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OJJDP Update on Statistics

Terrence S. Donahue, Acting Administrator

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Growth in Minority Detentions Attributed to Drug Law Violators

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ACQUISITIONS

by Howard N. Snyder

The recent Children in Custody census showed that between 1985 and 1987 the number of youth held in short-term public detention facilities increased by 15 percent. This increase, however, was not distributed evenly across racial and ethnic groups. While the number of non-Hispanic white youth held in short-term public detention facilities increased by only 1 percent, the number of black and Hispanic youth in these facilities increased by more than 30 percent

(figure 1). The growing number of youth, especially minority youth, confined in public and private juvenile facilities has caused considerable concern in the juvenile justice field. In response to this concern, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is developing more detailed information on these juveniles.

As a part of this effort, the National Center for Juvenile Justice (NCJJ)

conducted an analysis of the automated case records stored in its National Juvenile Court Data Archive to gain a better understanding of the juvenile courts' detention practices (see box on page 2).¹ This analysis details the characteristics of youth who were placed in secure residential facilities while awaiting court disposition of their cases. The findings link the disproportionate increase in the number of *minority* youth held in detention facilities to the

From the Administrator

To help the juvenile justice field gain a better understanding of the types of youth held in secure residential facilities, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) analyzed juvenile court records to determine exactly who the courts detain and for what reasons. The findings from the analysis are provocative and provide detention center administrators with a national snapshot of the types of juveniles held in detention.

Earlier studies have indicated that a disproportionate number of minority juveniles are held in detention facilities. OJJDP's analysis attributes this increase to the increasing number of minority youth referred to court for drug law violations.

This finding raises several critical policy issues. For example, do juvenile courts

use a clear, concise set of criteria to determine who should be detained and why? How do the courts determine whether to send serious juvenile offenders, versus status offenders, to secure residential facilities?

It is clear from this study that detention center administrators need to know who is in their centers and whether there is a disproportionate representation of minorities. If a large number of juveniles detained in secure facilities are involved with drugs, do the centers provide appropriate services such as drug testing and treatment for these juveniles?

We also examined detention practices regarding status offenders and found that most status offenders held in secure residential facilities are runaways. This is in direct conflict with the mandate of the Juvenile Justice and Delinquency Prevention Act, which prohibits secure confinement of status offenders.

Confining status offenders raises another serious policy issue as well. Because secure detention is the most expensive and most severe sanction available to courts, juvenile courts need to determine if it is a prudent use of resources to send runaways to secure detention facilities or if it is more practical to send these youth to foster care or nonsecure facilities pending disposition of their cases.

We hope that providing information about detention practices will encourage policymakers to obtain accurate information on the types of youth detained in their own jurisdictions and to require the development of clear and consistent policies and procedures regarding the use of detention services.

Terrence S. Donahue
Acting Administrator

Detention in the Juvenile Courts

A large number of the youth held in secure juvenile detention facilities are placed there by juvenile courts. When a case is referred to juvenile court, intake staff may decide to admit the youth to a detention facility while the court determines what action to take in the matter. A youth may be admitted to detention for a variety of reasons. The court may decide that detention is necessary to protect the community from the youth, to protect the youth, or both. The court may also order detention so the youth can be evaluated or to ensure the youth's appearance at an upcoming hearing.

In all States, either statute or court rule requires a judicial review of the initial detention decision soon after a youth's admission to a facility, generally within 24 to 72 hours. At the detention hearing, the youth may be released or be ordered to remain in detention. At the disposition hearing, a youth may also be ordered to a detention facility while awaiting transportation to a long-term residential treatment facility. Some jurisdictions also use detention facilities for short-term, postdispositional placements.

This report focuses on the court's use of secure detention between the point of referral to court intake and the point of case disposition. Therefore, it excludes detention by law enforcement agencies prior to court referral and the courts' temporary placement of youth in non-secure facilities (e.g., shelters) as well as placement in secure detention facilities following court disposition of the case.

extremely large increase in the number of these youth referred to juvenile court for drug offenses, as well as to an apparent change in the way courts deal with drug offense cases.

These analyses also found that:

- The typical delinquent admitted to a detention facility was male, over the age of 15, and charged with a property offense.
- The probability that a youth charged with a delinquent offense would be sent to a detention facility varied depending on the youth's alleged offense, sex, race, age, and the community in which he or she lived. (A delinquent offense is an act committed by a juvenile for which an adult could be prosecuted in a criminal court.)
- The typical status offender admitted to a detention facility was female, under the age of 16, and charged with running away from home. (A status offense is an act, such as running away, that would not be a crime if committed by an adult.)
- The probability that an alleged status offender would be detained varied with the nature of the offense, but was relatively independent of the youth's sex, race, and age.

These findings are based on an analysis of more than 990,000 juvenile court case records submitted to the Archive by courts in 13 States (Alabama, Arizona, California, Florida, Mississippi, Missouri, Nebraska, New Jersey, North Dakota, Ohio, Pennsylvania, South Dakota, and Virginia) describing the cases they processed in 1985 and 1986. These courts had jurisdiction over one-third of the Nation's juvenile population during this time period.

Youth detained in delinquency cases

In the courts selected for this study, 85 percent of the youth charged with a criminal law violation and admitted to detention were male (figure 2). About

half of these youth were under the age of 16. Youth were charged with a property offense in nearly half of the detained delinquency cases. One in 5 was charged with a person offense such as robbery; 1 in 10 with a drug law violation; and 1 in 4 with an offense against the public order, such as disorderly conduct.

Overall, detention occurred in 25 percent of all delinquency cases, but youth charged with serious offenses were the most likely to be detained (table 1). The juvenile courts detained about half of all robbery and motor vehicle theft cases. Youth charged with aggravated assault were detained more often than those charged with simple assault. Burglary cases were detained more often than shoplifting cases. Courts were more likely to detain youth charged with drug trafficking offenses than those charged with possession of drugs. Detention was also more likely if the juveniles were at risk of harm. For example, youth charged with public drunkenness were twice as likely to be detained as those charged with disorderly conduct. Youth were also likely to be detained if there was a risk that they would not cooperate with the court. For example, detention occurred in half of the cases where the youth was charged with contempt of court (e.g., a probation violation or failure to appear at a hearing).

Males charged with a delinquent offense were more likely to be detained than females. Overall, 26 percent of male delinquency cases involved the use of detention, compared to 20 percent of female cases. Much of this difference can be attributed to the fact that males were charged with more serious offenses.

Nonwhites were more likely to be detained than whites. Detention occurred in 29 percent of nonwhite delinquency cases, compared to 23 percent of white delinquency cases. A part of this differential handling can be attributed to the findings that nonwhite

youth were more likely to have prior court referrals and were more likely to be referred to court for more serious offenses. However, even within specific offense categories, nonwhites were often substantially more likely to be detained.² For example, nonwhites were detained at a higher rate than whites when charged with drug trafficking, drug possession, motor vehicle theft, or burglary, while both groups were detained at approximately the same rate when charged with contempt of court, robbery, aggravated assault, drunkenness, simple assault, or shoplifting.

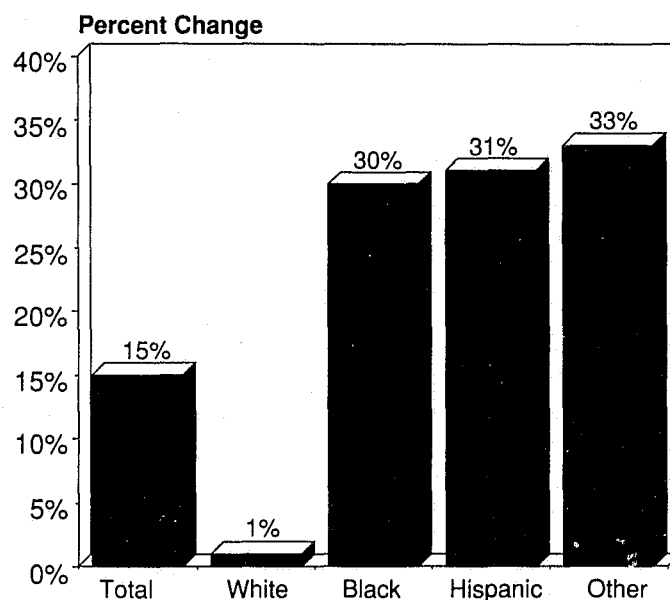
The probability of detention increased markedly with age up to age 15, but remained relatively constant thereafter. For example, 15 percent of all 12-year-olds referred for a delinquency offense were detained, rising to 24 percent of 14-year-olds and 28 percent of 16-year-olds.

There were also differences in the rate of detention across jurisdictions. Thirty percent of cases handled in large counties were detained, compared to 26 percent in medium-sized counties and 16 percent in small counties. The analysis also found that States differed in the proportion of delinquency referrals detained. Some States detained as many as 1 in 3 delinquency cases, while others detained as few as 1 in 10 youth charged with a delinquency offense. These variations reflect jurisdictional differences in the nature of offending, in detention policy, and in the availability of detention beds.

The juvenile court's response to youth detained for delinquency offenses also reflected the more serious nature of these offenses (table 2). Seventy-nine percent of all detained cases were processed formally by the court (i.e., the case was scheduled for an adjudicatory or transfer hearing), compared to only 42 percent of the cases not detained. Detained delinquents were five times more likely to be transferred to adult court, six times more likely to be placed out of the home, and 50 percent more likely to be placed on formal probation than youth who were not detained.

Figure 1

Increase in the Number of Juveniles in Short-Term Public Facilities: 1985-1987



Source: OJJDP Children in Custody data 1985, 1987

Figure 2

Characteristics of Youth Detained in Delinquency Cases

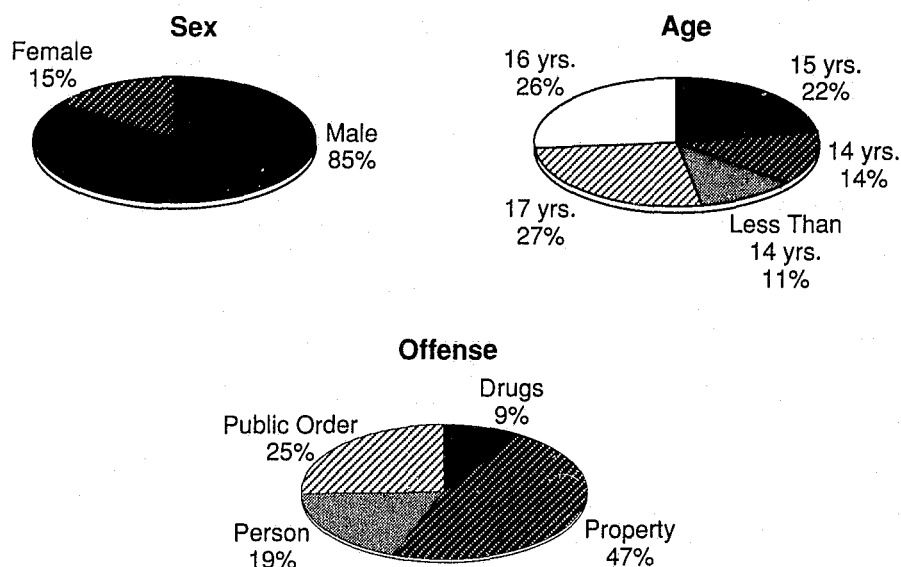


Table 1

Probability of Detention in Delinquency Cases

	Percent of Cases Detained				
	Total	Male	Female	White	Nonwhite
Person Offenses	30	32	21	27	33
Robbery	54	54	52	55	54
Aggravated Assault	34	36	28	33	36
Simple Assault	19	20	17	20	19
Property Offenses	21	23	15	20	24
Motor Vehicle Theft	46	46	44	43	54
Burglary	34	35	30	33	40
Shoplifting	12	13	9	11	13
Vandalism	10	10	12	10	13
Drug Law Violations	29	29	25	25	42
Drug Trafficking	33	34	26	28	50
Drug Possession	25	25	24	22	33
Public Order Offenses	29	28	30	28	33
Drunkenness	27	27	27	27	30
Disorderly Conduct	13	13	11	12	15
Weapons Offense	28	29	28	25	37
Contempt of Court	55	56	54	55	59
All Delinquency Offenses	25	26	20	23	29

Offense categories are not all inclusive.

Table 2

Dispositions of Delinquency Cases

	Percent of Cases Informally Disposed	Percent of Cases Formally Disposed					
		Total	Dismissal	Probation	Placement	Transfer	Other
Detained	21	79	12	31	29	3	4
Person Offense	15	85	17	29	30	5	4
Property Offense	21	79	11	34	28	2	4
Drug Offense	20	80	9	35	32	2	2
Public Order Offense	25	75	11	27	32	1	4
Not Detained	58	42	12	21	5	<1	4
Person Offense	50	50	19	21	5	1	4
Property Offense	60	40	10	21	4	1	4
Drug Offense	60	40	10	23	4	<1	3
Public Order Offense	57	43	13	19	7	<1	4

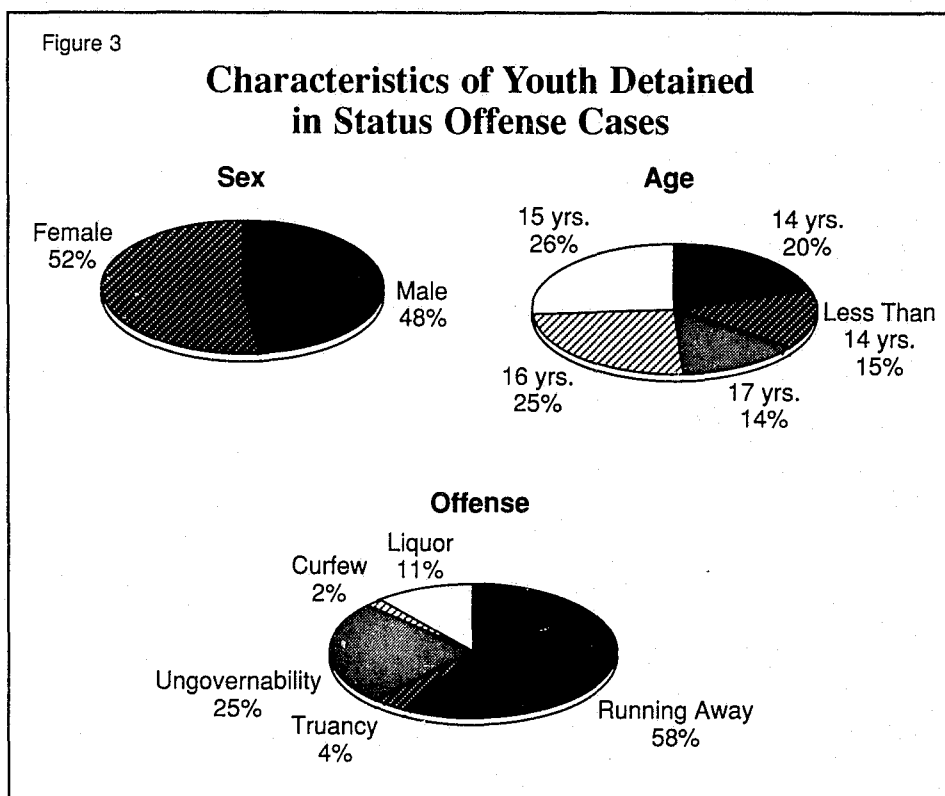
Detention in status offense cases

In contrast to delinquents, who were mostly male, more than half of the youth detained while charged with a status offense were female (figure 3). Slightly less than two-thirds of all detained status offenders were under the age of 16. Nearly 6 of every 10 status offenders admitted to detention centers were charged with running away from home. One-fourth of detained status offenders were charged with ungovernability, and 1 in 10 was charged with an underage liquor law violation. Only a small number of truants and curfew violators were detained.

Youth were detained in 9 percent of all status offense cases. The probability that an alleged status offender would be detained varied with the nature of the offense but was relatively independent of the youth's sex, race, and age (table 3). Runaways were by far the most likely to be detained; in these courts, 2 of every 10 runaways were held in a detention facility while their cases were being processed.

The analyses found that States differed in the proportion of status offense cases they detained. For example, the proportion of runaways held in detention ranged from a low of 10 percent in one State to over 60 percent in another; the proportion of youth detained for ungovernability ranged from 2 percent to more than 20 percent; and for underage liquor law violations, from 0 to 7 percent.

As was true for delinquents, detained status offenders were more likely to have their cases formally processed by the court and to receive a more severe disposition than those not detained (table 4). Forty-one percent of all detained status offense cases were processed formally, compared to 17 percent of status offense cases that were not detained. Detained status offenders were six times more likely to be placed out of the home and twice as likely to be placed on formal probation than youth who were not detained. Of note is that



runaways, who were the most likely to be detained, were by far the least likely to remain under court supervision after disposition of the case (be placed on formal probation or be placed out of the home).

After formal processing, most runaway cases were either referred to another court (e.g., the court in the youth's home jurisdiction), referred to a social service agency, or dismissed. This dispositional pattern, together with the relatively high rate of detention for runaways, implies that the juvenile court's response to runaway cases was primarily to hold the youth until they could be returned to their home jurisdictions or to use the court's authority to assure that these youth received services.

Changes in detention patterns

In the courts studied, the number of youth detained in 1986 was 4 percent greater than in 1985 (table 5). During this same time period, there was also a 4

percent increase in the number of cases handled by the courts; thus the increased use of detention was proportional to the caseload increase. However, the rise in detention rates was not distributed proportionally across offense categories. While the number of status offense cases referred to juvenile courts in 1986 was greater than in 1985, the number of status offenders held in detention declined. Similarly, a smaller proportion of public order cases was detained in 1986 than in 1985. The rise in the number of person and property offense cases detained, however, was proportional to respective increases in court caseloads.

In contrast, the number of drug cases handled by the courts increased by only 1 percent between 1985 and 1986, while the number of detained drug cases increased by 21 percent. This increase in admissions to detention facilities, therefore, reflects a substantial change in how juvenile courts respond to drug offense cases. As a result, the characteristics of detained youth also changed.

Table 3

Probability of Detention in Status Offense Cases

	Total	Percent of Cases Detained			
		Male	Female	White	Nonwhite
Running Away	21	21	20	21	21
Truancy	3	3	3	3	3
Curfew Violation	1	1	1	1	3
Ungovernability	9	9	9	10	7
Liquor Law Violation	4	4	4	4	8
All Status Offenses	9	8	11	9	10

Table 4

Dispositions of Status Offense Cases

	Percent of Cases Informally Disposed	Percent of Cases Formally Disposed					
		Total	Dismissal	Referral	Probation	Placement	Other
Detained	59	41	8	3	15	13	2
Running Away	31	69	20	39	8	<1	2
Truancy	27	73	7	1	35	27	3
Ungovernability	45	55	9	1	22	20	3
Liquor Law Violation	58	42	6	1	21	12	2
Not Detained	83	17	5	<1	8	2	2
Running Away	85	15	5	1	5	2	2
Truancy	74	26	7	<1	14	2	3
Ungovernability	78	22	5	<1	11	4	1
Liquor Law Violation	87	13	3	<1	6	1	3

Although the number of white youth detained annually remained constant between 1985 and 1986, the number of nonwhite youth admitted to detention facilities rose by 13 percent, primarily the result of a large increase in the number of nonwhite youth detained for drug offenses. Between 1985 and 1986, the number of white youth referred to court for a drug law violation declined by 6 percent, while the number of nonwhite youth referred for a drug offense rose by 42 percent.

This increase in referrals coupled with the court's greater likelihood of detain-

ing drug cases resulted in a 71 percent rise in the number of nonwhite youth detained for a drug offense. The growing drug problem and the resulting change in the court's response to drug offense cases were major factors in the substantial increase in the number of nonwhite youth detained by the juvenile courts.

Notes

1. The National Juvenile Court Data Archive collects and stores automated records of cases handled by courts with

juvenile jurisdiction in more than 1,300 counties nationwide. NCJJ uses Archive data to prepare *Juvenile Court Statistics*, an annual report that provides national estimates of the delinquency and status offense cases handled by juvenile courts. Archive data are available to researchers and policymakers.

2. It must be noted that even within specific offense categories the seriousness of those offenses may vary widely, which may account for some of the observed differential handling of whites and nonwhites.

Acknowledgments

This *OJJDP Update* was written by Howard N. Snyder, director of systems research at the National Center for Juvenile Justice (NCJJ) and director of the National Juvenile Court Data Archive. This study was supported by funds provided to the Archive by OJJDP through grant number 85-JN-CX-0012. Richard Sutton is the OJJDP Program Manager for the Archive. Kay McKinney, OJJDP writer-editor, edited the report and coordinated its publication. Nancy Tierney at NCJJ was responsible for report production, and the Juvenile Justice Clearinghouse of the National Criminal Justice Reference Service prepared the graphics. Data processing was performed by Terrence Finnegan. Ellen Nimick supervised the data collection.

NCJJ gratefully acknowledges the cooperation of the many State and local agencies that contribute their data to the Archive. Their patience with our requests for data and documentation make this work possible.

For more information about the Archive, contact the National Center for Juvenile Justice, 701 Forbes Avenue, Pittsburgh, PA 15219, or call 412-227-6950.

The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Table 5

Changes in Detention: 1985-1986

	Percent Increase or Decrease in Cases	
	Disposed	Detained
Person Offense	5	5
Male	5	4
Female	6	11
White	8	5
Nonwhite	10	9
Property Offense	3	3
Male	3	3
Female	3	-2
White	4	1
Nonwhite	7	8
Drug Law Violation	1	21
Male	2	21
Female	-2	17
White	-6	0
Nonwhite	42	71
Public Order Offense	9	5
Male	10	6
Female	6	2
White	8	1
Nonwhite	19	15
Status Offense	5	-5
Male	6	-2
Female	2	-8
White	7	-7
Nonwhite	-1	-2
Total	4	4
Male	5	5
Female	3	0
White	5	1
Nonwhite	10	13

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