CHAPTER 2

DEFINING AND MEASURING OFFENSES BY AND AGAINST JUVENILES

CHAPTER LEARNING OBJECTIVES

On completion of this chapter, students should be able to

- Understand and discuss the importance of accurately defining and measuring delinquency
- Understand the impact of differences in definitions of delinquency
- Discuss legal and behavioral definitions of delinquency
- Discuss official and unofficial sources of data on delinquency and abuse and the problems associated with each

KEY TERMS

Legal definitions
Behavioral definitions
Age ambiguity
Uniform Crime Reports (UCRs)
National Incident-Based Reporting System
Offenses known to the police
Victim survey research
National Center for Juvenile Justice
Office of Juvenile Justice and Delinquency Prevention
National Center on Child Abuse and Neglect
National Children’s Advocacy Center
National Crime Victimization Survey
Unofficial sources of data
Self-report studies
Police observational studies
One of the major problems confronting those interested in learning more about offenses by and against juveniles involves defining the phenomena. Without specific definitions, accurate measurement is impossible, making development of programs to prevent and control delinquency and offenses against juveniles extremely difficult.

There are two major types of definitions associated with delinquency. **Strict legal definitions** hold that only those who have been officially labeled by the courts are offenders. **Behavioral definitions** hold that those whose behavior violates statutes applicable to them are offenders whether or not they are officially labeled. Each of these definitions has its own problems and implications for practitioners and leads to different conclusions about the nature and extent of offenses. For example, using the legal definition, a juvenile who committed a relatively serious offense but was not apprehended would not be classified as delinquent, whereas another juvenile who committed a less serious offense and was caught would be so classified.

## Legal Definitions

### Changing Definitions

A basic difficulty with legal definitions is that they differ from time to time and from place to place. An act that is delinquent at one time and in one place might not be delinquent at another time or in another place. For example, wearing gang colors or using gang signs may be a violation of city ordinances in some places but not in others. Or the law may change so that an act that was considered delinquent yesterday is not considered delinquent today. For example, the Illinois Juvenile Court Act of 1899 defined as delinquent any juvenile under the age of 16 years who violated a state law or city or village ordinance. By 1907, the definition of delinquency had changed considerably to include incorrigibility, knowingly associating with vicious or immoral companions, absenting oneself from the home without just cause, patronizing poolrooms, wandering about the streets at night, wandering in railroad yards, and engaging in indecent conduct. The current Illinois Juvenile Court Act ([Illinois Compiled Statutes](http://www.ilga.gov/Default.aspx?Deki=249&Major=1&Type=6&Top=2&Sub=2), ch. 705, art. 2, sec. 405, 2006) more closely resembles the 1899 version except that the maximum age for delinquency has been changed to 17 years and attempts to violate laws are also included. Legal definitions are limited in their applicability to a given time and place because of these inconsistencies. You will note as we proceed through the text that many of the examples provided are from the Illinois Juvenile Court Act ([ILCS](http://www.ilga.gov/Default.aspx?Deki=249&Major=1&Type=6&Top=2&Sub=2), ch. 705, 2006). There are several reasons for the use of these examples. First, Illinois has been and remains a national leader in the field of juvenile justice ([Fanton, 2006](#)). Second, because most of the authors teach and/or practice in Illinois, these are the statutes with which we are most familiar. Third, it is impossible to cite all of the statutes from the 50 states in the confines of the text. We strongly encourage you to access online the statutes of the state in which you reside to compare and contrast them with the sample statutes cited in the text.

### Age Ambiguity

Another problem with legal definitions has been the ambiguity reflected with respect to age ([age ambiguity](#)). What is the lower age limit for a juvenile to be considered delinquent? At what age are children entitled to the protection of the juvenile court? Although custom has
In 1899, Illinois established the nation’s first juvenile court. The court was created with the enlightened goal of providing individual attention to young people in trouble with the law. The Illinois system quickly became an international model.

But by the end of the 20th century, the line between Illinois’ juvenile justice and criminal justice systems was hopelessly blurred, reflecting a national trend. The 1990s marked the peak of the system’s breakdown. In reaction to the public’s fear of juvenile crime, harsher and more punitive measures for young offenders were enacted. As a result, a growing number of young people were tried as adults, and many were jailed in facilities with adult criminals.

Both inside and outside the system, there were limited resources available to help these young people repair their lives, such as treatment for mental illnesses or substance abuse. Consequently, recidivism among juvenile offenders increased during the 1990s, reducing educational and employment prospects and exacerbating already-troubling racial disparities in arrest and detention rates. In short, the system failed too many kids, and the prospects for reform were bleak.

In the past few years, however, real progress has been made in Illinois. The state is now reemerging as a national leader in juvenile justice reform. Through a combination of public and private efforts, Illinois is enacting policies and programs not only to protect public safety and hold young people accountable for their actions but also to provide for their rehabilitation.

Illinois is the only state in the nation to curtail the automatic transfer of young people arrested on drug offenses to the adult criminal system, giving greater discretion to judges in these cases. Illinois is a model for community-based alternatives to detention, such as night reporting centers and electronic monitoring.

These are all steps in the right direction. How they are implemented—and how adequately they are funded—will determine ultimate success or failure.

Illinois recognizes that its juvenile justice system must be fair and rational. Adolescents are simply not as developmentally mature as adults. Although adolescents should be held responsible for their actions, they should not be held accountable in the same way as adults.

The MacArthur Foundation recently selected Illinois as one of only four states nationwide to participate in our juvenile justice reform initiative, "Models for Change."

Over the next five years, the foundation will provide up to $7.5 million to government and nonprofit entities to build upon reform efforts already under way. We want to help create a model for change here that can be replicated elsewhere and to attract more resources, in Illinois and across the nation, for juvenile justice reform efforts.

In this second century of juvenile justice, Illinois is once again taking the lead in demanding justice, fairness, and accountability in the treatment of young people in trouble with the law. We have great faith that through these efforts, Illinois will reclaim its role as a model for change around the nation.

established a lower limit for petitions of delinquency at roughly 7 years of age, some states set the limit higher. For example, the youngest age for juvenile court jurisdiction for delinquency in several states is 10 years or under (Office of Juvenile Justice and Delinquency Prevention, 2006, p. 103). Our thinking with respect to the minimum age at which children should be afforded court protection changed with the emergence of crack cocaine and methamphetamines, both of which may have serious prenatal effects (Wells, 2006). According to Illinois statutes, for example, any infant whose blood, urine, or meconium contains any amount of a controlled substance is defined as neglected (ILCS, ch. 705, art. 2, sec. 405, 2006).

There is also considerable diversity with respect to the upper age limit in delinquency cases. As of 2002, 35 states defined juveniles as those who had not yet reached their 18th birthday, 2 states set the upper age limit as the 17th birthday, 10 states set the upper age limit as the 16th birthday, and 3 states set the upper age limit as the 15th birthday (Mitchell & Kropf, 2002). Some states set higher upper age limits for juveniles who are abused, neglected, dependent, or in need of intervention than for delinquents in an attempt to provide protection for juveniles who are still minors even though they are no longer subject to findings of delinquency. And in most states, juvenile court authority over a juvenile may extend beyond the upper age of original jurisdiction (frequently to the age of 21 years).

An example of the confusion resulting from all of these considerations is the Illinois Juvenile Court Act (ILCS, ch. 705, 2006). This act establishes no lower age limit, establishes the 17th birthday as the upper limit at which an adjudication of delinquency may be made, makes it possible to automatically transfer juveniles over the age of 15 years to adult court for certain types of violent offenses, and sets the 18th birthday as the upper age limit for findings of abuse, dependency, neglect, and minors requiring intervention. Adding to the confusion is the distinction made in the Illinois Juvenile Court Act between minors (those under 21 years of age) and adults (those 21 years of age and over). This raises questions about the status of persons over the age of 18 but under 21 years. For example, a 19-year-old in Illinois is still a minor (although he or she may vote) but cannot be found delinquent, dependent, neglected, abused, or in need of intervention. Such ambiguities with respect to age make comparisons across jurisdictions difficult.

Inaccurate Images of Offenders and Victims

Yet another difficulty with legal definitions is that they may lead to a highly unrealistic picture of the nature and extent of delinquency, abuse,
neglect, and dependency. Because these definitions depend on official adjudication, they lead us to concentrate on only a small portion of those actually involved as offenders and victims.

Similar problems arise when considering abuse and neglect because only a small portion of such cases are reported and result in official adjudication. In short, most juvenile offenders and victims never come to the attention of the juvenile court, and a strict legal definition is of little value if we are interested in the actual size of offender and victim populations. It may well be, for example, that females are more involved in delinquent activities than official statistics would lead us to believe. It may be that they are not as likely to be arrested by the police as their male counterparts. Not infrequently, we have seen police officers search male gang members for drugs and/or weapons while failing to search females who are with the gang members. It does not take long for the males involved to decide who should carry drugs and weapons. Similarly, blacks and other minority group members may be overrepresented in official statistics simply because they live in high-crime areas that are heavily policed and, therefore, are more likely to be arrested than those living in less heavily policed areas. For example, in 2004, blacks represented roughly 16% of the overall juvenile population, but as Chart 2.1 indicates, 46% of juvenile arrests for violent crime and 28% of property crime arrests involved black juveniles.

### Chart 2.1  Black Proportions of Juvenile Arrests in 2004

<table>
<thead>
<tr>
<th>Most Serious Offense</th>
<th>Black Proportion of Juvenile Arrests in 2004 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/nonnegligent manslaughter</td>
<td>50</td>
</tr>
<tr>
<td>Forcible rape</td>
<td>34</td>
</tr>
<tr>
<td>Robbery</td>
<td>63</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>39</td>
</tr>
<tr>
<td>Burglary</td>
<td>27</td>
</tr>
<tr>
<td>Larceny theft</td>
<td>27</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>40</td>
</tr>
<tr>
<td>Weapons</td>
<td>33</td>
</tr>
<tr>
<td>Drug abuse violations</td>
<td>27</td>
</tr>
<tr>
<td>Curfew and loitering</td>
<td>32</td>
</tr>
<tr>
<td>Runaway</td>
<td>21</td>
</tr>
</tbody>
</table>


A final difficulty with legal definitions also characterizes behavioral definitions and results from the broad scope of behaviors potentially included. Does striking a child on the buttocks with an open hand constitute child abuse? What does the phrase “beyond the control of parents” mean? How is “incorrigible” to be defined? What does a “minor requiring authoritative
intervention” look like? Although all of these questions may be answered by referring to definitions contained in state statutes, in practice they are certainly open to interpretation by parents, practitioners, and juveniles themselves. The broader the interpretation, the greater the number of victims and offenders.

**Behavioral Definitions**

In contrast to legal definitions, behavioral definitions focus on juveniles who offend or are victimized even if they are not officially adjudicated. Using a behavioral definition, a juvenile who shoplifts but is not apprehended is still considered delinquent, whereas that juvenile would not be considered delinquent using a legal definition. The same is true of a child who is abused but not officially labeled as abused. If we concentrate on juveniles who are officially labeled, we get a far different picture from that if we include all of those who offend or are victimized. Estimates of the extent of delinquency and abuse based on a legal definition are far lower than those based on a behavioral definition. In addition, the nature of delinquency and abuse appears to be different depending on the definition employed.

We might assume, for example, that the more serious the case, the greater the likelihood of official labeling. If this assumption is correct, relying on official statistics would lead us to believe that the proportion of serious offenses by and against juveniles is much higher than it actually is (using the behavioral definition). Finally, relying on legal definitions (and the official statistics based on such definitions) would lead us to overestimate the proportion of lower-social-class children involved in delinquency and abuse. The reasons for this overestimation are discussed later in this chapter.
In general, we prefer a behavioral definition because it provides a more realistic picture of the extent and nature of offenders and victims. It may be applied across time and jurisdictions because it is broad enough to encompass the age and behavioral categories of different jurisdictions and statutes. In addition, the broader perspective provided may help in the development of more realistic programs for preventing or controlling delinquency. In spite of its advantages, however, there is one major difficulty with the behavioral definition. Because it includes many juveniles who do not become part of official statistics, we need to rely on unofficial, and sometimes questionable, methods of assessing the extent and nature of unofficial or “hidden” delinquency and abuse.

**Official Statistics: Sources and Problems**

**Official Delinquency Statistics**

What do current official statistics on delinquency and abuse indicate? Despite growth in the juvenile population over the past decade, crime and violence by juveniles have declined. For example, the arrest total for juveniles in 2004 decreased 1.7% from that in 2003. Over the same 2-year period, arrests of juveniles for violent crimes declined 1.0% and for property crimes dropped 2.9% (Federal Bureau of Investigation [FBI], 2005). In fact, children are at a much greater risk of being the victims of violent crime than of being the perpetrators of violent crime, with an estimated 803,000 being victims of child abuse and neglect in 2003, a rate of 12.4 maltreatment victims for every 1,000 children in the United States. This is a 5.0% increase in the number of children investigated or assessed, and a 1.1% increase in the number of substantiated child victims, compared with 2002 figures (U.S. Department of Health and Human Services, 2005). Some 2,827 children and teens died as a result of gun violence in 2003 (Children’s Defense Fund, 2007).

The number of black and Hispanic juveniles in custody remains high, with black juveniles making up 38% of those in residential placement and Hispanic juveniles accounting for 19%. From 1997 to 2003, the minority population of juvenile offenders in custody increased for females (51% to 55%) and decreased for males (64% to 62%). From 1991 to 2003, the number of juvenile female offenders in custody increased 52% (Office of Juvenile Justice and Delinquency Prevention, 2006). Where do such varied statistics come from, and how accurate are they likely to be?

Official statistics on delinquency are currently available at the national level in *Crime in the United States*, published annually by the FBI based on Uniform Crime Reports (UCRs). Since 1964, these reports have contained information on arrests of persons under 18 years of age. In addition, since 1974, the reports have included information on police dispositions of juvenile offenders taken into custody as well as urban, suburban, and rural arrest rates. For the year 2004, the FBI claimed that UCRs covered roughly 94% of the total national population, with the most complete reporting from urban areas and the least complete reporting from rural areas (FBI, 2005, p. 1). Although the FBI statistics are the most comprehensive official statistics available, they are not totally accurate for several reasons.

First, because UCRs are based on reports from law enforcement agencies throughout the nation, errors in reporting made by each separate agency become part of national statistics. Sources of error include mistakes in calculating percentages and in placing offenders in appropriate categories. Statistics reported to the FBI are based on “offenses cleared by arrest” and,
therefore, say nothing about whether the offenders were actually adjudicated delinquent for
the offenses in question.

Assuming that more serious offenses are more likely to lead to arrests (however defined)
than are less serious and more typically juvenile offenses, arrest statistics would show a dispro-
portionate number of serious juvenile offenses. These types of cases actually account for only a
very small proportion of all delinquent acts. Black and Reiss (1970) found that in urban areas,
only about 5% of police encounters with juveniles involved alleged felonies. Lundman, Sykes,
and Clark (1978) replicated the Black and Reiss study and also found a 5% felony rate, noting
that only approximately 15% of all police–juvenile encounters result in arrests, leaving 85% of
these encounters that cannot become a part of official police statistics. Empey, Stafford, and Hay
(1999) concluded, “We have seen that the police traditionally have been inclined to avoid arrest-
ing juveniles. Because they have been granted considerable discretion, however, the police
continue to counsel and release many of those whom they have arrested, albeit less frequently
than in the past” (p. 331).

There are a variety of other difficulties with UCR data. If one wants to know the number
of juveniles arrested for specific serious offenses during a given period of time in specific types
of locations, UCR data are useful. But if one wants to know something about the actual extent
and distribution of delinquency, or about police handling of juveniles involved in less serious
offenses, UCR data are of little value because “many juveniles who commit crimes (even seri-
ous crimes) never enter the juvenile justice system. Consequently, developing a portrait of
juvenile law-violating behavior from official records gives only a partial picture” (Office of
Juvenile Justice and Delinquency Prevention, 2006).

In an attempt to combat some of the reporting problems found in UCR data, since 1987
the FBI has been implementing an incident-based reporting system, a modification of the orig-
inal UCR reporting system, throughout the United States. As of 2003, 23 states and some 5,200
agencies had been certified through the new system, and a number of other states were work-
ing toward certification or developing the system (Bureau of Justice Statistics, 2005b). The new
system, called the National Incident-Based Reporting System (NIBRS), was developed to col-
lect information on each crime occurrence. Under this reporting system, policing agencies
report data on offenses known to the police (offenses reported to or observed by the police)
instead of only those offenses cleared by arrest, as was done in the original UCR crime report-
ing process. Of all official statistics, offenses known to the police probably provide the most
complete picture of the extent and nature of illegal activity, although there is considerable evi-
dence from victim survey research (discussed later in this chapter) that even these statistics
include information on fewer than 50% of the offenses actually committed (Hart & Rennison,
2003, p. 1). Criminal justice agencies are also allowed to customize the NIBRS to meet agency
statistical needs while still meeting the requirements of the UCRs without biasing the data. In
addition, crimes that were not discussed in UCRs originally are included in the new reporting
system, including terrorism, white-collar crime, children missing due to criminal behaviors,
hate crimes, juvenile gang crimes, parental kidnapping, child and adult pornography, driving
under the influence, and alcohol-related offenses.

Data at the national level are also available from the National Center for Juvenile Justice,
which collects and publishes information on the number of delinquency, neglect, and depend-
dency cases processed by juvenile courts nationwide. In addition, the Office of Juvenile Justice
and Delinquency Prevention in the U.S. Department of Justice maintains and publishes
statistics on juveniles. Unfortunately, much of the information available from these two agencies is out of date by the time it is published (2- to 4-year time lags are not uncommon).

There are a variety of sources of official statistics available at local, county, and state levels as well. Many social service agencies, such as police departments, children and family services departments, and juvenile and adult court systems, maintain statistics on cases in which they are involved. These statistics are often focused on agency needs and are used to secure funding from local or private sources, the county, the state, and/or the federal government. The statistics may also be used to justify to the community or the media certain dispositions employed by the agencies and to alert the community to specific needs of the agencies.

**Official Statistics on Abuse and Neglect**

Official statistics on abused and neglected children are available from a number of sources but are probably even more inaccurate than other crime statistics because of underreporting, as In Practice 2.2 indicates. Part II of the UCRs contains data on “offenses against family and children.” The National Center on Child Abuse and Neglect, the National Children’s Advocacy Center, and the National Resource Center on Child Sexual Abuse (all under the auspices of the U.S. Department of Health and Human Services, the American Humane Association, and the National Committee for the Prevention of Cruelty to Children), as well as the Office of Juvenile Justice and Delinquency Prevention, publish data on abuse and neglect of children. Data are also kept and periodically published by departments of children and family services of each state. Of the 50,000 cases of child maltreatment referred weekly, roughly 18% are substantiated (Office of Juvenile Justice and Delinquency Prevention, 2006). This does not mean that all cases of maltreatment are reported (in fact, according to the Office of Juvenile Justice and Delinquency Prevention, because parents are the perpetrators of maltreatment in approximately 80% of substantiated cases, and because most substantiated maltreatment occurs in private settings, it is likely that the majority of such cases are not reported) or that the 82% that are not substantiated do not involve maltreatment (they simply cannot be substantiated at the time).

**The National Crime Victimization Survey**

The U.S. Department of Justice (Bureau of Justice Statistics) and the U.S. Bureau of the Census annually provide us with official data on crime from the perspective of victims. The National Crime Victimization Survey (NCVS) involves interviews every 6 months with roughly 135,000 individuals in more than 75,000 households. These interviews allow us to estimate the amount of crime and the likelihood of victimization and to gain information about the characteristics of victims and their perceptions of offenders. When the data collected by the NCVS are compared with the data from the UCRs, we can make some rough estimates of the extent to which certain types of crime occur but are not reported. In general, these surveys indicate that fewer than half of the crimes occurring are reported to the police (Hart & Rennison, 2003, p. 1). As noted in Table 2.1, the reasons for not reporting are diverse.

In addition to the NCVS, the Bureau of Justice Statistics has worked with the Office of Community Oriented Policing Services (COPS) to develop a statistical software program measuring victimization and citizen attitudes on crime. Local policing municipalities participating in community policing programs use the software program in conjunction with telephone

*(Text continues on page 30)*
One doctor suspected child abuse when he examined 10-month-old Chance Chilton, whose head was so swollen that one of his tiny ears was nearly obscured.

A second doctor didn’t see results of a medical exam that likely would have triggered concerns of abuse and rebuffed requests from Chance’s family to look into the possibility his head injury was the result of abuse. And a child protection caseworker who visited the boy’s home could not confirm allegations of abuse “as long as doctors had no concern.”

After the series of missed opportunities, Chance was returned to his mother’s home, where her boyfriend beat him to death less than a month later.

Now the boy’s father, Riley L. Chilton, is suing three doctors and Methodist Hospital in Marion Superior Court. He alleges they did not adequately investigate the family’s concerns and failed to photograph the injury or report the suspected abuse to police or child protection officials as required under Indiana law.

Chilton filed the lawsuit after reviews of the case were completed by state and other agencies. A malpractice medical review panel completed its review last week. The outcome of the review has not been made public.

The doctors named in the suit are Gary D. Thompson, Michael S. Turner, and Mary E. Wermuth. Their attorneys declined to comment on the case this week. A Methodist spokesman said the care received by Chance was “completely appropriate” based on information available at the time.

“People we trusted to help my grandson let him down,” said Chance’s grandmother, Pat Chilton of Indianapolis. “They could and should have reported that Chance was abused. And they didn’t.”

The lawsuit was filed as Gov. Mitch Daniels and the Department of Child Services, Prevent Child Abuse Indiana, and local volunteer groups like Champions for Children in Marion County are waging campaigns to promote awareness of the reporting law. The case offers a glimpse at the potentially tragic outcome when warning signs of abuse are missed or the law is ignored. That law requires anyone—including a medical professional—who suspects a child is being abused or neglected to file a report with police or child protection officials.

Failing to report suspicions about abuse and neglect is a common theme in the majority of child maltreatment deaths in Indiana, which has the country’s highest rate of abuse and neglect fatalities.

The doctors’ responses to a malpractice complaint and testimony at the criminal trial of John Beauchamp, who fatally battered Chance, paint a picture of communication breakdowns and a reluctance to report suspected abuse.

**Doctor Was “Concerned”**

Chance’s mother, Carolyn Tolbert, took the boy to the office of their family physician, Dr. Thompson, on Aug. 12, 1998. She said Chance had fallen from a crib and hit his head on a wooden box.

Thompson examined the boy and sent him to Methodist’s emergency room, where Wermuth also examined Chance. “I am very concerned about the possibility of abuse,” Thompson wrote in his exam notes.
Thompson contends he notified Methodist officials the case should be referred to the hospital’s social services staff but acknowledges he didn’t notify police or child protection officials.

Court records reveal conflicting accounts of what happened next.

Turner, the neurosurgeon who treated Chance at Methodist, contends Thompson never made him aware of his concerns about abuse.

Medical records show hospital social workers met with Tolbert and her live-in boyfriend Beauchamp. Those contacts focused on parenting and supervision skills.

"That was not a medical investigation," said Indianapolis attorney Michael J. Woody, who is representing Chance’s father in the lawsuit. "It had nothing to do with investigating child abuse."

At Methodist, a resident who saw Chance in the emergency room ordered a long-bone scan, a type of X-ray commonly used to check for signs of abuse. Results—which revealed a possible spinal injury—should have triggered concerns about abuse, several doctors testified. But Turner said he was not aware the exam had been ordered and did not see the results before releasing Chance on Aug. 14.

Turner determined that Tolbert’s explanation of Chance’s injuries sounded plausible.

When Pat Chilton begged Turner to reconsider, he reportedly declined. Turner finally gave the persistent grandmother a number to call and report abuse. "If you want to contact child protective services, you can call them yourself," Pat Chilton said the doctor told her.

In court filings, Turner said that the only indication he had of abuse was second-hand reports from Pat and Riley Chilton and that he had no responsibility to file a report with authorities based on what he knew.

Pat Chilton called the Johnson County Office of Family and Children, which sent a caseworker Aug. 15 to visit Tolbert and Beauchamp. The investigator could not confirm the allegations, noting "(abuse) would be unsubstantiated as long as doctors had no concern."

Less than a month later, Chance was back in a hospital emergency room with head and back injuries. Chance died Sept. 9, 1998, at Riley Hospital for Children. The coroner ruled the death a homicide by child abuse. Beauchamp pleaded guilty to battery and served about six years of a 20-year sentence. He is now out of prison.

**Abuse Often Unreported**

Dr. Antoinette Laskey, a forensic pediatrician and child abuse expert who heads the state’s Child Fatality Review Team, said she could not comment on specifics of the lawsuit or about the doctors involved in the case. But Laskey, who practices at Methodist and Riley, said too many instances of abuse go unreported in Indiana.

The fatality review team’s examination last year of 19 abuse and neglect deaths found they all could have been prevented if parents, caregivers, relatives, and medical professionals had acted on concerns they had about the children’s safety. In six of the cases, action on the part of medical providers could have prevented the deaths.

"It is essential that everyone involved in a child’s life needs to take responsibility, make a report, and let the system work."

surveys of local residents to collect data on crime victimization, attitudes toward the police, and other community issues. The results are used to identify which community programs are needed and where those programs should be located in the community.

Although victimization surveys would appear to be a better overall indicator of the extent and nature of crime, delinquency, and abuse, they also have their limitations. As is the case with all self-report measures (see the following section), there are serious questions about the accuracy and specificity of reports by victims. In addition, the surveys do not include interviews with children under the age of 12 years and do not include questions about all types of crime (the NCVS focuses primarily on violent offenses).

### Sources of Error in Official Statistics

Official statistics are collected at several different levels in the juvenile justice network, and each level includes possible sources of error. Table 2.2 indicates some sources of error that may

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### Table 2.1

Estimated Percentage Distributions of Reasons for Not Reporting Personal and Property Victimization to Police by Type of Crime, 2002

<table>
<thead>
<tr>
<th>Reasons for Not Reporting</th>
<th>Total (%)</th>
<th>Violent Crimes (%)</th>
<th>Property Crimes (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported to another official</td>
<td>17.0</td>
<td>17.1</td>
<td>9.7</td>
</tr>
<tr>
<td>Private or personal matter</td>
<td>21.2</td>
<td>21.7</td>
<td>5.2</td>
</tr>
<tr>
<td>Object recovered; offender unsuccessful</td>
<td>15.7</td>
<td>15.8</td>
<td>25.7</td>
</tr>
<tr>
<td>Not important enough</td>
<td>4.9</td>
<td>5.1</td>
<td>3.4</td>
</tr>
<tr>
<td>Too inconvenient or time-consuming</td>
<td>2.6</td>
<td>2.5</td>
<td>3.6</td>
</tr>
<tr>
<td>Fear of reprisal</td>
<td>4.5</td>
<td>4.6</td>
<td>0.7</td>
</tr>
<tr>
<td>Police inefficient, ineffective, or biased</td>
<td>3.0</td>
<td>3.0</td>
<td>3.3</td>
</tr>
<tr>
<td>Police would not want to be bothered</td>
<td>5.0</td>
<td>4.8</td>
<td>8.3</td>
</tr>
<tr>
<td>Lack of proof</td>
<td>3.8</td>
<td>3.1</td>
<td>11.8</td>
</tr>
<tr>
<td>Unable to recover property; no ID number</td>
<td>0.8</td>
<td>0.3</td>
<td>7.4</td>
</tr>
<tr>
<td>Not aware crime occurred until later</td>
<td>0.6</td>
<td>0.4</td>
<td>5.8</td>
</tr>
<tr>
<td>Insurance would not cover</td>
<td>0.1</td>
<td>0.1</td>
<td>2.4</td>
</tr>
<tr>
<td>Other reasons</td>
<td>20.9</td>
<td>21.3</td>
<td>12.7</td>
</tr>
</tbody>
</table>


**Note:** Percentages might not add to 100 because of rounding.

*(Text continued from page 27)*
Table 2.2 Some Sources of Error at Specified Levels in the Juvenile Justice System

<table>
<thead>
<tr>
<th>Data May Be Collected</th>
<th>Sources of Error in Official Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offenses known to the police</td>
<td>All offenses not detected</td>
</tr>
<tr>
<td></td>
<td>All offenses not reported to or recorded by the police</td>
</tr>
<tr>
<td>Offenses cleared by arrests</td>
<td>Errors from Level 1</td>
</tr>
<tr>
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<td>All reported offenses that do not lead to arrests</td>
</tr>
<tr>
<td>Offenses leading to prosecution</td>
<td>Errors from Levels 1 and 2</td>
</tr>
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<td>All offenses that result in arrests but do not lead to prosecution</td>
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<tr>
<td>Offenses leading to adjudication of delinquency</td>
<td>Errors from Levels 1, 2, and 3</td>
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<td>All offenses prosecuted that do not lead to adjudication of delinquency</td>
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<tr>
<td>Offenses leading to incarceration</td>
<td>Errors from Levels 1, 2, 3, and 4</td>
</tr>
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<td></td>
<td>All offenses leading to adjudication of delinquency but not to incarceration</td>
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daffect official statistics collected at various levels. Each official source has its uses, but generally the sources of error increase as we move up each level in the network.

There are two additional sources of error that may affect all official statistics. First, those who are least able to afford the luxury of private counsel and middle-class standards of living are probably overrepresented throughout all levels. Thus, official statistics might not represent actual differences in delinquency and abuse by social class but rather might represent the ability of middle- and upper-class members to avoid being labeled (for a more thorough discussion, see Empey & Stafford, 1991, pp. 315–317; Garrett & Short, 1975; Knudsen, 1992, p. 31). Second, it is important to remember that agencies collect and publish statistics for a variety of administrative purposes (e.g., to justify more personnel and more money). This does not mean that all or even most agencies deliberately manipulate statistics for their own purposes. All statistics are open to interpretation and may be presented in a variety of ways, depending on the intent of the presenters.

Unofficial Sources of Data

It is clear that relying on official statistics on delinquency and abuse is like looking at the tip of an iceberg; that is, a substantial proportion of these offenses remain hidden beneath the surface. Although it is certain that much delinquency and maltreatment is not reported to or recorded by officials (unofficial sources of data), there is no perfect method for determining just how many of these behaviors remain hidden.
Self-Report Studies

Recognizing that official statistics provide a “false dichotomy” between those who are officially labeled and those who are not, a number of researchers have focused on comparing the extent and nature of delinquency among institutionalized (labeled) delinquents and noninstitutionalized (nonlabeled) juveniles. Short and Nye (1958) used self-reports of delinquent behavior obtained by distributing questionnaires to both labeled and nonlabeled juveniles. These questionnaires called on respondents to indicate what types of delinquent acts they had committed and the frequency with which such acts had been committed. Short and Nye concluded that delinquency among noninstitutionalized juveniles is extensive and that there is little difference between the extent and nature of delinquent acts committed by noninstitutionalized juveniles and those committed by institutionalized juveniles. In addition, the researchers indicated that official statistics lead us to misbelieve that delinquency is largely a lower-class phenomenon given that few significant differences exist in the incidence of delinquency among upper-, middle-, and lower-class juveniles. Conclusions reached in similar self-report studies by Porterfield (1946), Akers (1964), Voss (1966), and Bynum and Thompson (1992, pp. 78–79) generally agree with those of Short and Nye (1958). Based on these self-report studies, it is apparent that the vast majority of delinquent acts never become a part of official statistics (Conklin, 1998, p. 67). This, of course, parallels information from victim survey research at the adult level.

More recent studies of self-reported delinquency have been conducted by Taylor, McGue, and Iacono (2000), Pagani, Boulerice, and Vitaro (1999), Williams and Dunlop (1999), and Farrington and colleagues (2003), indicating that the technique is still in use. Self-report studies, however, are subject to criticism on the basis that respondents may under- or overreport delinquency or abuse as a result of either poor recall or deliberate deception. To some extent, this criticism applies to victimization surveys as well even though victims are not asked to incriminate themselves. Mistakes in recalling the date of an incident, the exact nature of the incident, or the characteristics of the parties involved may occur. Or for reasons of their own, victims may choose not to report particular incidents. NCVS interviewers attempt to minimize these problems by asking only about crimes during the prior 6 months and by avoiding questions requiring personal admissions of offenses, but there are still no guarantees of accuracy, and this is certainly the case when asking juveniles to report their own crimes or abuse. Hindelang, Hirschi, and Weis (1981, p. 22), for example, contended that illegal behaviors of seriously delinquent juveniles are underestimated in self-report studies because such juveniles are less likely to answer questions truthfully. Farrington and colleagues (2003), for example, concluded that criminal career research based on self-reports sometimes yields different conclusions compared with research based on official records.

Some researchers have included “trap questions” to detect these deceptions. In 1966, Clark and Tifft used follow-up interviews and a polygraph to assess the accuracy of self-report inventories. They administered a 35-item self-report questionnaire to a group of 45 male college students. The respondents were to report the frequency of each delinquent behavior they had engaged in since entering high school. At a later date, each respondent was asked to reexamine his questionnaire, and to correct any mistakes, after being told he would be asked to take a polygraph test to determine the accuracy of his responses. Clark and Tifft (1966) found that all respondents made corrections on their original questionnaires (58% at the first opportunity and 42% during the polygraph examination). Three fourths of all changes increased the frequency of admitted deviancy, all respondents underreported the frequency of their misconduct.
on at least one item, and 50% overreported on at least one item. With respect to self-reported
delinquency, Clark and Tifft concluded that “those items most frequently used on delinquency
scales were found to be rather inaccurate” (p. 523).

There are ways of attempting to improve the accuracy of self-reports. In a study of con-
victed child molesters, official records concerning the sexually abusive activity of the inmates
could be compared with their self-reports of behavior. In some cases, it was also possible to
confirm through official records the inmates’ claims that they themselves had been abused as
children (Rinehart, 1991). Without some corroboration, however, the use of self-reports to
determine the extent and nature of either delinquency or child abuse is, at best, risky. Still, self-
report studies based on either community or school samples have increased in number during
recent decades. Empey and colleagues (1999) concluded, “In short, self-report surveys, like
other ways of estimating delinquent behavior, have their limitations. Nonetheless, they are
probably the single most accurate source of information on the actual illegal acts of young
people” (p. 87). As noted earlier, self-reports of delinquency are more comprehensive than offi-
cial reports because the former include behaviors not reported, or not otherwise known, to the
authorities. At least some research indicates that juveniles are willing to report accurate infor-
mation about their delinquent acts (Farrington, Loeber, Stouthamer-Loeber, Van Kammen, &
Schmidt, 1996). Based on a review of self-reported delinquency studies, Espiritu, Huizinga,
Crawford, and Loeber (2001) found that the vast majority of juveniles age 12 years or under
reported involvement in some form of aggression or violence, but only roughly 5% reported
being involved in violence serious enough to be considered a delinquent/criminal offense.
Furthermore, the authors noted that self-report rates for major forms of delinquency were
nearly the same in 1976 and 1998.

▲ What role do drugs play in delinquency?
Police Observation Studies

Another method for determining the extent and nature of offenses by and against juveniles is observation of police encounters related to juveniles (police observation studies). Several studies over the years have found that most delinquent acts, even when they become known to the police, do not lead to official action and, thus, do not become a part of official statistics (Black & Reiss, 1970; Piliavin & Briar, 1964; Terry, 1967; Werthman & Piliavin, 1967). These studies indicate that 70% to 85% of encounters between police and juveniles do not lead to arrests and inclusion in official delinquency statistics. The reasons given by the police for dealing informally with juvenile offenders are both numerous and critical to a complete understanding of the juvenile justice network. These reasons are discussed in some detail in Chapter 7. The point is that the number of juveniles who commit delinquent acts but do not become part of official statistics seems to be considerably larger than the number of juveniles who do become part of official statistics. Relying only on official statistics to estimate the extent and nature of delinquency, thus, can be very misleading. Morash (1984) concluded,

Youths of certain racial groups and in gang-like peer groups were more often investigated and arrested than other youths. Evidence of the independent influence of subject’s race and gang-likeness of peers was not provided by the multivariate analysis, however. Thus, there is some question about whether race and gang qualities have an independent influence on police actions, or whether they are related to police actions because they are correlated with other explanatory variables. The multivariate analysis did provide evidence that the police are prone to arrest males who break the law with peers and who have delinquent peers. Alternatively, they are prone not to investigate females in all-female groups. These tendencies cannot be attributed to the delinquency of the youths or to correlations with other independent variables. There is, then, a convincing demonstration of regular tendencies of the police to investigate and arrest males who have delinquent peers regardless of these youths’ involvement in delinquency. (pp. 108–109)

Furthermore, Frazier, Bishop, and Henretta (1992) found that black juveniles were more likely to receive harsher dispositions in areas where the proportion of whites was high, thereby introducing another possible source of bias (relative proportion of whites and blacks in the community) in police statistics. Engel, Sobol, and Worden (2000) found that police action was affected by state of intoxication when combined with displays of disrespect on the part of the suspect. Overall, however, they concluded, “It appears that police officers expect their authority to be observed equally by all suspects, and do not make distinctions based on race, sex, location, and the seriousness of the situation” (pp. 255–256).

Observation of police behavior with respect to abused children reflects a number of concerns. According to Peters (1991),

As a result of insufficient investigation and unsophisticated prosecution, some innocent people have been wrongly charged [in child abuse cases]. More frequently, however, valid cases have not been charged—or were dismissed or lost at trial—because evidence was overlooked. While the police are mandated to report suspected cases of child abuse, they are frequently faced with determining where discipline ends and abuse begins. (p. 22)
Chapter 2  Defining and Measuring Offenses

Bell and Bell (1991) found that the police often fail to take official action, preferring instead to handle incidents of domestic violence (involving child as well as adult victims) by referring the parties to another agency.

Career Opportunity—Chief Juvenile Probation Officer

Job Description: Supervise juvenile probation officers as they supervise probationers, conduct presentence investigations, and hold preliminary conferences. Coordinate with police, judges, and other juvenile justice practitioners. Supervise probationers if dictated by caseloads.

Employment Requirements: A master’s degree in social work, criminal justice, corrections, or a related field. Ten years of experience in juvenile justice, with at least 5 years of direct service and casework experience.

Beginning Salary: $30,000 to $50,000. Typically good retirement and benefits packages.

SUMMARY

Clearly, there are several potential problems arising from definitional difficulties. First, we need to keep in mind the fact that defining a juvenile as a delinquent is often interpreted as meaning a “young criminal.” Although some juveniles who commit serious offenses are certainly young criminals, it is important to note that others who commit acts that are offenses solely because of their age, or who are one-time offenders, may also be labeled as young criminals. Yet these offenses (e.g., underage drinking, illegal possession of alcohol, curfew violations) would not have been considered criminal if the juveniles had been adults.

Second, rehabilitation and treatment programs are almost certainly doomed to failure if they are based solely on information obtained from officially labeled abused children and delinquents. Recognition of the wide variety of motives and behaviors that may be involved is essential if such programs are to be successful, particularly with respect to prevention.

Third, labels (e.g., delinquent, abused child, minor requiring authoritative intervention) tell practitioners very little about any particular juvenile. All parties involved would benefit far more from focusing on the specific behaviors that led to the labels.

There is no doubt that a good deal more delinquency and abuse occur than are reported, although the exact amount is very difficult to determine. There are scores of delinquent acts and abused children never reported. Although it is tempting to divide the world into those who have committed delinquent acts and those who have not, or those who have been abuse victims and those who have not, this polarizes the categories and overlooks the fact that there are many in the official nondelinquent, nonabused category who actually are delinquent or abused.

It is easy to perceive those who are delinquent or abused as abnormal when, in fact, the only abnormal characteristic of many of these juveniles may be that they were detected and
labeled. In most other respects, except for extreme cases, these juveniles may differ little from their cohorts. With respect to delinquency at least, there are reasons to be both optimistic and pessimistic based on this view. If most juveniles engage in behavior similar to that which causes some to be labeled as delinquent, there is reason to believe there is no serious underlying pathology in most delinquents. Some types of delinquency occur as a “normal” part of adolescence. Activities such as underage drinking, curfew violation, and experimentation with sex and marijuana seem to be widespread among adolescents. Although these activities may be undesirable when engaged in by juveniles, they are not abnormal or atypical. Thus, reintegration or maintenance within the community should be facilitated.

Those viewing activities that are widespread among juveniles as atypical or abnormal are faced with essentially two choices. Either they can define the majority of juveniles as delinquent, thereby increasing official delinquency rates, or they can reevaluate the legal codes that make these activities violations and remove such behaviors from the category of delinquent. Clearly, many prefer to ignore the latter option and instead continue to polarize “good” and “bad” juveniles.

To some extent, the same argument holds for abused and neglected juveniles. Although those who are labeled are victims instead of perpetrators (as is the case with delinquents), in many cases they are not so terribly different from their peers either. If, as we suspect, the vast majority of abuse and neglect cases go unreported, many juveniles experience a lot of the same behaviors as do those labeled as abused or neglected. Thus the way we treat those who are labeled may be crucial in determining the extent of psychological damage done. If we recognize them as victims but also recognize that they are not abnormal, our efforts at reintegration and rehabilitation may be more effective.

Practitioners in the juvenile justice network, particularly juvenile court judges and those involved in prevention and corrections, may have an inaccurate image of delinquents and maltreated juveniles. Discussions with numerous practitioners at these levels indicate that many view the lower-social-class black male as the typical delinquent and the lower-social-class female as the typical victim of maltreatment. Some social science research perpetuates these mistaken impressions by focusing on labeled juveniles, but other research indicates that such juveniles are typical only of those who have been detected and labeled. Prevention programs and dispositional decisions based on erroneous beliefs about the nature and extent of delinquency and maltreatment can hardly be expected to produce positive results.

Both legal and behavioral definitions of delinquency and child maltreatment present problems. Legal definitions assess, more or less accurately, numbers and characteristics of juveniles who become officially labeled. However, use of legal definitions can be misleading with respect to the actual extent and nature of offenses by and against juveniles. Behavioral definitions assess the extent and nature of such activities more accurately but raise serious problems in the area of data collection. How do we identify those juveniles who commit delinquent acts or who are mistreated but not officially detected?

Official statistics reflect only the tip of the iceberg with respect to delinquency and mistreatment and are subject to errors in compilation and reporting. The use of self-report techniques, victim survey research, and police observational studies helps us to better assess the extent of unofficial or hidden delinquency, abuse, and neglect, although each of these methods has weaknesses. Success in preventing and correcting offenses by and against juveniles depends on understanding not only the differences but also the similarities between labeled and nonlabeled juveniles.
Critical Thinking Questions

1. What are the two major types of definitions of delinquency and child maltreatment? Discuss the strengths and weaknesses of each. How might legal definitions lead to mistaken impressions of delinquents and abused juveniles on behalf of juvenile court personnel?

2. What are the national sources of official statistics on delinquency? On child abuse? Discuss the limitations of these statistics.

3. What is the value of self-report studies? Of victim survey research? What are the weaknesses of these two types of data collection?

4. Compare and contrast the nature and extent of delinquency and child abuse as seen through official statistics on the one hand, and self-report, victim survey, and police observational studies on the other.

Suggested Readings


