

A Policy Analysis for Decision Makers

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HOW STATE AND LOCAL OFFICIALS CAN COMBAT VIOLENT JUVENILE CRIME

INTRODUCTION

Congress is considering how to help state and local officials combat violent teenage crime. In the House of Representatives, the most prominent proposal is the Violent Youth Predator Act of 1996 (H.R. 3565), sponsored by Representative Bill McCollum (R-FL), Chairman of the House Judiciary Subcommittee on Crime. The McCollum bill would change the federal criminal justice system by mandating that juveniles who commit two types of federal crime—serious violent crimes or major drug trafficking offenses—will be tried as adults in federal courts; it also would impose mandatory minimum sentences on juveniles who use firearms in the commission of a federal crime. In the Senate, the Violent and Repeat Juvenile Offender Act of 1996 (S. 1854), sponsored originally by Senator Orrin Hatch (R-UT) and former Majority Leader Robert Dole (R-KS), would make similar improvements in federal law.

Both the Hatch and McCollum bills would give states financial assistance to help them combat juvenile crime. The McCollum bill would replace the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) with a new Office of Juvenile Crime Control. In addition to serving as a clearinghouse for information disseminated to state officials, this office would make \$500 million available to the states: \$250 million in the form of "incentive grants" to help the states adopt needed reforms—for example, tougher sanctions on juvenile criminals, mandatory restitution, and greater public availability of juvenile delinquency records—and another \$250 million in the form of block grants for the states to use as they think best in combating and preventing juvenile crime.

State and Local Responsibility. While Congress can assist local officials with block grants, however, taxpayers know that violent juvenile crime, like street crime in general, is primarily a state and local responsibility. And while the capacity of all government officials to cope with the broader cultural and social changes that appear to be driving in-

creased juvenile criminal behavior is limited, state and local officials still can take decisive steps to curb violent juvenile crime.¹ They can do this by using their police forces more effectively and by integrating innovative community police work with the efforts of community leaders and other agencies in the criminal justice system. This is happening already in such localities as New York City and Charleston, South Carolina. The McCollum bill would help the states by removing the federal mandates that prevent them from adopting many innovative solutions and by providing funds for effective new programs, including the Serious Habitual Offenders Comprehensive Action Program (SHOCAP).

SHOCAP is one of the most effective ways to attack the juvenile crime explosion. With sophisticated information technology, local officials can develop and share crime analysis and case management files on the most serious violent offenders in the community: serious habitual offenders. This pioneering effort to combine police work with emerging information technology, developed by a team of experts in the Justice Department during the Reagan Administration, combines the modern microelectronic revolution, sophisticated data collection and crime analysis, and community police work. Through computer analysis and effective local policing, it enables state and local law enforcement officials to identify, target, arrest, and incarcerate violent teenage criminals.

In order to institute SHOCAP, state and local officials should:

- **Establish** an interagency council chaired by the chief of police and comprised of the CEOs of SHOCAP component agencies—juvenile probation departments, prosecutors, juvenile judges, schools, social services, and public housing.
- **Create** or enhance crime analysis units within local police departments.
- **Enlist** the cooperation of state and local agencies in collecting and analyzing data, updating the case files of serious habitual offenders (SHOs), and establishing a strategy for dealing with this class of offenders.
- **Identify** serious habitual offenders. Approximately 6 percent of all juvenile offenders are responsible for up to 63 percent of violent juvenile crime.² The procedure used to identify and classify these offenders should be rigorous; it should include, for example, an examination of previous offenses, arrest and court records, and social and family histories. Responsible officials then should use the information developed through this process to create sophisticated, computerized case management files.
- **Share** these case management files with police officials, judges, prosecutors, state probation and parole agencies, and (as needed) schools and social service agencies.

1 For an excellent discussion of the range of options available to state and local officials, see Mary Kate Cary, "How States Can Fight Violent Crime: Two Dozen Steps to a Safer America," Heritage Foundation *State Background* No. 944/S, June 7, 1993. See also Hon. George Allen, "The Real War on Crime: States on the Front Lines," Heritage *Lecture* No. 497, August 10, 1994.

2 Research for the initial SHOCAP project during the Reagan Administration indicated that the percentage of juveniles responsible for the majority of violent crime may be as low as 2 percent. See Robert O. Heck, SHOCAP Project Manager, U.S. Department of Justice, Washington, D.C., unpublished reports. See also Paul E. Tracey, Marvin E. Wolfgang, and Robert M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990).

In addition, states should reform the juvenile justice system by enacting laws to try violent juvenile criminals as adults when necessary, and by passing truth-in-sentencing laws that apply to violent juvenile offenders tried as adults.

THE NEW FACE OF JUVENILE CRIME

Violent teenage criminals are increasingly vicious. John DiIulio, Professor of Politics and Public Affairs at Princeton University, says that “[t]he difference between the juvenile criminals of the 1950s and those of the 1970s and early 1980s was the difference between the Sharks and the Jets of *West Side Story* and the Bloods and the Crips. It is not inconceivable that the demographic surge of the next ten years will bring with it young criminals who make the Bloods and the Crips look tame.”³

According to the Council on Crime in America, a bipartisan commission chaired by former Attorney General Griffin Bell and former White House Drug Policy Director William J. Bennett, crimes committed by males ages 14 to 17 will increase by 23 percent between 1995 and 2005. Because of the deterioration of family life, and also because of their easy access to guns, these juveniles are likely to commit more vicious crimes than their predecessors, targeting strangers as well as known enemies.⁴ Louis Freeh, Director of the Federal Bureau of Investigation, believes that continuation of current trends in juvenile crime “portends future crime and violence at nearly unprecedented levels.”⁵ Recent reports of juvenile crime dropping are of little comfort in light of the coming demographic surge of juveniles in their crime-prone years from dysfunctional families.⁶

Growing numbers of young people, often from broken homes or so-called dysfunctional families, are committing murder, rape, robbery, kidnapping, and other violent acts. As John DiIulio and others argue, these emotionally damaged young people, growing up without faith, fathers, or families, often are the products of sexual or physical abuse. They live in an aimless and violent present; have no sense of the past and no hope for the future; and act, often ruthlessly, to gratify whatever urges or desires drive them at the moment. They commit unspeakably brutal crimes against other people, and their lack of remorse is shocking. They are what Professor DiIulio and others call urban “superpredators.” They are the ultimate urban nightmare, and their numbers are growing. The number of juveniles arrested for violent crimes has increased nearly 60 percent over the last ten years.⁷

- From 1985 to 1993, the number of murder cases involving 15-year-old juveniles increased 207 percent. Arrests of 18-year-old to 20-year-old males for murder over the same period increased 119 percent.⁸

3 The Bloods and Crips are notorious gangs in Los Angeles; see, for example, John J. DiIulio, Jr., cited in Council on Crime in America press release, January 5, 1996, p. 2. Professor DiIulio also has gone on record as supporting H.R. 3565; see John J. DiIulio, Jr., “How to Deal with the Youth Crime Wave,” *The Weekly Standard*, September 16, 1996, p. 30.

4 *Ibid.*

5 Quoted in Neal R. Pierce, “How Goes the Crime Rate—Why?,” *The Baltimore Sun*, January 15, 1996, p. A9.

6 See notes 9-11 and accompanying text.

7 Howard N. Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: A National Report*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, August 1995, p. 112.

Table 1

Males Arrested for Murder and Nonnegligent Manslaughter

	1985	1990	1991	1992	1993	Percent Change: 1985 and 1993
12 Years and Younger	0.1	0.1	0.2	0.1	0.1	0%
13 to 14 Years	4	8.8	9.6	8.1	10.5	162%
15 Years	11.8	31	37.4	29.8	36.2	207%
16 Years	22.4	56.5	57.7	59.3	66.4	197%
17 Years	34.5	72.4	76.1	77.7	84.8	146%
18 to 20 Years	41.8	73.5	89	91.9	91.3	119%

Note: Arrests per 100,000 males in each age group.

Source: U.S. Department of Justice, *Department of Justice Sourcebook*, p.404, Table 4.20.

- From 1988 to 1992, the number of juveniles involved in aggravated assaults increased 80 percent to 77,900; the number involved in robberies went up 52 percent to 32,900; and the number involved in rapes rose 27 percent to 5,400. Overall, juvenile court cases increased 26 percent.⁹ If trends of the past ten years continue, arrests of juveniles for violent crimes will double by the year 2010.¹⁰
- From 1989 to 1993, transfers of juveniles to adult court because of delinquency increased 41 percent to 11,800 cases; for crimes against persons, the number of transfers increased 115 percent to 5,000 cases.¹¹
- Of 1,471,200 juvenile court cases in 1992, personal offenses were up 56 percent to 301,000; property offenses were up 56 percent to 842,000; and public order offenses were up 21 percent to 255,900.¹²

Young Victims. Young people ages 12 to 17 are the most frequent victims of violent crime. They are raped, robbed, or assaulted at five times the rate of adults 35 years old or older. In 1992, one juvenile in 13 was the victim of violent crime—up 23 percent from 1987.¹³ Also in 1992, 23 percent of the victims of the 6.6 million violent crimes committed in the United States were juveniles; the juvenile victimization rate was 74.2 cases per 1,000 juveniles, compared to 13.9 cases per 1,000 adults 35 years old or older.¹⁴ Overall, the sad fact is that

8 *Ibid.*, p. 109.

9 J. Butts *et al.*, *Juvenile Court Statistics 1992*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1995.

10 Snyder and Sickmund, *Juvenile Offenders and Victims: A National Report*, p. 111.

11 J. Butts *et al.*, *Juvenile Court Statistics 1993*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, forthcoming 1996; cited in Howard N. Snyder, Melissa Sickmund, and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1996 Update on Violence*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, February 1996, p. 28.

12 Butts *et al.*, *Juvenile Court Statistics 1992*, 1995.

13 Associated Press, "Violence Hit 1 in 13 Youths in 1992," *The Washington Times*, July 18, 1994, p. A3.

14 *Ibid.*

Crime has seriously affected teenagers' lives, especially those who live in neighborhoods seriously hurt by crime, drugs and gangs. The effects are insidious and long-standing. Teenagers protect themselves by carrying weapons, skipping school, changing their routes to and from classes, changing friends or letting their grades slip. For many young Americans, the carefree days of adolescence are a nostalgic fantasy.¹⁵

Even more shocking than the sheer volume of violent juvenile crime is the brutality of the crime committed for trivial motives: a pair of sneakers, a jacket, a real or imagined insult, a momentary cheap thrill. For example:

- A 59-year-old man out on a morning stroll in Lake Tahoe was fatally shot four times by teenagers "looking for someone to scare." The police say the four teenagers—just 15 and 16 years old—were "thrill shooting."
- A 12-year-old and two other youths were charged with kidnapping a 57-year-old man and taking a joy ride in his Toyota. As the man pleaded for his life, the juveniles shot him to death.
- A 14-year-old boy was murdered while trying to reclaim a \$2,500 stereo system he had received from his grandfather. Five juveniles, ranging in age from 15 through 17 years, were charged with the crime.

Seasoned big-city homicide detectives have a hard time coming to grips with the horror of these kinds of cases: The crimes are senseless, the motives banal, and the perpetrators all so young. These shocking incidents—which occur in America's suburbs as well as its inner cities—are creating a growing consensus among the American people: They have had enough. Lenient sentencing based strictly on age is no longer acceptable for crimes of this magnitude.¹⁶

Loss of Public Confidence. Polls show that Americans are unhappy with the system as it is: 49 percent believe rehabilitation programs for juveniles are not successful, 52 percent believe the punishments juveniles receive should be the same as those given adults, and 83 percent think juveniles who commit two or more crimes should receive the same sentencing as adults.¹⁷ A 1995 Gallup poll found that 72 percent of Americans also advocate the death penalty for juveniles who commit murder, as opposed to 24 percent in 1957.¹⁸

Teenagers themselves take a hard stance on how their peers should be treated if they commit violent crimes. Over 93 percent believe that those accused of murder or rape should be tried as adults. Moreover, they do not believe these offenders should receive special consideration because of their age.¹⁹ This is consistent with broad public, judi-

15 Sara Engram, "Respect and a Challenge," *The Baltimore Sun*, January 14, 1996, p. E3.

16 Betti Jane Levine, "New Wave of Mayhem; Juveniles Are Increasingly Committing Violent Crimes—And Experts Don't Know Why or How Best to Stop Them," *Los Angeles Times*, September 6, 1995, p. E1.

17 David W. Moore, "Majority Advocate Death Penalty for Teenage Killers," *The Gallup Poll Monthly*, September 1994, p. 2.

18 *Ibid.*, p. 3.

19 George Gallup, Jr., and Alec Gallup, "Teens Say Youths Should Be Tried as Adults for Serious Crimes," *The Gallup Youth Survey*, March 8, 1995.

cial, and law enforcement sentiment, which generally has favored holding juveniles more accountable for their criminal actions in recent years.

The juvenile justice system that prevails in many states today does juvenile criminals no favors by being lenient. According to a 1985 Rand Corporation study, "[w]aiting for chronic offenders to build a record of many arrests and minor dispositions only compounds the problems that must be dealt with later."²⁰

WHY TODAY'S JUVENILE JUSTICE SYSTEM IS FAILING

Since 1899, when Illinois adopted the first Juvenile Court Act, America's juvenile courts have been unable to deal effectively with the violent juvenile criminal. Law enforcement officers and a growing number of private citizens realize that this continuing failure undermines the credibility of the whole juvenile justice system.

The ultimate price for this failure, of course, is paid by innocent citizens. For example, only hours after returning home from a special school program in Costa Rica, Cindy Del Carmen Villalba, an honor student at Rutgers University, was killed in a botched robbery attempt. Corie Miller, age 17, and two accomplices were charged in her death. Miller had been eluding police for about a week when the slaying occurred. He had fled a Paterson, New Jersey, "get-tough" rehabilitation program that was supposed to be a "last ditch effort to reform him." In the case of this habitual juvenile offender, it took the murder of a young, intelligent girl with a bright future to force the justice system to take a second look and finally adopt a tougher stance.²¹

Failure to Target Serious Habitual Offenders. In many states, the greatest single weakness of the effort to combat juvenile crime is a simple failure to target the most dangerous young offenders. This weakness arises from a reluctance on the part of juvenile justice officials to admit that there is a point at which a delinquent youth becomes such a threat to the community that he or she must be held accountable and incarcerated. Under the current system, the seriously violent juvenile can become invisible by being mixed in with the general population of non-violent and non-habitual juvenile offenders. Overwhelmingly, most urban young people who get arrested for a crime get arrested only once; seldom are they a serious or long-term threat to the safety of other citizens. Put another way, not all juvenile delinquents are alike, and very few are serious habitual offenders. The official failure to discriminate between minor offenders and hard-core criminal youth undermines the effectiveness of the entire system.

The most active juvenile delinquents also are the most dangerous. Often invisible to the officials who preside over the system, they are painfully visible to the victims they assault, rob, and kill. Official failure to develop credible control measures to suppress habitual juvenile offenders also sows the seeds of racial prejudice. With the rise of juvenile crime, an increasingly angry and insecure public tends to look upon all juveniles, particu-

²⁰ Rand Corporation, "One More Chance: The Pursuit of Promising Intervention Strategies for the Chronic Offender," May 1985.

²¹ David Glovin, Frederick Kunkle, and Seamus McGraw, "Suspects Have Extensive Records," *The Record*, July 18, 1995, p. A1.

