

A PROFILE OF DADE COUNTY JUVENILE CRIME

NO. 2 - 1980

SEYMOUR GELBER

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PROFILE JUVENILE CRIME IN DADE COUNTY, FLORIDA  
NO. 2 - JULY, 1980 - SEYMOUR GELBER

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## INTRODUCTION

This Report is a follow-up on a Profile of Dade County Juvenile Crime printed in October, 1977. The 1977 Report examined the 1976-77 caseload of the author (618 cases) and from that information drew conclusions as to the extent of juvenile crime in Dade County. It described certain characteristics of the offenders according to their Racial/Ethnic categories, by their age and sex, and the relationship between the delinquent act and school truancy. In addition, the Report provided an in-depth look at the residential burglary in terms of the patterns and behavior of the juvenile burglar.

This follow-up study compares the current data with those of three years prior and will continue to flesh out the profile of the Dade County delinquent by examining social factors which may influence behavior, such as the marital status and income level of the family, as well as the extent the court system appears to impact on an errant juvenile.

The 1980 study population of 495 juveniles is made up of delinquents adjudicated during the period between September, 1979 and April, 1980. As in the earlier study, they are the juveniles who have remained in the system after other less serious cases have been screened out. For example, as many as 50% of juveniles arrested by the police are not referred for prosecution and of those that are, almost 75% of the remainder are diverted to programs by the state social work agency without the necessity of the child appearing in court.

Of the remaining number required to be in court, many cases are dismissed and others go through a court-approved non-trial "Plan." These also are not included in this study population. What is left, then, are 495 cases that have gone through a trial and a disposition, with the offenders placed in some treatment or incarceration program. In essence, this group can be termed the "serious" delinquents - those that have caused real concern in the community and are most in need of assistance from outside the family. The data and the conclusions herein may therefore differ somewhat from those derived from other studies which examine the status of the juvenile at the arrest stage or other pre-trial stages.

SUMMARY OF MAJOR FINDINGS

1. As in 1977, the 1980 study shows the high juvenile crime rate again dominated by Blacks who, according to the records, are responsible for over half of all serious juvenile crime in Dade County. Black juveniles commit three and one half times the amount of crime according to their general population in the community (15%).

2. Latin juveniles continue to commit crimes considerably below their population - 20% crime rate to 35% population - but still a 40% increase over the 14% crime rate in 1977. This sharp rise may be a foreboding for the future.

3. Although the major juvenile crime continues to be burglary (41%), each of the Racial/Ethnic categories apparently has a predisposition of its own. Blacks are inclined toward assaultive behavior committing 68% of these offenses, including 90% of all robberies. The Latin youth propensity is for crimes involving motor vehicles, of which they commit over 40%. Anglos continue to prefer burglary, but more particularly household burglary as their specialty.

4. The wide public attention focused on youth and drugs is not evident in either court appearances or arrest patterns for these offenses. Only 6.5% of the juvenile court caseload are drug cases, with approximately the same percentage for arrests. Surprisingly, Anglos far exceed the number of Blacks or Latins involved according to both the 1977 and 1980 studies. The overall low number of contacts with the criminal justice system suggests several alternatives. Perhaps the problem is being handled through social agencies, or it may be exaggerated, or as is most likely, is not being responded to in any organized fashion.

5. The extremely high recidivism rate among serious juvenile offenders in Dade County is the most damning indictment of our juvenile system. A three year follow-up study of 1977 offenders sentenced by the author, showed 68% rearrested in that period of time with 25% rearrested as many as five to twelve times. Career-wise their total arrests in both the juvenile and adult systems showed almost half arrested at least ten times and quite a few as many as twenty times and more. Since almost all of the 1977 delinquents in this group are still under twenty years of age, there is a strong likelihood that their record of offenses will continue to grow at an alarming rate.

6. Obviously very little deterrent capability exists in the juvenile system and what might help is delayed by the inefficiency of the bureaucracy. Some 60% of the repeat offenders commit a new offense within three months of their prior arrest. Clearly, the treatment programs or punishment imposed on delinquents are least effective in the early months after arrest. Would a more rapid response by the system cut down the high early rearrest rate? Probably so. Further examination in the periods from three months to a year shows a complete reversal with only a 13% rearrest occurrence during those periods of time. The conclusion may be fairly drawn from this sharp decline that slowness in program placement and delay in court processing are important factors in the child committing new offenses.

7. Dade County juveniles commit an inordinately large number of crimes that appear to go not only unpunished but also unnoticed. One of the weaknesses of the juvenile system is that in the name of rehabilitation we have established a diversion process that permits large numbers of first and second offenders to avoid being prosecuted in favor of some uncertain referrals to which there is no

follow-up, no data on the success rate and no real controls are exercised. The records show that among serious offenders who have been prosecuted as many as four times, almost half had ten or more unprosecuted cases, some as high as twenty and over. On most of these occasions they were diverted from the court system. The manner in which these diversions aided the delinquent child is questionable, and virtually no evidence is ever offered to support this action.

8. When the hard-core juveniles finally are prosecuted in the adult criminal court, they are sentenced appropriately. Results indicate that once in adult court, more than twice as many juvenile delinquents as adult criminals receive jail time. Hard-core cases transferred by the prosecutor to the adult criminal court result in 55% of the juveniles getting jail time as compared to 23% for the adults. Almost a third of the juvenile sentences are for over three years.

Although we seem to have an adequate mechanism to get the hard-core into adult court, the question of lowering the age to seventeen or sixteen is still a valid one. The inability of the juvenile system to effectively function suggests that its authority be diminished until there is adequate evidence to prove it can function at some level of success. To continue the juvenile system as it is now constituted in the face of the mounting evidence of failure is a folly that concedes no hope.

9. There is no evidence to support the widely held belief that in recent years the female crime rate has increased significantly. Only 6.7% of the 1980



population - actually down from the 10% of 1977 - involves females. Most female juvenile crime is of the shoplift variety, and is usually diverted from the court system.

10. A conscious effort is being made by the state social work agencies to fairly apportion their treatment programs on a Racial/Ethnic basis according to the crime rate. This did not appear so in our 1977 study. However, it should be noted that the private sector agencies, usually representing the better and more-sought after programs, are still underrepresented with Black clients.

11. The shockingly high rate of broken families among delinquents, particularly Blacks, clearly suggests that one-parent home situations are breeding grounds for delinquent behavior. Eighty three (83%) percent of our Black delinquent population and 94% of Black delinquents twelve years of age and under, live in one-parent homes. Anglos are also high with a 73% broken family rate.

12. Once a family is broken by divorce or separation, the addition of a new parenting figure - usually a male - will likely worsen rather than improve the situation. At least sixty (60%) percent of the substitute parents reportedly are in serious conflict with the delinquent child. This conflict situation is even more pronounced among Anglos where three quarters of the new parenting figures are in conflict with the delinquent. The addition of a new parenting figure in an Anglo delinquent household apparently creates an irreversible conflict situation that may exacerbate the delinquency situation.

13. The spectre of poverty as being an important factor in delinquency particularly among Blacks is abundantly evident in examining the economic

backgrounds of our delinquents. Sixty five (65%) percent of our Black delinquent population come from families at the below poverty level income (\$7,000 for a four member family). This is more than twice the rate of poverty existing among all Black families nationally (31%). If the Bare Subsistence income (\$7,000 - \$9,999) were added to the poverty standard, then 78% of all Black delinquents would be in those two groupings.

14. Poverty among Latin delinquents in Dade County is nearly as bad as it is with Blacks. Almost half live below the poverty level. Latins do show some hope for upward mobility in that 30% of their group are in the \$10,000 to \$20,000 earning categories as compared to Blacks who have only 17% of their group in that earning category.

15. Poverty, plus family break-up, followed by a female heading the household, add up to delinquency for Black children. After a family break-up, the delinquent Black child in Dade County ends up with mother 86% of the time. United States Bureau of Census reports show that nationally more than half the Black families headed by females live at below poverty level income. Black families, on the other hand, headed by males have only 28% in that category. The delinquent Black child living with mother, or the substitute grandmother, is in a most precarious situation.

16. The fiction that Anglo delinquents come from comfortable middle class homes is somewhat dispelled by the fact that 38% are in the below-poverty-level category and that well over half suffer the deprivation of a decent standard of living. Over a fifth of the Anglos do come from families earning \$20,000 or more whereas only 3% of the Latins and 5% of the Blacks have families with that earning capacity. It should be noted that Anglos coming from the more affluent

families tend to prefer the same crimes as the economically less fortunate Anglos, namely, household burglaries.

17. The fact that Black families are not provided their share of dependency services may be a significant factor in responding to delinquency. There is a close correlation between a delinquency and a dependency, both suggesting a disrupted family situation. Often a child charged with a delinquent act will also be the subject of a dependency petition (truant, runaway, incorrigible). Whereas over half the Anglos also had dependency petitions, only a little over a third of the Blacks received dependency services. Since many dependency petitions are sought by the parents rather than the state, this disproportionate service is more likely based on a Black distrust of the system rather than any selective discrimination.

SECTION I - COMPARISON 1977 WITH 1980Which Ethnic/Racial Group Has Had The Greatest Increase In Crime?

A comparison between the 1977 and 1980 data according to Racial/Ethnic categories is illustrated in Table I below.

TABLE I

<u>Racial/Ethnic Category</u>	<u>1977</u>		<u>1980</u>	
	<u>% Gen. Pop.</u>	<u>% Juv. Crime</u>	<u>% Gen. Pop.</u>	<u>% Juv. Crime</u>
Black	15%	55%	15%	52%
Anglo	52%	30%	50%	28%
Latin	33%	14%	35%	20%

Black and Anglo crime moved downward and Latin crime rose sharply over the three year period. Only the Latin change, however, was significant. Although the Latin population has increased somewhat, the 40% increase in Latin delinquency is disproportionate. Notwithstanding this sharp rise, the 1980 Latin delinquency rate of 20% is still far below the percentage of Latins living in Dade County (35%). Nonetheless, this may be a signal warning worth watching.

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The high Black and low Anglo crime rate are more evident in this study because Blacks are screened out of the system less than others, and therefore their numbers increase as they progress from police to social intake to prosecution and finally to adjudication. They are screened out less, not because of any bias, but because they are involved in greater numbers of assaultive crimes and they have longer prior arrest records than their non-Black counterparts. In addition, there is less of a presence of stable Black families among Black delinquents (see Section III)

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which is often a strong factor in the decision by the Intake Department of the Florida Health and Rehabilitative Services (HRS) to divert a child from the system.

What Crimes Are Juvenile Specialties?

Burglary is still the number one serious crime committed by juveniles (41%)<sup>5</sup> in Dade County. This is up from 35% in 1977. While state-wide arrest figures show the crime rate for Larceny to be much higher than Burglary, the high diversion rate for Larceny - often shop-lifting or other petty offenses - gives Burglary the lead status in serious crimes that come before the Court. Among the types of burglary, there is a greater tendency to burglarize a residential home (23%) than a business (18%). Although juveniles are identified in the public eye as primarily committing crimes of violence, only 22% of juvenile crime coming before the court is in that category.<sup>6</sup> Eight (8%) percent are in the Robbery category - and the balance (14%) involve some form of physical assault, from simple battery to Murder. Mostly, these are neighborhood or school fights rather than marauding gangs mugging and maiming. Larceny, Burglary and other crimes against property make up the bulk of juvenile crime (66%).

Assaultive crimes are committed primarily by Blacks (68%) - somewhat down from the 74% of 1977. While Robbery constitutes only 8% of all juvenile crime, 90% of the robberies are committed by Blacks. It should be noted that adults, not juveniles, commit most of the assaultive crime (75%).

Anglo crimes are fairly well spread out but if there is a favorite, it is burglary. Forty three (43%) percent of all Anglo crime is in that category and, more particularly, residential burglary is an Anglo specialty, encompassing over a third of all crimes they commit.

\*See Table II

Latins, on the other hand, show a strong preference for crimes involving the breaking into or the larceny of motor vehicles. Forty one (41%) percent of all motor vehicle crimes involve Latin youth. Conceivably this may be some cultural predisposition, but the data warrant some further inquiry rather than mere speculation. Notwithstanding the so-called high volatility of the Latin personality, assaultive crimes while increasing from 10% in 1977 to 13% in 1980, are still far below their population level.

Do We Need To Provide More Resources To Rehabilitate Female Delinquents?

The often suggested proposition that serious female crime is on the rise is again refuted in the 1980 study. Only 6.7% of the total delinquent population is female. This is down even from the low 10% of the 1977 survey. Female juveniles are involved primarily in shop-lifting, and quarrels in the neighborhood that lead to assaultive behavior. Of those that get to court, female delinquents commit the same kind of offenses as their Racial/Ethnic brothers. Fifty three (53%) percent of Black female offenses are of an assaultive nature, 44% of Anglo female crime is Larceny, and only 16% of all female crime involves Latins. The lack of involvement of females in serious crimes is best reflected in a recent survey reporting on delinquency cases referred to the HRS Intake Department. Unlike the low number reported in this study (6.7%) who go through the entire court system, their data show over 23% being female. What occurs is that due to the minor nature of female crime, HRS Intake diverts most of the females before they can even get into the court system.

Are We Making Progress In Regard Juvenile Drug Problems?

As in 1977, the drug data reveal a variety of information, none of which either prove the magnitude of the problem, or suggest that someone out there is

doing something about it. Drug cases again make up only a minute proportion of crime appearing in Juvenile Court. In 1977, this category constituted but 5% of the total. For this study a special effort was made to locate drug offenses, in that the author included those charges where drugs - usually marijuana - were found on the subject incidental to the more serious charge for which the child was arrested. Even with that increase, the 1980 figures show only a 6.5% rate of drug crimes in Court. That figure is consistent with the number of juvenile drug-related arrests in Dade County. Where have the drug cases gone?

The stereotype of the young Black drug hustler does not appear in either the 1977 or the 1980 study. Neither does it appear to be a domain for the Latins. Insofar as court cases are involved, drug use and drug sale are primarily an Anglo occupation. In 1977 Anglos were involved in 72% of the cases with Latins only accounting for 9%. In 1980 Anglos went down to 42% and Latins up to 30%. In both studies Blacks were in the minority (1977 - 18%, 1980 - 27%). While the Latin rise may parallel what appears to have been the greater involvement of Latin adults in the drug trade during the last three years, Black juveniles appear to occupy a relatively minor role in drug cases. This is confirmed by the low 1979 statewide arrests for Black juveniles involved in the use or sale of drugs. Only 12% of these juvenile arrests were Black violators.

Another serious question we face concerns the lack of attention provided the under sixteen year old drug violators who comprise only 8% of the drug cases we see in Court. Apparently the age group most in need of court supervision is being ignored.

Again we ask as we did in 1977, where is the drug problem? If the courts are not attending to it, who is? The schools? The social work system? Who?

This uncertainty is equally evident among adults. They have a somewhat higher arrest rate in Dade County (9.4%) than juveniles (6.1%), but the 1980 Dade County Grand Jury Report reveals that as many as 44% of adult offenders show a drug abuse problem somewhere in their criminal records. The Grand Jury also examined the treatment programs these people were involved in and concluded that their benefits were "inconsequential."

It may well be that drug problems in great part are not being treated as crimes and therefore do not in the main go through the criminal justice system. Most of the referrals to drug treatment programs in Juvenile Court come not as a result of a specific drug crime, but rather when the court is advised by the counselor or the parent of this need, no matter the type of offense charged. This is at best a haphazard and uncertain approach.

There obviously are unresolved concerns about the scope of the problem and an apparent lack of direction as to how to invest our resources in the drug rehabilitation scene. This is perhaps the most critical area among youth. It needs a thorough and thoughtful reexamination.

Should We Focus On The Very Young Or The Older Juvenile?

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There is very little change in the crime preference by age between 1977 and 1980. Most crime rates remained constant although there was an appreciable rise in 14 year old burglars from 9% in 1977 to 19% in 1980. Older juveniles, of course, commit more crime than their younger brothers. Three quarters of all serious juvenile crime is committed by the 15, 16, and 17 year age group. The 16 and 17 year olds together commit 56% of all juvenile crime, almost half of all burglaries, 63% of all robberies, and 57% of all other assaultive crime.

\*See Table III



While Blacks dominate in each age category, it is only in the early years that they show large percentages over Anglos and Latins combined. For children 13 years and under, Blacks commit two thirds of all crime. For children 15 to 17 inclusive, Blacks commit less than half of all crime.

Twelve and unders, while committing a small proportion of serious juvenile crime, find themselves in burglaries more than half the time. Often the older juveniles will take their younger friends along as lookouts or to penetrate small space areas. The 16 year old preference to household burglary accounts for more than a third of those offenses, while the 17 year old graduates to burglary of a business and robbery. The biggest increase in crime - almost 10% - is noted between the ages 15 and 16. Prior to that, there is a steady increase in each succeeding year until it levels off between the ages of 16 and 17.

The choice between early intervention - concentrating on children 12 and under - or resocializing the mature 16 and 17 year old delinquent is one that should not have to be made. Both are essential. The prospects are that neither approach will be properly funded. In the unlikely event of funding, it is doubtful that state agencies can effectively implement such programs. The few programs that seem to work well with delinquents are managed by organizations in the private sector, usually functioning on a contractual basis with the State of Florida.

The patterns of juvenile crime are virtually unchanged since 1977 and the expectations are that three years hence in "Profile of Juvenile Crime III" they will only continue to harden.

SECTION II - IMPACT OF THE SYSTEM ON THE JUVENILE

Does The Juvenile Court Process Deter A  
Delinquent From Further Anti-Social Acts?

To what extent does the system with its mechanisms unique to the juvenile process, really deter further acts of crime? Our programs and techniques may influence a delinquent for a period of time but peer pressures and other factors often cause a return to old modes of behavior. Perhaps a way to determine the impact the system has on the delinquent is to examine not only the number of arrests, but also the intervals between arrests. Presumably a short time between the most recent arrest and the immediate prior arrest means the system has had little impact, and conversely a longer period of time between arrests may suggest that something in the system has deterred further delinquent behavior.

For how long, then, can our system and our efforts keep the delinquent from committing a new offense? Not long enough. Sixty (60%) percent of repeat offenders in the study population committed their current offense within a three month period of the last offense. As a matter of fact, almost 20% committed an offense within 14 days of the current charge. In only 14% of the cases did at least a year pass before a new offense was committed. Apparently, Anglo delinquents are least impacted on by the system in terms of time. In 42% of their cases, a subsequent crime was committed within 30 days. Blacks, on the other hand, usually wait out the first month, with a larger number (38%) rearrested in the second and third months.

While the first three months seem to be the danger period, there is a considerable slackening off in the four to six month period after the prior arrest. In that period, only 12% committed another crime, compared to the 60%

\*See Table IV

for the first three months. The high early recurrence may be due to the slowness of the criminal justice system in responding to the problems of the delinquent. Hampered by delays in program placement and by court continuances, the bureaucracy lingers into place preparing to provide assistance. This creates a vacuum for the delinquent that is often filled by new offenses. Beyond the first three months the slowdown of further delinquent activity continues, as evidenced by the fact that in both the sixth month to a year period, and the one year and beyond period the crime repeat figure is only 14%.

Any judgment of the juvenile justice system should not overlook the time factor between offenses. While a complete turn-around of offenders is the goal, the slowdown of time between offenses is also a sign of progress. The data here suggest an alarming high rate of recurring arrests in a short time span - perhaps attributable to a lethargic response by the social work agencies and the courts in providing prompt services.

#### Why Do So Many Delinquents Have Long Arrest Records And So Few Trials?

One of the mysteries to some citizens is what happens to juveniles arrested but who never seem to go to trial? These, of course, are the cases that are diverted - screened out - by the police, social worker or prosecutor, and never appear in court. What indeed does happen? Why aren't they prosecuted?

First the facts. Contrary to some opinion, first time appearances in court are not preceded by long unprosecuted arrest records. Among offenders who are being filed against in court for the first time, two thirds have had no more than one unprosecuted prior contact with the police. Less than 10% of these first-time-in-court juveniles have had four or more contacts with the system

with no court action resulting. Certainly, if the juvenile system is to be distinguished from the adult system, its diversionary process should have an opportunity to work, particularly with new offenders.

However, once the child has made heavy inroads into the court system, there is a tendency to limit the number of additional cases filed for further court action. In almost a third of the cases involving second offenders, there are four or more unprosecuted offenses. For third offenders almost three quarters have had five or more cases in which they were not required to go to court. This trend continues on, showing larger numbers of unprosecuted offenses alongside each case going to court. This does not necessarily suggest laxity or indifference on the part of those with authority not to file these cases. In many of these situations the juvenile already has been adjudicated and placed in a program on earlier charges with further prosecution serving no useful purpose. In addition, many juveniles commit crimes in "sprees" and while arrested on many charges, will be prosecuted on only a few.

Of course, in some situations delinquents do fall between the cracks and, through inadvertence or mismanagement, are able to avoid prosecution for unseemly long periods of time. The public picture of the juvenile justice system is often drawn from the uncertainties of the diversion process, particularly from incidents involving repeat offenders. The data show that among hard-cores - those with four or more court cases (14%) - that almost half had ten or more unprosecuted arrests, some as high as twenty and over. These are the cases that often describe the juvenile system to the public in a negative fashion. The real question is not why so many go unprosecuted, but does diversion have any value? Nobody really knows. Or if they do, they are not telling. The wide discretionary power to divert from the court system is accompanied by little follow-up as to

what happens to the juveniles diverted from the court system. So long as the public is not informed by the diversion agencies as to what is happening and these programs are not tested and examined, the ill repute of the juvenile system will continue. What does happen to delinquents diverted from the court process? By what standards and by whom are they diverted? Where do they go and who does the follow-up? Can this wide discretionary authority lead to abuse of power? Very few facts are available with these answers.

There are many valid reasons not to send a juvenile to court, but the alternatives must be justified to the community.

Is It Possible That The Benefits Of The Juvenile Justice System  
Don't Show Until Years Later?

When the first juvenile court was established some eighty years ago the image was of a fresh-faced youth appearing before a grandfatherly personage who, by extolling the virtues of the good life, could thereby influence the errant youth. Today, our youth are veterans of the court system. They seem to thrive as they continue to practice their criminal activity, apparently untouched by involvement with the system. Not only do they appear to commit innumerable crimes but they seem to stay in the system interminably. In over a third of the cases, our delinquents have been in the juvenile system anywhere from four to seven years since their first arrest, and seventy-two (72%) percent have been in and out of the juvenile court between a year and seven years. As they grow older will their criminal acts decrease? Is there a delayed impact from the juvenile treatment programs?

One hundred thirty (130) of the delinquents who were part of the 1977 study were selected randomly for a follow-up study to determine the extent their criminal

acts may have lessened as they became adults. Of this number, files of 114 were located from which it could be determined if subsequent crimes had been committed. The Court, (this author), had adjudicated each of these delinquents and determined in great part the program treatment necessary to deter them from further transgressions. At the time these juveniles appeared in Court (in 1977), over 70% of them had had at least four prior arrests. Their subsequent record shows that while still in the juvenile system, 57%<sup>10</sup> were rearrested, one third of them as many as four or more times. Combining this with their rearrest records in the adult system, it appears that 68% of the juveniles seen by this Court in 1977 were rearrested between then and 1980. Since these figures do not include records of those youngsters who moved from Dade County, are in the service or are deceased, the likelihood is that the recidivism rate in fact is higher than represented here.

Even more frightening than the high number who recidivated is the large number of times each was rearrested. Twenty five percent were arrested from five to twelve times in the intervening three year period between these two studies. There is little to suggest that the juvenile system has a delayed impact on the juvenile. The apparent hopelessness of the cause strikes home when one examines the total record of these juveniles and discovers that both as a juvenile and as an adult, almost half have been arrested at least ten times and quite a few as many as twenty times and more.

#### How Do We Get The Hard-Cores Out Of The Juvenile System?

There is a growing body of opinion supporting the thesis that the juvenile justice system cannot handle the hard-core juvenile. It suggests that the hardened tough committing repeat violent crimes is not susceptible to the behavior

modification techniques offered in juvenile rehabilitation programs and should be transferred to the adult system. This can be brought about by lowering the age a year or two, thus eliminating all the so-called mature juveniles, or to set up criteria wherein older juveniles committing certain serious crimes will be transferred for prosecution in the adult court.

Florida follows the latter course although increasingly there is support for legislation to lower the age. Here children are tried as adults if they are indicted by a Grand Jury - usually in a murder case - or if the prosecutor asks the Juvenile Court judge to hold a "waiver" hearing to determine whether the best interests of justice require the juvenile be prosecuted as an adult. An additional method was introduced by the 1978 Legislature which permits the prosecutor in certain cases to file directly in the adult court without approval of the Juvenile Court judge. Each of the above methods of course has certain criteria including age requirements and types of offenses that must be satisfied before the juvenile can be prosecuted as an adult.

Are we getting the maximum number of hard-cores out of the juvenile system by these routes? An examination of the data suggests that for the most part hard-cores deserving adult treatment are in fact getting it. The prosecutor's office either direct-files or recommends for trial in the adult court 17% of the delinquent population. Subtracting the number of cases which are either withdrawn by the prosecutor or rejected by the judge, approximately 9% of the total delinquent population are tried in the adult court. This is a reasonably accurate estimate of the number of hard-cores in the system. What happens once they get to the adult court? Data gathered by the prosecutor's office show that 55% of the juveniles in adult court are incarcerated for some period of time - almost a third receiving sentences of over three years - and only 12% are placed on probation.

Compare this to the Dade County 1980 Grand Jury Study of adult sentencing which shows only 23% going to jail and 45% being placed on probation. The higher rate of juvenile incarceration indicates that they get no special preference in adult court. This is confirmed by a survey of Dade County Criminal Court judges as to their attitudes toward juveniles prosecuted in adult court. Most of the judges stated that they ignored the age of the offenders in the decision to take punitive action since they recognized that only serious repeat offenders were likely to be before them. Many were displeased with the State of Florida Youthful Offender Program which limits the Criminal Court judge to imposing a maximum sentence of four years in certain cases and they thought that the age for juveniles should be lowered or in the alternative, Juvenile Court judges should have the same sentencing authority as the Criminal Court judges.

Are Our Program Resources Being Used Fairly?

The 1977 Profile sharply criticized our local rehabilitative agencies for... "systematically excluding all juvenile hard-cores from their programs, particularly those of an assaultive nature. This policy results in hard-cores, of whom the Blacks are in greatest number, virtually not being admitted." The Profile cited a 1976 study by Rand Corporation which had concluded that this was a national practice.

In order to determine if our local programs were now allocating their resources according to the current Racial/Ethnic proportion of crime (1980 - Black - 52%, Anglo - 28%, Latin - 20%), eight agencies, all residential except one, were asked to provide information as to the composition of their clients.



Five of the programs were state operated and three run by private groups. The three private sector programs showed a disproportionate number of Blacks in their programs. Here's Help, Inc., had only 8% Blacks to 80% Anglos and 9% Latins. The Florida Keys Marine Institute also showed a small Black participation with 17%, alongside 73% for Anglos and 10% Latins. The Metatherapy Institute was less out of line with 47% Black, 51% Anglo but only 2% Latin.

The five State programs run by the Health and Rehabilitative Services (HRS) scrupulously follow Racial/Ethnic ratios, at least in terms of admitting Blacks. The Dade Halfway House for Boys, for example has Blacks - 56%, Anglos - 30%, Latins - 30%, almost the exact percentages of delinquency described in the 1977 Profile. Pentland Hall, a State Halfway House for Girls in Dade County has a 50% Black and 50% Anglo composition. Since Latin females are a rarity in the system, their absence is understandable. The Miami Try Center, an intensive all-day, five days a week program, has Blacks - 85%, Anglos - 4%, Latins - 11%. The high Black, low Anglo population here is probably an attempt to find placement in treatment programs for Blacks denied admission to the private sector treatment programs.

The two other State-run HRS agencies, (The Florida School for Boys at Okeechobee, and the Dade Juvenile Detention Center) are used for incarceration, rather than treatment and as such are not sought after to gain admission. Their Racial/Ethnic representation is well within the delinquency rate. The Detention Center runs Blacks - 54%, Anglos - 26%, Latins - 10%, and the State School at Okeechobee has Blacks - 59%, Anglos - 36%, and Latins - 5%.

It would appear that private sector programs continue to accept fewer Blacks. Considering the fact that the private sector produces the better quality programs, this can be an important factor. Latins also appear to be underrepresented in most treatment programs. The State HRS apparently has made a genuine effort to avoid any suggestion of bias in the Racial/Ethnic composition of their clients.

SECTION III - FAMILY RELATIONSHIPS AND DELINQUENCY

Do Broken Homes Forecast Delinquency?

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A high rate of divorce is an accepted phenomenon of our society and the research literature abounds with the theory that a direct relationship exists between the broken home and delinquency, particularly Black delinquency. The data here strongly support it, with three quarters of our delinquent population coming from broken homes. Among Blacks a high 83% exist in one-parent homes. It is noteworthy that among Black delinquent children twelve years of age and under, 94% are in one-parent mother - situations. Anglos have a 73% broken family rate and Latins 54%. While the Latin rate is lower than the others, it is particularly significant since the U.S. Bureau of the Census figures for 1978 show the Latin divorce rate nationally as being only 15%.<sup>14</sup> The relatively high number of broken families among Dade County Latin delinquents plus the 40% rise in Latin delinquency since 1977 may be the foreboding for the future.

It is noteworthy that although the female delinquent population is very small (6.7%), that, of that number 90% come from broken homes. Are young girls more in need of a family setting than boys? Probably so, since females brought to HRS Intake as dependents with serious family problems, outnumber males 60% to 40%.

Delinquents do not automatically emerge from broken homes, but it is obvious that the lack of a stable family environment is an important element in creating delinquency.

\*See Table V(a)

In The Single Parent Home Is Johnny Better Off With Mother Or With Father?

What happens after break-up? Where does the child go? To mother, of course. Only in *Kramer v Kramer* is there a caring father ready to cope. Less than 13% of our delinquent population have a Dustin Hoffman waiting in the wings. Eighty percent (80%) go with mother and the balance (7.5%) are in foster care as wards of the state. Among Blacks it is even higher with 86% living with mother and only 7% with father. In many cases a grandmother replaces the mother. Although most of the sociological concern over having a female family head is addressed to the absence of a male model, a 1977 U.S. Bureau of Census Report shows an abnormally high poverty rate where the head of a Black family is female. Over half are below the poverty level income, whereas the Black family, headed by a male, shows only 28% below poverty level incomes. Obviously, while the mother traditionally is the nurturing parent, the absence of a father, particularly among Blacks, is significantly damaging.

Among Anglos 70% live with mother, 20% with father, and 10% in state care. Latins have a 75% to 25% split between mother and father, with virtually none living in a state foster home.

The delinquency rate in Single Parent homes according to Racial/Ethnic categories varies only slightly from the general delinquency rate (Table VI). This means, for example, that the generally high rate of Black crime and the low rate of Latin crime are equally reflected in the Single Parent homes. Does it also mean that delinquent acts will most likely follow a family break-up where a single parent status continues to exist? This is not certain, but it may suggest that children in this category are more susceptible to becoming involved

\*See Table V(b)

in delinquent acts. The Single Parent phenomenon cannot be used to predict the potential for crime, but is one indicator among many variables that need to be considered.

TABLE VI

SIMILARITY BETWEEN CRIME RATE OF TOTAL POPULATION AND NUMBER OF BROKEN FAMILIES WITH SINGLE PARENTS ACCORDING TO RACIAL/ETHNIC CATEGORY

	<u>BLACKS</u>	<u>ANGLOS</u>	<u>LATINS</u>
Total Delinquency Rate	52%	28%	20%
Single Parent Homes	54%	28%	18%

Delinquency seems to attach itself to children coming out of a broken family, headed by a female, particularly in a Black family.

Does Family Patch-Up Make Up For Break-Up?

If break-up is so bad, does remarriage or the addition of a new parenting figure, alter the prospects? Does the new model - usually a father figure - overcome the trauma of the original break-up? Hardly. In our study population, only about 30% attempt to replace the lost spouse. Of that number, 60% of the new members of the household reportedly are in serious conflict with the delinquent child, a figure probably much higher than in non-delinquent situations. One might surmise from this, that adding a second parenting figure not only does not assure the resolution of the delinquency problem, but in fact, the new parent might add to the problem.

The conflict situation seems to exist in greater number among Anglos where three quarters of the new parenting figures are in conflict with the delinquent.

\*See Table V(c)

With the Blacks, conflict exists about half the time and with Latins it is under forty percent. Whatever the cultural patterns that brings these differences about, apparently the Anglo delinquent shows greater family disruption with the intrusion of a new parent.\*

We can conclude therefore that among families of serious delinquents, the parting spouse - usually the male - will be replaced less than a third of the time and there is a strong likelihood that bad feelings will somehow be created between the delinquent child and the new father figure. In a setting where other factors conducive to delinquency, such as poverty and peer pressure exist, a family break-up may well be the catalyst to bring on the delinquent act. Often this is an irreversible action that cannot be altered no matter the effort to restructure the family grouping.

#### How Important A Factor Is Poverty In Delinquency?

Over half (54%) of our serious delinquent population come from homes where poverty prevails. Compare this with the 1978 U.S. Bureau of Census figures which show only 11.6% of families in the U.S. living in the below poverty level category. A \$7,000 income (adjusted for inflation) is considered the poverty level for a four member family group. If the Bare Subsistence income for a four member family (\$7,000 - \$9,999) were added to the poverty group, 70% of our study population would be living in substandard family situations according to family income. Only 16% of our group live in families earning \$15,000 or more.

Among Black delinquents, the situation is tragic. Sixty five (65%) percent are from below-the-poverty-level families. This is more than double the number of Black poverty families in the United States in 1978 (31%) according to the

\*See Table V(d)

U.S. Bureau of Census. Black goes with delinquency, but so does poverty. If Bare Subsistence standards (\$7,000 - \$9,999) were added to the poverty standard, then 78% of all Black delinquents would be in those two groupings.\*

Although Anglo delinquents reputedly are more prone to come from comfortable middle class families, only a little more than a fifth of their population come from families with more than \$20,000 annual income. Thirty eight (38%) percent of the Anglos are from below poverty level income families and combined with Bare Subsistence incomes (under \$10,000) we find 56% of the Anglos in that category. So while Anglo delinquents thrive better than Blacks economically, more than half also suffer the deprivation of a decent standard of living. Although the existence of the financially comfortable Anglo delinquent is not a myth, it is not a significant factor in the crime picture. A comparison between Anglos from families of \$15,000 or more income and those below \$15,000 shows little difference in the types of crimes committed. Both groups favor Burglary, and burglary of a residence specifically, as their top choice.

Latin delinquents in Dade County do as badly as Blacks. Almost half (48%) live below poverty level and adding the Bare Subsistence standard we find that 68% are in this unfortunate category. Latins do better than the others in the \$10,000 to \$20,000 categories suggesting some upward mobility on their part. Thirty (30%) percent of the Latins are in that category while Anglos have only 22% and Blacks but 17%. Only 3% of the Latin families earned \$20,000 or more, compared to 5% for Blacks and 22% for Anglos.

It may be a cliché to equate poverty with delinquency, but it is a fact we cannot avoid. Absent jobs and a decent standard of living, the criminal justice system cannot begin to adequately respond to the problem of delinquency.

\*See Table VII

Should We Be Concentrating On Dependents Rather Than Delinquents?

One of the unnoticed areas in the examination of delinquency is the dependency status of many children. A dependent is usually a neglected or abused child not properly cared for by the parents, or a child who commits offenses that would not be classified as crimes if committed by adults (truancy, runaway, incorrigible). These children are eligible for counseling and other program services of the State, but may not be incarcerated as are delinquent children.

Many observers believe that there is a correlation between delinquency and dependency. This is borne out by the large number of delinquents also involved in dependency actions (37%). Just as in a delinquent child's home, the dependency action invariably means a disrupted household. Often the acting-out dependent child with a host of unmanageable problems is of greater concern than the delinquent whose motivation for the crime may be more controllable. Many of the dependency actions are initiated by the parents and there is often little the State can do to force the parent or the child to participate in a program.

The 37% dependency rate represents only cases involving formally filed dependency petitions. In truth, many such actions involving family discord are not formally pursued for a variety of reasons. In some cases it is not deemed necessary since the delinquency violation is already before the Court, and in other instances, particularly among Blacks, there is a distrust and fear of the bureaucracy prompting parents not to get involved with the system. As a matter of fact, Anglos are more prone to seek a dependency status for their children. Over half the Anglos in the study population also had had a dependency action on record, whereas only a little over a third of the Black delinquents also showed

dependency status. It is apparent that the Blacks in our serious offender population study show an alarmingly high rate of broken families and a low rate of dependency services from the State. This is borne out in a study of HRS Intake figures <sup>17</sup> which show Blacks making up only 29% of the dependent population while Anglos constitute almost 60% of the dependent population. These disproportionate services certainly bear looking into.

If we accept the premise that a disrupted family leads to delinquency, then certainly a dependency situation may warn us far in advance of the likelihood of forthcoming delinquent behavior.



FOOTNOTES

1. For example, the Florida Department of Law Enforcement (FDLE) in its 1979 Annual Report, "Crime in Florida," provides all reported arrests by police departments in the State of Florida. Data collected by Robin August for the Law Enforcement Assistance Administration (LEAA) examine cases referred by the police to the Intake Department of the Florida Health and Rehabilitative Services (HRS) in Dade County.

2. Charles Silberman, in his 1978 book "Criminal Violence, Criminal Justice," points out that Puerto Ricans in New York City constituting the same population as Blacks (20%), and with even a 20% lower median income than Blacks, show only a 15% arrest rate for violent crimes as compared to 63% for Blacks. Silberman attributes the Black propensity for assaultive crime as a response to an historic Black oppression involving violence, virulent prejudice, and other forms of mistreatment dating back to slavery days. He says that while other minority groups such as Puerto Ricans are objects of prejudice and discrimination their experience has not been for so long a period, is not so deep rooted and greater opportunity for upward mobility has existed for them.

3. The high Black and low Anglo crime rates are more evident in this study than in the data provided from other sources, such as the LEAA-August data which describes the delinquent sample at HRS Intake as Blacks 38%, Anglos 46%, and Latins 16%. This is also evident in the FDLE Report of arrests in Florida showing Blacks at only 28%.

4. This is my own personal observation. It is based on the fact that the screening process of HRS Intake, and the HRS counseling staff have a high percentage of Blacks serving in the decision-making process. In addition, the number of first offenders in this study is made up of only 8% Blacks, while the Anglos and Latins each are represented by 19% of their delinquents as first offenders. If there were a bias against Blacks, it would most likely be evident in a large number of first offenders placed inappropriately in the court system. This is not evident here.

5. The 1979 Department of Law Enforcement Report, "Crime in Florida" shows Larceny at the top among Class I juvenile crimes (52%) and Burglary ranking second (31%).

6. These figures do not include juveniles who are indicted by the Grand Jury or who, under new 1978 legislation, can in certain circumstances be filed against directly in the Adult Court, bypassing the Juvenile Court. Information provided by the State Attorney's Office indicate that an additional 3% can be added to this figure (22%) to allow for those juvenile assaultive crimes that bypass the Juvenile Court.

7. The LEAA-August data also show a high rate of female involvement (61%) in dependency situations, that is, children who are victims of parental neglect, and who commit non-criminal offenses such as truancy, incorrigibility and are runaways. Although these cases go through the court system, they are not delinquents - cannot be incarcerated - and while they do suggest that females are in the system in rather large numbers, in truth, it is female dependents not delinquents whom we see in the court system.

8. The FDLE arrest records show 7.3% of all statewide juvenile arrests to be drug related and that 6.1% arrests in Dade County are in that category. If that is so, then there is apparently little diversion either at the arrest or intake level.

9. The State of Florida Drug Abuse Plan for 1980-81 in District XI (Dade County) describes drug abuse treatment services in Metropolitan Dade County as being provided by the Comprehensive Drug Program, an administrative umbrella agency with an annual budget of over 6 million dollars. The proposed budget emphasizes a variety of target populations, but few are directly involved with juvenile abusers. Their priority target populations, according to their Plan are Blacks, Hispanics, women, women with children, abusers with multiple addictions, homosexuals, the elderly and middle aged.

10. The 43% figure for those not getting rearrested is deceiving since almost a third were seventeen at the time they were arrested and literally had little time to get rearrested as juveniles before their eighteenth birthday. However, no sooner did they reach age eighteen, one half of the seventeen year olds were rearrested as adults. The 1980 Dade County Grand Jury study showed a 62% rearrest rate for delinquents within the juvenile system alone.

11. There is a wide latitude in defining a hard-core. In one of eminent researcher Marvin Wolfgang's early studies he followed 10,000 juveniles for two decades starting in the mid 1940's and concluded that 6% of the delinquency population was hard-core. This is of course a low estimate but it has been accepted by many researchers. Others currently consider five arrests as defining a hard-core. Combining the five arrest definition with the Florida criteria for direct-file (age sixteen plus adjudication for a felony and a misdemeanor) it appears that approximately 20% of our delinquent population have the characteristics to be termed hard-core and therefore more properly prosecuted in the adult Criminal Court. About 5% of these cases should probably remain in the juvenile system for special treatment, leaving 15% as likely subjects for adult prosecution. Prosecution records show that direct-files, bind-over waivers and Grand Jury indictments add up to about 9% of the delinquent population. This figure, somewhere between the standards selected by researcher Wolfgang and this author, suggests that the hard-core is being properly accommodated in our adult courts.

12. A similar collection of data by LEAA's researcher, Robin August, shows slightly less than half the juveniles in Adult Court serving some jail time and 25% placed on probation.

13. The U.S. Bureau of the Census shows twice as many marriages as divorces in the United States among all groups, thus a 50% national divorce rate. Florida has a two out of three divorce rate (67%) and Dade County an even higher 72% divorce rate. The Florida and Dade County figures are extremely high because many out of state residents come here for the sole purpose of a divorce.

14. Although the 15% national estimate for Latins (Hispanics with origins in Mexico, Puerto Rico, Cuba and other South American countries) is low, estimates for the Latin population in Dade County, which is primarily of Cuban extraction, are roughly about 50%, the same as the national divorce rate for all groups. The local Latin estimate is gleaned from totalling the Latin surnames in marriage and divorce data printed in the Miami Review.

15. This is far below the 1978 U.S. Bureau of Census Report showing a 66% remarriage rate in the United States. It may be that divorced mothers with delinquent children are less prone to remarry, particularly those in the low economic brackets.

16. The conflict rate of 60% between delinquent children and the new spouse needs to be compared to the results of a study of one hundred non-delinquent "normal" families where the spouse had remarried. Among the normal families, only 18% had a "poor" relationship between the new spouse and the child. L. Duberman, "The Reconstituted Family - A Study of Remarried Couples and their Children." Nelson Hall, Chicago, 1975.

17. LEAA-August study.

TABLE II

(By Percentage - 495 Adjudicated Delinquents)

TYPES OF CRIME COMMITTED BY TOTAL POPULATION  
AND PROPORTION OF EACH CRIME BY RACIAL/ETHNIC CATEGORY

<u>TYPE CRIME</u>	<u>TOTAL POPULATION</u>	<u>BLACK</u>	<u>ANGLO</u>	<u>LATIN</u>
BURGLARY-HOME	23%)	54%	34%	12%
	)			
	) 41%			
BURGLARY-BUILDINGS	18%)	57%	25%	18%
ASSAULT AND BATTERY	14%)	54%	27%	19%
	)			
	) 22%			
ROBBERY	8%)	90%	7%	2%
LARCENY	13%	46%	30%	24%
MOTOR VEHICLE	12%	36%	23%	41%
DRUGS	6.5%	27%	42%	30%
MISCELLANEOUS	5.5%	39%	39%	21%

TABLE III

(By Percentage - 495 Adjudicated Delinquents)

TYPES OF CRIMES COMMITTED BY AGE BY TOTAL POPULATION AND  
BY RACIAL/ETHNIC CATEGORY

	<u>12 - Under</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
BURGLARY-HOME	3.5%	6%	23%	20%	34%	13%
BURGLARY-BUILDINGS	6.5%	6.5%	15%	22%	22%	28%
ASSAULT AND BATTERY	7.1%	1.4%	16%	19%	28%	28%
ROBBERY	2.4%	4.8%	4.8%	24%	22%	41%
LARCENY	1.5%	13.4%	10.4%	21%	33%	21%
MOTOR VEHICLE	1.6%	6.5%	14.7%	23%	25%	30%
DRUGS	0	3.0%	3.0%	3%	36%	56%
MISCELLANEOUS	3.5%	14.0%	0	18%	29%	36%
TOTAL POPULATION	3.7%	7.0%	13.8%	20%	29%	27%
BLACK	5.3%	8.0%	15.6%	16%	28%	26%
ANGLO	2.0%	4.9%	13.0%	22%	29%	29%
LATIN	2.0%	5.9%	10.0%	25%	29%	28%

TABLE IV

(By Percentage - 495 Adjudicated Delinquents)

INTERVALS BETWEEN CURRENT ARREST AND IMMEDIATE PRIOR ARREST  
ACCORDING TO RACIAL/ETHNIC CATEGORY AND TOTAL POPULATION

<u>TIME INTERVALS</u>	<u>BLACK</u>	<u>ANGLO</u>	<u>LATIN</u>	<u>TOTAL POPULATION</u>
30 DAYS	23%	42%	32%	30%
1 - 3 MONTHS	38%	16%	28%	30%
3 MONTHS - 6 MONTHS	16%	9%	5%	12%
6 MONTHS - 1 YEAR	9%	20%	19%	14%
1 YEAR +	<u>14%</u>	<u>13%</u>	<u>16%</u>	<u>14%</u>
	100%	100%	100%	100%

TABLE V

(By Percentage - 495 Adjudicated Delinquents)

MARITAL STATUS OF FAMILIES OF DELINQUENTS ACCORDING TO  
RACIAL/ETHNIC CATEGORY AND TOTAL POPULATION

	<u>BLACK</u>	<u>ANGLO</u>	<u>LATIN</u>	<u>TOTAL POPULATION</u>
	<u>(a) Extent of Broken Homes Among Families of Delinquents</u>			
Broken Home	83%	73%	54%	75%
Married	$\frac{17\%}{100\%}$	$\frac{27\%}{100\%}$	$\frac{46\%}{100\%}$	$\frac{25\%}{100\%}$
	<u>(b) Head of Family in Broken Home</u>			
Mother	86%	70%	74%	80%
Father	7%	20%	25%	13%
Ward of State	$\frac{7\%}{100\%}$	$\frac{10\%}{100\%}$	$\frac{1\%}{100\%}$	$\frac{7\%}{100\%}$
	<u>(c) Presence of New Parenting Figure in Broken Home</u>			
New Parenting Figure	25%	40%	26%	30%
Only Single Parent	$\frac{75\%}{100\%}$	$\frac{60\%}{100\%}$	$\frac{74\%}{100\%}$	$\frac{70\%}{100\%}$
	<u>(d) Conflict Between Delinquent and New Parenting Figure</u>			
Conflict Exists	52%	74%	38%	60%
No Conflict	$\frac{48\%}{100\%}$	$\frac{26\%}{100\%}$	$\frac{62\%}{100\%}$	$\frac{40\%}{100\%}$

TABLE VII

(By Percentage - 495 Adjudicated Delinquents)

INCOME OF FAMILIES OF DELINQUENTS ACCORDING  
TO RACIAL/ETHNIC CATEGORY AND TOTAL POPULATION

	<u>BLACK</u>	<u>ANGLO</u>	<u>LATIN</u>	<u>TOTAL POPULATION</u>
0 - \$6,999 (Poverty Level*)	65%	38%	48%	54%
\$7,000 - \$9,999 (Bare Subsistence)	13%	18%	20%	16%
\$10,000 - \$14,999	12%	13%	22%	14%
\$15,000 - \$19,999	5%	9%	8%	7%
\$20,000 - +	<u>5%</u>	<u>22%</u>	<u>3%</u>	<u>9%</u>
	100%	100%	100%	100%

\*According to the U.S. Bureau of the Census, the 1978 Poverty Level for a family of four in an urban area is \$6,600. Making an adjustment for current inflation, the figure of \$7,000 for 1980 is appropriate.



**END**