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Antecedents and Consequences of Juvenile Case Processing

Where Are We Now, and Where Do We Go From Here?

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Philosophical and practical changes in the juvenile justice system are influenced by, and have implications for, timely and quality juvenile case processing. Drawing on juvenile case-processing literature published from the late 1970s until present, the antecedents and consequences of juvenile case processing are discussed in an effort to draw attention to possible causal relationships. The authors argue that juvenile case-processing efficiency is, perhaps, one of the more pivotal issues facing juvenile justice today, and further empirical studies and scholarly dialogue on this issue are needed. The current state of knowledge concerning systemic, intra-agency, and interagency barriers to timely and quality juvenile case processing serves as a springboard for suggestive approaches to examining juvenile case processing from a more rigorous, comprehensive, and holistic perspective.

Keywords: *case-processing delay; inefficient case processing; juvenile case processing; juvenile justice*

Since its conception in the late 1800s, the U.S. juvenile justice system has experienced significant changes in its orientation, procedures, organization, and overall mission. Within the past 40 years, the philosophy underlying juvenile justice has experienced a major shift from that of *parens patriae*, individualized justice, treatment, and rehabilitation to an increased emphasis on punishment, accountability, public safety, and victim and community reparation.

According to some, this contemporary juvenile justice system falters in its ability to provide juvenile offenders individualized service, attention, and justice, the very philosophical ideals that distinguish the juvenile system from the adult criminal justice system, and upon which the first juvenile courts in the United States were founded (Butts & Harrell, 1998). From this perspective, the juvenile court process is more formalized and standardized than ever before, and the system's hallmark of individualized justice has been threatened

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to extinction (National Council of Juvenile and Family Court Judges [NCJFCJ], 2005). Moreover, the advent of particular due-process rights afforded juveniles since the 1960s, coupled with legislation in the 1990s allowing for expanded juvenile transfer to adult court, seemingly have paved the way for the juvenile justice system's procedural convergence with the adult system. The injection of juvenile due-process rights into court policies and procedures, significant increases in the number of formally handled cases, and pressures that congested systems and high caseloads place on juvenile justice officials have all aided in shaping a juvenile justice system quite foreign to that of earlier eras.

In response to these system strains and nationwide concern about youth crime and violence during the past 15 years, significant attention has been given to juvenile case-processing timeliness and quality. The purpose of this article is to advance scholarly and practitioner knowledge of the antecedents (empirically substantiated causes) and consequences of inefficient juvenile case processing. A synopsis of the current state of empirical research on juvenile case processing is provided, gaps in the literature are identified, and suggestive lines of future empirical inquiry are offered.

The contemporary juvenile justice goals of accountability and balanced and restorative justice (BARJ), due process, and deterrence and rehabilitation are discussed first within the historical context of the juvenile court's evolution. A connection is made between these goals and the increased attention paid to juvenile case processing in recent years. Made explicit are the concepts of *efficient* and *inefficient case processing* and the underlying dimensions of timeliness and quality. A discussion of the potential consequences of inefficient juvenile case processing highlights the importance of examining its antecedents and serves as a backdrop for the synopsis of empirical research in this area. Specific attention is paid to systemic, intra-agency, and interagency barriers to timely and quality juvenile case processing.¹ In the end, the current state of empirical knowledge serves as a springboard for suggestive lines of future empirical inquiry.

Historical Context of the Contemporary Juvenile Court

The practices of the contemporary juvenile court are largely a product of the court's evolution. Indeed, the philosophical and practical distinctions between the juvenile and adult court systems have diminished over the past several decades (Butts, 2000; Butts & Halemba, 1996; Butts & Harrell, 1998). As early as the 1920s, the juvenile court was criticized for coddling youthful offenders, and it responded to this criticism by becoming increasingly punitive (Myers, 2005). By the 1950s and 1960s, critics argued that the juvenile justice system had become a de facto adult system, but without appropriate procedural safeguards.

Initially, the distinction between the juvenile and adult systems was maintained legally, as seen in the case of *In re Holmes* (1955). However, by the mid-1960s, there was widespread recognition that juvenile offenders were being abused and negatively stigmatized, with the added implication of deprivation of liberty. Thus, in a series of cases, the U.S. Supreme Court granted juveniles a number of procedural due-process rights.

First, in *Kent v. United States* (1966), the U.S. Supreme Court held that transferring juveniles to adult court is a critical stage for which a right to a hearing, with counsel, is required. The following year, in *In re Gault* (1967), the Supreme Court granted juveniles a

number of procedural safeguards at adjudicatory hearings, including advance notice of charges, legal representation, the right to confront and examine witnesses, and the privilege against self-incrimination. Soon after, through *In re Winship* (1970), the Court raised the standard of proof required for a determination of guilt in a delinquency proceeding from "preponderance of the evidence" to "beyond a reasonable doubt." Finally, in 1975, the Supreme Court applied the double jeopardy clause of the Fifth Amendment to juveniles, ruling that a decision to transfer a youth to adult court could not follow adjudication in juvenile court (*Breed v. Jones*, 1975).

Following the due-process revolution of the 1960s and 1970s, juvenile violent crime rates remained relatively stable for a 10-year period (Myers, 2005). What gradually changed, however, was the terminology used in the purpose clauses of juvenile codes across the United States. Purpose clauses explicitly espousing the child-welfare and rehabilitative philosophy of juvenile justice gradually became infused with accountability and punishment-oriented terminology and associated philosophies of justice (NCJFCJ, 2005).

From 1985 to 1994, juvenile violent crime rates, particularly homicide, increased dramatically (Myers, 2005; Zimring, 1998). Worsening social conditions combined with nationwide concern about youth violence fostered a moral panic. Fear of being victimized by juvenile "super predators" was perpetuated by a number of sources, including the media and various criminological scholars (Bazelon, 2000; Bennett, DiIulio, & Walters, 1996; DiIulio, 1995).

The juvenile violent crime surge was met with a number of policy responses. One of the most notable was the legislative enactment of juvenile justice reform laws (Torbet et al., 1996). Between 1992 and 1997, almost all states rewrote or expanded their laws concerning the criminal prosecution and sentencing of juveniles, and between 1998 and 2002, 31 states made further adjustments to their laws (Griffin, 2005). Four of the most prominent modifications included the expanded transfer of juveniles to adult court, diminished confidentiality restrictions, an increased prosecutorial role in juvenile court, and an increase in punishment-oriented sanctions (Feld, 1998; Forst & Blomquist, 1991; Mears, 2002; NCJFCJ, 2005; Scott & Grisso, 1998; Shine & Price, 1992). Victims were given a stronger voice in the processing of juvenile offenders, more extensive correctional programs and specialized prosecutorial and restitution programs were established, and judicial discretion declined with the increased standardization of sentencing according to offense- and offender-specific factors (Feld, 1998; Mears, 2002).

By the mid-1990s, this "get tough" approach to juvenile crime was associated with rising juvenile caseloads, juvenile court backlog, system congestion, and increasing juvenile detention and correctional facility populations (Sickmund, 2002; Snyder, 1998; Snyder & Sickmund, 1995; Stahl, 1999). It was at this time that serious concerns about juvenile case-processing time began to emerge. In contrast, in the mid-1980s, there was "essentially no literature on the delay of juvenile justice" (Mahoney, 1985, p. 37). Over the next decade, questions arose regarding the degree to which lengthy case-processing time compromises juvenile due-process rights (Butts, 1997c; Feld, 1993; Sarri et al., 2001). Also questioned was the impact that case-processing delay has on defense counsel advocacy and effective legal representation, along with the juvenile court's ability to successfully rehabilitate and deter offenders, thereby decreasing recidivism rates (Butts & Sanborn, 1999; Shine & Price, 1992).

These concerns prompted two major policy responses. The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Juvenile Accountability Incentive Block Grants (JAIBG) program, first introduced in 1998, was designed to encourage states to institute accountability-based reforms (Albert, 1998). States were allocated funding according to one or more purpose areas, such as hiring prosecutors to reduce court backlog, enhancing interagency information sharing, and increasing the efficacy of juvenile courts and probation in reducing recidivism (Andrews & Marble, 2003). The JAIBG program was renamed the Juvenile Accountability Block Grants (JABG) program in November 2002, and its purpose areas were expanded to 16 to include an explicit focus on graduated sanctions, BARJ, and risk and need assessment (OJJDP, 2005). As is evident in the purpose clauses of 17 state juvenile justice codes (Griffin, Szymanski, & King, 2006), the philosophies and mission statements of many state juvenile justice systems have been revised to reflect the BARJ philosophy of justice that the JABG program advocates. In fact, as of March 2005, only 3 states still embrace the child welfare philosophy that guided juvenile justice policy from the late 1800s to the mid-1900s.²

Although the expressed purpose of the JAIBG/JABG programs did not include reducing juvenile case-processing times, national research during the past 10 years has confirmed that lengthy juvenile case-processing time is, indeed, a problem (Butts, 1997a, 1997b; Butts & Halemba, 1996). This research also confirmed that the concerns first expressed in the mid-1980s concerning juvenile processing delay were not without warrant (Mahoney, 1985), and further efforts to reduce delay are necessary. Moreover, timely case processing should be maintained simultaneously ensuring that the quality of legal representation is not compromised and juveniles are provided the services and treatment they need (Puritz, Burrell, Schwartz, Soler, & Warboys, 1995; Puritz & Shang, 1998).

Contemporary Nature of Juvenile Case Processing

Today, court backlog and system congestion are still an issue, detention rates are relatively high compared to earlier eras, and the number of juveniles needing mental health and substance abuse services and treatment is growing (NCJFCJ, 2005; Snyder & Sickmund, 2006). Moreover, there is wide jurisdictional variation in court practices and decision making, along with lengthy case processing (NCJFCJ, 2005). In an effort to respond to and resolve many of these issues, increased attention has been paid to ways in which juvenile case-processing time may be reduced simultaneously enhancing the quality of case processing and the integrity of the system.

Case-Processing Time, Quality, and Efficiency

Case-processing time. Case-processing time, or the total number of days it takes for a case to reach one or more stages in the system (i.e., referral to adjudication; referral to disposition), is the most commonly used measure of the pace of case progress (Hewitt, Gallas, & Mahoney, 1990; Steelman, Goerdt, & McMillan, 2000). Some researchers prefer to examine case-processing time in terms of delay, or the total number of days that exceed

time limits set forth by professional standards (Butts & Halemba, 1996; Hewitt et al., 1990; Steelman et al., 2000).

Various professional standards promulgate what is considered timely processing by specifying the maximum number of days it should take a case to be processed from one major stage to another. The four most well-known time standards include those endorsed by the American Bar Association's National Conference of State Trial Judges (NCSTJ), the National District Attorneys Association (NDAA), the Institute of Judicial Administration-American Bar Association (IJA/ABA), and the National Advisory Committee (NAC) for Juvenile Justice and Delinquency Prevention. The NDAA's National Prosecution Standard 92.5 (previously Standard 19.2), the most liberal of the four time standards, recommends a maximum referral-to-disposition time limit of 60 days for detained youth, and 90 days for nondetained youth (NDAA, 1991). The other three standards endorse maximum referral to disposition time limits ranging between 30 and 33 days for detained juveniles, and 45 to 80 days for nondetained youth (Butts & Halemba, 1996; IJA/ABA, 1980; NCSTJ, 1985; OJJDP, 1980).

According to Dodge and Pankey's (2003) *Case Processing Time Standards in State Courts, 2002-03*, 23 states have adopted juvenile case-processing time standards to which adherence is either voluntary or mandatory. Since 2003, several other states, such as Pennsylvania (Pennsylvania Juvenile Court Judges Commission [PJJC], 2005), also have enacted legislation mandating adherence.

It is not clear how effective case-processing time standards are for reducing juvenile case-processing time. What is clear, though, is that a disjuncture exists between actual juvenile case-processing times and those prescribed by professional standards. In the mid-1990s, many juvenile courts across the United States processed cases at times in excess of 90 days, the most lenient maximum time limit set by professional standards (Butts, 1997a; Butts & Halemba, 1996).

Case-processing quality. While some scholars, practitioners, policy makers, and the public generally support the adage "justice delayed is justice denied" (see Rottman, 2000; Solomon & Somerlot, 1998), others insist that timeliness alone should not be equated with justice (Gallas, 1987). In some instances, case-processing delay is necessary, especially when cases are complex and involve extensive investigation (Butts & Halemba, 1996; Mahoney, 1985). Courts that aim to reduce all delay will consequently sacrifice quality, a fundamental component of justice, and the second dimension of case processing (Gallas, 1987; Ostrom & Hanson, 1999).

Overall, quality of juvenile case processing has received less attention in the literature than case-processing time. In fact, although increased attention has been paid to juvenile due-process rights over the past 40 years, the very essence of quality in the context of juvenile case processing has only recently been explicitly explored and addressed (Puritz et al., 1995).

Case-processing quality has several dimensions. According to Standard 3.3: Court Decisions and Actions of the *Trial Court Performance Standards (TCPS)* (Trial Court Performance Standards Commission, 1990), quality case processing involves doling sanctions proportionate to the "nature and magnitude of the case" and providing "individual attention to each case" (Ostrom & Hanson, 1999, p. 5). Ostrom and Hanson (1999) added to these characteristics the concept of *effective advocacy*, stating that this type of defense representation is

present in courts that are “well managed, adequately resourced, sufficiently adversarial, and home to competent counsel” (p. 5). Although the *TCPS* were specifically designed for use in criminal trial courts, the concepts of *equity*, *fairness*, and *individual case attention* are intrinsic to the criminal and juvenile justice systems. Not only is attention to each case synonymous with the juvenile justice system’s hallmark of individualized justice, but also the entire U.S. justice system is founded on the ideals of equity and fairness.

Case-processing efficiency. Case-processing efficiency is the use of “resources in their most productive fashion to produce the most of what a court system values” (Ostrom & Hanson, 1999, p. 6). Ostrom and Hanson did not explicitly define the marriage of case-processing timeliness and quality as case-processing efficiency. They did assume, however, that courts valuing and maintaining case-processing timeliness and quality are efficient courts in that the processing of cases from one stage to another is conducted in a timely manner. Thus, case-processing efficiency can be viewed as a conceptual synthesis of case-processing timeliness and quality, or the intersection where timeliness and quality meet (Ostrom & Hanson, 1999).

Efficient juvenile case processing involves processing cases through the juvenile justice system with some degree of speed simultaneously upholding the quality of justice. To be more specific, it involves processing juvenile cases within a time frame designated as “timely” (i.e., 30 days from referral to disposition); providing juvenile cases and offenders individual attention throughout the process; ensuring due-process rights have not been violated or compromised, and the alleged offender has access to and the opportunity to take advantage of dedicated, experienced, and “active” counsel; and dispensing sanctions that are proportionate to the nature and seriousness of the offense.

Efficient juvenile case processing should not be pursued as an end in itself. It should be employed as a means of achieving the juvenile justice system goals of individualized justice, BARJ, rehabilitation, and deterrence. The following discussion outlines how inefficient case processing may serve as a barrier to achieving these various system goals.

Consequences of Inefficient Juvenile Case Processing

The importance of studying the antecedents of juvenile case processing time and quality lies in the potential consequences that inefficient case processing has for achieving various juvenile justice goals. As one juvenile justice administrator stated, “Certainly as one cog in the juvenile justice system, juvenile courts should shoulder some of the responsibility for deterrence, rehabilitation, reintegration, incapacitation, and punishment” (Waint, 2002, p. 18). Although juvenile courts, officials, and attendant agencies have undoubtedly taken responsibility for achieving these ends, it is important to discuss how inefficient juvenile case processing may impede efforts to achieve these goals.

Little or no published research exists that examines the potential impact of lengthy case processing or the compromised quality of processing on offenders’ self-reported or official recidivism or on the juvenile justice system goals of BARJ, rehabilitation, or deterrence. For example, empirical research examining the impact of case-processing time (swiftness

