"Juvenile Detention Practices in Oregon: The Characteristics of Detainees, Their Offenses, and the Changing Use of Detention in Selected Years From 1975 to 1986"

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TABLE OF CONTENTS

Executive Summary	1
Introduction	5
History of Juvenile Detention Law in Oregon	7
Longitudinal Analysis of Detention Practices	24
Detainee Characteristics	28
Detention Practices	38
Trends in Offenses Over Time	45
Length of Stay in Detention	50
Summary	56
Recommendations	57

TABLES

Table		Page
1	Detention Admissions Distributed by Sex and Offense Type	34
2	Detainee Distribution by Age	37
3	Prior Referrals to Detention	39
4	Out-of-State Detainees	42
5	Non-Criminal Primary and Secondary Referral Reasons (1980 to 1986)	46
6	Criminal Primary and Secondary Referral Reasons (1980 to 1986)	48
7	Special reasons for Referral	50
8	Judicial Time Held in Detention by Offense Type	51
9	Calendar Time Held by Adjudication Status	53
10	Reasons for Post-Adjudication Detention	55

FIGURES

Figure		Page
1	Total Admissions to Detention	24
2	Admissions to Detention by Judical Status	27
3	Detention by Sex Distribution	29
4	Detention Use by Offense Type	31
5	Detention Use by Ofense Type by Sex	33
6	Offense Type by Sex of Detainee	36
7	Use of Regional Detention	41
8	Referral Source of Detainees	43

EXECUTIVE SUMMARY

Since the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, Oregon has made strides to comply with the major mandates of that act: (1) to remove juveniles from adult jails and lockups and (2) to remove status offenders and nonoffenders from secure detention and correctional facilities. A combination of judicial, legislative, and programmatic events, as well as changes in informal practices have helped accomplish these goals.

This report begins with an examination of the history of the changing Oregon juvenile detention legislation enacted since passage of the federal act. Following this discussion, results of an empirical study of juvenile detention practices in Oregon from 1975 to 1986 are examined. This study is designed to address how and when detention practices have changed with respect to the JJDPA guidelines which specify the conditions under which detention is or is not appropriate.

In each of the study years, a sample of all admissions to detention was selected for more extensive case file data collection and analysis. Sample case file data specifying the numbers of youth detained, their demographic characteristics, and information about current offense(s), referral reasons and prior referrals were collected in 1975, 1980, and annually from 1982 to 1986. These data sets were analyzed to provide detainee demographic and offense profiles across the study years.

Critical findings included the following[1]:

- Total number of admissions to detention declined 64.5% from 13,192 in 1975 to 4,684 in 1984.

- From 1984, admissions to detention increased 8.9% (to 5,103) in 1985 and 27.8% (to 6,520) in 1986. Even with these increases, 1986 admissions were 49% of 1975 admissions (i.e., 6,520 compared to 13,192)

- The 1985 and 1986 increases in detention admissions were due primarily to the use of detention for post-adjudication confinement

- Detention for non-criminal offenses decreased from 53% of all detentions in 1975 to 6% of all 1986 detentions (or in absolute numbers from 6,992 to 391)

- The proportion of female detainees decreased across study years, from 35% of all 1975 detainees to 25% of 1986 detainees. The exclusion of detention for non-criminal offenses selectively impacted the detention of females more than that of males.

- In accordance with the JJDPA of 1974, the proportion of out-of-compliance cases, i.e., juveniles referred to detention for non-criminal offenses and detained in excess of 24 judicial hours declined significantly from 30.4% in 1975 to 2.5% in 1986 (or from 4010 to 163 in absolute numbers). This represents a 95.9% reduction in the number of status offenders and nonoffenders held out-of-compliance compared to the base year of 1975.

- Between 1980 and 1982, "probation violations stemming from criminal offenses" as the primary or secondary referral reason increased dramatically with respect to other referral reason categories, e.g., 13.3% (1,574) of the 1980 detainees had either parole or probation violations as a primary or secondary referral reason whereas, in 1982, 26.1% (1,989) were referred for a probation violation stemming from a criminal offense and another 4.3% (328) referred for parole violations

- No juveniles have been reported held in adult jails and lockups since December 15, 1983.

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[1]Although the representativeness of the samples across study years was not formally tested, the samples are believed to be representative due to the nature of the sampling design. In most instances, percentage distributions have been derived from samples and extrapolated to their respective populations. When an "n=" is indicated, it refers to sample rather than population size.

- Reliability of facility logbook entries was demonstrated by the correspondence between logbook referral reasons and casefile entries (ranging from 88.1% agreement in 1975 to 95.6% in 1986)

Oregon has greatly improved its juvenile detention practices in the last few years, but there is still room for improvement if the 2.5% of detainees identified as non-compliance cases are to be eliminated, i.e., if the goal is for 100% compliance with the JJDPA of 1974. However, Oregon is in full compliance with the de minimis exception standard of 29.4% out-of-compliance cases per 100,000 juvenile population. Overall, use of detention has changed from predominantly pre-adjudication detention to approximately half of the detainees being held on a post-adjudication status. This change is consistent with two major changes in Oregon's detention legislation, which now limits the conditions under which a child can be held in detention prior to adjudication, but also (since 1979) allows courts to use detention for punitive purposes post-adjudicatively. It may also suggest that alternative programs and facilities are functioning to provide services to "pre-adjudication" youth in lieu of detention. Evaluation of the appropriate use and effectiveness of these alternatives is beyond the scope of this study, but may be an important direction to focus upon in future research.

This study also suggests that detention facilities are serving to confine youth who previously were under the auspicies of other institutional or community programs. The relationship between increased post-adjudication use of detention and the

downsizing of training schools is also beyond the scope of this study. This, also, is an important area for future research inquiry.

Whether the severity of offending is increasing over time or not can be addressed only indirectly with the aggregate data of this study. An increase in the number of simple assaults (as detention referral reasons) provides limited empirical support for a trend of increasing severity of offending. Admittedly, the indirect evidence may be further confounded by changes in enforcement and reporting procedures (such as definitional and offense classification changes) and potential increases in the size of the "at risk" population. To address the question of increasing severity or seriousness of offending more directly, an offender-based tracking study is recommended.

Many questions remain with regard to the use and proliferation of alternative programs and facilities. Expanding the focus of the research (from detention practices alone) would enable a broader system-wide examination of the processing of juveniles among alternative programs and the transfer of juveniles from one facility to another, i.e., an analysis of the system-wide response to problem behaviors and their remediation. This study provides critical information about compliance with federal detention guidelines and the trends in detention use over time but does not provide a complete picture of how youth, who formerly may have been detained, are filtered through and absorbed into other programs and agencies related to or a part of the juvenile justice system.

INTRODUCTION

"The Juvenile Justice and Delinquency Prevention Act of 1974 provided federal resources, leadership, and coordination for juvenile justice and juvenile delinquency programs... The major goals and provisions of the act, as amended, include assisting state and local governments in removing juveniles from adult jails and lockups; diverting juveniles from the traditional juvenile justice system; providing alternatives to institutionalization; and improving the quality of juvenile justice in the United States."[2]

In 1983, the U.S. General Accounting Office research staff reviewed secure detention practices in five states, of which Oregon was one. They concluded in their report[3] that the Office of Juvenile Justice and Delinquency Prevention needed to assist states in improving their detention criteria, monitoring and recordkeeping systems, and providing appropriate alternatives to detention.

Oregon fared fairly well in the report. It confirmed the 1980 monitoring report which stated that noncompliance detention of status offenders and non-offenders was reduced by 76 percent. A number of legislative initiatives were instituted and a variety of alternative programs were implemented. In fact, planning and

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[2] From the "Report to the Attorney General and the Secretary of the Interior: Improved Federal Efforts Needed to Change Juvenile Detention Practices" GAO/GGD-83-23, March 22, 1983.

[3] IBID

implementation of such alternatives were made a condition of receiving OJJDP funds for fiscal year 1982.

When the longest length of detention stay was compared across the five states studied, i.e., Massachusetts, New Hampshire, North Carolina, Oregon, and Virginia, Oregon was lowest of the five. Only 1% of the sample was held in excess of 30 days (the highest was Virginia with 49%). Separation problems (sight and sound separation) in Oregon appeared substantially resolved although some problems remained. With respect to detention criteria, the GAO report stated that as of 1980-81 state criteria did not meet standards in certain respects, i.e., secure detention could be ordered: (1) for a runaway or nonserious offender (2) a first-time alleged offender and (3) if release might endanger either the youth or others. By and large information systems and completeness of recordkeeping was deemed inadequate.

Since that time, annual Detention Monitoring reports have been submitted to OJJDP which indicate further progress to comply with the federal guidelines. Indicative of this progress is the history of legislation pertaining to changes in the detention laws in Oregon.

HISTORY OF JUVENILE DETENTION LAW IN OREGON

Oregon's first juvenile justice law, creating a juvenile court in Multnomah County, was passed in 1905, only six years after the first juvenile court in the country was established in Cook County, Illinois. This first law dealt, in part, with detention: it prohibited the jailing of children under the age of 12, prohibited the detention of children in the same building or enclosure with adult inmates, and allowed children to be released on bail.

The law was changed slightly in 1907 when the age at which a child could be jailed was raised to 14, and counties with populations of more than 100,000 were required to maintain homes with "masters and matrons" where children could be detained both before and after court appearances. This law became ORS 419.546 and was not repealed until 1959.

The modern juvenile departments were established by the 1955 Legislature (ORS 419.602 to 419.616). The legislation authorized counties to acquire, equip, and maintain "suitable detention facilities" to be paid for with county funds and directed and controlled by the juvenile court judges. (Senate Bill 780, passed by the 1987 Legislature, transferred the appointing authority of the Juvenile Department director from the presiding juvenile court judge to the County Board of Commissioners.) Only a minority of counties have ever operated juvenile detention facilities. Currently, Coos, Multnomah, Marion, Lane, Jackson, Klamath, Wasco, Umatilla, and, most recently, Deschutes counties

have such facilities. On July 1, 1987, Umatilla County reopened the N.W. Regional Detention Facility in Pendleton after the facility had been closed for three years due to insufficient operating funds.

In 1959, the Oregon Legislature adopted the first and, thus far, only major revision of the state's Juvenile Code. In those pre-Gault days, the code leaned heavily toward the child's "best interests" and the right of the child to protection rather than the right of the child to freedom. The detention criteria were the "safety and welfare" of the child and others, although preference was expressed for release rather than detention.

Other provisions, contained in ORS 419.575 and 419.577, included:

--A child could be detained for up to three hours in a police station when necessary to obtain the child's identification and other information. (As detention criteria have become more stringent in the 1980s, many police agencies and juvenile departments have come to view this as a maximum holding period, without regard for the time needed to obtain identification, rather than its original intent -- as a safeguard against children being held and interrogated for long periods in police stations.)

--No child under the age of 14 could be held in jail.

--Children in jails must be separated from the sight and sound of adult inmates.

--A child 16 years old or older could be placed in jail, even if a juvenile detention facility were available, if the child's presence in the juvenile facility endangered the child or others.

--A detention hearing must be held within 24 judicial hours.

In 1969, this latter provision was revised to provide that a child could not be held for more than 24 judicial hours except on order of the court or for 48 judicial hours except on order of the court made pursuant to a hearing, thus setting up 15 years of dispute and confusion about when detention hearings had to be held. Most jurisdictions, as a matter of policy, held detention hearings within 24 judicial hours.

The first major changes in the detention law came in 1975 with the passage of Senate Bill 704, amending ORS 419.575 and 419.577. The major provisions included:

--Dependent children were barred from detention through repeal of the "safety and welfare" standard.

--Detention was limited to children accused of law violations, runaways, and children exhibiting behavior which "immediately endangers the physical welfare" of themselves or others.

--Status offenders were removed from the training schools and could only be detained for 72 hours (although there was a dispute about whether the statute intended a total of 72 hours or 72 hours after a detention hearing was held).

--Out-of-state runaways could be held for indeterminate periods.

--Notice of a detention hearing had to be served both on parent and child.

Although this bill made substantial changes in the juvenile law by removing dependent children from detention and limiting

the detention time of status offenders, its greater significance may lie in the fact that it was the first juvenile bill initiated by private citizens and passed through these citizens' lobbying efforts.

Some form of juvenile detention law had been in place in Oregon since 1905, but there had never been an enforcement procedure. This was remedied in 1979 with the passage of Senate Bill 107, assigning to the Corrections Division's Jail Inspection Team the responsibility to inspect juvenile detention facilities, including jails and lockups where juveniles were detained, and to enforce the detention standards.

These standards were augmented in 1981 when, in Senate Bill 821, the Legislature made adult jail standards applicable to juvenile facilities and enacted additional physical, programmatic, and disciplinary standards for the latter facilities. The Juvenile Services Commission (JSC) and the Corrections Division were given joint responsibility to develop guidelines for these facilities.

The 1979 legislative session also marked the first time that the decision was made to use detention for punitive purposes. Senate Bill 106, a temporary statute with a sunset provision, was a two-year experiment to see if giving juvenile courts another, less severe option would result in fewer commitments to the overcrowded juvenile training schools. The bill allowed the court to "sentence" a child 14 years of age or older for a period up to eight days in detention for commission of a crime or for

violation of probation. Such post-adjudicatory detention could occur only in facilities that had sight and sound separation and were staffed by juvenile department personnel -- a not entirely successful attempt to prevent the use of jails for this purpose.

This law was made permanent in 1981 through the passage of House Bill 3139. The new law lowered the post-adjudicatory detention age to 12 except for children detained in jails, provided for a hearing before detention could be imposed, provided that only violators of formal probation could be detained, and assigned the JSC to work with the counties to remove children from jails.

The 1981 session also marked the second time that notable restrictions were placed on children whom the court could detain and the first attempt to list detainable offenses. House Bill 3060 allowed detention only if the child was accused of an act "involving serious physical injury to another person, the use of forcible compulsion, the use or threatened immediate use of a deadly or dangerous weapon or arson in the first degree."

Following the adult model, HB 3060 allowed the court to detain children accused of other offenses but only if the court determined "that no means less restrictive of the child's liberty gives reasonable assurance that the child will attend the adjudicative hearing." (This standard did not apply to a child accused of one of the enumerated offenses.) The 72-hour detention of status offenders (runaways and "behavior endangering" children) was still allowed (ORS 419.577).

For the first time, the statute required that a petition be filed alleging the child had committed an offense or was a runaway, and the court was required to find probable cause that the child had committed the alleged offense before the court could order detention.

Even persons who praised the passage of HB 3060 found some continuing anomalies in the detention law. Placing restrictions on the criminal acts for which children could be detained, while still allowing the detention of status offenders, meant that the court could hold some noncriminal juvenile offenders while being forced to release some children accused of crimes. In addition, HB 3060 placed restrictions only on the court and not on the persons taking children into custody and placing them in detention.

In 1982 and 1983, two events -- one judicial and one legislative -- brought far-reaching changes to Oregon's laws concerning the detention of children. The U.S. District Court for the District of Oregon in D.B. v. Tewksbury, 545 F.Supp. 896 (1982), held that placing a child in an adult jail "is a violation of the child's due process rights under the Fourteenth Amendment to the United States Constitution," and the 1983 Legislature enacted HB 2936 which removed status offenders from detention.

In addition to the deinstitutionalization of status offenders, HB 2936 made the following changes in the detention statutes:

--Established the "no means less restrictive" language as the overarching standard in determining when a child could be detained.

--Under that standard, allowed children who were fugitives from another jurisdiction, out-of-state runaways, or charged with murder or aggravated murder to be detained without meeting any other criteria, except a probable cause finding that they would be found within the jurisdiction of the court.

--Repealed the HB 3060 language quoted above and provided that children charged with serious felonious acts against persons or property had to be shown to have demonstrable recent records of failure to appear, violent conduct resulting in physical injury to others, or serious property offenses before they could be detained, thus effectively removing most first-time juvenile offenders from detention.

--Provided that detention hearings could be held by telephone or closed circuit television as long as all parties had access and the proceedings were audible in the courtroom.

--Required a review hearing every 10 days for children held in detention.

--Allowed the court to impose up to eight days of detention on a child who has escaped from a juvenile detention facility.

--Provided standards for release of a child from detention conditionally or on the child's own recognizance during the pendency of an appeal by the state of a preadjudicatory court order.

The narrowing of the detention standards and the inability to hold most first-time juvenile offenders were protested by judges and juvenile department and law enforcement personnel. The result was the passage in 1985 of Senate Bill 300 which again increased the number of children who could be detained, spelled out in great detail the circumstances which must be present before a child could be detained, and established some alternatives to detention. (Senate Bill 264 and Senate Bill 176 passed in the same session and added certain specific detention provisions.)

The result is the current detention law in Oregon.

General Provisions

1. In lieu of taking a child into custody, a peace officer may issue a citation to a child in the same situation in which a citation may be issued to an adult. The citation is returnable to the juvenile court of the county in which the citation is issued. Counties may, if they wish, develop their own juvenile citation forms.

2. Although the age of remand was lowered to 15 for certain serious crimes (Senate Bill 414), any remanded person under the age of 16 must be detained in a juvenile facility, prior to conviction or after conviction but prior to imposition of sentence.

3. No child remanded to adult court under a "blanket" remand order (traffic, boating, fishing, and wildlife offenses) may be

detained in an adult facility. This includes a child accused of nonpayment of fines in adult court.

4. No child under the age of 12 may be placed in a juvenile detention facility except pursuant to court order. A judicial officer, as opposed to an intake worker, must determine that detention standards are met and no appropriate alternative method of controlling the child is available. The court review may be ex parte with a regular detention hearing within 24 judicial hours thereafter.

5. A training school student who is under the age of 18 and escapes from an institution or a lawful placement outside the institution must be detained in a juvenile detention facility (Senate Bill 176). (The statute, ORS 420.915, previously provided that the student should be held "as far as is practicable" in a place separate from adults.) A student who is 18 or older may be held in an adult facility. Most references to the use of adult facilities for the detention of children were deleted from the statutes in accordance with the U.S. District Court decision cited above. (Exceptions are references in ORS 419.575 (5) and 419.507 (4) (b) and (c), apparently retained through oversight.)

Taking a Child Into Custody

1. ORS 419.569 remained essentially unchanged from the 1959 provisions concerning taking a child into temporary custody. A

peace officer or other authorized person may take a child into custody:

(a) In the same circumstances in which an adult can be arrested without a warrant;

(b) "Where the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare;" or

(c) When the court issues an order that a child be taken into custody.

2. ORS 420.910, as amended by SB 176, authorizes a training school superintendent or designee to order the arrest and detention of any student who is absent from the institution, from parole supervision, or from the custody of any person in whose charge the student has been placed. The order has the same force as a warrant of arrest.

Procedures After a Child is Taken Into Custody

Following a practice that has been in place in some Oregon counties for several years, SB 300 authorized the following procedure:

1. The court may appoint a person to make detention decisions after a child is taken into custody, and the person who takes the child into custody may communicate with this intake worker by telephone or otherwise. If this communication takes place, the intake worker's decision on placement of the child prevails.

2. The designated intake worker has the authority to release a child on the child's own recognizance or subject to such

conditions as will insure the child's safety and appearance in court. The standards to be used in making these decisions and setting release conditions are those already in the statutes which apply to release of children pending appeal (ORS 419.561 (7) (b) and (c)) and are similar to the standards governing adult release.

3. The designated intake worker must adhere to the same standards as those imposed on the court when placing a child in detention. (These same standards do not apply explicitly to undesignated persons, such as peace officers, who customarily take children into custody. However, legislative committee discussions clearly expressed the intent that no child should be placed in detention by anyone unless detention standards are met.)

4. If a child is not released, the person taking the child into custody must file additional information with the court, including efforts to notify the person having legal custody of the child, the reasons the child was taken into custody, the placement of the child, and the reasons for the placement.

Court Detention Procedures

1. A detention hearing must be held within 24 judicial hours after the child is taken into custody.

2. If an intake worker releases a child, the court may review the decision ex parte on the next judicial day and confirm or

revoke the release or change the conditions of release. If the release is revoked, the action must be taken in accordance with the detention standards, and the child has the right to a detention hearing.

3. Other notice and hearing procedures, including allowing for telephone or closed circuit TV hearings and requiring review hearings every 10 days, excluding judicial holidays, for a detained child, remained as they were in the 1983 law.

Detention Standards

The most noticeable 1985 addition to the detention statutes is a list of specific offenses, contained in SB 300, for which children may be detained without regard to any prior juvenile record. Here is an outline of the current detention statutes.

1. In all cases of detention (except for those exceptions noted below), the court must make the following findings:

(a) There is probable cause to believe the child will be found within the jurisdiction of the court for an act that would be a crime if committed by an adult; and

(b) No means less restrictive than detention will give assurance that the child will appear for an adjudicative hearing.

(Note: The requirement that a petition must be filed, adopted in 1981, was omitted inadvertently from SB 300. The provision was restored in 1987 in HB 3345.)

2. Having made these findings, the court must determine that one or more of the following apply to the child:

(a) The child is a fugitive from another jurisdiction;

(b) The child is charged with a crime and has been taken into custody under a warrant issued because the child has failed without reasonable cause to obey a summons;

(c) The child has violated a condition of release;

(d) The child is charged with committing or attempting to commit one of the following crimes: murder or aggravated murder or manslaughter, assault, kidnapping, robbery, arson, or any felony sexual offense, all in the first degree.

3. When the child is accused of a felonious act against property, a felonious act of violence, or an act that involves intentional physical injury to another, one of the folloiwng must also apply:

(a) The child is already detained or released in another delinquency proceeding;

(b) The child has wilfully failed to appear at a hearing;

(c) The child has recently demonstrated violent conduct resulting in physical injury to another (see below); or

(d) The child has one or more adjudications for felonious property offenses.

4. In making the determination concerning "violent conduct" required by 3 (c) above:

(a) If a child is accused of a felonious act against property or a felonious act of violence, the current incident may be considered.

(b) If a child is accused of an act that involves intentional physical injury to another (presumably a misdemeanor), there must be probable cause to believe the child has committed a separate act of violent conduct resulting in physical injury to another within the past six months.

Exceptions to Detention Standards

Legislation passed in 1985, plus provisions already in the law, specify several situations where most of the standards listed above do not apply.

1. If there is probable cause to believe a child has committed a crime which is not a detainable offense, the child nevertheless may be detained in a juvenile facility for up to 24 hours while a release plan is being developed if there is no one who will take responsibility for the child, there is no appropriate shelter space, and the child cannot be released safely on recognizance or conditionally (SB 300).

2. An out-of-state child may be detained if the court has "reasonable information" that the child has run away from home (previous law and SB 300).

3. A child may be placed in detention for up to eight days if the child has been found within the court's jurisdiction for a criminal offense, has been placed on formal probation and violated a condition of that probation, or has escaped from a juvenile detention facility. A hearing must be held before such detention may be ordered (ORS 419.507 (4)).

Additional exceptions to the detention standards, relating to alleged probation, parole, and conditional release violators and training school escapees, passed the 1985 legislature and were modified in 1987.

1. SB 264 provided that when a child on probation or parole or conditional release is accused of committing a subsequent criminal offense that would constitute a violation of parole, probation, or release, and there is probable cause to believe the child committed the offense, the child may be detained if there is no less restrictive alternative to assure court appearance or if the child's behavior immediately endangers the physical welfare of another person.

2. SB 176 provided that a child who escapes from a training school, from parole supervision, or from the custody of a person with whom the child has been placed after release from the training school may be detained for up to 36 hours.

3. SB 264 provided that a child may be detained if the child runs away from a placement that has resulted from a previous court finding that the child has committed an offense which would be a crime if committed by an adult.

1987 Modifications

HB 3345, passed in 1987, made the following changes in detention procedures and standards for children already in the court's jurisdiction or on conditional release.

1- Probation - A child already on probation for commission of a crime may be detained before judicial review of the matter if there is probable cause to believe the child has violated a condition of probation (not necessarily through commission of a subsequent crime, as in the previous law) and any of the following circumstances is present:

a- There is no means less restrictive to assure appearance for a hearing on the probation violation;

b- The child's behavior immediately endangers the physical welfare of another person; or

c- The court or its authorized representative has reasonable cause to believe that, pending a probation violation hearing, other available preventative measures will not assure that the child will conform his or her conduct to conditions imposed by the court to protect the child and the community.

2- Conditional release - A child released conditionally pending an adjudicatory hearing may be detained if there is probable cause to believe the child has violated a condition of release (not necessarily involving commission of another crime).

A child may be detained until an adjudicatory hearing is held but in no case for longer than five judicial days. Detention hearings have to be held within 24 judicial hours for children detained for probation or conditional release violations.

3- Parole - An alleged juvenile parole violator may be held in detention for up to 72 judicial hours, subject to such

provisions as the Children's Services Division may adopt by rule to govern the use of detention for these juveniles.

4- Escapees - A child who escapes from, or is absent without leave from, a juvenile training school may be detained for up to 36 hours. The provision concerning the child who runs away from a placement was repealed.

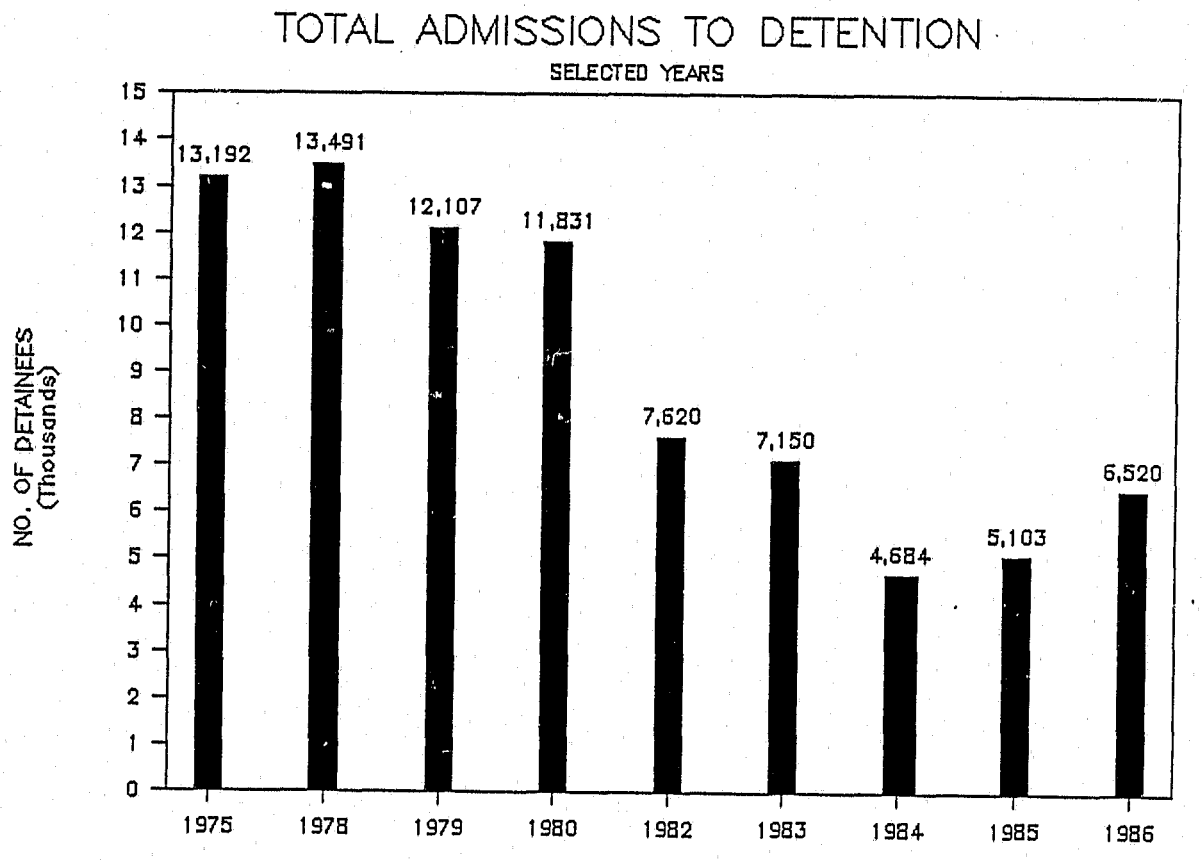
The other detention provisions of the law do not apply to escapees, absentees, or parole violators.

LONGITUDINAL ANALYSIS OF DETENTION PRACTICES

To characterize current detention practices and to ascertain the extent to which these legislative changes have altered detention practices, a longitudinal study of youth who have been detained is necessary.

An examination of the total admissions to detention across selected years from 1975 to 1986 (Figure 1) demonstrates a very definitive decreasing trend in the total referrals to juvenile detention from 1975 through 1984. In 1985 and 1986, however, the detention population begins an upward climb (9% in 1985 and 28% in 1986).

Figure 1



From this cursory overview, certain implications may be drawn with respect to these changes in detention populations and the years in which specific legislative changes were implemented. For example, from 1980 to 1982, there is a 35.6% drop in total admissions to detention. This may serve as indirect evidence of the correspondence between the observed decline and the 1981 legislation which required both a filed petition and a finding of probable cause in order to justify any court ordered detention. Although no formal test of temporal order is possible, the implication is that this legislative restriction in 1981 resulted in the reduction in admissions to detention in 1982. In like manner, the 34% drop between 1983 and 1984 corresponds with 1983 legislation which effectively removed status offenders and most first-time offenders from the detention population. In 1985, legislation increased the number of youths who could be detained by increasing the range of offenses for which a youth with no prior offense hisotry could be detained[4].

Beyond these superficial relationships, little else can be determined from the total number of admissions alone. Fortunately, Oregon, because of its early participation in aggressive monitoring of the JJDPA of 1974, has accumulated a fairly rich and extensive data base for the empirical and longitudinal study of a more extensive set of questions such as: who gets detained, why, where, and for how long?

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[4]See preceding section "History of Juvenile Detention Law in Oregon" by Lee Penny.

This current study utilizes ongoing in-depth detention monitoring study data collected in fiscal years 1975, 1980, 1982, and each fiscal year subsequent to that.[5] In each year, a systematic random sample of detention admissions or referrals was selected from the detention (and jail, where applicable) facility logbooks. Once these sample cases were selected, their juvenile department case files were examined to provide additional background information and to verify logbook entries.

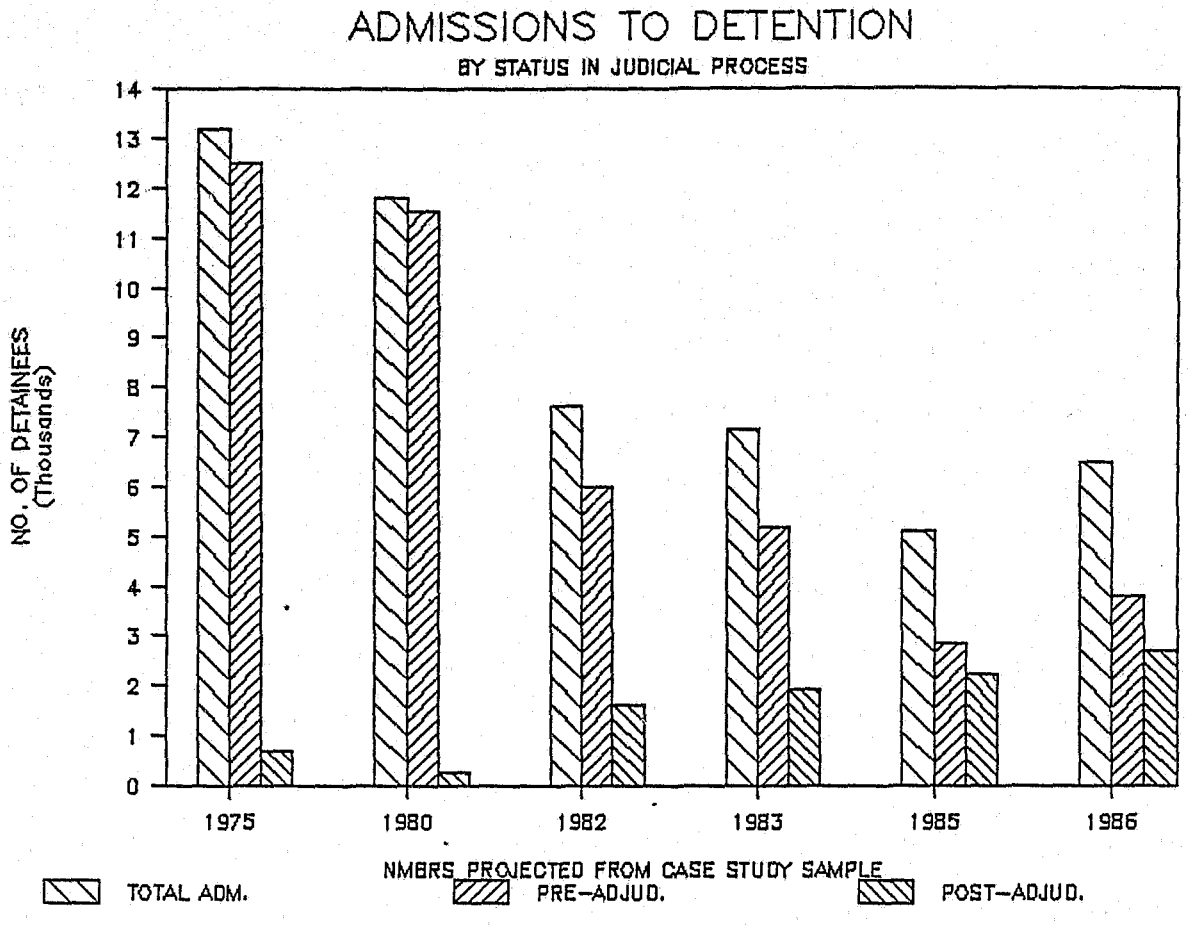
Figure 2 depicts the total number of admissions and their respective adjudication statuses, i.e., whether the juvenile is held pre-adjudication, post-adjudication, or some combination of the two. Those cases in which both pre- and post-adjudication detention is served are included in the post-adjudication category. Across all years, those who serve a combination of pre- and post-adjudication detention are few in number and need not be analyzed separately.

Note to the Reader: In all the analyses to follow, 1975 and 1980 admissions to detention refer to a July 1 to June 30 fiscal year. Beginning in 1982, the fiscal reporting interval was changed to an October 1 to September 30 federal fiscal year. These distinct reporting intervals are maintained throughout the study.

A change in the use of detention may be a factor in the changing composition of referrals to detention, i.e., Figure 2 illustrates an increasing use of detention for post-adjudication

[5] Although the questionaires used in fiscal years 1975 and 1984 were much abbreviated compared to other years, some basic demographic information was obtained and enough detention information to determine compliance (or non-compliance) with the JJDPA of 1974.

Figure 2



DETAINEES BY STATUS IN JUDICIAL PROCESS

	TOTAL ADMISSIONS TO DETENTION	- PRE-ADJUDICATION - NUMBER **	PERCENT **	POST OR PRE & POST ---- ADJUDICATION --- NUMBER **	PERCENT **
1975	13,192	12,493	94.7%	699	5.3%
1980	11,831	11,547	97.6%	284	2.4%
1982	7,620	5,997	78.7%	1,623	21.3%
1983	7,150	5,198	72.7%	1,952	27.3%
1985	5,103	2,873	56.3%	2,230	43.7%
1986	6,520	3,808	58.4%	2,712	41.6%

** NUMBERS PROJECTED FROM CASE STUDY SAMPLE TO TOTAL NUMBER OF DETAINEES

purposes. This trend is initiated sometime between 1980 and 1982.[6] From 1980 to 1982, there is an 18.9% increase in the total percentage of post-adjudication detainees. The trend of decreasing numbers of pre-adjudication detainees and increasing numbers of post-adjudication detainees continues until 1986, the first year in which both increase. Other factors may help account for these annual fluctuations. Some of these will be examined later. First, a descriptive analysis of detainee characteristics is addressed.

DETAINEE CHARACTERISTICS

Using these study samples, similarities and differences in selected demographic characteristics across years are analyzed. Figure 3 demonstrates changes in the relative proportions of male and female juvenile detainees from 1975 to 1986.

The relative proportion of males in each sample increases across the study years. This is consistent with previous studies of the relationship between sex and type of offense (criminal versus non-criminal (status) for which juveniles are detained). In the past, males were typically detained for criminal offenses and females for status offenses. Because of this, it is reasonable to expect that when status offenders are diverted out

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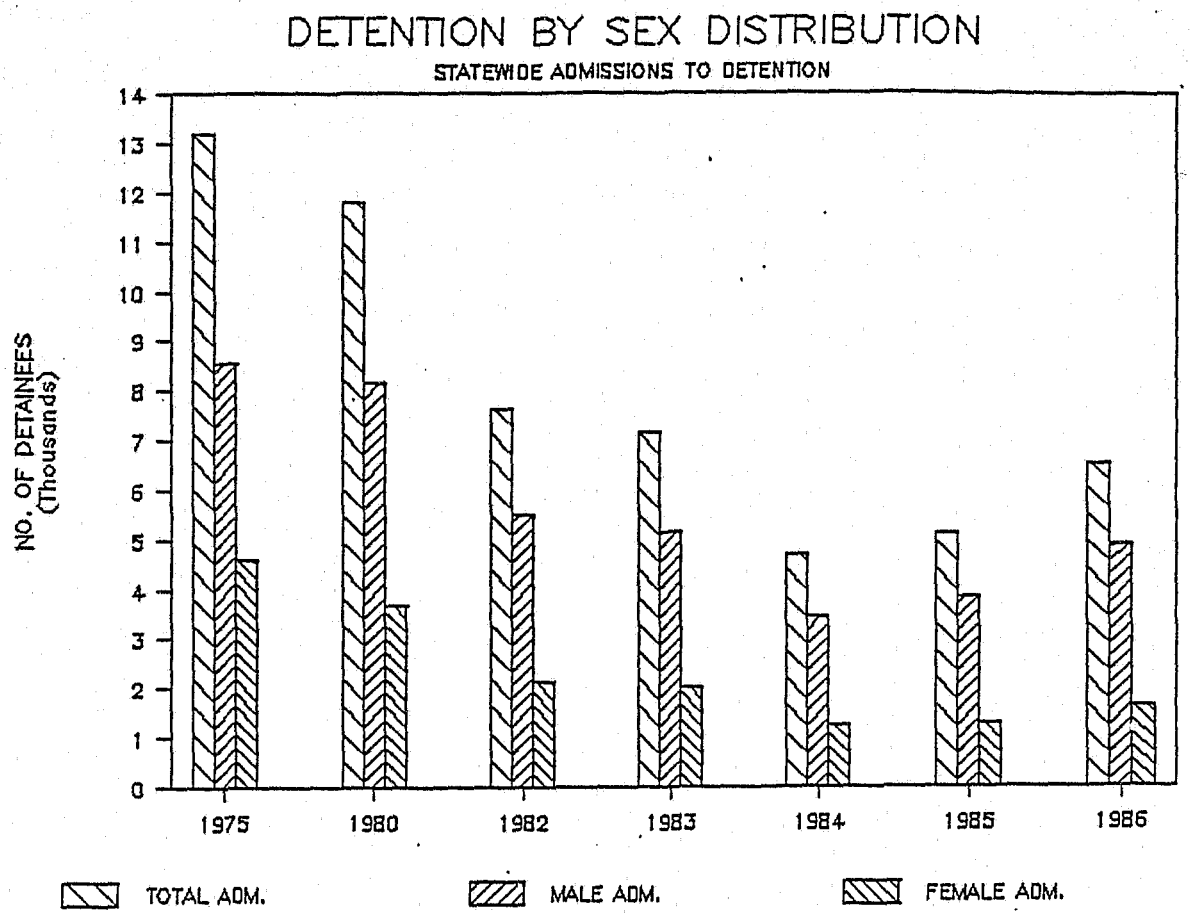
[6]Because 1981 figures are not available, it cannot be determined whether the trend began before or after 1981 legislation.

Figure 3



	TOTAL ADMISSIONS TO DETENTION	DISTRIBUTION BY SEX BY YEAR			
		MALES		FEMALES	
1975	13,192	8,575	65.0%	4,617	35.0%
1980	11,831	8,163	69.0%	3,668	31.0%
1982	7,620	5,486	72.0%	2,134	28.0%
1983	7,150	5,148	72.0%	2,002	28.0%
1984	4,684	3,429	73.2%	1,255	26.8%
1985	5,103	3,827	75.0%	1,276	25.0%
1986	6,520	4,883	74.9%	1,637	25.1%

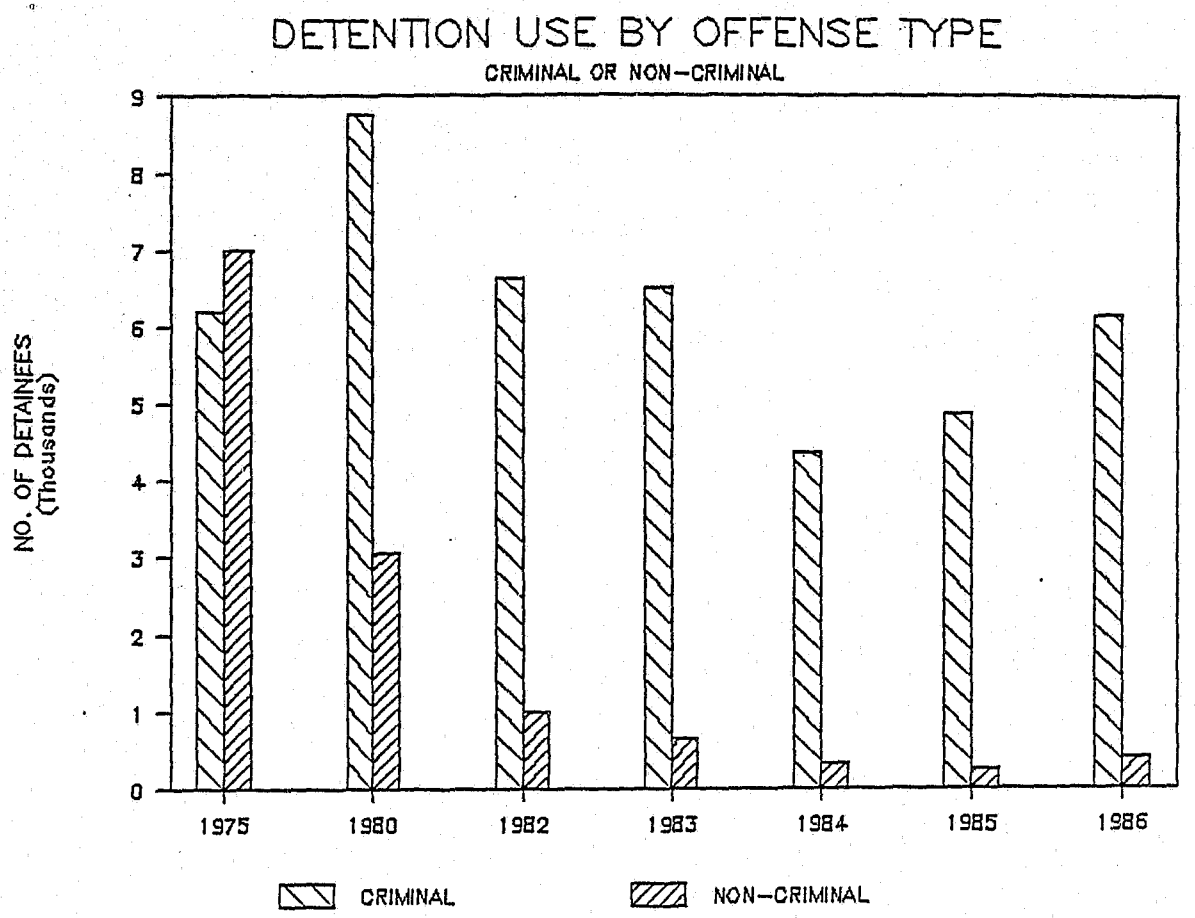
of detention (as mandated by the 1983 legislation), the subsequent population of detainees will be comprised of greater proportions of males. The expected univariate relationship i.e., only examining one variable (sex of detainee) is born out across the sample years. However, the decrease in the proportion of females follows a pattern of gradual decline with no apparent abrupt change as a result of the 1983 legislation. This suggests that other factors are confounding this particular relationship.

One explanation for this gradual decline is that Oregon responded quickly and aggressively to the JJDPA of 1974. It would indicate that the actual revised detention practices preceded the legislation by a number of years. Again, because there are years unreported, exact points of change in the interval between reporting years cannot be determined.

Figure 4 illustrates the changes in detention use as related to the type of offense. The most serious recorded offense (primary referral reason) and other reasons (secondary, tertiary, etc., referral reasons) were examined to determine whether the detention resulted from criminal or non-criminal (status) alleged or adjudiced offenses.[7] In 1975, 53% of all detentions were for non-criminal offenses. That percentage dropped significantly across the study years to 6% in 1986. It is interesting to note

[7] A criminal offense listed as a secondary referral reason would qualify the detention for "criminal offense type."

Figure 4



	TOTAL ADMISSIONS TO DETENTION	DETAINEES BY OFFENSE TYPE: CRIMINAL NUMBER **	CRIMINAL PERCENT **	NON-CRIMINAL NUMBER **	NON-CRIMINAL PERCENT **
1975	13,192	6,200	47.0%	6,992	53.0%
1980	11,831	8,755	74.0%	3,076	26.0%
1982	7,620	6,629	87.0%	991	13.0%
1983	7,150	6,507	91.0%	644	9.0%
1984	4,684	4,356	93.0%	328	7.0%
1985	5,103	4,848	95.0%	255	5.0%
1986	6,520	6,129	94.0%	391	6.0%

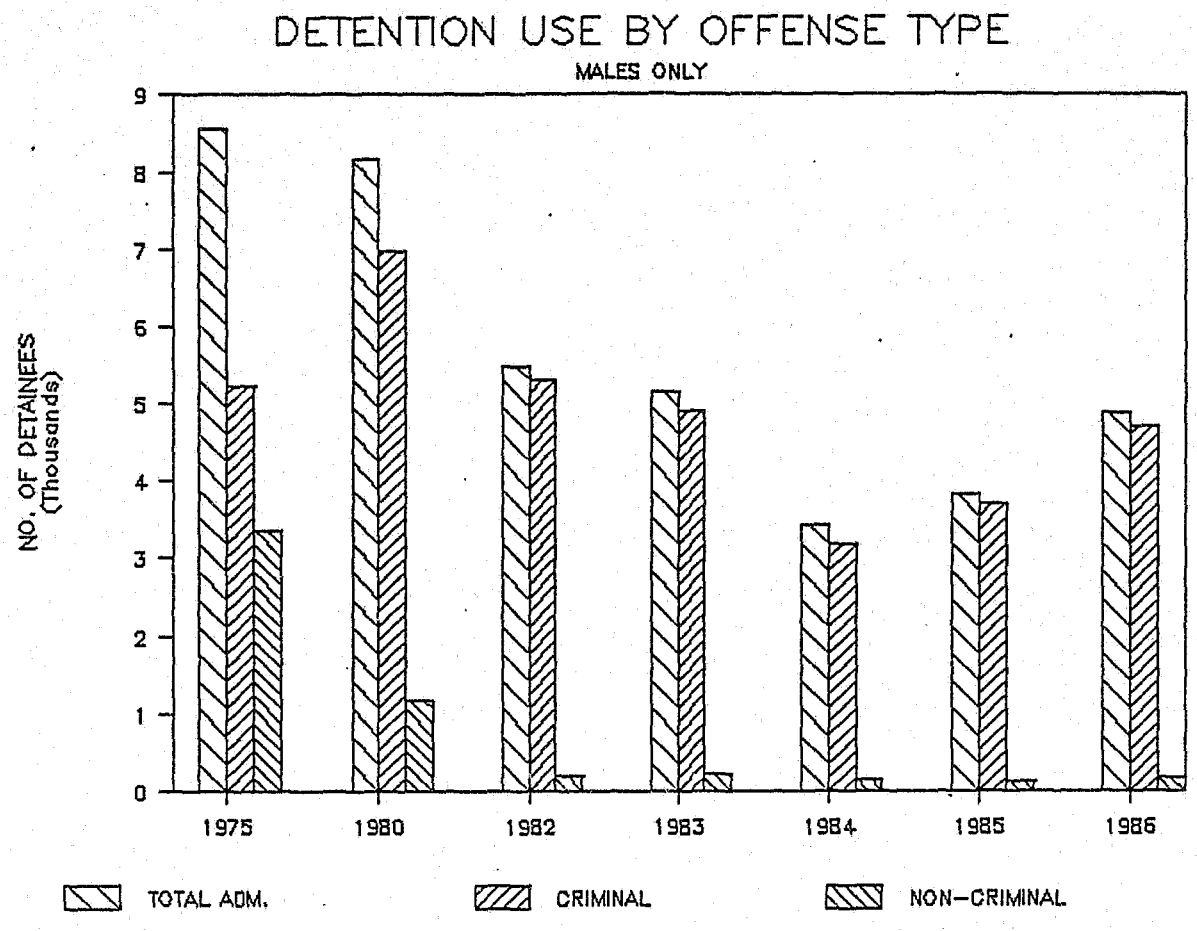
** NUMBERS PROJECTED FROM CASE STUDY SAMPLE TO TOTAL NUMBER OF DETAINEES

that the decrease in the actual numbers of admissions for non-criminal offenses between 1975 and 1980 (a 56% decline) was accompanied by a 41.2% increase in admissions for criminal offenses. The largest single decrease between measurement intervals was between 1980 and 1982. Between those years, admissions for non-criminal (status) offenses declined by 67.8% and those for criminal offenses declined by 24.3%. In 1986, detention admissions for non-criminal offenses actually increased from the 1985 level. Perhaps most intersting is that the number of admissions for criminal offenses is almost the same in 1986 (6,129) as it was in 1975 (6,200), a difference of 1%.

Based on a bivariate analysis of the sex of the detainees and the more serious recorded offenses for which the juveniles were detained (either criminal or non-criminal), Figure 5 and Table 1 illustrate a distinctly different pattern of use of detention from 1975 to 1986. Male juvenile detainees over the course of the study have been detained predominantly for criminal offenses. Moreover, the relative proportion of the male juveniles detained for criminal offenses has been increasing (from 60.9% in 1975 to 96.3% in 1986).

The processing of detained female juveniles has changed dramatically. In 1975, 79.2% of the females were detained for non-criminal (status) offenses. By 1986, the distribution had reversed to show that 87.9% of the females were detained for criminal offenses. The nature of the decline in non-criminal female detainees between 1975-80 is not discernible from the

Figure 5


DETENTION USE BY OFFENSE TYPE
MALES ONLY
NO. OF DETAINEES (Thousands)
0
1
2
3
4
5
6
7
8
9
1975
1980
1982
1983
1984
1985
1986
TOTAL ADM.
CRIMINAL
NON-CRIMINAL

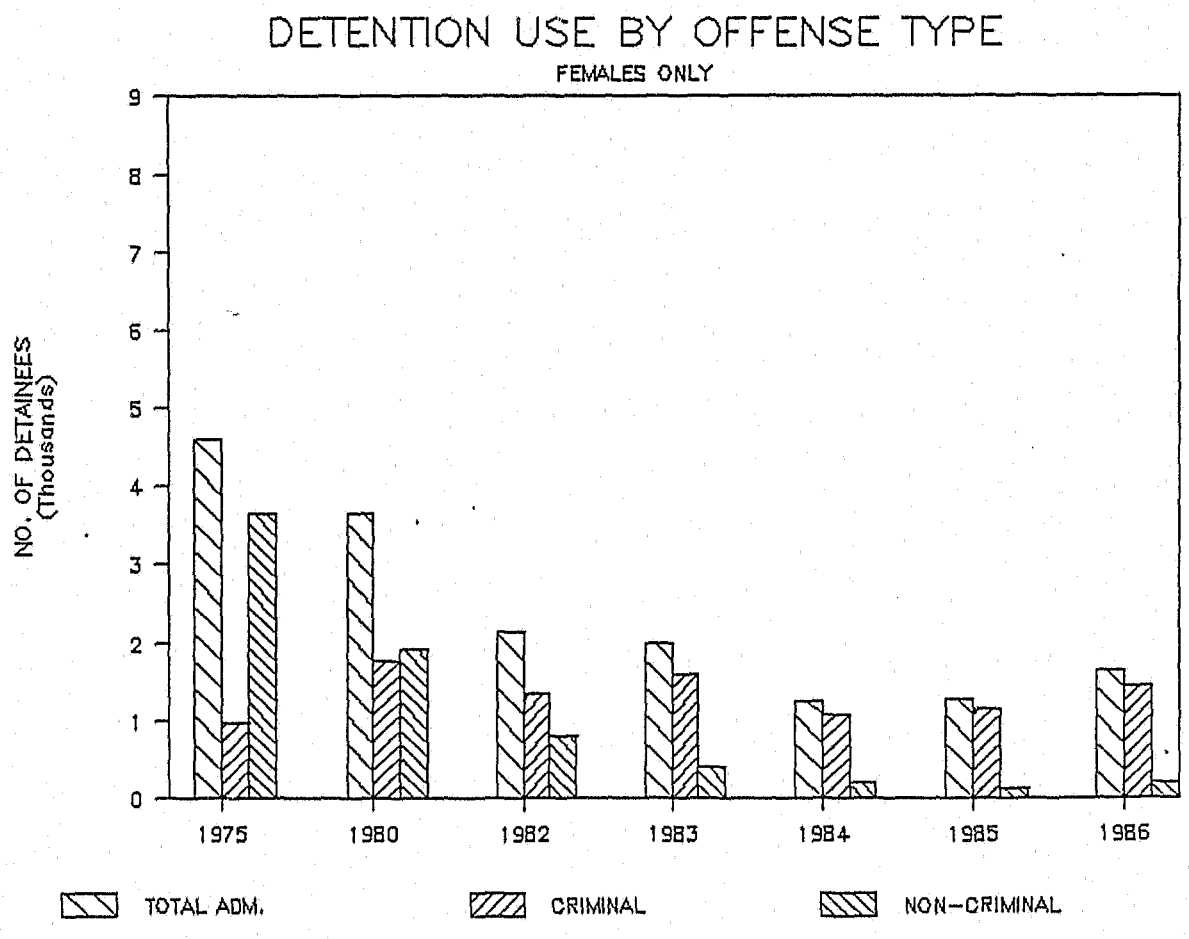

DETENTION USE BY OFFENSE TYPE
FEMALES ONLY
NO. OF DETAINEES (Thousands)
0
1
2
3
4
5
6
7
8
9
1975
1980
1982
1983
1984
1985
1986
TOTAL ADM.
CRIMINAL
NON-CRIMINAL

Table 1

DETENTION ADMISSIONS DISTRIBUTED BY SEX AND OFFENSE TYPE

	--- ADMISSIONS ---		----- DISTRIBUTION OF OFFENSE TYPES BY SEX ------			
			------- MALES -------		------- FEMALES -------	
	TOTAL MALES	TOTAL FEMALES	STATUS	CRIMINAL	STATUS	CRIMINAL
1975	8,575	4,617	3,353	5,222	3,657	960
1980	8,163	3,668	1,184	6,979	1,907	1,761
1982	5,486	2,134	192	5,294	798	1,336
1983	5,148	2,002	232	4,916	400	1,602
1984	3,429	1,255	147	3,196	192	1,063
1985	3,827	1,276	119	3,708	129	1,147
1986	4,883	1,637	181	4,702	198	1,439

---------- PERCENTAGE DISTRIBUTION ----------

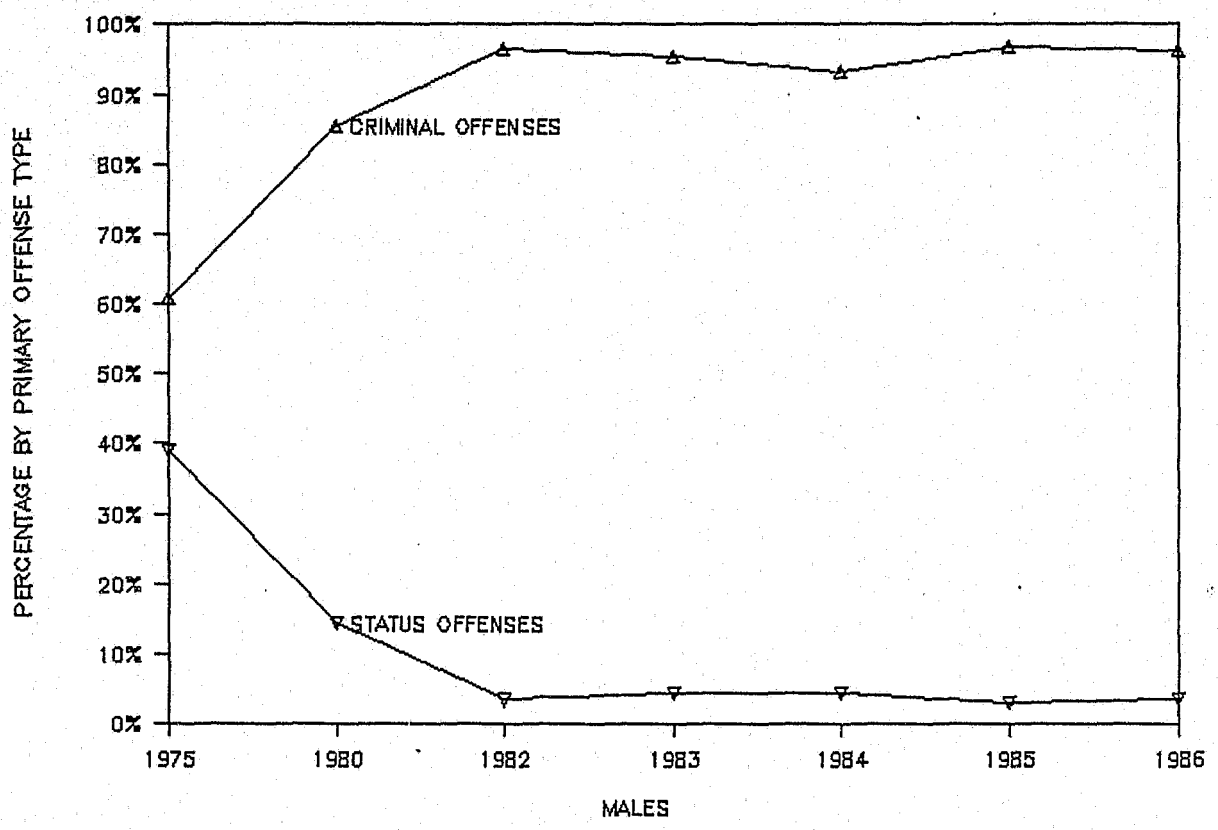
			------- MALES -------		------- FEMALES -------	
			STATUS	CRIMINAL	STATUS	CRIMINAL
1975	8,575	4,617	39.1%	60.9%	79.2%	20.8%
1980	8,163	3,668	14.5%	85.5%	52.0%	48.0%
1982	5,486	2,134	3.5%	96.5%	37.4%	62.6%
1983	5,148	2,002	4.5%	95.5%	20.0%	80.0%
1984	3,429	1,255	4.3%	93.2%	15.3%	84.7%
1985	3,827	1,276	3.1%	96.9%	10.1%	89.9%
1986	4,883	1,637	3.7%	96.3%	12.1%	87.9%

available data. It appears as a sharp decline after 1975, but may, in fact, have remained stable at around 80% through 1979 and then declined abruptly in 1980. The gap between 1980 and 1982 also poses some problems but they are not as acute as those posed by the five year gap from 1975 to 1980. From 1982 to 1986, the data points are at continuous yearly intervals. However, the overall trend is clear. The population of juvenile detainees are more and more predominantly males detained for criminal offenses. The male to female ratio changed from 2 to 1 in 1975 to 3 to 1 in 1986. The change in ratio of criminal to non-criminal offenses of detainees is even more dramatic, i.e., from 1 to 1 in 1975 to 16 to 1 in 1986. The bivariate relationships can be expressed somewhat differently. In 1975, males had a pretty equal liklihood of detention for either a criminal or a non-criminal offense (actually 1.5 to 1) while for females only 1 in 5 were detained for criminal offenses. By 1986, the situation was reversed for females. Now, only 1 in 8 was detained for a non-criminal offense. The scales are greatly tipped for males, though. The previous 1 to 1 ratio has changed to 26 to 1, i.e., for every 26 males detained for criminal offenses there is one detained for a non-criminal offense. This is visually depicted in Figure 6.

When the detainee distribution by age (Table 2) across study years is examined, it shows relative stability with a few exceptions. In 1981, the age at which a punitive 8 day detention sentence could be imposed was lowered from 14 years of age to 12

FIGURE 6

OFFENSE TYPE BY SEX OF DETAINEE



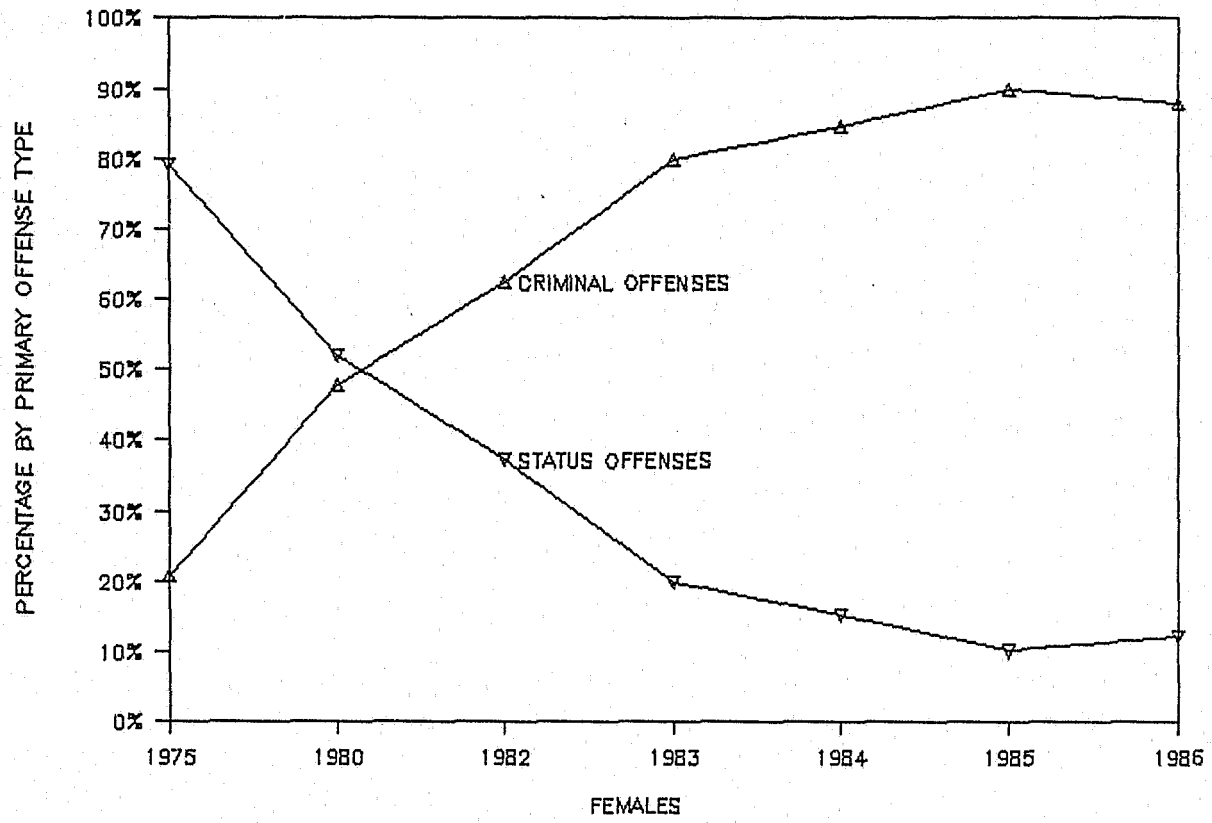


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TABLE 2

Detainee Distribution by Age

	Year					
	1975[a] (n=285)	1980 (n=330)	1982 (n=320)	1983 (n=282)	1985[b] (n=350)	1986 (n=363)
Age (in years)						
10	0.7%	0.0%	1.2%	0.7%	0.3%	0.0%
11	1.8%	0.9%	1.2%	0.4%	0.0%	0.8%
12	2.1%	3.0%	4.1%	2.8%	2.6%	3.0%
13	5.6%	5.8%	10.6%	10.6%	9.7%	4.1%
14	14.0%	15.2%	16.2%	13.1%	15.4%	16.3%
15	17.2%	20.6%	18.8%	22.0%	24.9%	21.8%
16	16.8%	27.0%	26.2%	25.9%	24.9%	27.0%
17	11.2%	19.7%	21.2%	19.9%	18.0%	22.6%
18	0.0%	7.9%	0.0%	1.4%	1.7%	1.4%
19	0.0%	0.0%	0.0%	0.4%	0.3%	0.3%
22	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%
Missing	30.5%	0.0%	0.3%	2.5%	2.3%	2.8%
Mean Age	15.0	15.5	14.8	14.9	14.9	15.4
Mean Age by offense type						
Criminal	15.3	15.6	15.2	15.3	15.3	15.8
Non-Criminal	14.6	15.3	14.3	14.5	14.5	15.0

[a] Due to the extent of missing data in this 1975 variable, it is excluded from any general analysis. However, the distribution is relatively consistent with those of the subsequent years.

[b] Age distribution data for 1984 was not available.

years. In 1982, the percent of 13 year olds in detention almost doubled that of 1980 (10.6% and 5.8% respectively). This age group experienced a proportional decline between 1985 and 1986.

However, the mean ages of the yearly samples remain relatively constant. This stability is due in part to the restricted range of age of detainees (1) as mandated by law and (2) as a consquence of the defining characteristics of "delinquent behavior." These age relationships may also be confounded by both formal and informal processing practices exercised by juvenile department personnel. Certainly, 15 to 17 year olds comprise the bulk of all detained juveniles.

When the mean age by offense type is examined, it also is relatively stable across the study years. The mean age of those detained for criminal offenses is somewhat older (but not much) than that of those detained for non-criminal offenses.[8]

DETENTION PRACTICES

Legislative changes also may impact detention facilities in a number of ways. Table 3 shows changes in detention practice by prior referrals, thus demonstrating system responses.[9] It would

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[8] As the proportion of detainees held for non-criminal offenses decreases and the total number of admissions also decreases, caution is necessary when employing any kind of percentage analysis, i.e., the number of cases may be too small to meet reliability criteria.

[9] Although it is difficult to judge the response time from legislation enactment to actual implementation of new guidelines, 1983 guidelines may begin to impact the system anywhere from late 1983 to early 1984. This would be captured in FFY 1984 which actually began October 1, 1983.

TABLE 3

Prior Referrals to Detention

	1980[a] (n=330)	1982 (n=320)	1983 (n=282)	1985 (n=350)	1986 (n=363)
Yes	64.2%	84.1%	79.8%	84.6%	82.9%
No	20.3%	12.5%	9.9%	5.7%	5.5%
Unknown[b]	15.5%	4.4%	10.3%	9.7%	11.6%

[a]Prior referrals information was not avaialble for 1975 and 1984.

[b]Unfortunately, the moderately high level of unknown data in this measure of prior referral history limits the reliability of the analysis. However, it is unlikely that all unknown cases would be classified into one of the two categories.

appear that most referrals to detention have a history of prior detention, particularly from 1982 on. The relative proportion of "first-time" detainees continually declines, which would suggest compliance with the "no less restrictive alternative" language of the 1981 legislation, i.e., utilization of alternatives to detention.

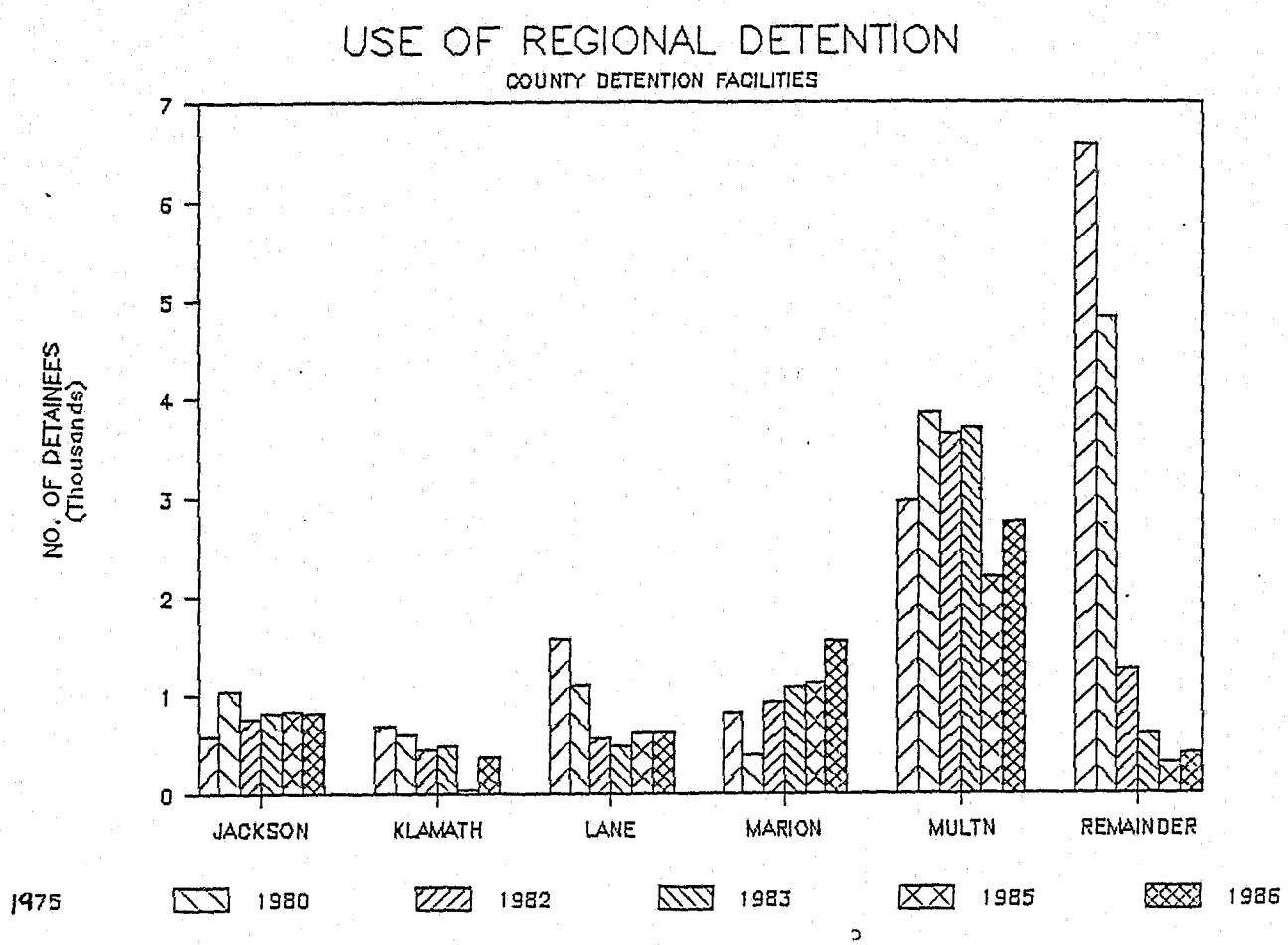
As detailed in the historical narrative, only a minority of counties has ever operated a juvenile detention facility. In earlier years (confinement of juveniles in adult jails and lockups was ruled unconstitutional in D.B. v. Tewksbury, 1982), counties could detain their own juveniles. Currently, some counties with no juvenile detention facilities of their own have entered into agreements with a more populous neighboring county

with such a facility, e.g., the Marion county juvenile detention facility generally serves Marion, Polk, and Linn counties. Comparison of detention facility use across the five major counties with juvenile detention facilities (and those detained in other counties combined) are illustrated in Figure 7.

An increasing proportion of juvenile detainees are being detained in the juvenile detention facilities of Marion and Multnomah counties. Multnomah County alone accounts for at least one-third of the juveniles detained throughout the state. The increasing use of the juvenile detention facilities rather than local jail facilities is in compliance with the U.S. District Court ruling and legislation reviewed earlier in the text. When compared with the detainee's county of residence, there is a high correspondence between it and the county of detention, i.e., most (87%) of those youth detained in Multnomah County are residents of Multnomah. In Marion County, which serves a wider area, 25% of the detainees reside outside of the county (21% detained in Lane County reside outside that county). The proportion of detainees whose legal residence is outside Oregon is small, ranging from 1.5% (1980) to 4% (1985).

The relative proportion of out-of-state detainees might be expected to increase somewhat as a result of legislation specifying fewer restrictions.. To date, there is no state legislated maximum set for the length of detention stay of out-of-state runaways or fugitives from another jurisdiction.

Figure 7



DISTRIBUTION OF DETENTION ADMISSIONS BY COUNTY

	TOTAL ADMISSIONS TO DETENTION	NUMBER OF ADMISSIONS IN EACH COUNTY					
		JACKSON	KLAMATH	LANE	MARION	MULTN	REMAINDER
1975	13,192	576	686	1,570	822	2,956	6,582
1980	11,831	1,038	596	1,112	392	3,862	4,831
1982	7,620	762	450	572	930	3,642	1,264
1983	7,150	808	479	479	1,087	3,704	593
1984	4,684	834	220	487	993	1,855	295
1985	5,103	832	31	612	1,123	2,189	316
1986	6,520	808	378	626	1,545	2,745	418

		PERCENTAGE DISTRIBUTION					
		JACKSON	KLAMATH	LANE	MARION	MULTNOMAH	REMAINDER OF STATE
1975	13,192	4.4%	5.2%	11.9%	6.2%	22.4%	49.9%
1980	11,831	8.8%	5.0%	9.4%	3.3%	32.6%	40.8%
1982	7,620	10.0%	5.9%	7.5%	12.2%	47.8%	16.6%
1983	7,150	11.3%	6.7%	6.7%	15.2%	51.8%	8.3%
1984	4,684	17.8%	4.7%	10.4%	21.2%	39.6%	6.3%
1985	5,103	16.3%	0.6%	12.0%	22.0%	42.9%	6.2%
1986	6,520	12.4%	5.8%	9.6%	23.7%	42.1%	6.4%

Table 4 indicates that the percentage of out-of-state detainees has increased somewhat since 1980 but not appreciably. The

TABLE 4

Out-of-State Detainees

Year	Percentage	Number
1975	0[a]	0[a]
1980	1.5%	177
1982	0.3%	23
1983	2.5%	179
1984	N/A	N/A
1985	4.0%	204
1986	2.5%	163

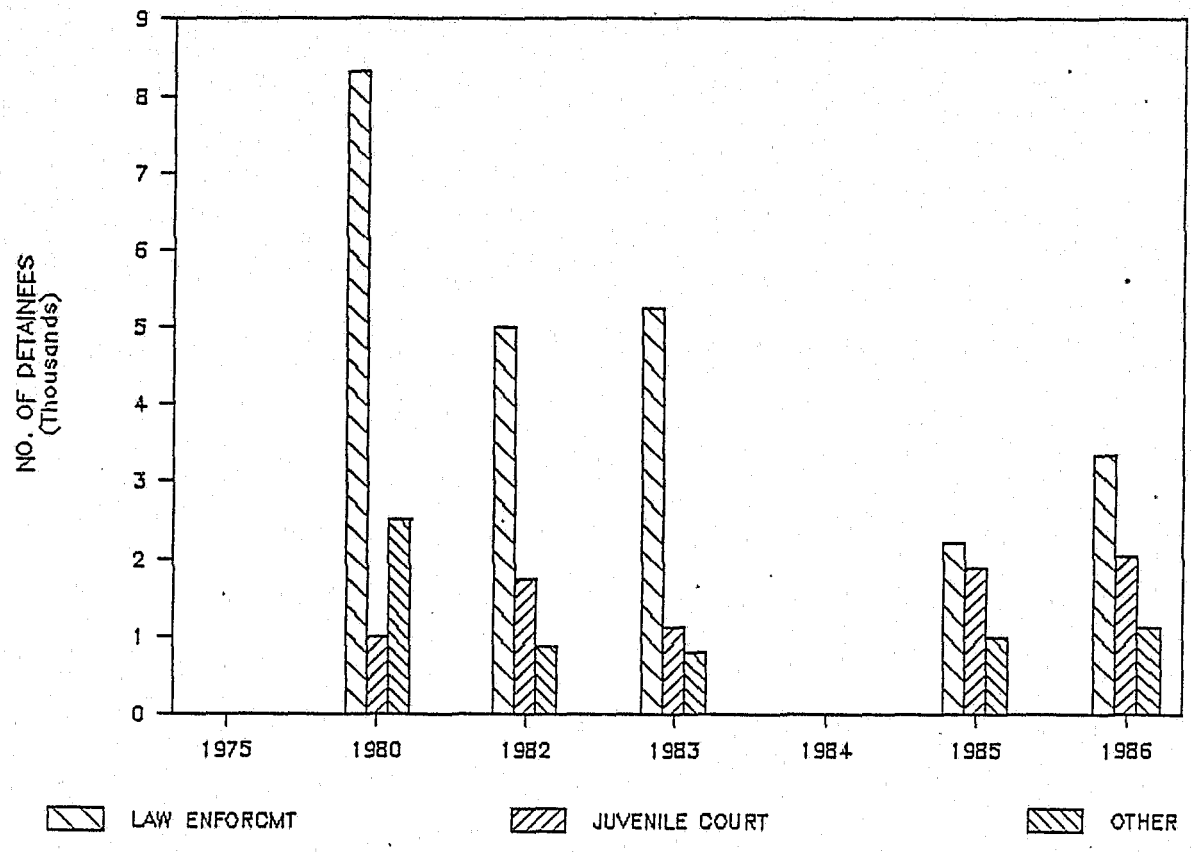
[a]Unreliable estimate due to excessive missing data in 1975 (24.6%).

actual number of out-of-state detainees has remained relatively stable (with the exception of 1982) while the total population of detainees has fluctuated. This suggests the possibility of certain processing decisions which limit the numbers of out-of-state detainees, i.e., primary consideration is given to "taking care of our own." These out-of-state detainees may be held until transfer to their home states is arranged.

The source of the referrals to detention has shifted somewhat across the study years (Figure 8). Although a referral can be initiated by parents, family, law enforcement officers, the juvenile court, CSD, other social service agencies, or the juvenile him/herself, the two primary sources for detention referrals are law enforcement officers and the juvenile court.

Figure 8

REFERRAL SOURCE OF DETAINEES



	TOTAL ADMISSIONS TO DETENTION	REFERRAL SOURCE OF DETAINEES: LAW ENF. AGENCIES NUMBER	LAW ENF. AGENCIES PERCENT	- JUVENILE COURT - NUMBER	- JUVENILE COURT - PERCENT	-- OTHER SOURCES -- NUMBER	-- OTHER SOURCES -- PERCENT
1975	13,192	0	0.0%	0	0.0%	0	0
1980	11,831	8,317	70.3%	1,006	8.5%	2,508	21.2%
1982	7,620	4,999	65.6%	1,737	22.8%	884	11.6%
1983	7,150	5,248	73.4%	1,115	15.6%	787	11.0%
1984	4,684	0	0.0%	0	0.0%	0	0.0%
1985	5,103	2,215	43.4%	1,893	37.1%	995	19.5%
1986	6,520	3,358	51.5%	2,047	31.4%	1,115	17.1%

DATA NOT AVAILABLE IN 1975 OR 1984

The two sources together account for 78% to 88% of all detention referrals. However, with the changing legislation, law enforcement officers account for fewer and fewer referrals proportionate to the increasing role played by the juvenile court. The most dramatic shift occurs between 1983 and 1985. Since referral source data for 1984 were unavailable, it is much more difficult to show a relationship (with any degree of certainty) between new legislation and shifts in sources of referrals. It is tempting to speculate that the dramatic shift between these years may be due to the removal of status and most first-time offenders as per the 1983 legislation. However, no corresponding sharp reduction was observed in the proportion of detained status offenders (Figure 4). Also, first-time offenders (Table 3) were effectively filtered out of detention between 1980-1983 (10.4% decline) and to a lesser extent between 1983-1985 (4.2%). In addition, the "no less restrictive alternative" and required petition guidelines were established in 1981. (Again, this suggests that Oregon responded to the JJDPA of 1974 prior to the formalized state legislation.) The increase in detention use for post-adjudication purposes, while increasing between 1983-1985, showed a more marked increase from 1980 to 1983 (Figure 2). A broader system analysis examining alternatives available to law enforcement officers may provide a plausible explanation for the decline in referrals to detention initiated by law enforcement officers.

With the downsizing of juvenile training schools and increasing restrictions on the use of detention, it would seem that other facilities or at least other alternatives[10] are becoming increasingly utilized to effect control over the non-conforming behaviors of youth in the State of Oregon.[11]

TRENDS IN OFFENSES OVER TIME

The question of whether the severity of referral reasons is increasing across the study years can be addressed in a general sense. Several issues are examined by looking separately at the percentages of specific categories of primary (representing the most serious reason for referral) and secondary referral reasons. Table 5 represents the distribution of major non-criminal referral reasons.

In 1980, protective custody (highlighted in Table 5 by the smaller box) was a secondary referral reason for 66.4% of all detainees. After 1980, protective custody ceased to be a viable category and was thus deleted. Endangerment to self or others,

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[10] For example, those established through the efforts of the JSC and CSD to implement the community alternatives portion of the Juvenile Corrections Improvement Plan enacted by HB 2045 of the 1985 legislative session.

[11] Although beyond the scope of this study, a description and analysis of changing facility capacities (caps, expansions, downsizing and closures) across these years would provide a more complete picture of system-wide responses. Also, the alternative use facilities (such as assessment and observation centers) impact the detention system. Policy decisions may be better served by a broader system analysis which would include the effects of changing practices in these types of facilities also.

TABLE 5

Non-Criminal Primary and Secondary Referral Reasons
from 1980 to 1986[a]

		1980 (n=330)	1982 (n=320)	1983 (n=282)	1984 (n=444)	1985 (n=350)	1986 (n=363)
NON-CRIMINAL OFFENSES							
Protective Custody	1	8.2%	N/A	N/A	N/A	N/A	N/A
	2	66.4%	N/A	N/A	N/A	N/A	N/A
Runaway	1	27.6%	12.5%	8.9%	8.3%	5.0%	6.4%
	2	4.8%	16.2%	21.3%	6.8%	6.1%	4.4%
In-State	1	N/A	N/A	N/A	N/A	1.0%	1.4%
	2	N/A	N/A	N/A	N/A	4.0%	3.0%
Out-of-State[b]	1	N/A	N/A	N/A	N/A	3.0%	3.6%
	2					2.0%	1.1%
Out-of-Home Placement	1	N/A	N/A	N/A	N/A	1.0%	1.4%
	2	N/A	N/A	N/A	N/A	0.1%	0.3%
Other[c]	1	3.3%	1.8%	0.4%	0%	0%	0%
	2	2.7%	5.4%	7.1%	3.4%	2.0%	0%
Traffic Offenses	1	1.2%	0%	1.2%	1.1%	1.0%	1.5%
	2	0.6%	2.7%	1.6%	0.4%	1.0%	1.2%

[a]The referral reasons from 1975 were not available due to a recoding of the data permanently categorizing them by offense type (criminal vs. non-criminal). With extensive effort, the original data could be retrieved. However, it was decided that examination of trends from 1980 to 1986 would be adequate (especially considering the five year gap from 1975 to 1980). The table lists primary (1) and secondary (2) reasons for referral.

[b]The total number of out-of-state detainees could be determined from the data (Table 4). However, a further breakdown by offense type was not available until 1985. Percentages in Table 4 represent the proportion of out-of-state detainees in the total population of detained youth. Percentages in Table 5 express a different relationship, i.e., in 1985, 3% of all detained youth had "runaway from out-of-state" recorded as the primary (or most serious) reason for referral to detention.

[c]This category included curfew and truancy violations, ungovernable behavior and endangerment.

however, remains. It is included in the "other" category because of its low incidence rate. Overall, referral reasons (primary and secondary combined) for a runaway status have declined steadily across the study years (the larger highlighted box), i.e., 32.4%, 28.7%, 30.2%, 15.1%, 11.1%, and 10.8% respectively. Between 1983 and 1984, a pronounced decline is demonstrated. It is interesting to note, however, that the impact of the decline occurred when "runaway status" ceased (or was greatly reduced) to be noted as a secondary referral reason. The decline in use of "runaway" as a primary referral reason occurred more gradually from 1980 through 1986. Proportion of traffic offenses has remained relatively stable.

Next, the relative percentages of criminal offenses are examined (Table 6). Across all criminal offense categories and across all study years, there seems to be little evidence to support the notion that the severity of offenses is increasing. The incidence of aggravated assault as an indicator of severity of offending would be expected to increase if there were an increase in severity from simple to aggravated assault. That does not seem to be the case. Aggravated assaults (as referral reasons) have actually decreased over time. The incidence of robbery does not increase either.

Another issue related to the intensity (severity) of crimes against persons is the frequency with which they occur. The data may provide some empirical support for the notion that the frequency of referral reasons for crimes against persons is

TABLE 6

Criminal Primary and Secondary Referral Reasons
From 1980 to 1986

		1980 (n=330)	1982 (n=320)	1983 (n=282)	1984 (n=444)	1985 (n=350)	1986 (n=363)
CRIMINAL OFFENSES[a]							
Robbery	1	1.5%	2.2%	0.7%	1.4%	1.0%	0.8%
	2	0.3%	0%	1.1%	0%	1.0%	0.3%
Aggravated Assault	1	2.4%	0.9%	1.8%	1.6%	0%	0.6%
	2	0.3%	0.3%	0.2%	0.3%	0.1%	0%
Burglary	1	1.0%	14.4%	5.3%	8.8%	8.0%	7.7%
	2	2.4%	10.8%	6.7%	2.0%	3.0%	2.2%
Shoplifting	1	N/A	6.6%	2.1%	1.1%	3.0%	4.7%
	2	N/A	5.4%	4.3%	0%	2.0%	2.2%
Larceny/ Theft	1	14.5%	8.4%	5.0%	6.5%	3.0%	6.6%
	2	3.0%	9.0%	4.3%	2.5%	3.0%	4.1%
Auto Theft	1	5.5%	6.9%	3.5%	2.7%	6.0%	6.6%
	2	1.5%	7.2%	1.4%	0.5%	2.0%	3.9%
Simple Assaults	1	0.3%	1.3%	3.2%	3.2%	4.0%	3.3%
	2	0.9%	2.7%	1.1%	0.7%	1.0%	1.9%
Runaway- Out-of-Home Placements	1	N/A	N/A	N/A	N/A	1.0%	7.4%
	2	N/A	N/A	N/A	N/A	3.0%	1.4%

[a]Selected offense only. The other offense categories had very low frequencies.

increasing, i.e., the incidence of simple assault referrals increases over time and shifts in relative proportion from predominantly a secondary to a primary reason for referral (1982-83). However, there is a more compelling explanation for these changes. The shift in simple assault referrals may reflect

changes in processing such that a particular incident which formerly may have been reported as disorderly conduct or ungovernable behavior may, in the later years of the study, be reported as a simple assault. Periodic "fortification" of the definitions for aggravated versus simple assaults across the study years would be expected to account for an increase in the percentage of referrals for aggravated assault. This is not demonstrated by this data.

Perhaps of most interest considering changing use of detention, are the special referral reasons (Table 7). The relative proportions of detention referrals for warrants, failure to appear (FTA), parole violation, and probation violations for non-criminal offenses remained at fairly low percentages across all years. The most dramatic change initiated sometime between 1980 and 1982 is the proportion of detainees referred for probation violations resulting from criminal offenses (highlighted by the box). Levels of parole violation and probation violation (both criminal and non-criminal) combined only accounted for 4.2% of primary referral reasons and 9.1% of secondary referral reasons in 1980. Beginning in the 1982 reporting year, 1/4 to 1/3 of <u>all</u> detainees were referred because of some probation violation originating from a criminal offense. The magnitude of the primary referrals ranges from 22.5% to 35.8% showing some fluctuation but maintaining levels within that range. Secondary referral reasons range from 1.4% to 14.0%, a similar difference in range but perhaps showing an increasing trend over time.

TABLE 7

Special Reasons for Referral

		1980 (n=330)	1982 (n=320)	1983 (n=282)	1984 (n=444)	1985 (n=350)	1986 (n=363)
SPECIAL REASONS							
Warrants	1	1.8%	3.8%	2.1%	7.2%	3.0%	0.3%
	2	0.3%	0.9%	0.4%	5.4%	1.0%	1.4%
FTA	1	N/A	N/A	N/A	N/A	3.0%	4.4%
	2	N/A	N/A	N/A	N/A	5.0%	1.4%
Parole Violation	1		2.5%	0.7%	1.6%	5.0%	0.3%
	2		1.8%	0.4%	0.5%	3.0%	1.7%
Probation Violation	1	4.2%[a]					
	2	9.1%					
Non-Criminal Offense	1		0%	11.7%	0%	2.0%	2.8%
	2		0%	0%	0.9%	0.1%	0.3%
Criminal Offense	1		22.5%	35.8%	34.9%	28.0%	28.4%
	2		3.6%	1.4%	9.2%	14.0%	12.9%

[a]In 1980, parole violation and probation violation were combined into a single category.

LENGTH OF STAY IN DENTENTION

Another important factor related to the type of offense is the actual duration of the detention measured by either calendar time or judicial time.[12] Table 8 lists the two primary time

[12]Judicial time is defined as time exclusive of those intervals (weekends, holidays, etc.) when the juvenile court is not in session.

TABLE 8

Judicial Time Held in Detention by Offense Type[a]

1975	24 Hours or Less	More than 24 Hours
Criminal	25.8%	21.2%
Non-Criminal	22.6%	30.4%
1980		
Criminal	37.0%	36.7%
Non-Criminal	17.8%	8.5%
1982		
Criminal	49.1%	37.8%
Non-Criminal	12.2%	0.9%
1983		
Criminal	36.9%	54.3%
Non-Criminal	6.3%	2.5%
1985		
Criminal	40.3%	54.9%
Non-Criminal	3.9%	0.9%
1986		
Criminal	33.1%	61.2%
Non-Criminal	3.3%	2.5%

[a]1984 data for judicial time was not calculated.

intervals necessary to determine compliance with the federal detention criteria specified the JJDPA of 1974.

The percentages highlighted by the boxes represent the proportion of each year's detainees who were defined as "out-of-compliance" with federal detention guidelines.[13]

Clearly, strong efforts have been made since 1975 to comply with the federal guidelines. The 2.5% level of non-compliance cases in 1986 is a marked improvement (163 youth in 1986 instead of the 4010 in 1975).

Also, as indicated in prior analyses, the total combined proportion of "non-criminal detainees" decreased over time.

Over the duration of the study, increasingly greater proportions of "criminal offense detainees" were held for more than 24 judicial hours. Whether this increase in length of detention stay is attributable to the increasing use of detention for post-adjudication purposes is an important issue to pursue.

To examine this in greater detail, length of detention stay was analyzed in terms of actual calendar time elapsed. Table 9 illustrates the distribution of calendar time at intervals of (1) less than or equal to 24 hours (2) between 24 and 72 hours (3) more than 72 hours but less than nine days and (4) nine days or more. This is reported separately for the two adjudication status types (pre-adjudication only and combined post/pre-post adjudication).

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[13]The 24 hour rule specifies 24 hours of elapsed judicial time as the maximum allowable to detain juveniles for non-criminal offenses. These cases may, however, be "in-compliance" with respect to state guidelines. For a full report of compliance, see the annual reports submitted by the Juvenile Services Commission.

TABLE 9

Calendar Time Held by Adjudication Status

	Pre-Adjudication				
	1980 (n=302)	1982 (n=246)	1983 (n=205)	1985 (n=191)	1986 (n=204)
≤ 24 hours	14.2%	51.6%	39.0%	36.6%	28.9%
25-72 hours	42.1%	26.0%	33.7%	31.9%	33.8%
73 hours-8 days	28.1%	13.4%	17.6%	19.4%	19.6%
≥ 9 days	15.6%	8.9%	9.8%	12.0%	17.6%
	Post and Pre/Post Adjudication				
	(n=7)[a]	(n=68)	(n=77)	(n=150)	(n=148)
≤ 24 hours	14.3%	17.6%	7.8%	9.3%	2.0%
25-72 hours	28.6%	60.3%	55.8%	43.3%	54.0%
73 hours-8 days	28.6%	22.1%	20.8%	32.0%	33.8%
≥ 9 days	28.6%	0.0%	15.6%	15.3%	6.8%

[a]The number of cases in this subgroup is too low for any meaningful analysis.

Note to the Reader: This table is a breakdown of calendar time held. In some instances, a detention stay of calendar hours may translate to zero judicial hours if the detention occurred from the close of court on Friday to Monday morning. The federal guidelines specify the compliance criteria in terms of judicial hours. This poses some problem when analyzing time held. Unfortunately, a detention practice which further confounds the issue is the eight day punitive detention (which may be served on consecutive weekends, i.e., no judicial time). The extent to which this option is utilized may distort the time held distribution resulting in an underestimate of the total detention time (calendar hours) served by a single youth for a single offense (it also results in an overestimate of the number of post-adjudication admissions). In 1986, additional post-adjudication sentencing information was collected to help estimate the extent of admissions over estimation due to the "weekend detention" practice. In 1986, 443 youth received post-adjudication sentences which were served in two to four successive intervals. These 443 youth accounted for 1,404 separate admissions to detention which results in a 15.7% overestimate of the actual number of youth detained for any single offense or post-adjudication sentence. With these considerations in mind, trends across the years are discussed.

The most abrupt shift among pre-adjudication detainees occurred between 1980 and 1982. In 1980, 14.2% of all pre-adjudication detainees were not held more than 24 calendar hours. By 1982, 51.6% were held less than one calendar day. This suggests a very dramatic change in the processing of detained youth. Although this percentage continually declined over the duration of the study, it still remains two times greater than in 1980. From 1983, one-third of the pre-adjudication detainees are held from 25 to 72 hours. Even though the detention stays of more than eight days seem to be increasing from 1982, the total number of pre-adjudication detainees (until 1986) was decreasing. The actual number then, is more stable across years than these percentages indicate.

There is a gradual shift in detention time among post-adjudication detainees which represents longer detention stays. One-half stay between 25-72 hours per admission but increasingly greater numbers are being held longer (up to eight days) at a time. (Remember, there is an underestimate of hold time per offense - see the Note to the Reader on the previous page.)

In 1985 and 1986, a more complete breakdown among the pre/post and post-adjudication detainees was made. Only 18.7% of the post-adjucation detainees were detained both pre- and post-adjudication. This proportion declined to 8.8% in 1986. In both years, the pre-post group were almost always detained for violations of probation rules or conditions, i.e., no new crime was recorded.

Among those detainees whose stay was all post-adjudication, some differences in time held dependent upon the combination of probation violation and new crime were observed (Table 10).

TABLE 10

Post-Adjudication Detention Time by Presenting Reason

		1985 (n=150)	1986 (n=148)
New Crime, no probation violation	≤ 24 hours	11.4%	2.7%
	25-72 hours	48.6%	70.3%
	73 hours-8 days	11.4%	18.9%
	≥ 9 days	28.6%	8.1%
New Crime and probation violation	≤ 24 hours	4.2%	0.0%
	25-72 hours	21.0%	45.5%
	73 hours-8 days	50.0%	36.4%
	≥ 9 days	25.0%	18.2%
Probation violation only	≤ 24 hours	13.8%	1.4%
	25-72 hours	48.3%	56.3%
	73 hours-8 days	32.8%	38.0%
	≥ 9 days	5.2%	4.2%

Caution is necessary when drawing conclusions from this data. The number of cases in each of these categories is becoming smaller and smaller with each successive breakdown: first, by adjudication type; second, by all post-adjudication detention only; and thirdly, by calendar time held. This results in an overestimate of differences among categories. General statements, however, may be appropriate.

A hierarchy among these three conditions (resulting in post-adjudication detentions) seems to be established. "New

crimes with no probation violation" proportionately are detained for the least amount of time (70.3% in 72 hours). Those with probation violations only are next. Those violating probation and committing a new crime serve somewhat longer detentions but not appreciably more than the "probation violation" only detainees.

Turning briefly to time held for runaways, in 1980, 1158 youth were detained between 73 hours and 8 days. By 1984, that number had decreased to 42 (in 1986, one in-state runaway was held that long).

SUMMARY

Significant changes have occurred in the use of detention from 1975 to 1986. In accordance with the JJDPA of 1974, almost all status offenders and all non-offenders have been removed from the detention system. Those status offenders who are held in detention for some period of time, are generally released before 24 judicial hours have elapsed. The one instance in which state law is at odds with federal guidelines is the case of the out-of-state runaway. State law provides no maximum limit to detention stay for out-of-state runaways whereas the federal guidelines make no such distinction. The proportion of out-of-state runaways in detention is low however and, even then, they are generally released or transferred within 72 calendar hours.

Detainee characteristics have changed in correspondence with the deinstitutionalization of status offenders, i.e., detainees are increasingly males who have committed or allegedly committed

criminal offenses. These detainees are most likely to have had prior referrals to detention. Recently, the most likely reason for referral is a probation violation stemming from a criminal offense (which is indicative of a shift from pre-adjudication use of detention to post-adjudication detention).

Severity of offenses does not seem to be increasing over time (although admittedly this data does not lend itself to that type of analysis). Although the frequency of simple assault referrals is increasing, this may demonstrate either an increase in the actual frequency of simple assaults or a "hardening of the record."

RECOMMENDATIONS

There are two recommendations for the future which would greatly improve the usefulness of the research effort for public policy decisions in this area.

First, to address issues relating to the youth themselves and their offending behaviors, an offender-based tracking study is more capable of specifying changing patterns of individual offending, such as, frequency, seriousness (severity), intermittency, and termination of offending behaviors.

Secondly, to address more adequately (and perhaps more meaningfully) issues related to the total system response to the handling of youthful offenders, a study which focuses too narrowly on one aspect of the system may result in some biased conclusions. Certainly, to focus upon detention practices alone

is appropriate to answer questions of compliance and general trends in the use of detention. If, however, some policy decisions affecting the juvenile services system as a whole (more broadly defined) are to be made, the recommendation is for a broader system-wide study to include other agencies providing ancillary services. In particular, analysis of the flow of youth through detention, training schools, group homes, assessment centers, etc. may provide a more complete picture of the broader impact of legislation which affects all of these entities.