

5-15-1979

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Recommended Citation

William S. White *Statement of William S. White*, 6 Pepp. L. Rev. Iss. 3 (1979)

Available at: <https://digitalcommons.pepperdine.edu/plr/vol6/iss3/1>

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Statement of William S. White*

I. THE JUVENILE COURT WAS CREATED AND DESIGNED TO HELP THE CHILD WHO WAS EITHER A PETTY OFFENDER OR NO OFFENDER AT ALL

In 1899, a father went to court in Cook County, Illinois, complaining of his son's conduct. A petition was filed which alleged simply, "I am unable to keep at home. Associates with bad boys. Steals newspaper, etc." A jury of six was impanelled. The boy was found to be *dependent* and was committed by the court to the Illinois Manual Training School Farm. The Mittimus fixed his age at eleven years. This was the very first juvenile court case. It was the beginning of juvenile court law in America.

Recently, a ward of that court, a small, slender, 14 year-old gang leader, wearing glasses, speaking softly and matter of factly explained his involvement in crime "I don't expect to live to be 16—my life means nothing. It's the other guy or me—I'll kill him first if I have a chance and my gun." This boy—who instead of playing ball is playing cops and robbers for keeps, fighting for survival in the inner city jungle—typifies the young felons now appearing and reappearing in juvenile courts in Chicago and juvenile courts across this nation charged with startling acts of violent crimes against people. Their deeds are chronicled in our daily papers. They are the subjects of television specials and feature stories in weekly news magazines. The media are not to be criticized for this; negative incidents and violence are newsworthy. People

* President, National Council of Juvenile and Family Court Judges. Statement before the United States Senate Subcommittee to Investigate Juvenile Delinquency on April 10, 1978. The author acknowledges the contribution of Dr. Jacqueline Corbett, National Center for Juvenile Justice; Ms. Betty Begg, Assistant Director, Chicago Cook County Justice Commission; Mr. Edward Nerad, Director of Court Services, Juvenile Division Circuit Court of Cook County, Illinois; Ms. Elmyra Pratts-Powell, Administrative Assistant to Presiding Judge, Juvenile Judge, Juvenile Division, Circuit Court of Cook County, Illinois; Mr. Samuel Sublett, Jr., Administrator, Office of Institution Services, Juvenile Division, Illinois Department of Correction; Mr. Harold Thomas, Commander, Youth Division, Chicago Police Department.

are talking about juvenile crime, asking why is it happening? What is being done? What can we do? What should we do?

Juvenile courts were established to meet the needs of children like the boy in our first story, children whose conduct or condition makes them borderline cases for either the criminal justice system or the welfare system. The courts used petitions charging that the children were dependent, neglected or delinquent. Early statutes defined delinquency to include the most trivial of acts (patronizes public poolroom, smokes cigarettes in public, uses vile obscene language, associates with vicious or immoral persons, begs or receives alms, wanders about railroad yard, sings or dances in public places are examples). It didn't make much difference which type of petition was filed; under each the child received substantially the same "treatment." The *parens patriae* philosophy and the procedures adopted by the court were designed for children who were more in need of social services than criminal sanctions.

II. THERE HAS BEEN A STEADY SHIFT IN JUVENILE COURT POPULATION TO MORE SERIOUS OFFENDERS

Not so long ago joy riding in a stolen car was the criminal conduct which brought the largest number of boys to court. Now it is burglary. Between 1960 and 1970, the arrests of juveniles for all infractions doubled, but arrests of juveniles for violent crimes increased 216 percent. Youths under eighteen were arrested for more than half of the serious crimes committed in the United States in 1970. Some question whether the juvenile court with its non-punitive 1899 approach is adequate to deal with today's juvenile crime.

The Supreme Court in the 1967 case *In Re Gault*¹ looked at juvenile crime figures and concluded that juvenile courts' performance in matters of juvenile crime generally had "not been entirely satisfactory." The New York coalition for juvenile justice and youth services reported that "for the year 1976 one of the major areas of concern for the legislature was responding to a small number of violent juveniles who have created a public clamor and intense debate as to how the juvenile justice system should be modified to cope with them."

III. STATISTICS INDICATE JUVENILE CRIME IS GOING DOWN

The worst is over. This is true nationwide and in the juvenile

1. 387 U.S. 1 (1967).

division of the circuit court of Cook County.² A check was made with the Chicago Police Department to see if the reduction in the number of children found by police to be involved in criminal proceedings might be due to diversion to some other agency. Police statistics, however, showed the same downward trend in arrests for violent offenses as we found in court petitions for violent offenses. There has been a decrease of approximately 15% in the number of total juvenile offenders Chicago police processed between 1973-1977. Consistently, 70-72% of these juveniles are community or station adjusted each year. Of the juveniles sent to the juvenile court 1 in 4 is charged with a serious violent offense (assault, homicide, rape or robbery). This proportion has remained fairly constant despite a downward trend in the absolute numbers. How appropriate then is this recent intense interest in juvenile justice? It is welcomed, but much can be filed under "a day late and a dollar short."

IV. THE BASIC CAUSES AND THE CURES FOR CRIME ARE BEYOND THE REACH OF ANY COURT

Since juvenile courts and the juvenile justice system are blamed when the level of juvenile crime is high, there is a temptation to claim full credit for a reduction. I think the figures indicate that we must be doing something right. However, both the blame and the credit are based on false premises, as one would know well from any elementary sociology course. A walk down the corridors of any metropolitan juvenile court and a look at the people who are there will tell you that the juvenile court is a poor peoples' court. Violent crime is principally a problem associated with the inner city poor. In Cook County, the chances are 3 to 1 that the serious violent offender is from the city of Chicago, as opposed to suburban areas. In Chicago, in 1976, 65% of arrestees for all charges in all age groups were black and 70% of all arrestees for the crimes of murder, non-negligent manslaughter, forcible rape, robbery, aggravated assaults and other assaults were black.

We can describe the delinquent in statistical terms with some fair accuracy. We know quite a bit about what he looks like, where he comes from and what some of his experiences will have been by the time he comes to the attention of the various juvenile authorities. Yet to know all of this does not begin to address the

2. See tables 1-5, *infra*.

problem of causes. Rates of delinquency have been disproportionately high among children who are (1) males, (2) from urban areas, (3) from broken homes, (4) doing poorly in school or have dropped out before graduating, (5) socially or economically deprived, (6) residents of a deprived neighborhood. Clearly, however, most children living under these circumstances do not become delinquent. Delinquent conduct has also been linked to poor intrafamilial relationships. Chronic delinquents tend to engage in delinquent conduct at earlier ages, and tend to commit more acts of delinquency by the time they reach the age of 17. But now that the likely delinquent is described, do we know any better what has caused his conduct when his neighbors and/or siblings under near-identical circumstances have not become involved in delinquent acts? To answer the cause question is not our most productive approach to the problem of cure.

Those of us who work in police departments, courts and corrections would like to think that in addition to providing justice we are having some impact on the crime problem. But we know that the cause and the cure for crime, juvenile or adult, cannot be found in the justice system. (The drop in crime is probably due principally to the fact that children born in the Post World War II baby boom have now passed the crime prone years.) Until the millenium comes providing the good economic base and social environment needed by every person, we must do the best that we can. The statistics are going down, but people are still being assaulted, raped, robbed and killed in the streets and indeed in their homes, and, in Chicago, 31% of these offenders were under 18 years of age.

How has the juvenile justice system, created as a quasi-social agency with access to judicial power, designed principally for non-violent petty offenders, coped with the problems of the serious offender? What has the juvenile system done with children who have committed part 1 index crimes? What should it do? Those are questions which I feel need the far greater emphasis.

V. THE SERIOUS OFFENDER IN THE JUVENILE COURT RECEIVES
ISOLATION, IDENTIFICATION BY TRIAL, SOCIAL SERVICES
AND SURVEILLANCE THROUGH PROBATION,
INCAPACITATION THROUGH
INCARCERATION

There are diversion programs at every stage in the process, from arrest through disposition which when combined, create an overall "skimming" effect, skimming off at each stage of diversion, the less serious, less violent, less chronic offender. What happens

is that the factors which describe the serious, chronic, violent offender are generally the same factors which create the highest likelihood that the child will not be diverted from juvenile justice processes. At each stage at which diversion can occur, the relative seriousness of the offense and the youth's prior record are prime considerations in the decision as to whether to divert. The less serious or less violent the offense, and the fewer prior police/court contacts, the more likely the child is to be diverted from further formalized process.

America's probation system began in the juvenile court. It continues to be the favored disposition. How does it differ from adult probation? It is wider ranging, more diverse, more tailored to the perceived needs of the individual.

In Illinois, we are continuing to use incarceration. This means commitment to the youth division of the Department of Corrections. This response is suited to the need of the community to:

1. Feel protected from this offender by the removal of the child from the community;
2. Feel vindicated by the social banishment. The right-doers feel some positive reinforcement for conforming their own conduct when the wrongdoers are censured drastically. There is some experimental use of community based intervention services.

VI. RECENT STUDIES INDICATE JUVENILE COURT METHODS WORK WHEN APPLIED TO SERIOUS OFFENDERS

The pragmatic question is whether this non-punitive system using rehabilitation has worked with juvenile felons, like the gang leader in our story. The answer is an astonishing and resounding yes. A study of over 800 juveniles found delinquent in Cook County in 1974 for committing violent offenses (rape, robbery, homicide, assault and battery) has been recently completed.³ Some 200 of these were committed to the youth division of the department of corrections. The remaining 606 constituted the base group of the study. They were traced from their initial finding of delinquency in 1974 through March 1977 for findings on new offenses. The study reveals the following:

1. Of the 606 juveniles in the base group, 84 had findings for additional offenses, violent or non-violent. In other words, the proportion with *any* overall recidivism was 1 in 7, or 14%.
2. The overall recidivism rate was lower for older juveniles: Most (337) of

3. M. Brennan, *Recidivism Study of Violent Offenders*, Juvenile Division, Circuit Court of Cook County, September 22, 1977.

the base group were 15 or older January 1, 1974, and so had much less time than the others to commit new offenses as juveniles. These had an overall recidivism rate of 1 in 20, or 5% of that age group. Those under 15 on January 1, 1974 had an overall recidivism rate of 1 in 4, or 25% of that age group.

3. For almost half (31) of all 84 recidivists, the new findings were violent offenses. This makes a violent recidivism rate of 7% or 1 in 14, of the total base group.

4. Eleven recidivists had findings for more than one new offense: 10 had 2 new findings; 1 had 3 new findings. They make for a multiple recidivism rate of 1 in 50, or 2% of the base group.

5. In 18 instances the new offense was more serious than the base (1974) offense. Thus, only 1 in 33, or 3%, became involved in offenses more serious⁴ than that for which they were originally referred.

Since 1974 we have had, in Cook County, a federally funded program called Unified Delinquency Intervention Services (U.D.I.S.). This agency receives, from the juvenile court, referrals of youths who have been adjudicated delinquent so often or for an offense so severe, that they would otherwise have been committed to the department of corrections. U.D.I.S. deals with these juveniles *without institutionalization*. Recently, a report of U.D.I.S. operations has been filed with the Illinois Law Enforcement Commission.⁵ The report contains three findings of great significance.

1. Significant reductions in the incidence of offenses—as high as two-thirds of the preintervention rate—can be achieved, even with the most chronic, serious delinquents in Cook County, through the use of energetic correctional intervention.

2. Whether the program was U.D.I.S. or D.O.C. correctional intervention in the life of the chronic juvenile offender in this study had a powerful and apparently long-term inhibiting effect on subsequent delinquent activity.

3. The recidivism analysis did not make a case for the overall superiority of either U.D.I.S. or D.O.C. It concludes that “reports of the futility of juvenile corrections have been greatly exaggerated.”

The problem of the serious juvenile offender is receiving increasing attention nationally. State and local governments are preparing solutions primarily in two areas: (1) trial of the juvenile as an adult, (2) or incarceration. Legislation is currently under consideration in New York, Kentucky, Pennsylvania and Maryland to achieve this.

There is a rush to treat children involved in crime as adults ei-

4. *Id.* The standards for deciding which offenses were more serious are as follows:

1) Those offenses defined in law as necessarily involving (more) physical harm or contact. Thus rape or battery is considered more serious than robbery or assault.

2) Those as serious as the 1974 finding, but with more counts. There were two such cases.

3) Aggravated battery was considered more serious than (simple) battery; aggravated assault, more serious than (simple) assault.

5. C. Murray, D. Thomson, C. Israel, *UDIS: Deinstitutionalizing the Chronic Juvenile Offender*, prepared for the Illinois Law Enforcement Commission: American Institutes for Research, Jan. 1978.

ther through reduction in juvenile court jurisdiction or by importing adult criminal justice philosophy and methods into the juvenile justice system. This stands the nation's reponse to crime on its head. We should be transferring juvenile justice methods with which we are familiar from empirical evidence work into the troubled adult system.

VII. WHAT THE JUVENILE JUSTICE SYSTEM NEEDS TO BE MORE EFFECTIVE

- A) More coherence, cooperation and coordination among its component parts;
- B) Authority vested in the judge to order state and local agencies to deliver services to court wards when those agencies have failed or refused to do so;
- C) Responsibility imbued in the judge to fix the limits and the extent to which the state coercively intervenes in a child's life within limits set by statutes relating to proscribed conduct, regardless of whether intervention is done under the rubric of punishment or rehabilitation;
- D) Responsibility in the judge and not in the prosecutor, or the legislature to determine which child is the appropriate subject for the adult criminal court; and
- E) Adequate funding.

My basic recommendation is that the traditional juvenile justice focus, emphasizing a priority on the actor rather than the act, must be maintained, not just because it is humane but because it can work. Let us not lose sight of the fact that socialization is a process lasting over much of a lifetime, and varying from individual to individual. The responsibility of adults in the society, from individual parents to social and political leaders, is to insure that the socialization process is one in which the maximum number of young people will be engaged successfully. Few of us as individual parents "throw in the towel" on socializing our own children. We have stood by them generation after generation. We have lived through flappers, and be-boppers, beatniks, hippies, yippies and peaceniks. The transition from childhood to adulthood has often not been smooth, even for society's most privileged members. This is not to say, of course, that crime can be eliminated if we have the right approach. But only to say that those whose paths can be changed are entitled to have that opportunity.

TABLE 1

Delinquency Petitions and Counts by Year and Sex for Selected Offenses
 Juvenile Division, Circuit Court
 Cook County, Illinois

	1973		1974		1975		1976		1977	
	M	F	M	F	M	F	M	F	M	F
Assault	82%	18%	83%	17%	84%	16%	85%	15%	84%	16%
	2582	574	2360	495	1938	361	1755	314	1634	308
Homicide	93%	7%	95%	5%	90%	10%	91%	9%	96%	4%
	123	10	131	7	101	11	108	11	110	5
Rape	99%	1%	100%	0%	100%	0%	100%	0%	100%	0%
	112	1	107	0	134	0	126	0	88	0
Robbery	95%	5%	94%	6%	95%	5%	96%	4%	96%	4%
	1922	96	2141	127	2022	104	1677	74	1426	65
Selected Offenses % of Annual Total of Delinquency Counts and Petitions	21%		26%		27%		26%		25%	

TABLE 2

Juvenile Detention Center Population by
 Violence of Offense Charged and Sex
 Cook County, Illinois

	9/1/72-8/31/73		9/1/73-8/31/74		9/1/74-8/31/75		9/1/75-8/31/76		9/1/76-8/31/77	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
General Population of Detention Center	73%	27%	75%	25%	76%	24%	80%	20%	84%	16%
Violent Offender* Population of Detention Center	89%	11%	92%	8%	93%	7%	91%	9%	93%	7%
Total % of Violent Offenders in General Population of Detention Center	24%		27%		27%		27%		28%	

*Minors detained in this category were charged with the offenses of armed robbery, other robbery, assault, battery, assault with a deadly weapon, homicide and rape. No difference in sexual percentages was noted whether rape was included or excluded.

TABLE 3

Juvenile Detention Center Population by Sex
For Selected Violent Offenses
Cook County, Illinois

	9/1/72-8/31/73		9/1/73-8/31/74		9/1/74-8/31/75		9/1/75-8/31/76		9/1/76-8/31/77	
	M	F	M	F	M	F	M	F	M	F
Total Number of Children Transferred to Detention Center	3117 73%	1173 27%	3263 75%	1113 25%	3359 76%	1083 24%	3110 80%	787 20%	2903 84%	568 16%
Armed Robbery	228 95%	12 5%	289 98%	7 2%	339 96%	15 4%	258 96%	10 4%	213 97%	6 3%
Other Robbery	165 96%	7 8%	246 95%	12 5%	230 97%	8 3%	216 96%	10 4%	197 96%	8 4%
Assault	98 92%	9 8%	118 91%	12 9%	79 83%	16 17%	72 95%	4 5%	106 91%	10 9%
Battery	266 79%	71 21%	299 85%	54 15%	275 88%	37 12%	258 83%	53 17%	289 87%	43 13%
Assault with a Deadly Weapon	0	0	0	0	0	0	0	0	0	0
Homicide	99 92%	9 8%	71 92%	6 8%	103 94%	6 6%	81 92%	7 8%	61 98%	1 2%
Rape	63	0	51	0	69	1	79	0	45	0
Totals for Selected Offenses	919	108	1074	91	1095	83	964	84	911	68

TABLE 4

Delinquent Petitions and Counts by
Source of Complaint
For Cook County, Illinois

	1973	1974	1975	1976	1977
Chicago First Municipal District	70%	66%	59%	60%	62%
All Suburban Districts Combined 2 - 3 - 4 - 5 - 6 Municipal Districts	15%	14%	17%	15%	19%
All Other Miscellaneous Sources (Not by Municipal Districts)	15%	20%	24%	25%	19%

TABLE 5
Types of Counts Filed from January 1 to December 31, 1977
With Comparable Data for the Year 1976

<i>Delinquent Petitions and Counts:</i>	Males	Females	1977	% of Total	1976	Difference In 1977
Arson	98	6	104		171	-67
*Assault	1634	308	1942		2069	-127
Burglary	2894	89	2983		3114	-131
Violation of Court Order	3	1	4		5	-1
Criminal Damage to Property	676	41	717		517	+200
Auto Theft and C.T.T.V.	1330	38	1368		1224	+144
Glue Sniffing	3	—	3		6	-3
*Homicide	110	5	115		119	-4
*Controlled Substance	323	41	364		436	-72
Rape	88	—	88		126	-38
Robbery and Armed Robbery	1426	65	1491		1751	-260
Theft	1450	188	1638		1545	+93
*Unlawful Use of Weapons	688	73	761		623	+138
Other Delinquent Behavior	1567	194	1761		1788	-27
TOTAL	12,290	1,049	13,339	62%	13,494	-155
Minors in Need of Supervision Petitions:						
Runaway	558	898	1456		1285	+171
Truancy	62	49	111		82	+29
Ungovernable	590	586	1176		922	+274
Other Supervision Petitions	482	591	1073		1035	+38
TOTAL	1,692	2,124	3,816	18%	3,324	+492
Dependent Petitions	220	203	423		265	+158
Neglect Petitions	1866	1775	3641		3774	-133
Truant Petitions	—	—	—		—	—
Paternity Petitions	—	251	251		426	-175
Mental Retarded Petitions	—	—	—		—	—
TOTAL	2,086	2,229	4,315	20%	4,465	-150
Total Petitions and Counts Filed, 1977	16,068	5,402	21,470	100%	21,283	+187

*Assault includes Aggravated Assault, Battery, Aggravated Battery

*Homicide includes Reckless Homicide, Involuntary Manslaughter, Voluntary Manslaughter, Murder

*Controlled Substance includes Possession or Sale of Narcotics

*Unlawful Use of Weapons includes Unregistered Gun and Unregistered Gun Carrying