

MEASUREMENT OF JUVENILE DELINQUENCY

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The relatively short time assigned to this broad topic with its many ramifications suggested the general structure of a catalog of a number of the more important selected issues on which a stand must be taken and many of which should be further explored.

That criminal statistics are "poor" in general, but particularly in this country, especially owing to the fact that law enforcement here is a function of local government, is readily and frequently acknowledged by American criminologists. That juvenile delinquency statistics are even poorer than criminal statistics is also quite obvious, an additional reason in this case being the fact that the special institutional systems for juvenile delinquency control are of very recent origin. Consequently, no uniform standards of procedure have as yet jelled, and no personnel with a uniform background has so far been developed. The result is that data from different communities --and even from one and the same community over a period of time-- are not comparable.

In spite of the fact that the title of this paper would probably convey a rather definite idea to most people in the field, the statement "measurement of juvenile delinquency" can really denote various things. E.g., it could be interpreted as referring to the measuring of the delinquency of a single juvenile in the sense of the intensity of his antisocial attitudes or the persistence of the misbehavior. For the purposes of this presentation, however, the term is assumed to be used in its currently most frequent meaning; namely, that of measuring the amounts of juvenile delinquent behavior in communities for the purposes of comparing these communities in this respect with one another and also of establishing variations over a period of time within one and the same community. In other words, we are dealing here with the question of juvenile delinquency statistics.

First of all, there is the problem of what should be counted or measured, or just what is understood by juvenile delinquency. There appear to be two tendencies in this respect. One is, to consider as juvenile delinquents those juveniles who have been officially acted upon by such agencies as the police and the courts --in other words, those who have a record. This writer suggests referring to this concept as the formal definition or formal concept of juvenile delinquency. The statistics of juvenile delinquency available in this country are, of course, based on this kind of a definition. The Juvenile Court Statistics published by the Children's Bureau are of that nature, as are the arrest figures published by the Federal Bureau of Investigation in the Uniform Crime Reports for the age groups usually considered juvenile. But researchers on juvenile delinquency also usually accept this approach. Thus, to cite but one example, in Unraveling Juvenile Delinquency the Gluecks included only delinquents from training schools into their delinquent group.

On the other hand, there are and always have been serious students of juvenile delinquency who believe that the fact that one juvenile has been

officially acted upon by the police or the juvenile court and another one has not been so acted upon, does not make one of them a delinquent and the other not, as long as both of them "were doing one and the same thing". Some authors interpret the presence of an official record of delinquency as a matter of accident and resolutely condemn the use of only "official delinquency" in research. They subscribe to what one might term a "descriptive" or a "content" definition of delinquency. The advocates of this type of definition apparently visualize that the instances of delinquent behavior can be described in the same manner as adult crimes are described in the "statements of fact" in the sections of a criminal code.

As an example of this type of approach might be cited Sophia M. Robison's Can Delinquency Be Measured? (1936), or, to give a more recent example, the use of the concept of "unrecorded juvenile delinquency" by James F. Short and F. Ivan Nye in a study reported in an article which contains this term in its title (1958).

This writer accepts the formal definition of juvenile delinquency as against the content or descriptive definition. First of all, at least at present and in the immediate future, this formal definition seems to be the only kind of concept of delinquency that can be used for the purpose of sizing up the scope of the delinquency problem in larger communities and the country as a whole. Secondly, this writer believes that this formal definition is the proper definition of juvenile delinquency, not only because of its statistical usefulness, but also essentially so. The essence of juvenile deviations which are delinquencies consists in the fact that society finds it necessary to step into the process of socialization of the young as ordinarily carried on by the usual social institutions --the family, the church, the neighborhood, etc.-- and to place the juvenile in the hands of its special agencies --the police, the courts, etc. The very entry into the picture of such a special agency as the police or the court is a social fact which differentiates the deviations of juveniles into delinquent and non-delinquent behavior.

Thus it is suggested that the measuring of juvenile delinquency means statistics of juveniles acted upon by the police and the courts qua juvenile delinquents.

The acceptance of this formal definition of juvenile delinquency makes recognition of the following fact quite imperative: the registry of a case of official juvenile delinquency is a function of at least two factors, namely, the behavior of the juvenile and the policies of the law enforcement agencies. Any variation in juvenile delinquency statistics may be due to the variations in the behavior of the juveniles or in the policies of the special agencies. The fact is that with a change in the person of the juvenile court judge, a tougher policy on the part of the police department, or perhaps an increase in such personnel as probation officers, the statistics may fluctuate drastically.

Thus in the collection of juvenile delinquency

statistics, special care must be taken to provide for a clear distinction between changes in the behavior of the juveniles and changes in the policies of the enforcement agencies. This must be done when setting up the collection of data and in the interpretation of the collected data.

With regard to the policies of the special (enforcement) agencies affecting statistics of juvenile delinquency, one should differentiate between policies in the real sense of the word and what one might refer to as procedural techniques. Policies in the true sense of the word mean determination of the point in the developing problem at which the special agencies decide to step in. Such a policy on the part of the law enforcement agency determines the height of the "nuisance threshold," or expresses the society's conception of what constitutes such a degree of danger to the child that public remedial action is necessary.

The procedural techniques which can and do affect juvenile delinquency statistics mean differences in the practices of record keeping. While one court may keep no record of informal cases, another may include these in the statistics. A hardly noticeable change in the recording technique may mean a difference in figures that is much greater than the supposed trends in juvenile behavior.

The next issue to be considered here is the question which of the various juvenile delinquency statistics should preferably be used for the purpose of measuring juvenile delinquency. This brings to mind the well-known and so frequently quoted maxim of Professor Sellin with regard to adult criminal statistics, viz.: "The value of a crime rate for index purposes decreases as the distance from the crime itself in terms of procedure increases." Does this formula apply also to juvenile delinquency statistics?

It is obvious that many more factors must be considered in the case of delinquency statistics than in the adult field in this respect, because the concept of juvenile delinquency, as our modern societies deal with it, is more complicated than the concept of adult crime. Again, in view of the limited scope of this paper only two of these factors will be briefly pointed out.

1. Communities which have introduced juvenile courts, have on the whole--at least in this country--introduced two elements which are different as compared to the control of adult crime and which are of interest to us here:

- a. the juvenile is being adjudged delinquent in general, rather than found guilty of a specific criminal offense. Because of this, relatively little attention is given to the identification of the offense committed by the juvenile. The focal point of the juvenile court proceedings is, rather, the establishment of the child's need for special treatment which the court has at its disposal and may prescribe--such as probation, an out-patient psychiatric clinic, foster placement, incarceration, etc.
- b. the basis for adjudging a juvenile as a delinquent may be not only criminal code offenses, but also other kinds of behavior which are not considered crimes if engaged in by adults. Here belong, e.g., being

ungovernable, association with persons who are known to be immoral or criminal, running away from home, truancy, etc.

Thus statistics of juvenile delinquency, by their very nature, are not the same as statistics of criminal code offenses committed by juveniles. They are more than that, but at the same time they may by-pass some of the criminal offenses committed by juveniles. They are most certainly not concerned with the identification of specific offenses committed by juveniles and therefore cannot be relied upon for precision in this respect. Many a juvenile court decision makes no reference to any specific single criminal act of a juvenile.

All this indicates that in the field of juvenile delinquency it is not the "crimes known to the police", but rather the "juvenile court statistics" that should be resorted to for the purposes of an index of juvenile delinquency, unless, of course, the police assumes and performs the functions of the juvenile court. Thus, Sellin's formula does not apply to the juvenile field.

2. With regard to statistics of criminal code offenses committed by juveniles, the following observations seem to be in order. Although some of these offenses are obviously juvenile offenses from the very moment the law enforcement process goes into action, many are first reported as criminal offenses, and only when the offender has been found does it become known that he is a juvenile. Because of this, statistics of criminal code offenses committed by juveniles are usually considered to be arrest statistics.

In the light of the prevailing conceptions of juvenile delinquency and its control in this country, the policies suggested --and in many cases actually adhered to-- for arresting juveniles differ considerably from those applicable in the case of adults. Thus, if "criminal code offenses committed by juveniles" are to be measured by "arrests," care must be taken to correctly assay the differences which this injects into juvenile data as compared with adult arrests. There are possibilities of both more restricted and more liberal arrest policies with regard to the juveniles. The more restricted juvenile arrest policy is usually due to a set of attitudes prevailing in this country to the effect that juveniles must be shielded from the harshness of the conventional law enforcement process, that criminal action should be avoided whenever possible, that "giving the kid another chance" is desirable, etc. The more liberal use of "arrests" with regard to the juveniles, on the other hand, has its roots in the assignment of preventive and welfare functions to the police in the handling of juvenile problems.

The police contacts with juveniles can be differentiated into four categories:

- (1) Contacts based on the juveniles' involvement in criminal code offenses.
- (2) Contacts based on the type of behavior which by law (usually special statutes establishing the juvenile courts) may be the basis for adjudication as a juvenile delinquent, but which behavior does not constitute a criminal code offense--i.e., a crime if committed by an adult.
- (3) Contacts based on the function of preventing juvenile delinquency which is often assigned to the police by law, by administrative orders, or by the informal but

very definite expectation of the community. This type of contact results from the police anticipating the acts of the first two categories before such acts have actually been committed.

- (4) Welfare contacts, made by the police in terms of the concept of the child's welfare, without any implication of any delinquency on the part of the child.

In view of these many-fold activities of the police with reference to "children in trouble," it becomes apparent that if statistics of juveniles arrested for criminal code offenses are desired, a careful differentiation of police contacts with juveniles needs to be made. The current formula might read approximately as follows: if the offense and the circumstances are such that, if the offender were an adult, an arrest would be tallied, an arrest of a juvenile should be reported.

Granted the theoretical soundness of this procedure, one is of course still faced with the fact that the individual policeman's interpretation of his own action becomes the basis for the juvenile arrest statistics. It is of course true that to a certain extent also the statistics of crimes known to the police and the arrest statistics contain this element of danger, but in the case of juveniles the situation is presumably much more complicated in view of the need to differentiate between law enforcement motivation, the preventive motivation, and the welfare motivation in a loosely defined and permissive setting. The problem can of course only be met by:

- a. carefully structured uniform instructions to the police to help proper classification of contacts with juveniles;
- b. education to insure the policeman's understanding of his complicated role in the juvenile area.

It can be argued that both "statistics of juvenile delinquency" and "statistics of criminal code offenses committed by juveniles" have their justification and should be gathered. The use of both of these analytical tools may presently be justified by:

1. their basic usefulness for a more complete and more detailed analytical picture of the problem of juvenile delinquency.
2. the fact that in this country the issue of the interpretation of the problem of juvenile delinquency is by far not settled yet with two concepts, --the concept of criminal offenses committed by juveniles and the much broader specific concept of juvenile delinquency-- both currently in use.
3. the fact that any comparisons on an international scale require the above differentiation in view of the differing conceptions and policies adhered to by different countries.

Three more issues will be mentioned here very briefly and very generally.

The concept of criminal career records as distinct from agency criminal statistics --as I like to formulate this distinction-- which has been recently brought up frequently with regard to criminal statistics in general, should be pointed up. The need for including the juvenile record into the total criminal career record is

obvious. Yet also in this respect the juvenile field offers some additional difficulties.

1. The general aversion to the finger-printing of juveniles makes the identification of the individual more difficult. Hence, assembling of the career record around the fingerprints and the number of the offender is more difficult with regard to a juvenile.
2. The assembly of the more serious elements of a criminal career is more feasible. Juvenile delinquencies, as mostly minor offenses, are not as a rule handled as carefully. Usually it is the record of felonies or indictable offenses that is kept.
3. The policy of protecting the juvenile from a public record offers additional difficulties, especially in this country.

The difficulties in obtaining reliable and valid data on juvenile delinquency in its totality for the United States has recently lead to the exploration of sampling procedures as a substitute. As a matter of fact, the major current undertaking in the area of delinquency statistics, the Juvenile Court Statistics by the Children's Bureau, changed its earlier method to that of "estimates from a national sample", beginning with its 1956 report. It is obvious that not only the feasibility of obtaining the statistical data and the scope of the necessary effort, but also the purpose of the collection should be considered in determining the method. Estimates from samples provide only a general picture for the universe as a whole from which the samples are taken. The statistical picture of the delinquency problem for individual communities, to be used by these communities in the planning and execution of their preventive and control efforts and in making evaluations by comparison with other communities can be provided on a national scale only by appropriate statistics of the universe.

Finally a few words might be said about the currently rather frequently raised issue of national versus state and local programs for the collection of delinquency statistics and, in general, crime statistics. The major point of the current discussion is really the comparative effectiveness of the two procedures for the development of good statistics. Those who advocate concentrating the effort on state and local statistics emphasize as their advantages the better understanding of the true meaning of the data within the given legal, administrative and cultural conditions of the particular state, as well as the greater authority available for obtaining information from the local agencies. They visualize the national statistics, thereafter, as a simple summation of the data collected by the individual states. Those, on the other hand, who emphasize the initiative and activities of the national organizations and federal agencies, claim that the assumption of the development of statistics by the states begs the question, that the national-scale prompting is exactly what is needed to stimulate the states to develop the state statistical systems, and that only the national organization of a statistical system can assure the uniformity of statistical categories.