



# OJJDP FACT SHEET

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## Delinquency Cases in Juvenile Court, 2008

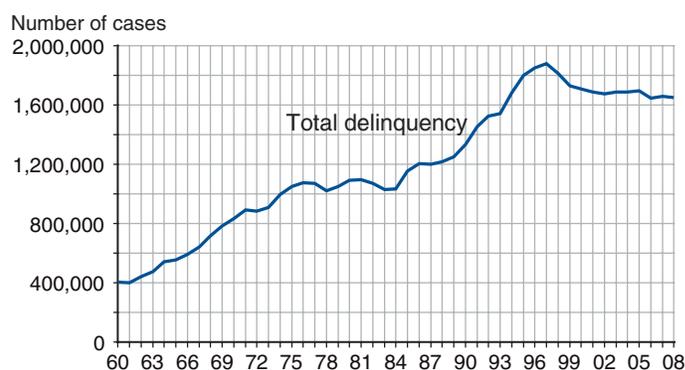
by Crystal Knoll and Melissa Sickmund

### Counts and trends

The number of delinquency cases handled in U.S. juvenile courts remained virtually unchanged from 2000 through 2008. It is estimated that juvenile courts handled nearly 1.7 million delinquency cases nationwide in 2008. During the two decades since 1985, however, the juvenile court caseload has been anything but static. From 1985 through 1997, the number of delinquency cases climbed steadily (63%) and, from 1997 through 2008, the delinquency caseload dropped 12%. Juvenile courts handled 44% more cases in 2008 than in 1985.

This overall pattern of increase followed by decline and then leveling is the result of the trends of various offense categories combined. Public order offense cases increased steadily from 1985 through 2008 (132%). Person offense cases increased through 1997 (128%) and then leveled off. Drug law violation cases were relatively flat from 1985 through 1993 (increasing 17%), rose sharply (up 111% from 1993 through 1997), and then leveled off through 2005 (down 5% from 1997 through 2008). Although these patterns differed, each showed generally increasing trends. In contrast, property offenses showed quite a different trend. Between 1985 and 1992, the number of property offense cases increased 26%. After 1992, the number of property offense cases declined steadily (down 30% from 1992 through 2008). Thus, property offenses were the one general offense category that showed an overall decline from 1985 through 2008 (down 12%).

The decline in juvenile court caseloads since the mid-1990s is the most substantial decline since 1960



### Gender

Although their numbers have increased, females remain a relatively small proportion of the delinquency caseload nationwide. Juvenile courts handled 449,700 cases involving females in 2008, more than twice the 1985 number. In comparison, the number of cases involving males in 2008 (1,203,700) was just 29% more than the 1985 number. As a result of these trends, the female proportion of the delinquency caseload has risen steadily, from 19% in 1985 to 27% in 2008.

### Delinquency data estimates

The 1985–2008 estimates are based on data from nearly 2,300 courts with jurisdiction over 82% of the nation's juvenile population (youth age 10 through the upper age of original juvenile court jurisdiction in each state). Each case represents the most serious offense of one youth processed by a court with juvenile jurisdiction on a new referral, regardless of the number of offenses contained in that referral. A youth may be involved in more than one case during the calendar year.

Most serious offense	Female proportion	
	1985	2008
Total delinquency	19%	27%
Person	20	29
Property	19	28
Drugs	17	18
Public order	22	28

Females accounted for a larger proportion of cases in 2008 than in 1985 for each of the four general offense categories. From

## Delinquency cases disposed by most serious offense, 2008

Most serious offense	Number of cases	Percent change		
		10 year	5 year	1 year
		1999–2008	2004–2008	2007–2008
<b>Total delinquency</b>	<b>1,653,300</b>	<b>-4%</b>	<b>-2%</b>	<b>0%</b>
<b>Person offenses</b>	<b>403,300</b>	<b>0</b>	<b>-3</b>	<b>-2</b>
Criminal homicide	1,400	-11	17	0
Forcible rape	4,400	18	6	4
Robbery	32,800	26	54	6
Aggravated assault	48,000	-11	-2	-3
Simple assault	270,200	0	-7	-2
Other violent sex offenses	14,500	14	-5	-1
Other person offenses	32,000	-15	-8	-4
<b>Property offenses</b>	<b>616,700</b>	<b>-15</b>	<b>-2</b>	<b>3</b>
Burglary	109,000	-12	4	3
Larceny-theft	281,300	-14	-3	8
Motor vehicle theft	23,200	-39	-32	-13
Arson	7,900	-12	-8	-2
Vandalism	105,500	0	6	-3
Trespassing	54,100	-10	3	-1
Stolen property offenses	17,700	-36	-11	-3
Other property offenses	18,000	-44	-17	-6
<b>Drug law violations</b>	<b>179,500</b>	<b>-2</b>	<b>-3</b>	<b>-2</b>
<b>Public order offenses</b>	<b>453,900</b>	<b>8</b>	<b>-1</b>	<b>-2</b>
Obstruction of justice	211,600	5	1	-1
Disorderly conduct	127,200	27	-3	-3
Weapons offenses	39,300	6	1	-4
Liquor law violations	24,400	27	-1	-5
Nonviolent sex offenses	11,900	-8	-13	3
Other public order offenses	39,500	-17	-2	-5

**Note:** Detail may not add to totals because of rounding. Percent change calculations are based on unrounded numbers.

1985 through 2008, female caseloads increased more than male caseloads for each of the four general offense categories. The person offense caseload for both genders increased greatly from 1985 through 2008; however, the relative increase was greater for cases involving females. Property offense cases involving females grew from 1985 through 2008, whereas the number of cases involving males declined. There was a sharp increase in drug offense cases involving males during the early 1990s, followed by a leveling off after 1997. However, for females, there was no leveling off, so their overall increase was relatively greater. For public order offense cases, both males and females saw large increases from 1985 through 2008—the caseload more than doubled for males and more than tripled for females.

### Percent change, 1985–2008

Most serious offense	Female	Male
Total delinquency	102%	29%
Person	228	93
Property	33	-22
Drugs	136	134
Public order	193	115

## Race

In 2008, white youth accounted for 78% of the U.S. juvenile population, black youth 16%, Asian youth (including Native Hawaiian and Other Pacific Islander) 5%, and American Indian youth (including Alaska Native) 1%. Sixty-three percent of delinquency cases handled in 2008 involved white youth, 34% black youth, 1% Asian youth, and 1% American Indian youth.

## Race profile of delinquency cases, 2008

Most serious offense	Total	American			
		White	Black	Indian	Asian
Total delinquency	100%	63%	34%	1%	1%
Person	100	56	41	1	1
Property	100	66	31	2	2
Drugs	100	73	24	2	1
Public order	100	62	36	1	1

Note: Detail may not add to totals because of rounding.

The racial disparity in delinquency cases varied across offense categories. White youth accounted for a larger proportion of drug offense cases (73%) than they did for any of the other three general offense categories. In contrast, white youth were involved in just 56% of person offense cases. Person offenses had the greatest proportion of cases involving black youth (41%). Asian and American Indian youth accounted for a very small proportion of cases across all offense categories.

A comparison of the rate at which cases involving different groups of youth proceed from one decision point to the next as they go through the court system shows the unique contributions that each decision point makes to the overall disparity in the system. The rate at which black youth were referred to juvenile court for a delinquency offense was almost 160% greater than the rate for white youth. The rate at which referred cases were petitioned for formal processing was 13% greater for black youth than for white youth. The rate at which petitioned cases were adjudicated was about 8% less for black youth than for white youth. The rate at which petitioned cases were waived to criminal court was 11% greater for black youth than for white youth. The rate at which youth in adjudicated cases were ordered to residential placement was 26% greater for black youth than for white youth, but the rate at which they were ordered to probation was 16% less for black youth than for white youth.

## Age

In 2008, juveniles younger than age 16 at the time of referral to court accounted for 53% of all delinquency cases handled. This age group accounted for 60% of person offense cases, 54% of property offense cases, 50% of public order offense cases, and 38% of drug law violation cases.

Person offense cases had the largest proportion (21%) of very young juveniles (younger than age 14 at referral), followed by property offense cases (17%). There were smaller proportions of cases involving juveniles younger than age 14 among public order offense (14%) and drug offense (7%) cases.

## Detention

A juvenile may be placed in secure detention at various times during case processing. Detention is primarily used for temporary holding while youth await adjudication, disposition, or placement elsewhere. Many states allow youth to be detained if there is reason to believe they are a threat to the community, will be at risk if returned to the community, or may fail to appear at an upcoming hearing. Intake staff may also detain juveniles for diagnostic evaluation purposes. All states require that a detention hearing be held within a few days (usually within 24 hours). At the detention hearing, the judge reviews the initial detention decision, considers what is in the best interest of the community and/or the youth,

and decides whether to continue the youth's detention. In most states, detention can also be used for sanctioning purposes—juveniles may be committed to a detention facility as part of a disposition order or as a sanction for probation violation. Actual detention practices vary substantially across jurisdictions. These court data count the number of cases that involve detention of the juvenile at some point between referral to court and case disposition. A youth may be detained and released more than once between referral to court and case disposition. In most delinquency cases, the juvenile is not detained (79% in 2008).

The likelihood of detention varies by general offense category. In 2008, person offense cases were the most likely to involve detention (27%), followed by public order offense cases (23%). In comparison, juveniles were less likely to be detained in drug offense cases (18%) and property offense cases (17%).

The number of delinquency cases involving detention did not decline immediately or dramatically when the delinquency caseload declined after 1997. Between 1997 and 2008, the number of delinquency cases in which the juvenile was detained decreased by 5%. The 1985–2008 growth in detained cases was about the same as the growth in the overall delinquency caseload (41% increase in detained cases vs. 43% increase in delinquency cases).

### Intake decision

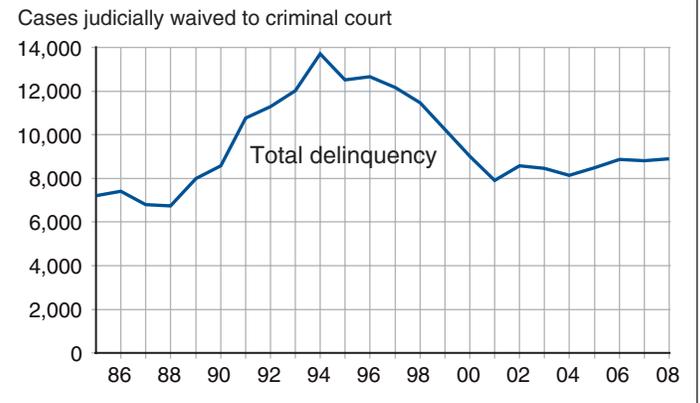
The juvenile court intake function is typically the responsibility of the juvenile probation department or the prosecutor's office. At intake, authorities decide whether to dismiss the case, handle it informally (without filing a petition), or handle it formally by filing a petition requesting an adjudicatory or waiver hearing. In 2008, 305,600 cases (18% of all delinquency cases) were dismissed at intake, generally for lack of legal sufficiency. An additional 25% (423,400) were handled informally, with the juvenile agreeing to some sort of voluntary sanction (e.g., restitution). In more than half of all delinquency cases (56% or 924,400), authorities filed a petition and the case was handled formally. The proportion of delinquency cases petitioned for formal handling rose from 46% in 1985 to 58% in the late 1990s and then declined slightly to 56% in 2008.

### Waiver to criminal court

In most states, juvenile court judges may waive juvenile court jurisdiction in certain cases and transfer jurisdiction to criminal court so the juvenile can be tried as an adult. The court decision in these matters follows a review of the case and a determination that there is probable cause to believe the juvenile committed the criminal act. The judge's decision generally centers on the issue of whether the juvenile is amenable to treatment in the juvenile justice system. The prosecutor may argue that the juvenile has been adjudicated several times previously and that interventions the juvenile court ordered have not prevented the youth from committing subsequent criminal acts. The prosecutor may also argue that the crime is so serious that the juvenile court cannot intervene for the time period necessary to rehabilitate the youth. (For more information, see *Delinquency Cases Waived to Criminal Court, 2008*, available online from [www.ojjdp.gov/ojstatbb/publications/StatBB.asp](http://www.ojjdp.gov/ojstatbb/publications/StatBB.asp)).

In 2008, juvenile court judges waived jurisdiction over an estimated 8,900 delinquency cases, sending them to criminal court. This represents 1% of all delinquency cases handled. The number

**In 2008, juvenile courts waived 35% fewer delinquency cases than in 1994 but 13% more than in 2001**



of cases waived was relatively flat from 1985 to 1988, rose sharply from 1988 to 1994 (93%) and then fell to the levels of the mid-1980s and remained there through 2008.

For many years, property offense cases accounted for the largest proportion of waived cases. However, since the mid-1990s, person offenses have outnumbered property offenses among waived cases. In 2008, half of waived cases involved person offenses.

### Offense profile of cases waived to criminal court

Most serious offense	Number of waived cases		Percent of waived cases	
	1985	2008	1985	2008
Total delinquency	7,200	8,900	100%	100%
Person	2,400	4,400	33	50
Property	3,800	2,500	53	29
Drugs	400	1,000	5	12
Public order	600	900	9	10

Note: Detail may not add to totals because of rounding.

### Adjudication and disposition

Adjudicatory hearings establish responsibility for an alleged delinquent act. When a juvenile is adjudicated (judged) delinquent, it is analogous to conviction in criminal court. In 2008, juveniles were adjudicated delinquent in 61% (563,900) of petitioned cases, a 69% increase from 1985. The court holds disposition hearings to decide what sanctions should be imposed on a juvenile who has been adjudicated delinquent and whether the juvenile should be placed under court supervision. Many cases result in multifaceted dispositions, and most involve some type of probation supervision. A probation order often includes additional requirements, such as drug counseling, restitution to the victim, or community service. In 2008, formal probation was the most severe disposition ordered in 57% of cases in which the juvenile was adjudicated delinquent, and 28% of cases were ordered to residential placement as the most severe disposition. A smaller proportion of cases received some other sanction as their most severe disposition. The proportion of adjudicated cases ordered to probation has fluctuated within a relatively narrow range over the years (55%–60% during the 1985–2008 time period). In comparison, the proportion of cases resulting in residential placement dropped from 31% in 1985 to 28% in 2008, and the proportion receiving other sanctions increased from 11% to 15% during that time.

