin Council on Criminal Justice

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HOMICIDES BY JUVENILES
IN WISCONSIN
1972 - 1983

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HIGHLIGHTS

I. Introduction

- This study analyzes the data available on willful homicides by juveniles in Wisconsin from 1972 through 1983.

II. Study Method

- The criterion for including a case in the primary focus of this study was whether a juvenile court petition citing willful homicide had been filed.

III. Juveniles Arrested for Homicide

- Since not all homicide arrests could be successfully traced, this study focuses on cases petitioned as willful homicide cases in the juvenile court.
- In Milwaukee County, there were 99 reported juvenile homicide arrests during the period of this study; of these, 75 juveniles were referred to court with law enforcement charges of willful homicide; of these, 43 were actually petitioned as willful homicide and 32 were petitioned for other charges or not prosecuted. Milwaukee was the only county whose records permitted this type of analysis.
- In counties other than Milwaukee, 53 (84%) of the 63 cases located were petitioned as willful homicides. The remaining cases, those arrested for but not petitioned for willful homicides, were either not charged in court or were charged with other crimes.

IV. Overview of Petitioned Offenses

- Ninety-six cases of an alleged willful homicide by a juvenile were identified and analyzed for this study.
- The majority of offenders were male, white, and 16 or 17 years of age.
- A gun was the weapon used in a majority of cases; the victim's home (which was sometimes also the offender's home) was the location of the homicide in a majority of cases; the victim was known to the offender in a majority of cases.

V. Homicide Case Processing and Outcomes

- Of those juveniles eligible for waiver, 83% were waived.
- The overall "conviction" rates for the juvenile homicide cases in both juvenile and criminal systems were relatively high: There were 32 adjudications (76%) in the juvenile system and 44 convictions (90%) in the criminal system.

VI. New Offenses by Juvenile Homicide Offenders

- Forty-two juveniles originally "convicted" had some time at liberty; 27 who were adjudicated in the juvenile system, 15 who were convicted in the criminal system.
- Subsequent to their original homicide case disposition, 26 offenders were convicted of a total of 45 new offenses (nine were violent offenses). Fourteen of these 26 had originally been adjudicated in the juvenile system, seven convicted in the adult system, and five not convicted.
- Offenders with new convictions were much more likely to have had prior adjudications and to have committed the original offense during the course of another crime. They were less likely to have been accused of killing a family member in the original homicide case.
- In terms of time at liberty, juveniles originally processed in the criminal system were convicted of new crimes somewhat more frequently than juveniles originally processed in the juvenile system, once for every five years at liberty compared to once for every seven years.

Homicides by Juveniles in Wisconsin, 1972-1983

I. INTRODUCTION

- THIS STUDY ANALYZES THE DATA AVAILABLE ON WILLFUL HOMICIDES BY JUVENILES IN WISCONSIN FROM 1972 THROUGH 1983.

This study examines willful homicides by juveniles in Wisconsin from 1972 through 1983. It reviews and analyzes the data available on the homicide offenses, the adjudication of the offenders, and the subsequent criminal activity of the offenders involved.

The study was undertaken at the encouragement of legislators and various justice system professionals. The primary stimulus for this study was concern about the juvenile justice system's effectiveness in dealing with juveniles accused of serious crimes, particularly homicides.

Traditionally, the juvenile justice system has focused on the habilitation of juveniles who commit crimes. It uses its authority primarily to encourage the education and socialization of such juveniles and to ensure proper guidance and supervision for them. The juvenile justice system has few dispositional options that focus solely on punishment and none that are geared toward long-term incapacitation of the offender. At present, the authority of the juvenile justice system ends when the juvenile becomes an adult (although dispositional orders may be extended to age 19 in some cases). The juvenile justice system's only mechanism for allowing or encouraging long-term incapacitation or supervision is waiver to criminal court, which is presently possible for juveniles age 16 and over.

Homicides, particularly by juveniles, are rare crimes. In 1984, 117 homicides were reported to Wisconsin law enforcement agencies. This number translates into 2.5 homicides for every 100,000 people in Wisconsin. Of the 140 persons arrested for homicides in 1984, just 21 (15%) were juveniles.

Despite the relatively small number of homicides, the serious nature of the crimes and concomitant publicity surrounding their treatment assure greater public awareness of these crimes and increase their potential for affecting legislation and justice system policies and practices. Unfortunately, there has been very little comprehensive information available about juveniles who commit homicides and the manner in which they are treated by the justice system. The information that has been available has been largely piecemeal and anecdotal.

The purpose of this study is to provide as much accurate information as possible regarding juvenile homicide offenses and offenders. This report will not attempt to address directly the somewhat philosophical questions of the adequacy of the resources of the juvenile justice system for dealing with serious offenders or the appropriateness of the system's limitations. This study report is intended to provide comprehensive and factual information on juveniles who commit homicides and, thereby, provide a factual basis for policy debate and a better overall understanding of the problems in dealing with these offenders.

II. STUDY METHOD

- THE CRITERION FOR INCLUDING A CASE IN THE PRIMARY FOCUS OF THIS STUDY WAS WHETHER A JUVENILE COURT PETITION CITING WILLFUL HOMICIDE HAD BEEN FILED.

This study examines cases of willful homicides committed by juveniles between 1972 and 1983. Initially, an effort was made to identify juveniles admitted to juvenile correctional institutions for homicide. Because computerized records of admissions were available only since 1972, that year was chosen as the beginning of the period to be examined. In fact, identification of institutionalized juvenile homicide offenders through these records proved to be very cumbersome. Because homicide was not used as a specific offense code before 1979, many "other offense" case files had to be examined in order to identify the cases to be studied. This process quickly proved inefficient and efforts to identify juvenile homicide cases at the county level were undertaken.

The identification of juvenile homicide offenders over an historical period is difficult for several reasons. There is no state, and usually no county, record system which allows juveniles adjudicated for certain crimes to be identified. The identity of any juvenile offender is confidential and a court order is required to review official records concerning juveniles. Records that are several years old may have been misplaced.

In most counties, Uniform Crime Reporting (UCR) data were used to identify, to a certain extent, cases of juvenile homicides. Through the UCR system, the month and year of a reported juvenile arrest for homicide are available. With this information, county court personnel or personnel from the law enforcement agency that reported the arrest were usually able to identify the juvenile involved, at least in those cases that proved to involve an actual homicide. Once the names of the juveniles involved were determined, law enforcement and court records could be located.

In Milwaukee County, the largest county in the State, this process would have been too haphazard. Fortunately, Milwaukee County maintained a juvenile court intake log for all the years of interest. The log showed the name and the alleged offense of all juveniles referred to the court. These logs were reviewed to obtain the names of all juveniles referred to the court for homicide.

As indicated, a court order was necessary to obtain the names and review the files of juveniles arrested for homicide. UCR records indicated that juveniles had been arrested for homicide in 34 counties in the State between 1972 and 1983. A court order was sought in each of these counties and obtained in all but one. (The county which would not allow access to these records, Green County, had reported one juvenile arrest for homicide in the period.)

Not surprisingly, the method used to identify study subjects had an influence on the scope of the study. Because an indication of an arrest in UCR records was the basis of the identification, the study has been limited to "willful" homicides, reflecting the UCR system's definition of criminal homicide. Homicides through negligence or reckless conduct are not included in the study, nor are attempted homicides.

An attempt was made to collect data on all juvenile homicide arrests but it soon became clear that if the arrest did not involve a true homicide or if the juvenile arrested was not really involved, the case was much less likely to be remembered and often could not be located. In the end, the criterion for including a case in the primary study effort was whether a juvenile court petition citing a willful homicide had been filed.

County level data were collected primarily from county court case files. Some data were collected from law enforcement records. As indicated, some files were incomplete or could not be located. If sufficient data were available to verify that a willful homicide charge had been cited in the court petition, the case

was included in the study.

Institutionalization data, on both juvenile and adult institutionalizations (the latter relevant for juveniles waived to criminal court and for any subsequent adult convictions) were obtained from the Division of Corrections (DOC). In some cases, information missing from court files was available from DOC files. For some years, however, DOC files had been purged. Data on subsequent arrests and convictions were obtained from the identification records of the Department of Justice. For adults arrested, these records indicate the arresting agency, offense, and case outcome. Information on juvenile arrests is not always recorded (since reporting juvenile arrests is not mandatory), although it is likely that most arrests for serious offenses were recorded.

III. JUVENILES ARRESTED FOR HOMICIDE

- SINCE NOT ALL HOMICIDE ARRESTS COULD BE SUCCESSFULLY TRACED, THIS STUDY FOCUSES ON CASES PETITIONED AS WILLFUL HOMICIDE CASES IN THE JUVENILE COURT.
- IN MILWAUKEE COUNTY, THERE WERE 99 REPORTED JUVENILE HOMICIDE ARRESTS DURING THE PERIOD OF THIS STUDY; OF THESE, 75 JUVENILES WERE REFERRED TO COURT WITH LAW ENFORCEMENT CHARGES OF WILLFUL HOMICIDE; OF THESE, 43 WERE ACTUALLY PETITIONED AS WILLFUL HOMICIDE AND 32 WERE PETITIONED FOR OTHER CHARGES OR NOT PROSECUTED. MILWAUKEE WAS THE ONLY COUNTY WHOSE RECORDS PERMITTED THIS TYPE OF ANALYSIS.
- IN COUNTIES OTHER THAN MILWAUKEE, 53 (84%) OF THE 63 CASES LOCATED WERE PETITIONED AS WILLFUL HOMICIDES. THE REMAINING CASES, THOSE ARRESTED FOR BUT NOT PETITIONED FOR WILLFUL HOMICIDES, WERE EITHER NOT CHARGED IN COURT OR WERE CHARGED WITH OTHER CRIMES.

A. The Identification Process

UCR records show that 181 juveniles in 34 counties were arrested for homicide from 1972 through 1983 in Wisconsin. During the course of this study an attempt was made to identify each of these juveniles so their court records could be reviewed. These attempts met with varying success. With initial information available only on the month and year of a homicide arrest, individual juveniles usually could not be identified from law enforcement records.

In Milwaukee County, which had over one-half (99) of the reported arrests, juveniles referred to court with homicide offenses could be identified from juvenile court intake logs. Although these logs did not provide an account of all juvenile homicide arrests, they enabled a more thorough review of homicide cases than did the information usually available in other counties.

Very few of the counties involved in this study had record systems which enabled juveniles arrested for homicide or referred to court for homicide to be identified. Outside of Milwaukee County, the identity of the juveniles involved was usually determined by county law enforcement or court personnel who remembered the cases. In some of the counties which had a small number of such arrests, each juvenile was identified. In general, however, no further information could be found on many of the homicide arrests reported through the UCR system. Most of the arrests that could not be traced were undoubtedly those for which the offense had proved to be unfounded or not to have actually involved the juvenile arrested.

In Milwaukee County, 75 juveniles were found to have been referred to court with law enforcement charges of willful homicide during the years in question. Of these, however, only slightly more than one-half actually matched UCR arrest report data (dates and ages). Some UCR reported arrests could not be traced and some homicide court referrals had no apparent UCR arrest report.

In counties outside Milwaukee, the cases of 63 juveniles with law enforcement charges of willful homicide were located. These were generally located through county personnel who remembered the cases. The cases generally matched UCR reported information, although not always. Several UCR reported arrests could not be recalled. These presumably had involved offenses that proved to be unfounded (often county personnel were sure that no actual homicide occurred at the time in question). This process also revealed that a few UCR arrest reports had been completed incorrectly and that no homicide arrest ever occurred.

As indicated earlier, since not all homicide arrests could be successfully traced, this study primarily focuses on the most traceable cases, those petitioned as willful homicide cases in the juvenile court. In Milwaukee County, 43 (57%) of the 75 cases referred to juvenile court intake were actually petitioned as willful homicides. In other counties 53 (84%) of the 63 cases located were petitioned as willful homicides. The remaining cases, those arrested for but not petitioned for willful homicides, were either not charged in court or were charged with other crimes.

B. Juveniles Not Charged With Willful Homicide

It may be instructive to examine the 32 Milwaukee County cases that were not petitioned as willful homicides. Although these cases probably do not represent all of the Milwaukee homicide arrests that did not result in willful homicide charges, they do represent all those that reached the court referral stage. Thus, these data are more complete than the data for other counties. It should be noted, though, that many incidents that result in homicide arrests in Milwaukee County are probably unique to that county. Probably due to unique juvenile problems and possibly to unique police practices, it appeared that juveniles were arrested for homicides but not petitioned for homicides more often in Milwaukee than in other counties.

Of the 32 juveniles arrested for but not petitioned for willful homicide in Milwaukee County, one was petitioned for homicide through negligence, two were charged with homicide by reckless conduct, 12 were charged with other crimes, three were petitioned as "dependent", and 14 were not prosecuted. In 25 of the 32 cases, acquaintances or accomplices were also involved. Only seven of the juveniles were alleged to have acted alone. In 19 cases, the homicide was committed during the course of another crime. Accomplices were involved in all 19 of these cases.

In general, it appears that many of these 32 juveniles were found to be less culpable or uninvolved members of a group of persons who committed a homicide or who happened to be together when one of their number committed a homicide. All but two of the 14 juveniles not prosecuted were arrested with others. Of the two that were not, one was found to have acted in self defense and one was found to have been falsely accused by a witness. All but two of the 15 juveniles charged with other offenses or "dependency" were also arrested with others.

IV. OVERVIEW OF PETITIONED OFFENSES

- NINETY-SIX CASES OF AN ALLEGED WILLFUL HOMICIDE BY A JUVENILE WERE IDENTIFIED AND ANALYZED FOR THIS STUDY.
- THE MAJORITY OF OFFENDERS WERE MALE, WHITE, AND 16 OR 17 YEARS OF AGE
- A GUN WAS THE WEAPON USED IN A MAJORITY OF CASES; THE VICTIM'S HOME (WHICH WAS SOMETIMES ALSO THE OFFENDER'S HOME) WAS THE LOCATION OF THE HOMICIDE IN A MAJORITY OF CASES; THE VICTIM WAS KNOWN TO THE OFFENDER IN A MAJORITY OF CASES.

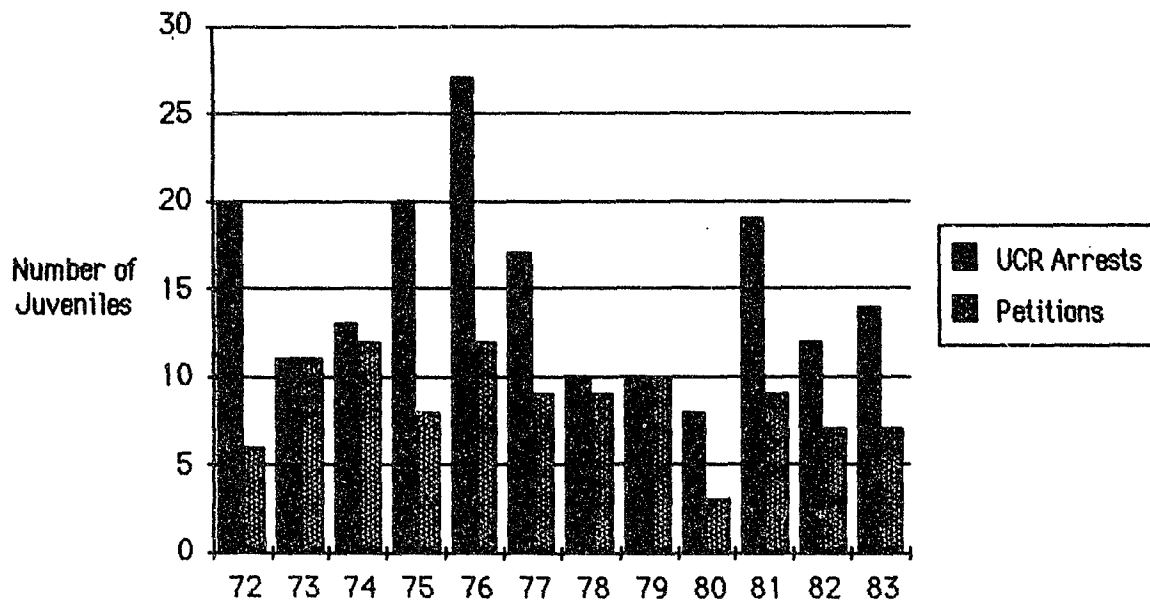
A. Charges Cited

From 1972 through 1983, 181 juvenile arrests for willful homicide were reported by Wisconsin law enforcement agencies. These arrests were reported in monthly Uniform Crime Reports from agencies in 34 counties. Although the UCR data available revealed only the month and year of an arrest made by a given law enforcement agency, this information usually enabled a petitioned homicide case to be located (for more information on the identification process, see the Study Method section).

For several of the UCR reported homicide arrests, no specific homicide case could be identified. It is likely that these homicide arrests proved not to involve a willful homicide or not to involve directly the juvenile arrested. The criterion for including a case in this study was the citation of a willful homicide offense in the juvenile court petition. Several of the reported arrests resulted in petitions for negligent homicide by reckless conduct, or other offenses. Even though the arrest in such cases may have been made for a willful homicide offense, further investigation apparently often resulted in a more accurate offense citation in the juvenile petitions.

While UCR reports indicated 181 juvenile arrests for willful homicide, only 96 court cases involving a juvenile petitioned for willful homicide were identified. Graph 1 shows reported homicide arrests and the number of arrests that resulted in court petitions for homicide from 1972 through 1983.

Graph 1
Arrests and Petitions



It should be noted, though, that the absence of a juvenile court petition did not necessarily mean that a willful homicide had not been committed. In a small number of cases the petitioned charge could not be identified because the court files were incomplete or could not be located. In one case, a juvenile accused of killing his father committed suicide during the first few hours of detention, before a court petition could be filed. (At least one other murder/suicide case was discovered; however, a case involving an immediately supervening suicide would usually not have been detected since no arrest would have been made.)

Based on the juvenile court petition, 96 cases of an alleged willful homicide by a juvenile were identified and studied. These 96 cases occurred in 30 of Wisconsin's 72 counties. (It should be recalled that one county did not allow WCCJ access to the file of its one reported case.) Milwaukee County had 43 cases (45%); Menominee County had seven cases; Racine County had six, Kenosha had five, Sauk had four, and Price and Sawyer Counties had three each. No other county had more than two cases in the period studied. Naturally, for reasons mentioned above and discussed in the Study Method section, the total number cannot be considered an exact count of willful homicides by juveniles during the years studied. Nonetheless, it certainly represents the vast majority of petitioned willful homicide cases between 1972 and 1983 in Wisconsin.

The homicide charges cited in the juvenile court petitions of these 96 juveniles are shown in Table 1. The table shows that 73 (76%) of the 96 juveniles were petitioned for first degree murder. Of these, seven had a second first degree murder charge and five of the seven had a third first degree murder charge. Of the 20 juveniles accused of second degree murder, one had a second second degree charge. Of the 96 cases then, five juveniles were accused of three murders and three were accused of two murders. In addition, 29 juveniles had another type of second charge and nine of these had another type of third charge. (In some cases, two or more juveniles may have been accused of the same murder; thus, although 109 "victims" are indicated, the number of actual victims is fewer than this number.)

Table 1
Homicide Charges on Court Petition

<u>Homicide Charges</u>	<u>First Charge</u>	<u>Second Charge</u>	<u>Third Charge</u>	<u>Total</u>
First Degree Murder	73	7	5	85
Second Degree Murder	20	1	0	21
Murder (unspecified)	1	0	0	1
Manslaughter	2	0	0	2
TOTAL	96	8	5	109

Thus, Table 1 shows a total of 109 homicide charges filed against the 96 juveniles studied. Eight juveniles were accused of multiple homicides, accounting for 21 victims among them. The other 88 juveniles were accused of one homicide each. Seventy-three juveniles were charged with a total of 85 counts of first degree murder. A charge of first degree murder alleges that an offender acted with intent to kill. Twenty juveniles were charged with a total of 21 counts of second degree murder. A charge of second degree murder alleges that an offender caused death by conduct that was imminently dangerous or that the death was a natural consequence of the commission of a felony. (Before 1977, death as a consequence of the commission of a felony was third degree murder.) Two juveniles were charged with manslaughter, which is defined as causing death while in the heat of passion without intent to kill.

B. Alleged Offenders

A limited amount of background and other personal data on offenders were available from court and law enforcement records. Although these data were missing more often than other types of data, some basic

data were generally available. Some demographic information on the alleged offenders is presented in Table 2. These data show that the offenders were mostly male and that the slight majority were White. Sixty-five (68%) of the juveniles were age 16 or 17 at the time of the homicide offense, old enough to be waived to criminal court.

Table 2
Demographic Characteristics of Alleged Offenders

<u>Characteristics</u>	<u>Number</u>
Sex	
Male	93 (97%)
Female	3 (3%)
TOTAL	96 (100%)
Race/Ethnic Origin	
White	51 (54%)
Black	34 (36%)
American Indian	6 (6%)
Hispanic	4 (4%)
TOTAL	95 (100%) *
Age	
11	1 (1%)
12	2 (2%)
13	3 (3%)
14	11 (11%)
15	14 (15%)
16	40 (42%)
17	25 (26%)
TOTAL	96 (100%)

* In this and the following tables, totals will often be less than 96 when data on particular variables are missing for some subjects.

The available records indicated that 41 juveniles (43%) were living with both parents at the time of the offense; 34 (36%) were living with one parent. Seventy-two (84%) were enrolled in school. Table 3 presents data on the juveniles' living situations and Table 4 presents data on school enrollment.

Table 3
Residential Characteristics of Alleged Offenders

<u>Characteristics</u>	<u>Number</u>
Living Situation	
With Both Parents	41 (43%)
With One Parent	34 (36%)
With Foster Parents	5 (5%)
With Relative	7 (7%)
Other Living Situation	8 (8%)
TOTAL	95 (100%)
Length of Residence in County	
Less than One Year	8 (10%)
One to Five Years	12 (14%)
Six to Ten Years	7 (8%)
Eleven Years to Life	57 (68%)
TOTAL	84 (100%)

Table 4
Educational Characteristics of Alleged Offenders

<u>Characteristics</u>	<u>Number</u>
School Enrollment	
Enrolled	72 (84%)
Not Enrolled	14 (16%)
TOTAL	86 (100%)
School Attendance (of Enrolled)	
Regular	37 (60%)
Intermittent	20 (32%)
Not Attending	5 (8%)
TOTAL	62 (100%)

There was an indication of a prior adjudication (a finding of delinquency) for less than one-half (42) of the juveniles in the study, although there was evidence of a previous arrest for 59 (62%) of the juveniles. Of the 42 juveniles who had a previous adjudication, 28 (67%) had more than one, 34 had been adjudicated for one or more property offenses, and 18 had been adjudicated for one or more violent offenses. There was no information on prior adjudications for four of the juveniles. Table 5 summarizes the prior adjudications of juveniles in the study.

Table 5*

Number of Juveniles with One or More Prior Adjudications

<u>Type of Adjudication</u>	<u>Number of Juveniles</u>
Violent Offense	18 (20%)
Property Offense	34 (37%)
Any Type of Offense	42 (46%)

* See Appendix, Table A, for further information.

C. Homicide Offenses

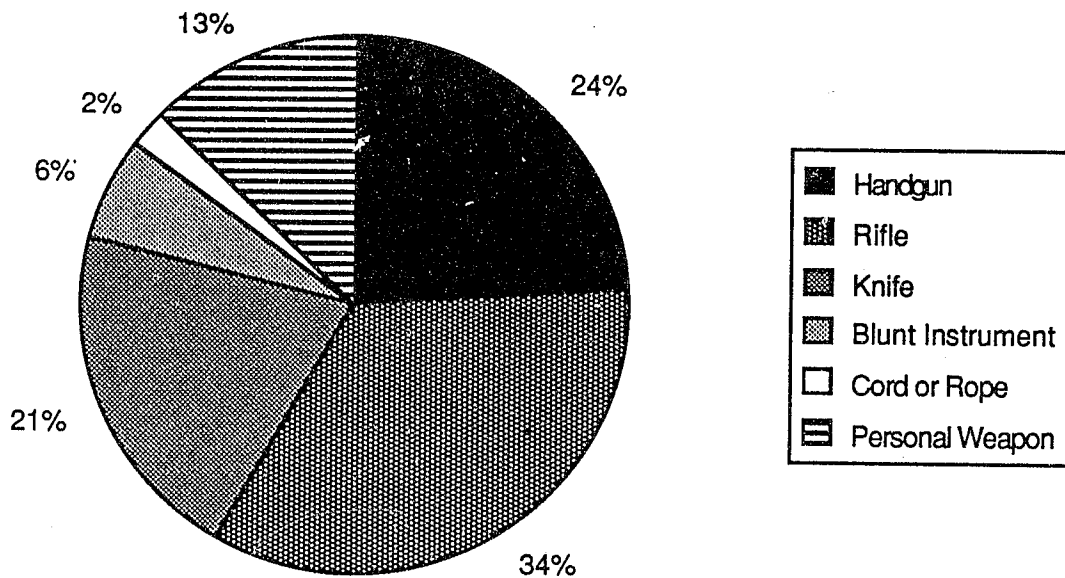
1. Weapons Used

A gun was the weapon used in a majority of the homicide cases, either a handgun or a rifle. Table 6 and Graph 2 show the types of weapons used. A personal weapon was used in 12 (13%) of the cases.

Table 6
Weapons Used in Homicides

<u>Weapon</u>	<u>Number</u>
Handgun	23 (24%)
Rifle	33 (34%)
Knife	20 (21%)
Blunt Instrument	6 (6%)
Cord or Rope	2 (2%)
Personal Weapon	12 (13%)
TOTAL	96 (100%)

Graph 2
Weapons Used in Homicides



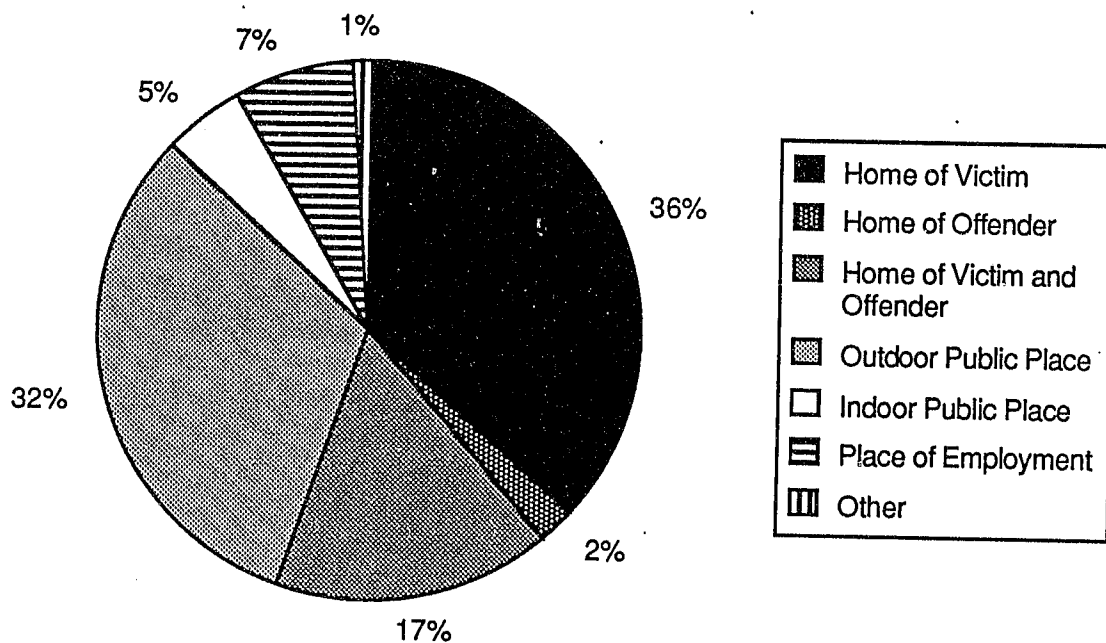
2. Location

The most common location for these homicides was the victim's home. Table 7 and Graph 3 show the locations of the homicides in the study.

Table 7
Location of Homicides

<u>Location</u>	<u>Number</u>
Home of Victim and/or Offender	47 (55%)
Home of Victim	31 (36%)
Home of Offender	2 (2%)
Home of Victim and Offender	14 (17%)
Outdoor Public Place	27 (32%)
Indoor Public Place	4 (5%)
Place of Employment	6 (7%)
Other	1 (1%)
TOTAL	85 (100%)

Graph 3
Location of Homicides



3. Relationship of Victim to Offender

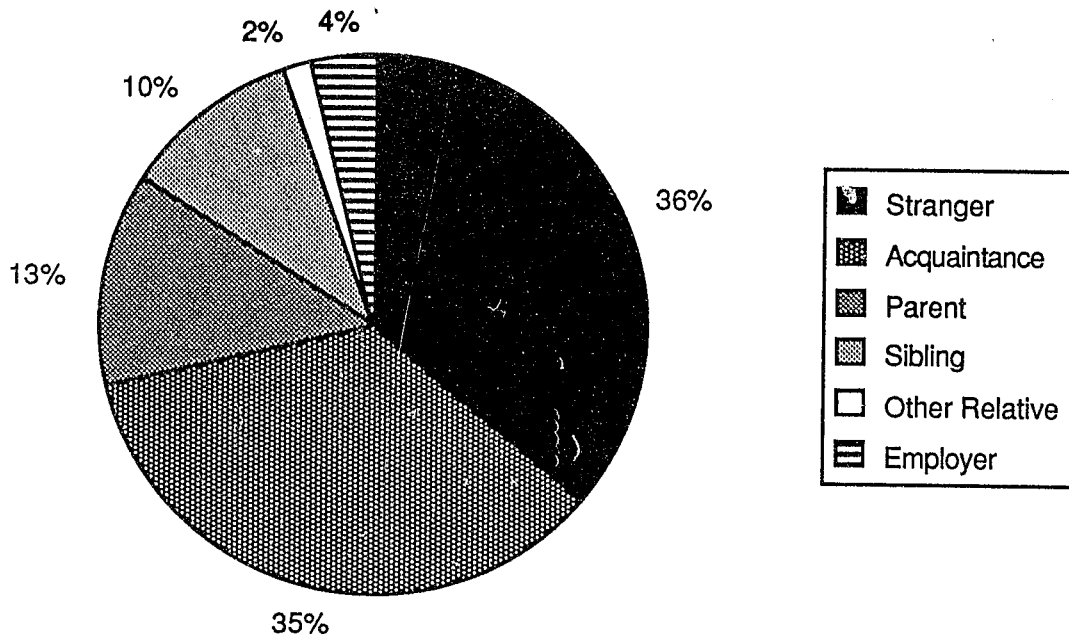
Seventy (64%) of the victims were known to the alleged offenders in some way. Table 8 and Graph 4 show the relationship of the victims to the alleged offenders. Overall, 25 (23%) of the 108 victims were immediate family members and two (2%) were other relatives. Thus, one-fourth of the victims in the study were family members of the alleged juvenile offenders. Slightly over one-half of the victims in multiple homicide cases (11 of 21) were members of the immediate family of the offenders; six were parents and five were siblings.

Table 8
Relationship of Victim to Offender (All Victims)

<u>Relationship</u>	<u>Number</u>
Stranger	39 (36%)
Acquaintance	38 (35%)
Family Member	27 (25%)
Parent*	14 (13%)
Sibling	11 (10%)
Other Relative	2 (2%)
Employer	4 (4%)
TOTAL	108 (100%)

* Includes one foster parent and two stepparents.

Graph 4
Relationship of Victim to Offender



4. Precipitating Offense

From law enforcement reports and other indications of the circumstances of the homicide cases, it was found that the homicides were committed in the course of another crime in 33 (38%) of 86 of the cases studied (there was not enough information available on the circumstances of the homicide in 10 of the cases). Table 9 shows the precipitating offense for these 33 cases.

Table 9
Precipitating Offense of Homicide Committed During the
Commission of Another Offense

<u>Precipitating Offense</u>	<u>Number</u>
Robbery	22 (26%)
Burglary	7 (8%)
Sexual Assault	2 (2%)
Drug Purchase	2 (2%)
No Other Offense	53 (62%)
TOTAL	86 (100%)

5. Accomplices

Accomplices were alleged to be involved in 34 (35%) of the 96 cases; that is, other persons were arrested for involvement in the same homicide. Of the 34 cases, 13 involved two accomplices and eight involved three. (Naturally, many of the accomplices were juveniles who were also petitioned for homicide and also represented in the study, so the actual number of individuals involved is less than the 63 total accomplices indicated.) Adult accomplices were involved in 13 (38%) of the 34 cases involving accomplices.

D. Proposed Dichotomy of Homicide Cases

The relatively high numbers of homicides involving family member victims and homicides committed during the course of another crime suggest that many, and possibly most, of these homicides could be categorized into two broadly defined groups. One category would be homicides which stem from interpersonal conflict and the second category those resulting from other criminal activity, most of which is profit motivated. Intuitively, it seems unlikely that these categories would overlap, although they undoubtedly do in a small number of cases.

Although there are insufficient data available to categorize all the cases in this study into these two groups, it seems likely that, in reality, a high proportion of the cases would fall into one or the other of these categories. Although interpersonal conflict, per se, could not be measured in this study, it was probably an ingredient in most of the homicides in which the victim was known to the offender. It is also possible that other criminal activity was involved in more cases than those in which it was clearly evident in the case files.

Table 10 has been prepared to show that the two categories of offenses described above are likely to be exclusive. It seems likely that the involvement of accomplices in the homicide offense and the existence of a prior adjudication record would be associated with the commission of a homicide during the course of another crime. Table 10 shows how these factors are related to information about the relationship of the victim to the offender.

Table 10
Homicides Involving Other Offenses, Accomplices, and
Juveniles with Prior Adjudication, by Victim Relationship

<u>Victim Relationship</u>	<u>Other Offense In Progress</u>	<u>No Other Offense</u>	<u>Accomplice Involved</u>	<u>No Accomplice</u>	<u>Prior Adjudication</u>	<u>No Prior Adjudication</u>
Family Member	1 (3%)	14 (27%)	1 (3%)	19 (31%)	2 (5%)	17 (34%)
Other Relationship	7 (21%)	29 (56%)	9 (26%)	30 (49%)	15 (37%)	23 (46%)
Stranger	25 (76%)	9 (17%)	24 (71%)	12 (20%)	24 (59%)	10 (20%)
TOTAL	33	52	34	61	41	50

While it is not uncommon for a property offender to victimize someone known to them, it is clear that the considerable majority of the victims of homicides committed during the course of another crime were strangers. The victimization of a relative under these circumstances was quite rare. As indicated, there are not sufficient data available to categorize accurately all the cases in this study. Nonetheless, the differences between these two types of cases should be considered in reviewing the other findings of this study.

V. HOMICIDE CASE PROCESSING AND OUTCOMES

- OF THOSE JUVENILES ELIGIBLE FOR WAIVER, 83% WERE WAIVED.
- THE OVERALL "CONVICTION" RATES FOR THE JUVENILE HOMICIDE CASES IN BOTH JUVENILE AND CRIMINAL SYSTEMS WERE RELATIVELY HIGH: THERE WERE 32 ADJUDICATIONS (76%) IN THE JUVENILE SYSTEM AND 44 CONVICTIONS (90%) IN THE CRIMINAL SYSTEM.

As discussed in previous sections, 73 of the 96 juveniles studied were charged with at least one count of first degree murder; 23 juveniles were petitioned on lesser homicide charges. Thirty-seven juveniles had a second charge; eight of those were homicide charges. Fourteen juveniles had a third charge, five of which were homicides.

A. Waiver

Of the 96 juveniles charged with a willful homicide, 65 (68%) were age 16 or 17 and, therefore, eligible for waiver to criminal court. In fact, 54 (83%) of those eligible were waived. A total of 42 juveniles, including 11 who were eligible for waiver, remained in the juvenile system.

The waiver of juveniles age 16 and over to the criminal court is essentially based on the judge's discretion. Since waiver to the criminal court would be the most common procedure for a 16- or 17-year-old juvenile accused of a crime as serious as homicide, however, the most interesting questions regarding the waiver decision probably concern those 16- and 17-year-old juveniles who were not waived.

Table 11 presents petitioned offense by waiver and the age of the alleged offenders. The table shows that the 11 juveniles who were eligible for waiver but were not waived were less frequently charged with first degree murder than those who were waived. They were not involved in any multiple homicides. Additional data (see Appendix, Table B) show that they had fewer prior adjudications, particularly for violent crimes. Some degree of retardation was indicated in the case files of four of these 11 juveniles. All of these juveniles were enrolled in school. While the judge undoubtedly considered other factors that could not be discerned from the case files, the information available seems to indicate, as would be expected, that there were extenuating circumstances in many, if not all, of these unwaived cases.

A comparison was made between those juveniles age 15 and under and the two groups of 16- and 17-year-olds. On those factors which reflect offense seriousness or extenuating circumstances, the proportions for this younger group of juveniles often fall between those of the two groups of older juveniles. However, the younger juveniles knew the homicide victim more often than did either group of older juveniles. Also, they were less often accused of homicides committed during the course of another crime. (See Appendix, Table B, for more detailed data on this issue.)

Table 11
Offense Petitioned by Waiver and Age of Offender

<u>Offense/Offender Characteristics</u>	<u>Not Waived</u>		<u>Waived</u>
	<u>Age 11-15</u>	<u>Age 16-17</u>	<u>Age 16-17</u>
Number of Cases	31	11	54
First Petition Charge			
First Degree Murder	21 (68%)	6 (55%)	46 (85%)
Homicide - Lesser Degree	10 (32%)	5 (45%)	8 (15%)
Second Petition Charge			
Homicide	1 (3%)	0	7 (13%)
Other Offense	9 (29%)	2 (18%)	18 (33%)
Third Petition Charge			
Homicide	1 (3%)	0	4 (7%)
Other Offense	3 (10%)	0	6 (11%)

B. Case Outcomes

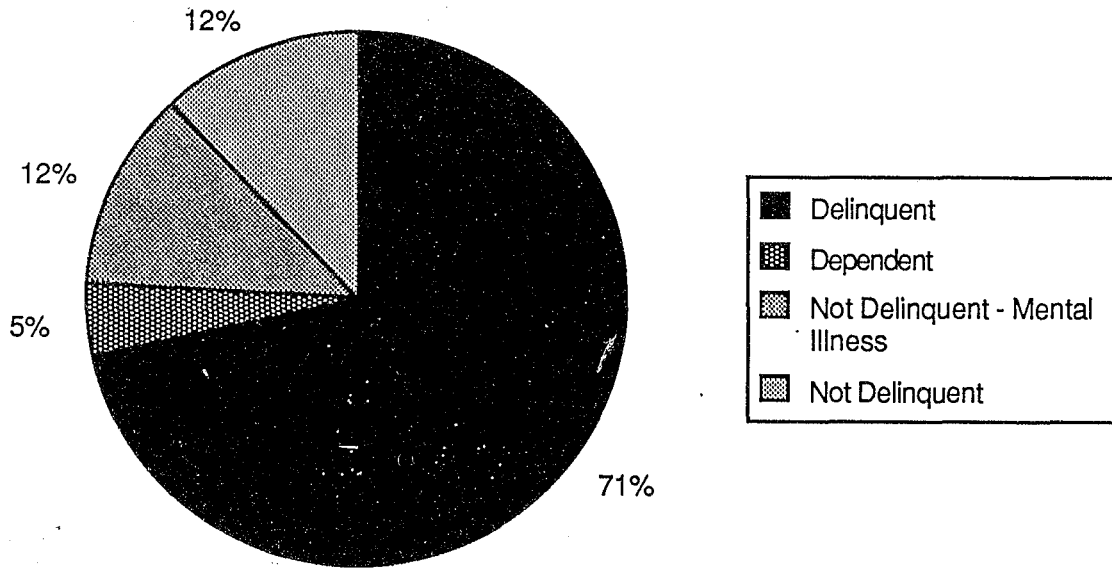
Of the 96 cases in the study, 91 had dispositional information available. Three cases were still pending in February 1985 and two cases lacked dispositional information because portions of the court files were missing. Of the 91 complete cases, 59 (65%) were "convicted" of at least one willful homicide charge and 17 (19%) were "convicted" of other charges, 11 for negligent homicide and six for charges other than homicide. An additional seven juveniles were found not guilty or not delinquent because of mental defect, indicating that they committed the homicide but that they were not legally culpable.

To be more meaningful, of course, the case outcomes must be examined within the context of the system in which the case was adjudicated. In the juvenile system, 32 (76%) of the 42 juveniles were adjudicated delinquent or dependent. Table 12 and Graph 5 show the case outcomes for the juveniles processed in the juvenile system.

Table 12
Findings of Juvenile Court Cases

<u>Findings</u>	<u>Number</u>
Delinquent	30 (71%)
Dependent	2 (5%)
Not Delinquent - Mental Illness	5 (12%)
Not Delinquent	5 (12%)
TOTAL	42 (100%)

Graph 5
Findings of Juvenile Court Cases

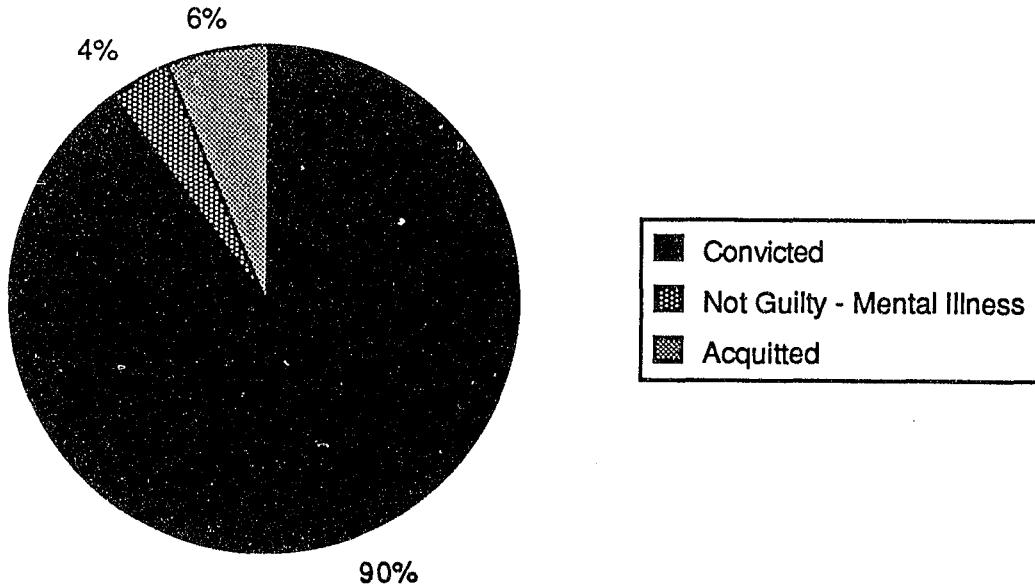


Forty-four (90%) of the 49 juveniles with known dispositions waived to the criminal court were convicted. Table 13 and Graph 6 show the case dispositions for juveniles processed in the criminal court.

Table 13
Findings of Criminal Court Cases

<u>Findings</u>	<u>Number</u>
Convicted	44 (90%)
Not Guilty - Mental Illness	2 (4%)
Acquitted	3 (6%)
TOTAL	49 (100%)

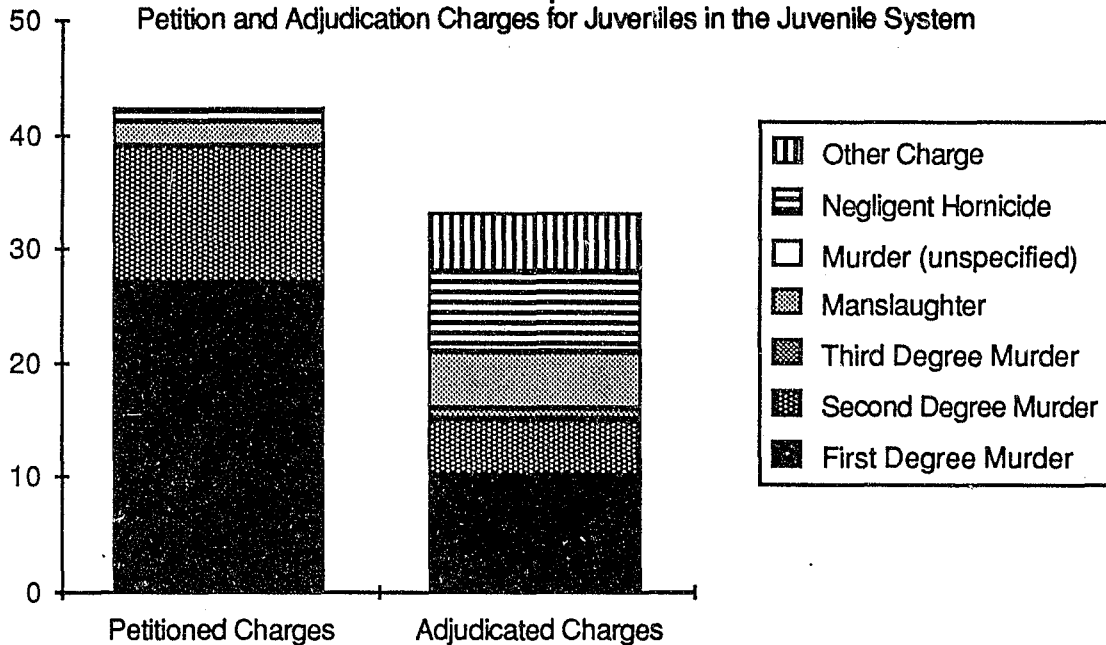
Graph 6
Findings of Criminal Court Cases



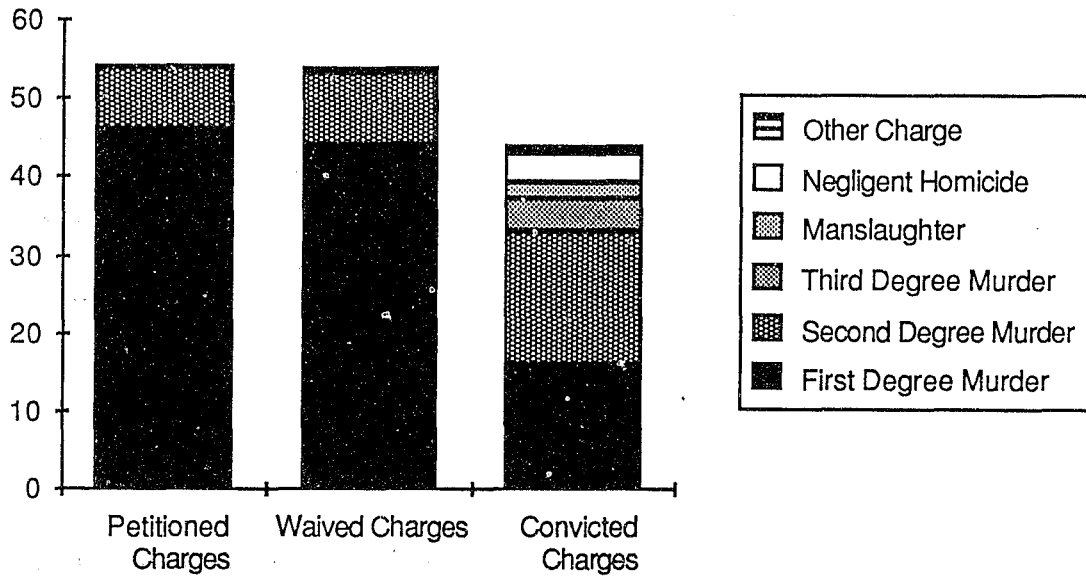
As indicated, not all convicted or adjudicated juveniles were "convicted" of homicides. Furthermore, for those that were, the homicide charges at disposition were often less serious than those originally filed. Of the juveniles remaining in the juvenile system, 20 of the 27 juveniles charged with first degree murder were adjudicated delinquent or dependent but only 10 were adjudicated for first degree murder. Of the 46 juveniles charged with first degree murder in the adult system, 38 were convicted, but only 16 were convicted of first degree murder.

Graphs 7 and 8 show the number of juveniles entering each system, the primary petition charges, waiver charges, and adjudication or conviction charges. The graphs illustrate the ratio of "convicted" cases to filed cases, as well as the modifications in the primary charges that were made during case processing.

Graph 7
Petition and Adjudication Charges for Juveniles in the Juvenile System



Graph 8
Petition, Waiver, and Conviction Charges for Juveniles in the Criminal System



The fact that many juveniles were convicted of or adjudicated for less serious charges than originally filed is not unusual, especially in the criminal system in which the sentence is more directly related to the charges at disposition. A charge reduction may result from a plea agreement or from new evidence or a re-evaluation of the factual basis of the charges.

The overall "conviction" rates for the juvenile homicide cases in both systems are relatively high. The 32 adjudications in the juvenile system translate into a 76 percent "conviction" rate; the 44 convictions in the adult system represent 90 percent of the disposed cases (discounting the five cases with unknown dispositions). Other studies have shown that comparable conviction rates (convictions as a proportion of filings) for both felonies in general and for homicides tend to be about 65 to 70 percent.¹ If the cases that resulted in mental commitments are added to these figures (since, in fact, the juveniles were found to have committed the crime and were incapacitated as a result) the "positive" case result rate becomes 88 percent for cases in the juvenile system and 94 percent for the waived (adult system) cases.

¹ Tracking Offenders, Bureau of Justice Statistics, U.S. Department of Justice, November 1983.

C. Sentences

1. Juvenile Court

Of the 32 juveniles adjudicated delinquent or dependent in the juvenile system, 21 (66%) were placed in a juvenile correctional institution. Table 14 shows the dispositions of the adjudicated juvenile offenders.

TABLE 14
Disposition of Adjudicated Cases

<u>Disposition</u>	<u>Number</u>
Juvenile Correctional Institution	21 (66%)
Supervision	9 (28%)
Child-Caring Institution	2 (6%)
TOTAL	32 (100%)

2. Criminal Court

Of the 44 juveniles convicted in the adult system, 42 (95%) received prison sentences. Table 15 shows the types of sentences imposed on the juveniles convicted in the adult system.

Table 15
Sentences of Convicted Cases

<u>Sentences</u>	<u>Number</u>
Prison	42 (95%)
Probation	1 (2%)
Mental Commitment	1 (2%)
TOTAL	44 (99%)

3. Comparison of Juvenile and Criminal Court Outcomes

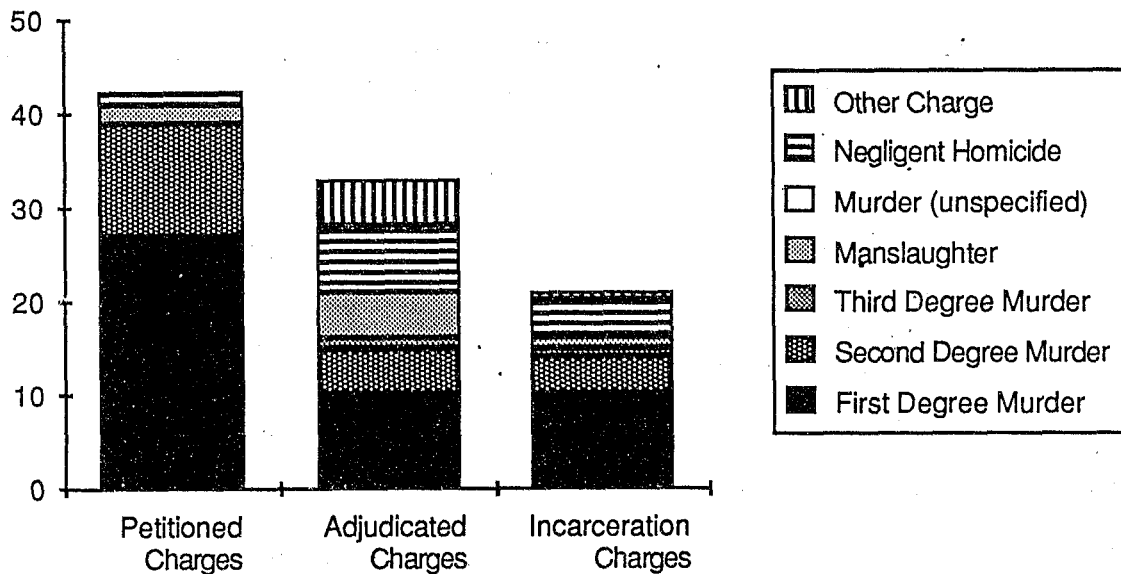
Since waiver to the criminal court system is based on such factors as the seriousness of the crime and the perceived culpability of the alleged offender, the higher rate of conviction and incarceration for cases in the adult system is not surprising. Conversely, since most of the cases involving extenuating circumstances were processed in the juvenile system, the charges at disposition were generally less serious for the juveniles remaining in the juvenile system than for waived juveniles. Incarceration, in turn, was less frequently imposed upon juveniles in the juvenile system.

These case outcomes are illustrated in Table 16, which shows the numbers of "convicted" and incarcerated juveniles by charge at disposition for both systems, and Graphs 9 and 10, which visually display the same information. In the juvenile system 47 percent of the offenders were adjudicated for first or second degree murder, compared to 75 percent convicted of these charges in the adult system.

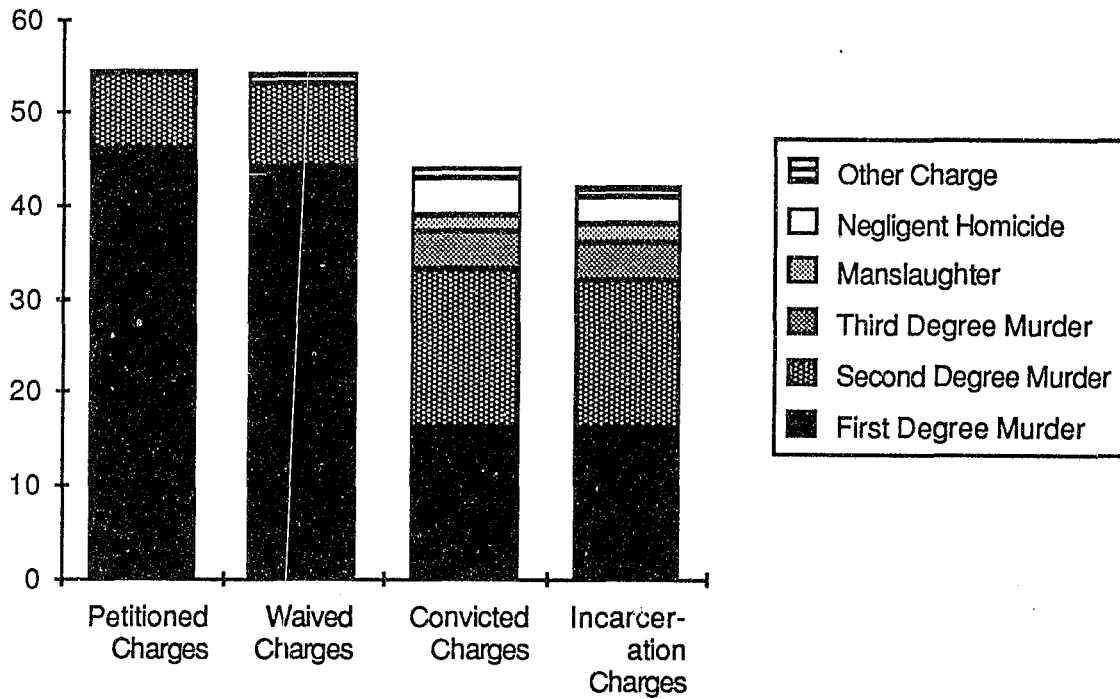
Table 16
 Juveniles Adjudicated or Convicted and Incarcerated
 by Charge at Disposition

Charge at Disposition	Juvenile System		Adult System	
	Adjudicated	Incarcerated	Convicted	Incarcerated
First Degree Murder	10 (31%)	10 (48%)	16 (36%)	16 (38%)
Second Degree Murder	5 (16%)	4 (19%)	17 (39%)	16 (38%)
Third Degree Murder	1 (3%)	1 (5%)	4 (9%)	4 (10%)
Manslaughter	4 (13%)	1 (5%)	2 (5%)	2 (5%)
Negligent Homicide	7 (22%)	4 (19%)	4 (9%)	3 (7%)
Other Offenses	5 (16%)	1 (5%)	1 (2%)	1 (2%)
TOTAL	32 (101%)	21 (101%)	44 (100%)	42 (100%)

Graph 9
 Petition, Adjudication, and Incarceration Charges
 for Juveniles in the Juvenile System



Graph 10
 Petition, Waiver, Conviction, and Incarceration
 Charges for Juveniles in the Criminal System



As inferred above, some of the difference between the final charges and the incarceration rates in the two systems is due to the discretionary retention of some 16- and 17-year-olds in the juvenile system. As discussed earlier in this section, the cases of these juveniles often appeared to involve extenuating circumstances. Of these 11 juveniles, seven were adjudicated delinquent or dependent. None of these juveniles was adjudicated for first degree murder. Six of the seven had final charges that were less serious than second degree murder.

Of the 25 adjudicated juveniles under age 16, those ineligible for waiver to adult court, 14 (56%) had final charges of first or second degree murder. Seven (28%) had lesser homicide charges and four (16%) were adjudicated for other types of offenses (or dependency). Thus, those juveniles who could not be waived were usually adjudicated for offenses more serious than those of the unwaived 16 and 17 year olds but less serious than those of the waived juveniles.

4. Length of Sentence

The length of incarceration sentence is only an issue for the juveniles waived to adult court. Unwaived juveniles placed in a juvenile correctional institution are given essentially indeterminate terms which may continue until they reach adulthood (although some dispositional orders may be extended to age 19). Table 17 shows the length of sentences imposed on juveniles waived to adult court.

Table 17
Charge at Disposition by Length of Sentence for Waived Juveniles

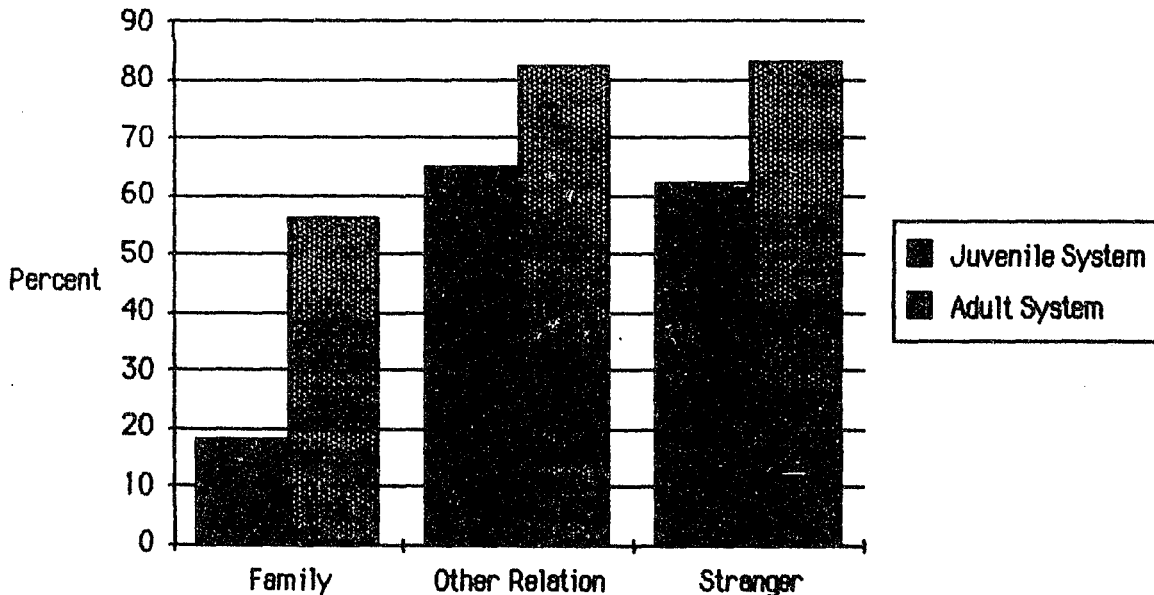
<u>Charges at Disposition</u>	<u>Length of Sentence (Years)</u>					<u>Life</u>	<u>Total</u>
	<u>1-5</u>	<u>6-10</u>	<u>11-15</u>	<u>16-20</u>	<u>More than 20</u>		
First Degree Murder	--	--	--	--	--	16	16
Second Degree Murder	--	4	2	3	7	--	16
Third Degree Murder	--	1	--	3	--	--	4
Manslaughter	--	2	--	--	--	--	2
Negligent Homicide	2	1	--	--	--	--	3
Other Offense	--	--	1	--	--	--	1
TOTAL	2	8	3	6	7	16	42

The 16 juveniles convicted of first degree murder were sentenced to mandatory life imprisonment. Juveniles with other primary charges were sentenced to shorter terms which roughly correspond to the seriousness of the charges. The length of the sentence for some juveniles was affected by other convicted charges.

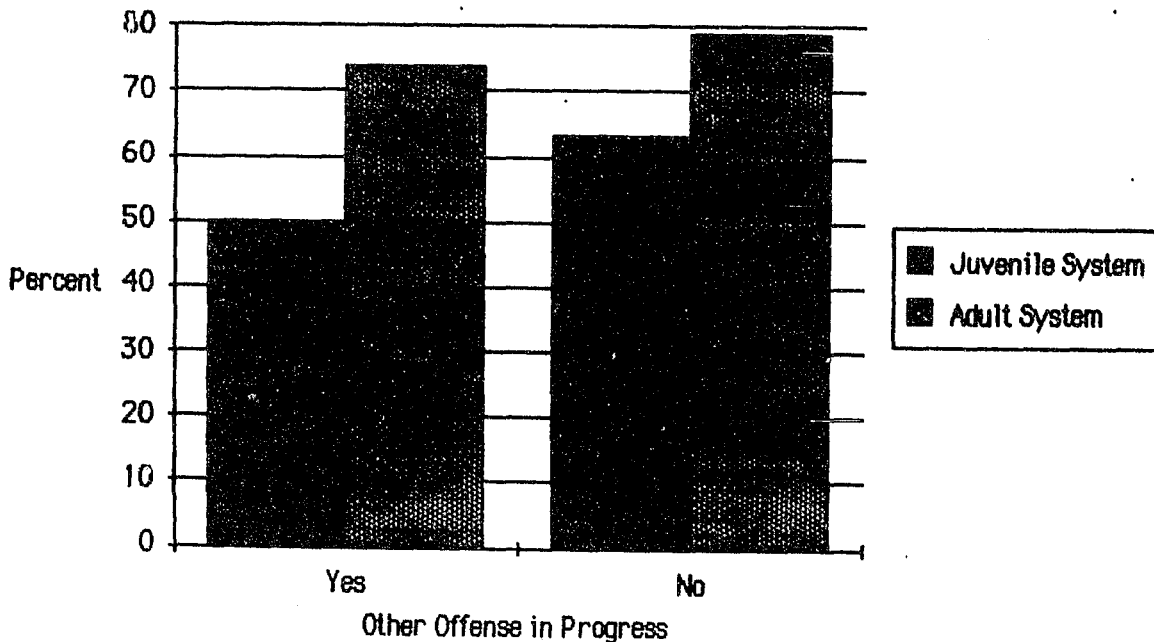
5. Case Outcome by Type of Homicide

It was suggested in the previous section that many of these juvenile homicide cases probably fall into one of two broad motivational categories: homicides which result from interpersonal conflict and homicides which stem from other criminal activity. Given the fundamental seriousness of a homicide offense, significant differences in "conviction" and incarceration rates between these categories would not really be expected. Nonetheless, to examine any differences between these type of cases, Graphs 11 -13 show incarceration rates by victim relationship, other offense, and prior offense categories.

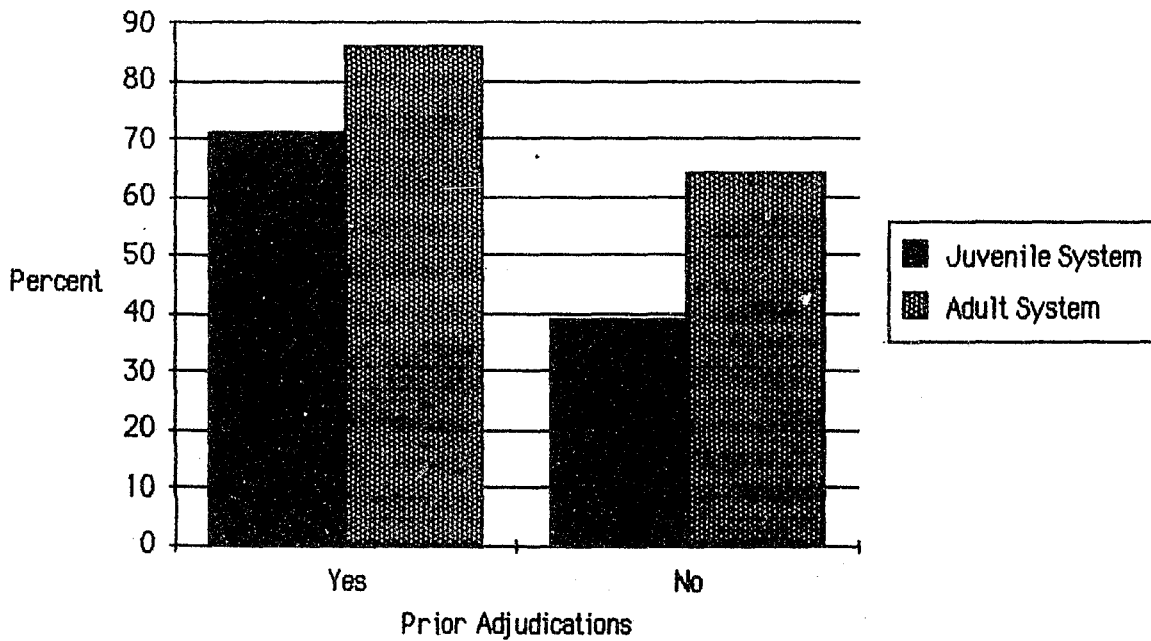
Graph 11
Incarceration Rate by Relationship to Victim, Juvenile and Adult Systems



Graph 12
Incarceration Rate by Other Offense in Progress, Juvenile and Adult Systems



Graph 13
Incarceration Rate by Prior Adjudications, Juvenile and Adult Systems



In all instances, the incarceration rate for juveniles convicted in criminal court exceeds the incarceration rate for those adjudicated in juvenile court. Also, cases involving the murder of a family member and offenders with no prior adjudication resulted in lower incarceration rates for both court systems. (More detailed data on convictions and incarcerations are presented in the Appendix, Table C.)

VI. NEW OFFENSES BY JUVENILE HOMICIDE OFFENDERS

- FORTY-TWO JUVENILES ORIGINALLY "CONVICTED" HAD SOME TIME AT LIBERTY; 27 WHO WERE ADJUDICATED IN THE JUVENILE SYSTEM, 15 WHO WERE CONVICTED IN THE CRIMINAL SYSTEM.
- SUBSEQUENT TO THEIR ORIGINAL HOMICIDE CASE DISPOSITION, 26 OFFENDERS WERE CONVICTED OF A TOTAL OF 45 NEW OFFENSES (NINE WERE VIOLENT OFFENSES). FOURTEEN OF THESE 26 HAD ORIGINALLY BEEN ADJUDICATED IN THE JUVENILE SYSTEM, SEVEN CONVICTED IN THE ADULT SYSTEM, AND FIVE NOT CONVICTED.
- OFFENDERS WITH NEW CONVICTIONS WERE MUCH MORE LIKELY TO HAVE HAD PRIOR ADJUDICATIONS AND TO HAVE COMMITTED THE ORIGINAL OFFENSE DURING THE COURSE OF ANOTHER CRIME. THEY WERE LESS LIKELY TO HAVE BEEN ACCUSED OF KILLING A FAMILY MEMBER IN THE ORIGINAL HOMICIDE CASE.
- IN TERMS OF TIME AT LIBERTY, JUVENILES ORIGINALLY PROCESSED IN THE CRIMINAL SYSTEM WERE CONVICTED OF NEW CRIMES SOMEWHAT MORE FREQUENTLY THAN JUVENILES ORIGINALLY PROCESSED IN THE JUVENILE SYSTEM, ONCE FOR EVERY FIVE YEARS AT LIBERTY COMPARED TO ONCE FOR EVERY SEVEN YEARS.

As indicated in Section II, Study Method, the court records in each juvenile's county of residence and the identification records of the State Department of Justice were examined for evidence of new crimes committed by the juveniles in this study. Certain new crimes may not have been detected through this process; specifically, any crimes committed in other states and some of the crimes that may have been committed while the subject was still a juvenile (since it is not mandatory to report these to the Department of Justice). It is likely that most new offenses were detected, however, particularly the most serious ones.

A. Time at Risk

The commission of a new crime, of course, is dependent on opportunity. As indicated in earlier sections of this report, most of the juveniles in this study were incarcerated for some period of time. Many, in fact, were still incarcerated at the time these data were collected. Of the 44 offenders convicted in the criminal court system, 29 were incarcerated from the time of their conviction to the time the data were collected. Thus, only 15 were "at risk" for any period of time following their homicide case conviction. Of the 32 juveniles adjudicated in the juvenile system, five were still incarcerated in early 1985. Twenty-seven were, therefore, at risk for some period.

Juveniles who were not convicted or adjudicated were also generally at risk for some of the period following the disposition of their case. However, it should be recalled that three cases were still pending (these juveniles were in pretrial detention and, therefore, incapacitated) and seven had been adjudged not guilty by reason of mental defect (these were at least under supervision, if not totally incapacitated, for some period).

The average potential time at risk for all juveniles in the study for which such time could be calculated was 3.69 years (this is based on 91 cases, omitting the three pending cases and the two for which the file was missing and the disposition data unavailable). This potential time at risk was calculated as the

time from disposition to February 28, 1985, minus any incarceration time for the original offense. Any incarceration time for subsequent offenses was not subtracted.

The overall average time at risk is, of course, considerably reduced by the high numbers of juveniles with lengthy incarceration sentences. Furthermore, the differences in the numbers and lengths of incarceration sentences between juveniles waived to adult court and those retained in the juvenile system results in a large difference between the potential at-risk times of these two groups. Juveniles who were waived to criminal court averaged 1.78 years at risk, while juveniles retained in the juvenile court system averaged 5.92 years at risk, more than three times longer.

For an examination of the types and frequency of new offenses, however, there is little point in studying juveniles with no time at risk, that is, juveniles who were incarcerated throughout the study period (through February 28, 1985). When these cases are omitted, the at-risk times of the two groups of juveniles are somewhat more similar, as seen in Table 18 .

TABLE 18
Potential Years at Risk

<u>Court System</u>	<u>Number of Juveniles</u>	<u>Average Years at Risk</u>
Juvenile	27	6.96
Criminal	15	4.45

B. New Offenses

1. Number of Offenses

Of all the juveniles in the study, there was evidence that 28 had been arrested at least once following the disposition of their homicide case. Of these 28, 26 were convicted of or adjudicated for at least one new crime. Of these, 14 had originally been adjudicated in the juvenile system, seven had been convicted in the criminal system, and five had not been convicted or adjudicated delinquent in the original case (three of these five had been waived, two had not). Of the 26 juveniles with at least one subsequent conviction, 12 had a second conviction, five had a third, and two had a fourth. Thus, these 26 juveniles were convicted of a total of 45 new offenses. (These new offense convictions are case convictions which often involve more than one charge or count. In some cases, charges from several incidents were consolidated into one case by the court).

2. Type of Offense

Table 19 shows the types of new offenses (primary charge) for which these 26 juveniles were convicted. Nine (20%) of the 45 subsequent convictions involved violent crimes (homicide, battery, and robbery). The majority were for property crimes.

Table 19
New Convictions by Offense Type and Original Case Disposition

New Offense	Original Homicide Case			Total
	Convicted Adult System	Adjudicated Juvenile System	Not Convicted or Adjudicated	
Homicide	1	0	0	1
Battery	0	1	1	2
Robbery	0	4	2	6
Burglary	2	5	1	8
Criminal Trespass	1	1	1	3
Theft	1	5	4	10
Concealed Weapon	1	2	0	3
Drug Offenses	1	3	0	4
Illegal Drinking	0	2	1	3
Other	4	1	0	5
TOTAL	11	24	10	45

3. Sentences

Some of these new convictions were for relatively minor offenses. Only fines were imposed as sentences in six cases and only jail terms were imposed in three cases. On the other end of the scale, 12 of the convictions resulted in prison terms, four (adjudications) in juvenile institutionalizations, and two in probation terms that were subsequently revoked. These 18 incarceration sentences were imposed on 14 individuals (two subjects had two new offense incarcerations and one had three).

To some extent, it is reasonable to assume that the most serious new offenses were those resulting in incarceration (prison or juvenile institution) sentences. Table 20 shows the types of new offenses (primary charge) that resulted in incarceration sentences. The majority of incarceration sentences resulted from robbery or burglary charges, although incarceration was also imposed for two other violent offenses, homicide and battery.

Table 20
 Number of New Convictions Resulting in Incarceration Sentences
 by Offense Type and Original Disposition

<u>New Offense</u>	<u>Original Homicide Case</u>			<u>Total</u>
	<u>Convicted Adult System</u>	<u>Adjudicated Juvenile System</u>	<u>Not Convicted or Adjudicated</u>	
Homicide	1	0	0	1
Battery	0	0	1	1
Robbery	0	3	2	5
Burglary	2	4	1	7
Theft	0	0	1	1
Concealed Weapon	0	1	0	1
Drug Offense	0	1	0	1
Other	1	0	0	1
TOTAL	4	9	5	18

The majority of incarceration sentences for new offenses were imposed upon juveniles originally adjudicated in the juvenile system. In fact, nine of the 14 individuals who received incarceration sentences were originally adjudicated in the juvenile system.

The new homicide offense, the most serious new offense, resulted in a conviction for first degree murder. It followed a conviction for third degree murder in the original case for which the offender had been sentenced to 20 years in prison by the criminal court. The court later modified the sentence to eight years and the offender was released after serving about three and one-half years in prison.

C. Relationship to Other Characteristics

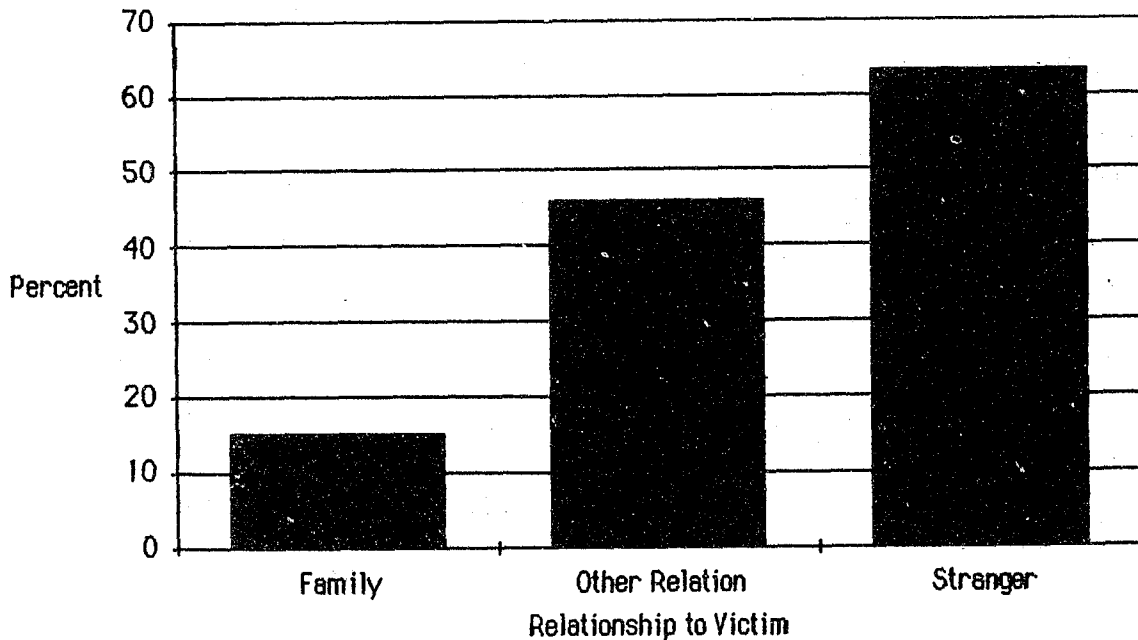
There is evidence to indicate that many of the new offenses detected in this study were committed by offenders also involved in other criminal activity, as revealed by either a history of prior adjudications or the commission of the original homicide during the course of another crime. Table 21 shows certain characteristics of the original homicide offense and the new conviction status of all juveniles with some time at risk during the study period (including juveniles not originally convicted or adjudicated). (See Appendix, Table D, for more detailed information on this issue.)

Table 21
At-Risk Juveniles Convicted of New Crimes
by Original Victim Relationship, Other Offense, and Prior Adjudications

<u>Offense/Offender Characteristics</u>	<u>New Conviction</u>	<u>No New Conviction</u>	<u>Total</u>
Number of Cases	26 (46%)	31 (54%)	57
Relationship to Victim			
Family Member	2 (15%)	11 (85%)	13
Other Relationship	11 (46%)	13 (54%)	24
Stranger	12 (63%)	7 (37%)	19
Other Offense in Progress			
Yes	13 (81%)	3 (19%)	16
No	12 (35%)	22 (65%)	34
Prior Adjudications			
Yes	16 (84%)	3 (16%)	19
No	9 (25%)	27 (75%)	36

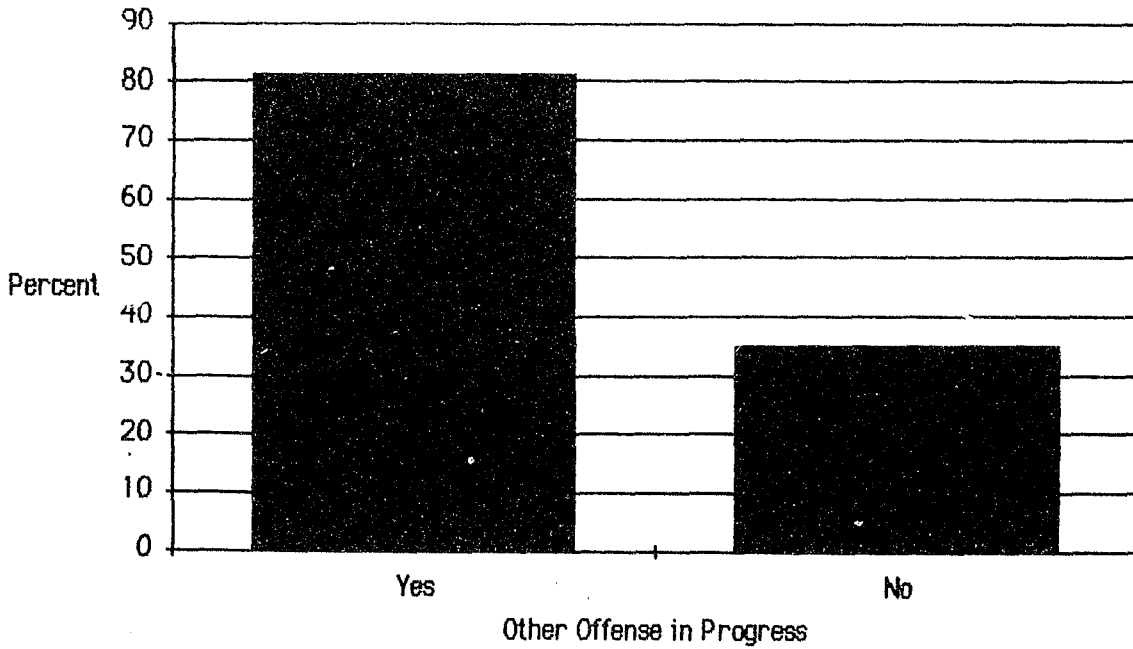
Graphs 14 through 16 show the proportion of homicide offenders with new convictions. Individual graphs present this information based upon the major characteristics of the original homicide offense.

Graph 14
Proportion of Homicide Offenders with New Convictions, by Relationship to Victim



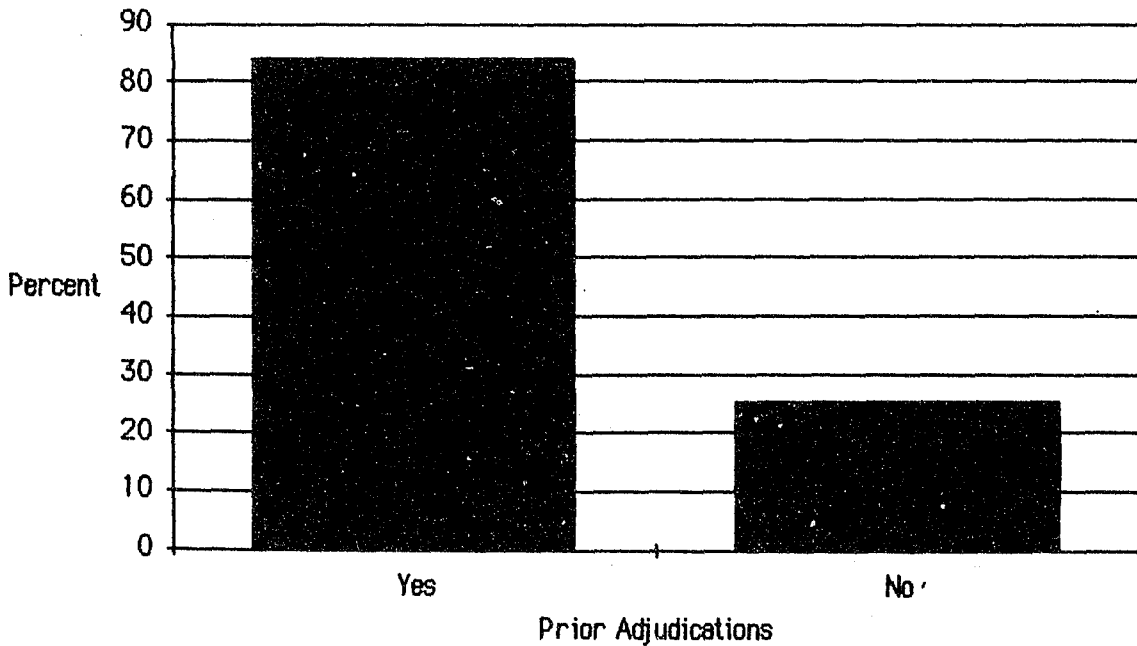
Graph 15

Proportion of Homicide Offenders with New Convictions, by Other Offense in Progress



Graph 16

Proportion of Homicide Offenders with New Convictions, by Prior Adjudications



These graphs show that offenders with new convictions were much more likely to have had prior adjudications and to have (allegedly) committed the original offense during the course of another crime. They were less likely to have been accused of killing a family member in the original homicide case.

D. Evaluation of Recidivism

As indicated, 28 (29%) of the 96 juveniles studied had new arrests and 26 (27%) of these had at least one new conviction. Of the 76 juveniles convicted or adjudicated delinquent or dependent in the original homicide case, 21 (28%) had at least one new arrest and conviction. As was also indicated, however, only 42 of the juveniles convicted or adjudicated in the original case were at risk for any time during the study period. Thus, 50 percent (21 of 42) of the juveniles with time at risk after their original "conviction" were recidivists.

Although juveniles originally adjudicated in the juvenile system had more new convictions than juveniles convicted in the criminal system, the recidivism rates for the two groups were similar. Fifty-two percent (14 of 27) of the at risk juveniles adjudicated in the juvenile system and 47 percent (seven of 15) of the at risk juveniles convicted in the criminal system were convicted of a new crime. Thirty-three percent (five of 15) of the juveniles not convicted or adjudicated in the original case were convicted of a new crime; however, almost one-half of these juveniles (seven of 15) had been referred for mental health treatment as an outcome of the original homicide case, so the number of these juveniles who were at risk is actually unknown (hospitalization information on these individuals could not be obtained).

Most of the juveniles with time at risk during the study period were, as noted, adjudicated in the juvenile system. These juveniles also averaged more time at risk than did the juveniles convicted in the criminal system. It is not too surprising, therefore, that the offenders adjudicated in the juvenile system had more new convictions than the offenders convicted in the adult system, 24 compared to 11.

When these numbers are evaluated in terms of total at-risk time, however, it appears that offenders who were originally waived to adult court were somewhat more likely to be convicted of a new crime. Of the "convicted" juveniles with some time at risk, the 27 juveniles adjudicated in the juvenile system averaged 6.18 total years at risk, resulting (when these numbers are multiplied) in 166.9 person/years at risk. The 24 new convictions of offenders in this group translate (when years are divided by convictions) into one conviction for every 7.0 years at risk. The total number of years at risk used for this calculation is the total time at liberty for each offender. It differs from the potential time at risk used earlier in that incarceration time for new offenses is included in the calculation. The 15 juveniles convicted in the criminal system averaged 3.68 total years at risk, resulting in 55.2 person/years at risk. The 11 new convictions for this group translate into one conviction for every 5.0 years at risk. A summary of this information appears in Table 22.

TABLE 22
Years at Risk Per Conviction by Court Type

<u>Item</u>	<u>Juvenile Court</u>	<u>Criminal Court</u>
Number of Juveniles at Liberty	27	15
Average Years at Risk	6.18	3.68
Person/ Years at Risk	166.9	55.2
Number of Convictions	24	11
Years at Risk per Conviction	7	5

VII. SUMMARY AND CONCLUSION

The purpose of this study has been to compile available information about juvenile homicide offenders in Wisconsin. The study has primarily focused on juveniles petitioned to the court for a willful homicide during the years 1972 through 1983. Although this study does not examine all the unique and complex aspects of these cases, it provides a more comprehensive overview of these cases than has previously been available.

A. Juveniles Accused of Homicide

During the years studied, 96 court cases involving a juvenile petitioned for willful homicide were identified. While these probably do not represent all the petitioned homicide cases during these years, they are undoubtedly the vast majority of cases. The 181 juveniles arrested during these years, according to UCR reports, was almost twice that number.

The limited data available indicate that juveniles arrested for but not petitioned for homicide either were not prosecuted or were charged with lesser offenses. Most of these juveniles were arrested with other persons. Presumably, upon further investigation, they were found not to have been involved in the homicide.

B. Waiver to Criminal Court

Sixty-five of the 96 juveniles in the study were age 16 or 17, old enough to be waived to criminal court. Fifty-four were, in fact, waived. Forty-two juveniles were retained in the juvenile system, 31 who were under the waiver age and 11 who were eligible for waiver. The case information available seems to indicate that the cases of these latter 11 juveniles involved mitigating circumstances. With the discretionary retention of these cases in the juvenile system, virtually all of the cases involving mitigating circumstances were processed in the juvenile system. As a result, the aggregate characteristics of the two groups of juveniles, waived and unwaived, are very different.

C. Homicide Case Outcomes

Seventy-six percent (32) of the juveniles processed in the juvenile system were adjudicated delinquent or dependent. An additional 12 percent (5) were found not delinquent but were referred for mental health treatment. Sixty-six percent (21) of the juveniles adjudicated in the juvenile system were incarcerated.

Ninety percent (44) of the juveniles waived to the criminal system were convicted. An additional four percent (2) were found not guilty by reason of mental defect. Ninety-five percent (42) of the juveniles convicted in the criminal system were incarcerated.

Not unexpectedly, given the differences between the two groups of juveniles and the two systems, juveniles waived to criminal court were convicted and incarcerated at a higher rate than juveniles retained in the juvenile system. Juveniles convicted in the criminal system also served longer sentences. Of the 42 offenders incarcerated in prison, only 13 (31%) had been released by the time these data were collected. They had served an average of 4.4 years. Of the 21 juveniles incarcerated by the juvenile system, 16 (76%) were released by the time these data were collected. They had served an average of 2.1 years.

D. New Crimes by Homicide Offenders

Of the 76 juveniles convicted or adjudicated delinquent or dependent, 42 had some time at liberty after the disposition of their homicide case. This number includes 27 juveniles adjudicated in the juvenile system and 15 convicted in the criminal system. One-half of these at-risk juveniles were convicted of (or adjudicated for) a new offense during the study period (through February 28, 1985).

Juveniles originally adjudicated in the juvenile system were convicted of twice as many new crimes as juveniles who had been convicted in the adult system. Nonetheless, similar proportions of the waived and unwaived juveniles who were at risk had new convictions. Fifty-two percent (14) of the at-risk juveniles originally adjudicated in the juvenile system had new convictions. These 14 juveniles had a total of 24 new convictions. Forty-seven percent (seven) of the at-risk juveniles convicted in the criminal system had new convictions. These seven juveniles had 11 new convictions.

As indicated, juveniles adjudicated in the juvenile system were incarcerated less frequently and for shorter periods. As a result, their average time at liberty was potentially more than three times longer than juveniles convicted in the criminal system. With these differences, the greater number of new convictions of juveniles adjudicated in the juvenile system is not too surprising. However, when new convictions are examined in terms of the time at liberty, the "rate" of new convictions (per year at risk) is somewhat higher for juveniles who were originally waived to criminal court.

The differences between the waived and unwaived offenders and the uniqueness of this offender group as a whole make it difficult to further evaluate the recidivism of these offenders. Compared to other juvenile offenders, however, even to other violent offenders, the volume of new crimes (as measured by arrest) by these homicide offenders is probably not high. A study of juveniles arrested for violent crimes in a sample of Wisconsin counties revealed that, of those juveniles who had reached their 18th birthday, 85 percent had more than one juvenile arrest and 56 percent had five or more arrests.² A study of juveniles arrested for violent offenses in Columbus, Ohio, showed that 69 percent had more than one juvenile arrest and that 31 percent had five or more arrests.³ Although these studies involved different types of offenders and different measurements, it is clear that the homicide offenders in the present study recidivated at a lower rate than the offenders in these other studies. In this study, 50 percent of the homicide offenders who were at risk had no new arrests. Furthermore, of those who had new arrests, some were arrested as adults, arrests which would not have been included in the other studies cited.

² Ereth, Janice L., et. al., Violent Delinquents: A Wisconsin Study, Youth Policy and Law Center, Madison, Wisconsin, 1984.

³ Hamparian, Donna Martin, et. al., The Young Criminal Years of the Violent Few, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1985.

The most likely reason that a lower than "average" proportion of the offenders in this study recidivated during the study period is that many, possibly most, of these offenders are not typical violent offenders. Over one-half of the offenders in this study had no prior adjudications. Only 19 percent had a prior adjudication for a violent crime. The evidence from this study indicates that most of the new crimes committed by these homicide offenders were committed by individuals who had been involved in other criminal activity, either prior to or at the time of the homicide. Individuals with no other criminal activities, whose homicides presumably stemmed from interpersonal conflict, appeared less likely to commit new crimes.

APPENDIX

Table A
Juveniles with Prior Adjudications

<u>Number of Adjudications</u>	<u>Any Type of Offense</u>	<u>Violent Offense</u>	<u>Property Offense</u>
0	50 (54%)	74 (80%)	58 (63%)
1	14 (15%)	10 (11%)	13 (14%)
2	4 (4%)	4 (4%)	5 (5%)
3	5 (5%)	2 (2%)	2 (2%)
4	8 (9%)	2 (2%)	6 (6%)
5 or more	11 (12%)	0	8 (9%)
(Missing)	<u>4</u>	<u>4</u>	<u>4</u>
TOTAL	96	96	96

Table B
Offense and Alleged Offender Characteristics by Waiver and Age

<u>Offense/Offender Characteristics</u>	<u>Not Waived</u>		<u>Waived</u>
	<u>Age 11-15</u>	<u>Age 16-17</u>	<u>Age 16-17</u>
Number of Cases	31	11	54
First Petition Charge			
First Degree Murder	21 (68%)	6 (55%)	46 (85%)
Homicide - Lesser Degree	10 (32%)	5 (45%)	8 (15%)
Second Petition Charge			
Homicide	1 (3%)	0	7 (13%)
Other Offense	9 (29%)	2 (18%)	18 (33%)
Third Petition Charge			
Homicide	1 (3%)	0	4 (7%)
Other Offense	3 (10%)	0	6 (11%)
Relationship to Victim			
Family Member	9 (29%)	2 (18%)	9 (17%)
Other Relationship	13 (42%)	4 (36%)	22 (41%)
Stranger	9 (29%)	4 (36%)	23 (43%)
Prior Adjudications			
Prior Offense	10 (32%)	4 (36%)	28 (52%)
Violent Offense(s)	5 (16%)	1 (9%)	12 (22%)
Property Offense(s)	8 (26%)	3 (37%)	23 (43%)
Other Offense(s)	1 (3%)	2 (18%)	7 (13%)
Other Offense in Progress	7 (23%)	3 (27%)	23 (43%)
Evidence of Retardation	5 (16%)	4 (36%)	1 (2%)
Enrolled in School	26 (84%)	11 (100%)	35 (65%)

Table C
 Juveniles Adjudicated, Convicted, and Incarcerated
 by Victim Relationship, Other Offense, and Prior Adjudications

Offense/Offender Characteristics	Juvenile System			Adult System		
	Filed	Adjudicated	Incarcerated	Filed	Convicted	Incarcerated
Number of Cases (% of filed)	42	32 (76%)	21 (50%)	54	44 (81%)	42 (78%)
Relationship to Victim						
Family Member (% of filed)	11 (27%)	6 (19%) (55%)	2 (10%) (18%)	9 (17%)	6 (14%) (67%)	5 (12%) (56%)
Other Relationship (% of filed)	17 (41%)	15 (48%) (88%)	11 (52%) (65%)	22 (41%)	18 (41%) (82%)	18 (43%) (82%)
Stranger (% of filed)	13 (32%)	10 (32%) (77%)	8 (38%) (62%)	23 (43%)	20 (45%) (87%)	19 (45%) (83%)
(Missing)	1	1	0	0	0	0
Other Offense in Progress						
Yes (% of filed)	10 (29%)	7 (25%) (70%)	5 (25%) (50%)	23 (44%)	18 (43%) (78%)	17 (43%) (74%)
No (% of filed)	24 (71%)	21 (75%) (88%)	15 (75%) (63%)	29 (56%)	24 (57%) (83%)	23 (58%) (79%)
(Missing)	8	4	1	2	2	2
Prior Adjudications						
Yes (% of filed)	14 (33%)	13 (41%) (93%)	10 (48%) (71%)	28 (56%)	25 (63%) (89%)	24 (63%) (86%)
No (% of filed)	28 (67%)	19 (59%) (68%)	11 (52%) (39%)	22 (44%)	15 (38%) (68%)	14 (37%) (64%)
(Missing)	0	0	0	4	4	4

Table D
At-Risk Juveniles Convicted of New Crimes
by Original Victim Relationship, Other Offense, and Prior Adjudications

<u>Offense/Offender Characteristics</u>	<u>New Conviction</u>	<u>No New Conviction</u>
Number of Cases	26	31
Relationship to Victim		
Family Member	2 (8%)	11 (3%)
(percent of at-risk)	(15%)	(85%)
Other Relationship	11 (44%)	13 (42%)
(percent of at-risk)	(46%)	(54%)
Stranger	12 (48%)	7 (23%)
(percent of at-risk)	(63%)	(37%)
(Missing)	1	0
Other Offense in Progress		
Yes	13 (52%)	3 (12%)
(percent of at-risk)	(81%)	(19%)
No	12 (48%)	22 (88%)
(percent of at-risk)	(35%)	(65%)
(Missing)	1	6
Prior Adjudications		
Yes	16 (64%)	3 (10%)
(percent of at-risk)	(84%)	(16%)
No	9 (36%)	27 (90%)
(percent of at-risk)	(25%)	(75%)
(Missing)	1	1