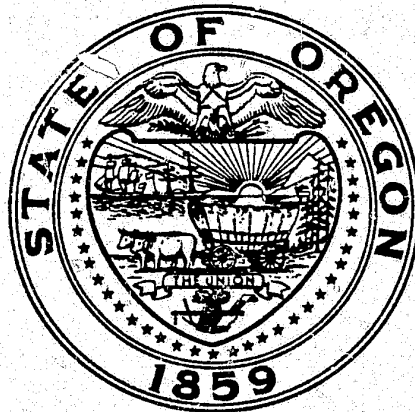


Phase II of OLEC'S Juvenile Jail  
and Detention Monitoring Study for FY 1979

Report No. 1

MISCLASSIFICATION OF JUVENILE OFFENDERS:  
A COMPARISON OF DESIGNATIONS IN JAIL AND DETENTION LOGS  
VS.  
OFFENDER CASE FILES

March, 1980



Victor Atiyeh  
Governor

James Brown  
Chairman  
Law Enforcement Council

Keith A. Stubblefield  
Administrator  
Oregon Law Enforcement Council

Under grant 76 AF-10-0041 from the U.S. Department of Justice, Law  
Assistance Administration and the Oregon Law Enforcement Council.

Views or opinions stated in this document are those of the author  
and do not necessarily represent the official position or policies of the  
Department of Justice.

68396  
7689  
CP

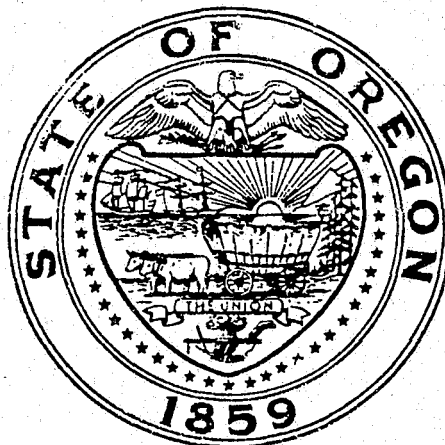
68396

Phase II of OLEC'S Juvenile Jail  
and Detention Monitoring Study for FY 1979

Report No. 1

MISCLASSIFICATION OF JUVENILE OFFENDERS:  
A COMPARISON OF DESIGNATIONS IN JAIL AND DETENTION LOGS  
VS.  
OFFENDER CASE FILES

March, 1980



NCJRS

JUN 12 1980

ACQUIRED

Victor Atiyeh  
Governor

James Brown  
Chairman  
Oregon Law Enforcement Council

Keith A. Stubblefield  
Administrator  
Oregon Law Enforcement Council

Prepared under grant 76 AF-10-0041 from the U.S. Department of Justice, Law Enforcement Assistance Administration and the Oregon Law Enforcement Council.

Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the Department of Justice.

Phase II of OLEC's Juvenile Jail  
and Detention Monitoring Study for FY 1979

Report No. 1

MISCLASSIFICATION OF JUVENILE OFFENDERS:  
A COMPARISON OF DESIGNATIONS IN JAIL AND DETENTION LOGS  
VS.  
OFFENDER CASE FILES

March, 1980

This report was prepared by:

James Paul Heuser, Ph.D.  
Principal Investigator

with the assistance of:

James Carter  
Howard Child  
Pamela Gervais  
Alfred Hayes  
Annie Monk  
Susan Payton  
Kelly Russell

ACKNOWLEDGEMENTS

We would like to thank all those people who contributed to the production of this report. In particular, we wish to thank all the juvenile department directors and their staffs in Clackamas, Columbia, Lane, and Multnomah Counties for their time and efforts spent in our behalf.

Also, we would like to thank the Research Committee of the Juvenile Court Directors' Association for their input and numerous others who volunteered suggestions for this study and for our subsequent efforts in this area.

Information regarding this study can be obtained by contacting:

Pamela Erickson Gervais  
Planning and Data Analysis Unit Supervisor  
Oregon Law Enforcement Council  
2001 Front Street N.E.  
Salem, Oregon 97310  
Phone: (503) 378-8056

or

James Paul Heuser, Ph.D.  
Researcher, Research and Evaluation Unit  
2001 Front Street N.E.  
Salem, OR 97310  
Phone: (503) 378-4346

## I. What Is The Purpose Of This Report?

This report is concerned with certain aspects of Oregon's compliance with the guidelines of current federal legislation in the juvenile area which call for a sharp reduction in the number of "noncriminal" offenders detained in jails and other detention facilities and also call for reducing holding time to a recommended 24 "judicial" hours.<sup>1</sup>

More specifically, the report focuses on the analysis of a sample of "out of compliance" cases<sup>2</sup> (i.e., those cases listed on detention logs in the previous research as noncriminal offenders held for more than 24 judicial hours in Fiscal Year 1979). This report examines these sampled cases using additional data sources (case file records) in an effort to verify that they were accurately and validly classified under the "out of compliance" category.<sup>3</sup>

The research questions posed and the analysis made here center around the issue of whether or not the incidence of misclassified cases is of such a magnitude and type as to sufficiently distort the compliance picture in Oregon. Additional questions posed for a future report are concerned with an analysis of reasons for failure to comply with the guidelines in the instance of correctly classified cases.

---

<sup>1</sup>Judicial hours refer to hours held during days that the juvenile court is in session. Time held is not counted for weekends and legal holidays--i.e., days the juvenile courts are not in session.

<sup>2</sup>When we refer to "cases" here as the unit of analysis, we mean each case or "instance of confinement" of a child and not unique, individual children per se.

<sup>3</sup>That is, noncriminal offenders held for more than 24 "judicial" hours.

## II. How Does This Report Relate To Our Past Research?

As part of Oregon's participation in the federal Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974 (P.L. 93-415), the State Planning Agency (SPA) of the Oregon Law Enforcement Council (OLEC) is required to periodically report certain data to the federal Office of Juvenile Justice and Delinquency Prevention. In an earlier report under Phase I of OLEC's Juvenile Jail and Detention Monitoring Study, we reported these data for the FY 1979 period (July 1, 1978 to June 30, 1979). Included in this earlier report was a discussion of Oregon's compliance with the JJJPA requirements for a significant reduction in the numbers of status and other noncriminal offenders detained for over 24 judicial hours in state jails and juvenile detention facilities. Oregon's established baseline period for comparison was FY 1975 (July 1, 1974 to June 30, 1975).

All of our research centering around the issue of monitoring Oregon's rate of compliance with the above requirements rests on the results of three (3) separate statewide censuses of juveniles detained in county and city jails and in juvenile detention facilities in three (3) separate fiscal years: FY 1975, FY 1978, and FY 1979. The most pertinent data from these censuses is summarized in Table 1.

Most of our attention in the past has been focused on the data in Column 5 and 6 of this table in that noncriminal offenders held for more than 24 judicial hours have been the key element in the compliance issue.

In terms of compliance, the OJJDP has mandated that each state participating in the JJJPA demonstrate within three years of initial participation that there has been a 75 percent reduction in the number of noncriminal offenders held for over 24 judicial hours. Using the official baseline of FY 1975, Oregon was to have demonstrated a reduction of 75 percent in the number held in FY 1978. The FY 1978 data, however, revealed a reduction of only 30.7 percent.

Table 1: Summary of Statistics for Statewide Censuses of Cases of Juveniles Detained in Jails and Detention Facilities in Fiscal Years 1975, 1978, and 1979\*

<u>Year</u>	(1) <u>Total No. of cases of Detention</u>	(2) <u>Total No. of DELINQUENTS Detained for 24 Hrs. or less</u>	(3) <u>Total No. of DELINQUENTS Detained for More than 24 Hrs.</u>	(4) <u>Total No. of NONdelinquents Detained for 24 Hrs. or Less</u>	(5) <u>Total No. of NONdelinquents Detained for More than 24 Hrs.</u>	(6) <u>Percentage Change from FY 1975 Base for Column No. 5</u>
FY 1975	13,774	4,292	2,603	3,789	3,090	--
FY 1978	13,491	4,687	3,461	3,201	2,142	-30.7 %
FY 1979	12,107	4,384	3,534	2,690	1,499	-51.5 %

\*"Delinquents" refer to instances where children were detained for delinquent (or criminal type) offenses.

"Nondelinquents" refer to instances where children were detained for "status" or other noncriminal type offenses.

Because of various ambiguities and problems in measuring compliance, Oregon and other states benefited from an additional year of participation to reach the 75 percent reduction level. Data gathered for FY 1979, however, failed to document a 75 percent reduction; rather, it appears that Oregon had only reached a reduction of 51.5 percent in the number of noncriminal offenders held for over 24 judicial hours.

Our recent Jail Monitoring Survey report for FY 1979 showed 1,499 cases or instances where juvenile noncriminal offenders were held in jails and detention facilities for more than 24 "judicial" hours in FY 1979. Compared to the 3,090 from the same category in FY 1975, our new total of 1,499 represented a reduction of 51.5 percent--far short of LEAA's requirement for a decrease of 75 percent.

### III. Study Methodology

In an effort to determine some of the factors involved in Oregon's failure to meet the compliance standards established by OJJDP, the OLEC initiated a second phase of research. This Phase II effort was based on an analysis of a sample of cases drawn from the above population of 1,499. Specifically, the sample was drawn from four (4) facilities: Multnomah County JDH, Lane County JDH, Clackamas County Jail, and Columbia County Jail. Together these four facilities represented the two largest JDH's and the two largest jails in terms of the subpopulation of noncriminal offenders held for over 24 judicial hours. The total held in these facilities (which are generally in the more heavily populated areas of Oregon) is 983 cases (or instances of confinement), or about two-thirds (65.6%) of the total population.

Simple random samples of approximately 25 percent each were taken from three of the four populations with a 100 percent sample drawn from the subpopulation of cases from Columbia County. The four subsamples totaled 271 cases (or 18.1% of the total statewide population of noncriminal offenders held over 24 hours). This sample can be expected to be representative of a majority of cases, but cannot be considered representative of all such cases in Oregon. In this sense we have here only a pilot study oriented toward suggesting important factors for

further study, rather than a definitive, refined research effort which claims representative findings across a whole population.

While two reports eventually will be generated from our research efforts here, this first report is concerned with the role of misclassification of cases as a factor in the compliance rate issue posed by Oregon's participation in the Juvenile Justice Act.

#### IV. Analysis of Findings

Perhaps the easiest way to begin our discussion is to examine Figure 1 on the next page. This flowchart begins by having us look at our sample of 271 cases (instances of confinement of noncriminal offenders held for over 24 judicial hours).<sup>4</sup> One case is eliminated immediately due to missing case file information on reasons for confinement, leaving 270 cases for analysis. Beginning with these 270 cases we have attempted here to verify that we really have out-of-compliance cases (instances of noncriminal offenders held for over 24 judicial hours) and not incorrectly classified cases; i.e., those who were really criminal or delinquent cases and/or who were not really held for over 24 judicial hours. Where log book data were used to assign these cases to our sample, the more complete case file data from juvenile department records were used to determine if they could be validated as out of compliance cases.

A check of actual "time in" and "time out" and a recomputation of hours held during judicial days yields 17 cases indicating less than 24 judicial hours actually held. These 17 cases then can be omitted from our sample as they cannot be verified as out of compliance. The reasons why they got into our sample are not completely obvious, except that they are the product of errors made. Two types of errors are possible: (1) those involving miscalculations in time held and (2) those involving simple transfer of information. While there should have been a perfect one-to-one correspondence between each case logged as a noncriminal offender detained for over 24 hours in our earlier census of

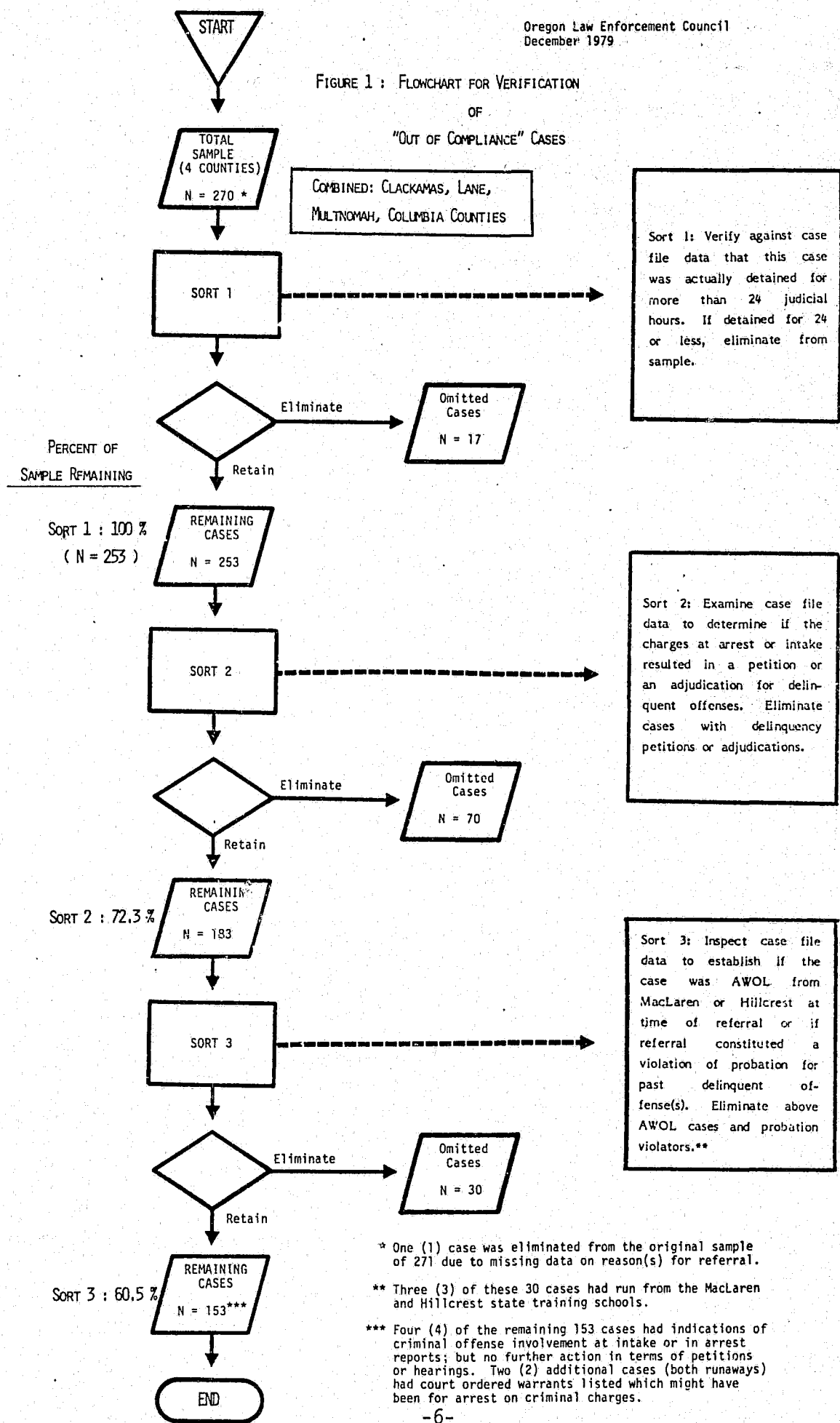
---

<sup>4</sup>See Appendix A for separate flowcharts for each of the four (4) sampled counties in this study.



FIGURE 1 : FLOWCHART FOR VERIFICATION  
OF

"OUT OF COMPLIANCE" CASES



facilities and each case identified for possible inclusion in our sample, this correspondence may not be perfect due to the occurrence of both of the above types of errors.

Continuing our verification of out-of-compliance cases by the process of elimination, we are left with 253 cases which were documented as having been held for over 24 judicial hours. At this point we have 100 percent of the cases we need to establish the extent to which misclassification of cases by type of offense is occurring.

The first instance of misclassification occurs when we have multiple offenses at intake (or arrest) resulting in detention and find that some of them were criminal type offenses which resulted in petitions on delinquent acts or adjudication for delinquent acts. Unlike the log data used for our earlier census of facilities, the case file data reveals all of the offenses recorded at intake and the outcomes of referral beyond the detention stage.

Of the 253 cases remaining after the first sort, the second sort revealed that 70 cases had more than noncriminal offenses listed at intake which resulted in the filing of delinquency petitions or actual adjudication for delinquent (i.e., criminal) offenses.<sup>5</sup> Obviously, the case file data reveal what the detention/jail log book data did not--the substantiation of delinquent offenses which resulted in petitions and/or adjudications. The reader should be warned here that in a few cases among these 70 the court may have had a child whose instant offenses were all noncriminal, but who had prior criminal offenses which were acted upon as a result of the current offenses for which detained. That is, the new offense behavior, even if noncriminal, caused the court to finally file petitions on or adjudicate for past criminal offenses brought before it.

---

<sup>5</sup>See Appendix B for a discussion of twenty (20) Lane County cases (among these 70) which were detained for delinquent acts without the filing of a new petition but were handled by the court as if a new petition were filed due to prior petitions for past delinquent acts.

The fact that these past or current offenses caused the court to act and file petitions on delinquent acts or adjudicate for delinquent acts which may or may not have been included in the referral under investigation which lead to detention means that we cannot claim these cases to have been pure noncriminal offenders. The fact of alleged or substantiated criminal involvement eliminates them from the out-of-compliance category and our sample here.

After this second sort, we are left with 183 cases to examine for a third sort. This third sort involves a check to determine if the case involved a runaway from one of the state training schools or the violation of probation for past criminal offenses. That is, we are interested in knowing if the instant offense(s) we are examining caused a probation violation where the child was already on probation for a past criminal offense or where run behavior involved AWOL status from the MacLaren or Hillcrest training schools. As a result of this third sort through our sample, 30 more cases were eliminated leaving 153 of the 253 cases we started with, or 60.5 percent.

The implication of these sorts through our sample is that misclassification of cases is a viable issue in our analysis of compliance with the federal guidelines.

#### V. Implications of These Findings

The question which remains, then, is whether or not the elimination of misclassified cases improves our compliance rate picture. There is no definite answer. On the one hand, if we assume that 100 percent compliance implies zero (0) noncriminal offenders held for over 24 hours; then, we are actually closer to this goal in terms of absolute numbers of offenders held for over 24 hours. On the other hand, the percentage reduction figures may not be affected since we have not approached the misclassification issue in our analysis of the FY 1975 baseline data and because we do not have a representative sample of all noncriminal offenders detained for over 24 hours across the entire state.

We have merely documented here the presence of a substantial number of misclassified cases in a four (4) county sample of cases in Oregon. We need to analyze these cases further to provide some understanding of our progress in the area of compliance with the JJDPa detention guidelines for noncriminal offenders.

Our second report will outline the importance of the misclassification issue, regardless of how we view the strict interpretation of a 75 percent reduction; and it will discuss the results of further analysis of case file data on out of compliance cases.

APPENDIX A

FIGURE 1 . A : FLOWCHART FOR VERIFICATION  
OF

"OUT OF COMPLIANCE" CASES

CLACKAMAS COUNTY

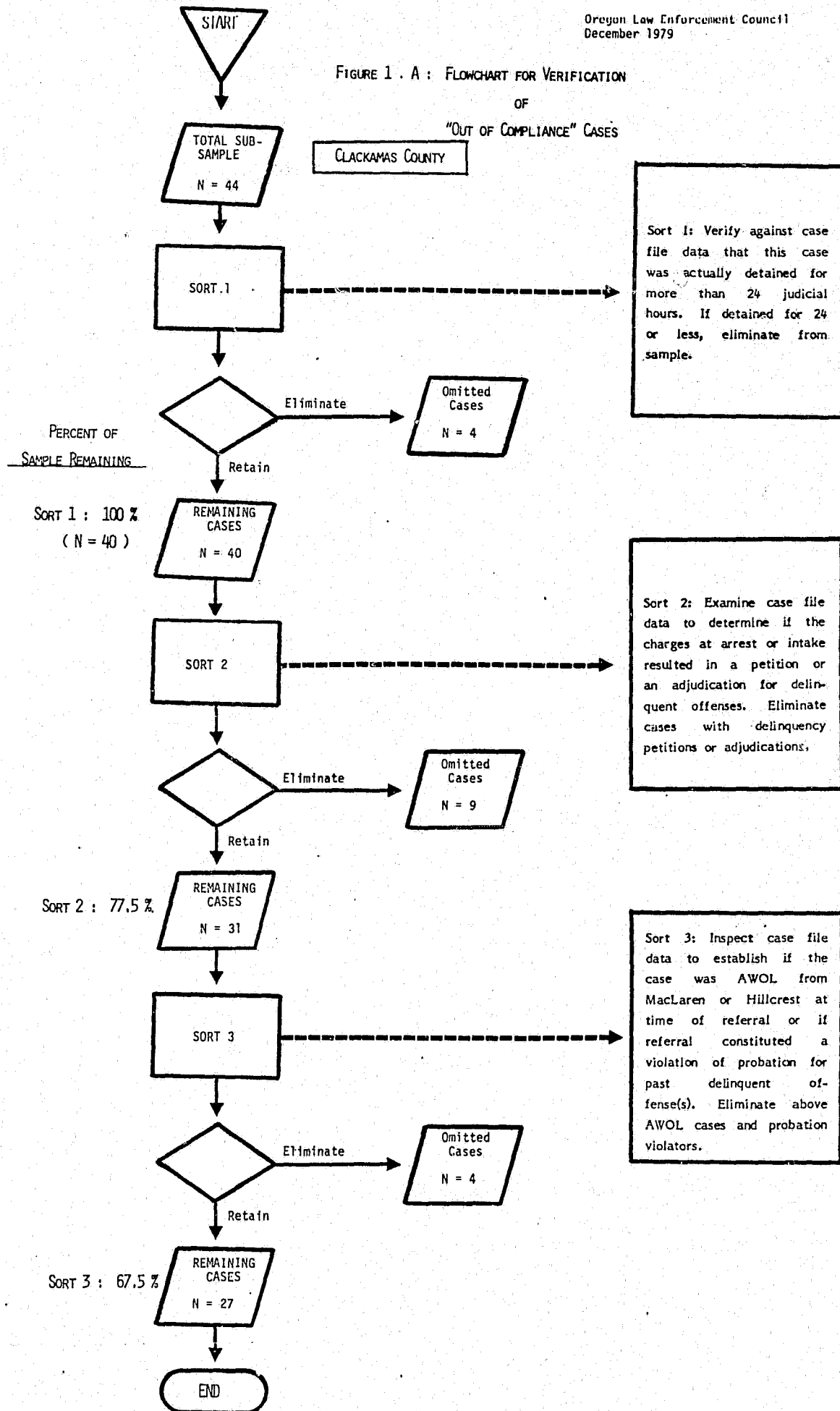
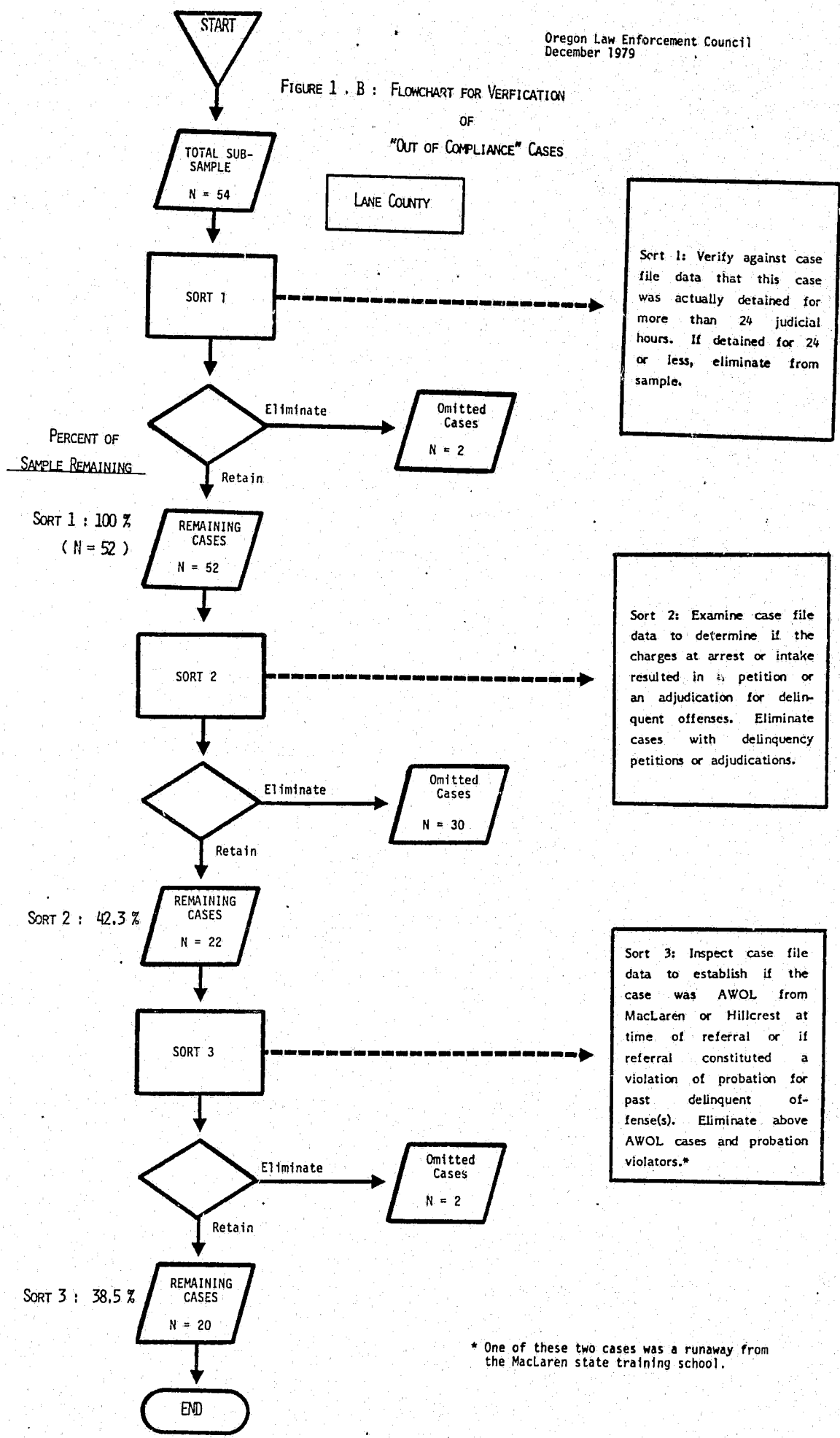


FIGURE 1 . B : FLOWCHART FOR VERIFICATION  
OF  
"OUT OF COMPLIANCE" CASES



\* One of these two cases was a runaway from the MacLaren state training school.

FIGURE 1, C : FLOWCHART FOR VERIFICATION  
OF  
"OUT OF COMPLIANCE" CASES

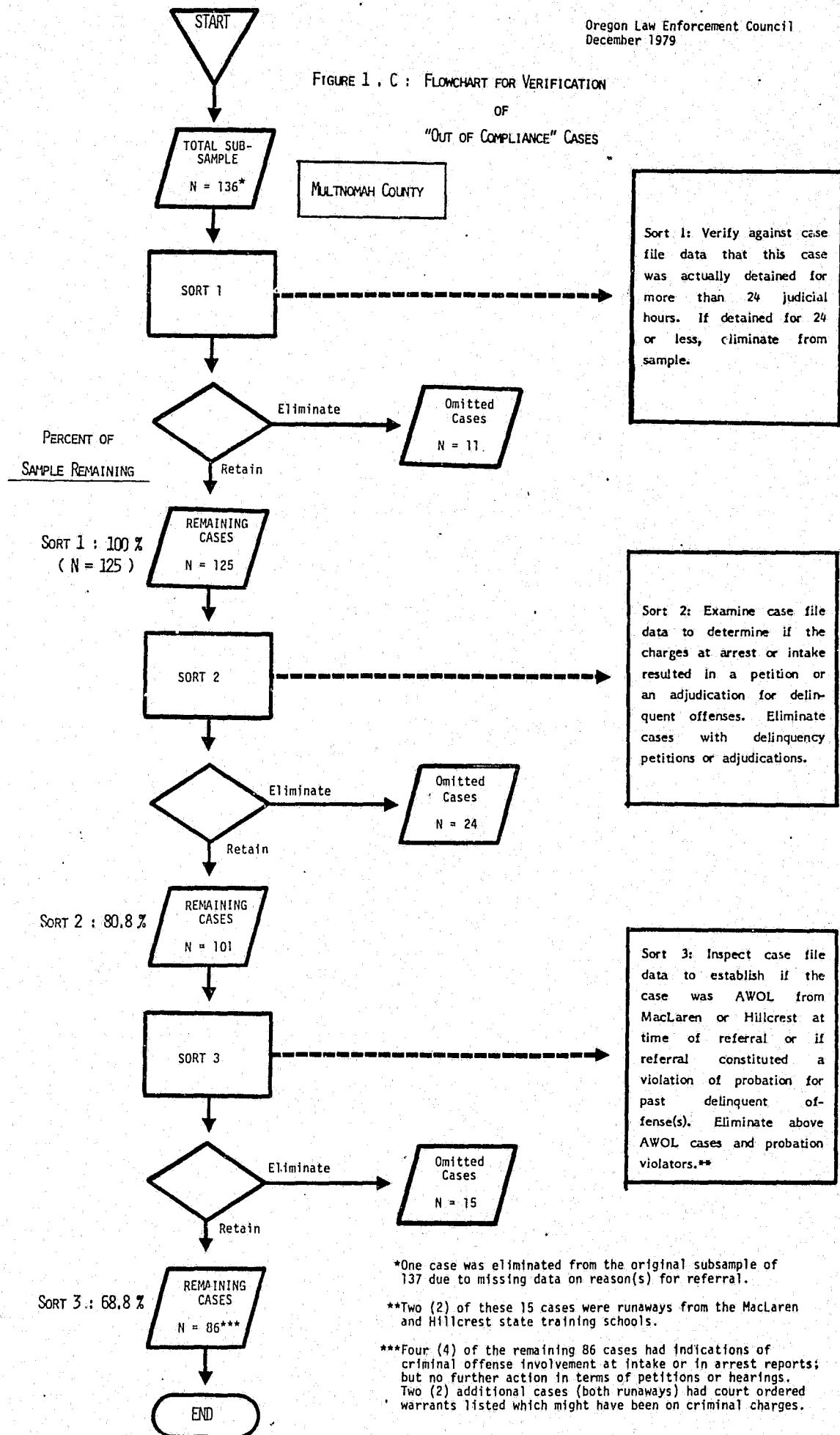
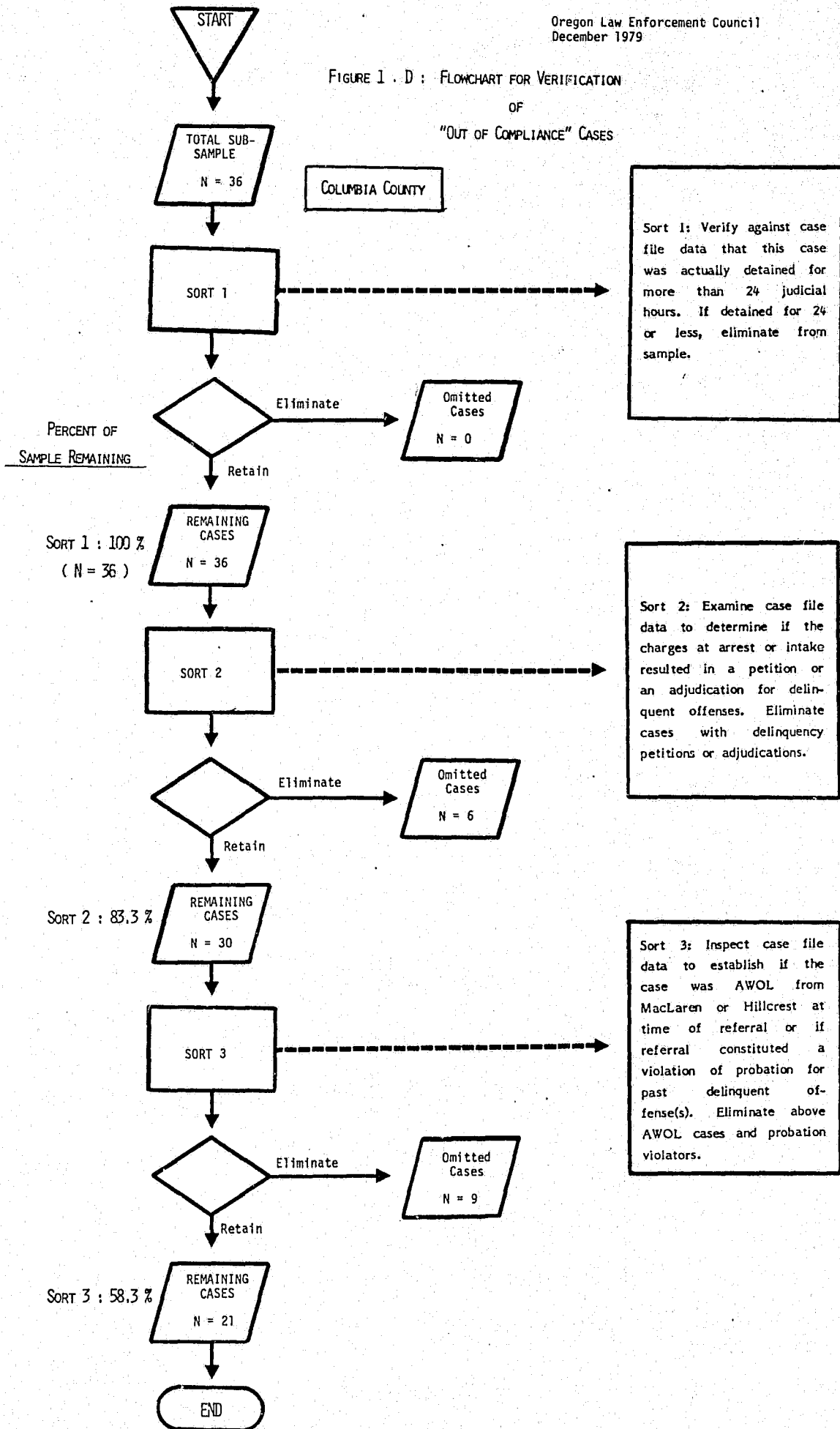
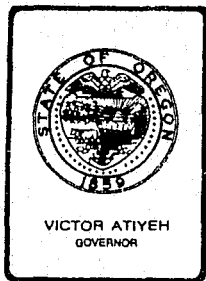




FIGURE I . D : FLOWCHART FOR VERIFICATION  
OF  
"OUT OF COMPLIANCE" CASES





**Law Enforcement Council**  
**STATE PLANNING AGENCY**

2001 FRONT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4347

May 20, 1980

NCJRS

JUN 12 1980

TO: Member of the Juvenile Justice Community

FROM: Keith A. Stubblefield, Administrator

ACQUISITIONS

SUBJECT: Phase II of OLEC's Juvenile Jail and Detention Monitoring Study for FY 1979

*This from the Oregon Law En*  
We are pleased to send you the enclosed report in which we examine the issue of misclassification of juvenile offenders detained in adult jails and juvenile detention facilities.

*OLEC*  
As you may recall, we recently reported to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) that in FY 1979 there were 1,499 cases or instances where juvenile noncriminal offenders were held or detained in Oregon facilities for more than 24 judicial hours.

This study is based on a sample of 271 cases drawn from these 1,499 cases. Using in-depth case file data in addition to the jail/detention log book data gathered in the earlier census of detention facilities, we attempted to verify that these cases were indeed "out-of-compliance" (i.e., noncriminal offenders held for more than 24 judicial hours).

The most significant report finding is that a large proportion of these cases (118 of 271, or 43.5%) cannot be verified as out-of-compliance. Misclassifying criminal or delinquent offenders as noncriminal (or status offenders) was the most common source of error, although miscalculation of time actually held occurred too.

*OLEC's* Due to the fact that we have not rechecked our baseline year (FY 1975) data, we are not sure yet that the elimination of misclassified cases will improve our compliance rate picture (i.e., show that we are closer to the 75 percent reduction level than our 51.5 percent figure for FY 1979). While the percentage reduction figures may or may not change, we do know that this study makes two very strong statements about the holding of noncriminal offenders past the 24-hour guidelines established by OJJDP.

First, in terms of the absolute number of correctly classified noncriminal (status offender type) juveniles held for over 24 hours, we actually held fewer than the 1,499 reported for FY 1979. *were actually held*

Second, given the large number of criminal type offenders misclassified as noncriminal offenders and based on other data gathered for this report, we *they study* seriously have to ask about the degree to which time held in detention *questions*

May 20, 1980  
Page Two

*is more* (whether or not within the 24-hour JJJD guidelines) is a function of both the past and current situations and characteristics of these juveniles. Until we *there* know *more* about why youngsters are being detained and under what explicit circumstances, we cannot *really* assess the reasonableness and utility of the current OJJD guidelines. *Can* This report demonstrates that we need *more* than a casual survey of superficial (log book or entry level) information to support realistic monitoring using these guidelines.

For questions regarding this report, please contact Dr. James P. Heuser at this office or phone him at 378-4346.

KAS:JPH:jb  
Enclosure

APPENDIX B

January 18, 1980

TO: Mr. Paul Lenarduzzi and Mr. Charles Ryer  
Lane County Juvenile Department

FROM: Keith A. Stubblefield, Administrator

SUBJECT: Interpretation of the Lane County Flowchart from our Phase II  
Juvenile Jail Monitoring Study

We recently sent you a letter highlighting some major findings from the above referenced report. Several of these findings were based on an analysis of data presented in a flowchart which summarized a decision tree process for correctly classifying cases in our four county sample.

We have enclosed here a copy of this same flowchart using data only from the Lane County subsample of 54 cases. We are interested in knowing if our interpretation of each decision point and sort correctly corresponds with the operational policies and procedures of your department. For example, we have noted some exceptions to the general flowchart interpretations and results which arise because of some procedural differences between the Lane County Juvenile Department and other departments. Mainly, it appears that there is a difference with regard to the filing of new petitions for cases with prior delinquency adjudication or pending petitions. We would appreciate it if you could review the discussion below and indicate to us in writing if it accurately reflects your departments procedures. We would like any additional comments you feel are relevant here.

We can begin our examination of the attached flowchart by noting that the 54 sampled cases represent about 25 percent (54 of 212 or 25.5%) of all those cases or instances involving non-criminal offenders who were detained in FY 1979 for more than twenty-four (24) judicial hours--at least according to our earlier examination of detention log data in Lane County.

Sort #1 eliminates two cases where inspection of the case file data verify that detention was actually for less than 24 judicial hours. These two cases were both runaways. They were held 19.13 and 14.58 judicial hours, respectively. They may have been included in the sample by virtue of an error in transferring information and/or due to an error in calculating time held. At this point, the type or source of error cannot be determined conclusively.

Taking the remaining 52 cases and moving on to the second sort, we find that 30 cases had charges at arrest or intake, resulting in a petition or adjudication for delinquent offenses. However, we want to inform our readers that cases with different circumstances are included in this group of thirty for Lane County, and if considered together they make interpretation a bit

Mr. Paul Lenarduzzi  
January 18, 1980  
Page Two

problematic. First, twenty (20) of these cases were included even though the filing of a petition for the current referral offense(s) leading to detention had not occurred. However, custody or detention hearings were held, although the case file records showed no adjudication hearing on these particular offenses.

Closer examination of these twenty (20) cases indicates that all of them had at least one runaway charge listed at intake and all of them were either on probation for a past delinquent offense or had past or pending petitions for prior delinquent offenses. Court procedure dictated that where the child had a prior delinquent petition or where jurisdiction over the child had not been terminated, any new referral involving a runaway offense or other offense meriting or requiring detention could be dealt with in a custody or detention hearing without the filing of a new petition.

These twenty cases without new petitions and the ten (10) with new petitions were regarded here as "equivalent" for our purposes because all of them had prior petitions for delinquent offenses, all were still active with the juvenile court (i.e., none had court jurisdiction terminated), and all had at least one delinquent offense listed as reason for the current detention at the custody/detention hearing.

In addition to the above information on court procedure in Lane County, we also want to inform readers of the report that our own data coding procedures present some problems for interpretation for all four counties in our study.

In general, our coders keyed on and tracked the offenses which resulted in detention (for over 24 Judicial hours). Beginning with arrest or referral to juvenile court intake, the offenses listed as reasons for referral and detention were followed through subsequent court processing to determine if petitions were filed on them and if an adjudication hearing was held which pertained to them. Often, however, the offenders examined in our study had previous court referrals and one or more pending petitions. It is quite possible that the outcomes of these earlier referrals are intertwined with or confused with the outcome of the offenses under examination in our study. This is especially possible in that an adjudication hearing might deal with several referrals and not just the ones the researchers have an interest in here. Because of this overlap, it is possible that in a few cases the petitions filed or the adjudications made may have not dealt directly with the offenses under examination, but indirectly resulted from them. The coding operations and results do not distinguish between these two cases.

The reader should be informed, then, that it is possible that in a few cases in our study, the court may have had a child whose current offenses were all non-criminal, but who had prior criminal offenses which were acted upon as a result of the current (or instant) offenses for which he or she was detained for over 24 judicial hours. That is, the new offense behavior--even if non-criminal--caused the court to finally file or renew petitions or adjudicate for past criminal (delinquent) offenses brought before it.

Mr. Paul Lenarduzzi  
January 18, 1980  
Page Three

The fact that the current offenses may have caused the court to act and file or renew petitions or adjudicate on prior delinquent acts, means that we cannot claim such cases to have been pure non-criminal offenders. The fact of alleged or substantiated criminal involvement would be a strong enough basis for eliminating them from the "out of compliance" category and our sample here.

After the second sort, we are left with 22 cases to examine for a third sort. This third sort involves a check to determine if the case involved a "run" from one of the state training schools or the violation of probation for past criminal offenses. That is, we are interested in knowing if the instant offense(s) we are examining caused a probation violation by a child who was already on probation for a past criminal offense or if run behavior, did it involve AWOL status from the MacLaren or Hillcrest Schools. As a result of this third sort through our data for Lane County, two additional cases were eliminated leaving twenty (20) of the 54 cases we started with, or 37 percent.

The major implication of this flowchart and these sorts is that as many as 34 of the original 54 sampled cases could be shown to be misclassified cases because the inspection of case file data reveals criminal violations in addition to non-criminal offenses. Training school AWOL status, probation violation (where probation was for criminal offenses), and alleged or substantiated involvement in criminal offenses would serve to negate the argument that these are "out of compliance" cases as far as the Juvenile Justice Act guidelines are concerned.

We anticipate additional analysis of these data in the full report and any subsequent reports. At the moment, we merely wish to confirm that our analyses of these data are consistent with juvenile court and department procedures in Lane County.

Would it be too much to ask that you provide us your comments in writing in the next week or so? Thank you for your cooperation and assistance in our research.

KAS:JPH:jb  
Enclosure

**END**