

# YOUTH CHARGED WITH OFFENSES

## Definition

*Public offenses* is the number and rate of youth charged with an offense that would be a crime if committed by an adult. *Status offenses* is the number and rate of youth charged with an offense that would not be a crime if committed by an adult.

## Data in context

All youth need engaging educational experiences, safe neighborhoods, and guidance from caring adults to become productive citizens. Protective factors like educational success and a safe and supportive community reduce delinquency among youth, while exposure to violence and limited employment opportunities increase risk.<sup>1</sup> While some adolescents will engage in delinquent behavior, appropriate and consistently-applied discipline is needed to ensure youth have opportunities to learn from mistakes and become successful contributing adults.<sup>2</sup>

In Kentucky, when someone brings a complaint of an offense against a youth, the Court Designated Worker program receives those charges and evaluates whether the youth is eligible for a diversion program or their case will require formal court processing. The data presented here represent all youth who had a charge filed with the Court Designated Worker program.

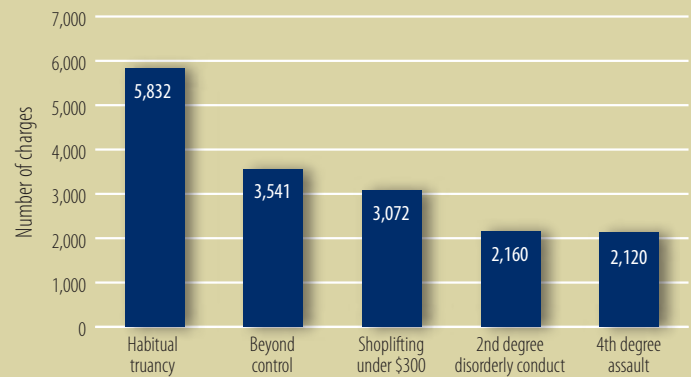
Nationally, the number of juvenile delinquency cases (public offenses) declined by 9 percent between 1997 and 2005.<sup>3</sup> In 2008 in Kentucky, nearly 50,000 charges for public and status offenses were filed in 2008 involving more than 26,000 youth, with youth often charged with multiple offenses from the same incident.<sup>4</sup> Public offenses are actions considered a crime if committed by an adult, and status offenses are actions that would not be considered a crime if committed by an adult, including habitual truancy, being beyond the control of parents or of school, habitual runaway, and certain tobacco and alcohol offenses.

Habitual truancy and beyond control were the top two juvenile charges in 2008 (for public and status offenses combined), accounting for 19 percent of all charges.<sup>5</sup> More males than females were charged with status offenses, though the difference in number is less than one thousand.<sup>6</sup> However, twice as many young males were charged with public offenses as females.<sup>7</sup>

Neighborhoods with concentrated poverty often lack protective factors for youth. They also tend to have higher levels of police surveillance, making the activities of poor youth, who are disproportionately likely to be youth of color, more visible to law enforcement.<sup>8</sup> National surveys show White youth use and sell drugs at higher rates than African-American youth, yet African-American youth are more likely to be arrested due to the heavier police presence in their neighborhoods.<sup>9</sup> Low-income youth are more likely to be involved with the juvenile justice system, but even when accounting for income levels, race disparities persist.<sup>10</sup>

Evidence shows that racial bias, though likely unintentional, contributes to disparities in contact with the juvenile justice

### Top Five Juvenile Charges, 2008



Source: Kentucky Administrative Office of the Courts

system for youth of color.<sup>11</sup> Disparities among racial groups appear at arrest and are compounded through the juvenile justice process.<sup>12</sup> In Kentucky, African-American youth accounted for 20 percent of charges in 2008, 25 percent of charges referred for formal court involvement and 30 percent of bookings into detention facilities.<sup>13</sup>

In Kentucky, 19,666 youth had complaints filed against them for public offenses in 2008, a rate of 353 per 10,000 youth ages 10 to 19. Breckinridge County had the lowest rate at 87 per 10,000 youth, and Henderson County had the highest rate at 785 per 10,000 youth.

During the same year, 9,585 youth had complaints filed against them for status offenses, a rate of 172 per 10,000 youth ages 10 to 19. Among counties with rates calculated for status offenses, Clay, Green, and Washington Counties had rates less than a third of the state rate, but rates were more than double the state rate in Bell, Casey, Gallatin, Grant, Harlan, Lawrence, Martin, and Owsley Counties.

Kentucky can reduce youth involvement with the juvenile justice system, a critical step given the higher likelihood of recidivism among court-involved youth, while maintaining public safety.<sup>14</sup> Proven strategies include courts working with schools to reduce the number of complaints made for minor misbehavior and jurisdictions addressing underlying causes of status offenses.<sup>15</sup> Decision-making points early in the juvenile justice process, such as whether or not to file a complaint against a youth, must be assessed for potential disparate treatment by race to ensure youth of all races receive equitable treatment.

**Data Source:** Kentucky Administrative Office of the Courts, Court Designated Worker Database.

**Data Note:** Data do not include all charges added by the court after cases begin the formal court process. Counts reflect youth, rather than charges. Youth may be counted more than once if they were charged for offenses in more than one county.

**Rate Calculation:** (number of youth charged with public offenses in 2008 \* 10,000) / (total number of youth ages 10-19 in 2008)  
(number of youth charged with status offenses in 2008 \* 10,000) / (total number of youth ages 10-19 in 2008)

# YOUTH CHARGED WITH PUBLIC AND STATUS OFFENSES

(number & rate per 10,000 youth ages 10-19)

	2008				2008				
	Public Offenses		Status Offenses		Public Offenses		Status Offenses		
	Number	Rate	Number	Rate	Number	Rate	Number	Rate	
<b>Kentucky</b>	<b>19,666</b>	<b>353</b>	<b>9,585</b>	<b>172</b>					
Adair	91	381	82	344	Knox	117	270	81	187
Allen	77	317	59	243	LaRue	59	344	38	222
Anderson	93	313	43	145	Laurel	202	277	117	161
Ballard	35	362	9	93	Lawrence	33	158	171	819
Barren	226	439	133	259	Lee	19	225	16	189
Bath	41	282	32	220	Leslie	31	221	18	129
Bell	151	423	138	387	Letcher	131	458	67	234
Boone	696	425	188	115	Lewis	52	291	53	297
Bourbon	91	350	79	303	Lincoln	137	431	66	207
Boyd	200	346	91	157	Livingston	17	154	4	*
Boyle	133	347	41	107	Logan	108	310	80	230
Bracken	25	220	15	132	Lyon	50	679	11	149
Breathitt	46	211	54	247	McCracken	393	492	113	141
Breckinridge	21	87	59	244	McCreary	120	484	64	258
Bullitt	312	299	200	191	McLean	44	358	19	154
Butler	54	326	4	*	Madison	319	277	295	256
Caldwell	75	478	31	198	Magoffin	28	173	38	235
Calloway	127	272	83	178	Marion	58	238	27	111
Campbell	588	493	256	215	Marshall	114	319	63	176
Carlisle	16	258	6	97	Martin	38	236	60	373
Carroll	73	547	44	330	Mason	70	318	36	163
Carter	69	187	93	252	Meade	112	275	90	221
Casey	102	507	71	353	Menifee	25	277	15	166
Christian	531	411	236	183	Mercer	94	336	37	132
Clark	156	348	151	336	Metcalfe	93	707	41	312
Clay	67	211	6	19	Monroe	47	337	11	79
Clinton	54	500	15	139	Montgomery	120	379	72	227
Crittenden	22	195	25	221	Morgan	35	217	44	273
Cumberland	27	331	25	307	Muhlenberg	83	222	76	204
Daviess	679	546	280	225	Nelson	155	261	110	185
Edmonson	21	136	9	58	Nicholas	18	217	23	277
Elliott	13	149	12	137	Ohio	86	298	29	100
Estill	39	208	23	123	Oldham	244	302	70	87
Fayette	1,048	304	741	215	Owen	28	189	17	115
Fleming	60	308	43	221	Owsley	22	416	19	359
Floyd	87	178	132	271	Pendleton	91	422	49	227
Franklin	242	410	90	152	Perry	122	331	75	203
Fulton	61	702	18	207	Pike	106	128	218	264
Gallatin	61	518	45	382	Powell	54	329	22	134
Garrard	66	302	45	206	Pulaski	255	350	156	214
Grant	126	352	155	433	Robertson	12	405	4	*
Graves	160	329	77	159	Rockcastle	40	197	33	163
Grayson	124	393	58	184	Rowan	75	210	26	73
Green	17	121	6	43	Russell	93	443	27	129
Greenup	105	227	74	160	Scott	159	252	68	108
Hancock	29	233	15	121	Shelby	126	237	43	81
Hardin	509	363	204	145	Simpson	88	388	44	194
Harlan	121	304	175	440	Spencer	74	314	14	59
Harrison	92	387	40	168	Taylor	112	362	33	107
Hart	79	327	45	186	Todd	44	263	35	210
Henderson	441	785	95	169	Trigg	48	294	26	159
Henry	43	209	33	161	Trimble	37	304	11	90
Hickman	17	305	9	161	Union	97	384	20	79
Hopkins	289	501	49	85	Warren	477	326	206	141
Jackson	22	129	21	124	Washington	22	141	8	51
Jefferson	4,212	459	711	77	Wayne	97	369	22	84
Jessamine	283	429	102	154	Webster	49	286	23	134
Johnson	64	224	41	143	Whitley	206	384	152	283
Kenton	818	384	453	213	Wolfe	54	596	30	331
Knott	95	404	60	255	Woodford	89	280	83	261

\* Rates were not calculated for counties with fewer than 6 occurrences.

# YOUTH AND THE JUVENILE JUSTICE SYSTEM

## Definition

*Youth successfully diverted* is the number of youth who were eligible to participate in and successfully completed a diversion program, thereby precluding the filing of formal charges. *Youth referred by petition* is the number of youth referred to the court system for the filing of formal charges. *Youth detained* is the number of youth detained in a secure juvenile detention facility at any point during case processing.

## Data in context

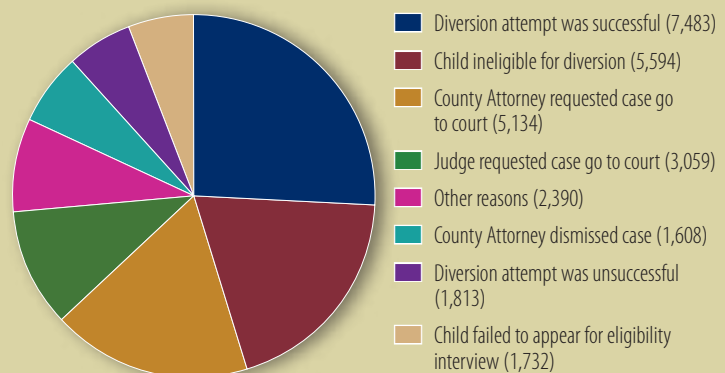
All youth need strong connections to caring adults and guidance in preparing for their future to succeed. Youth who feel connected to their school are less likely to engage in criminal behaviors, while not feeling very connected is a long-term risk factor for juvenile violence.<sup>1</sup> Additionally, youth who are detained face greater risk of poor education, work, and health outcomes, as well as future incarceration.<sup>2</sup>

In Kentucky, youth charged with a minor offense typically meet eligibility requirements to participate in a diversion program monitored by a Court Designated Worker. Kentucky's diversion programs hold youth accountable for their behaviors while teaching them to avoid making similar mistakes in the future, decreasing the chance of further involvement with the juvenile justice system.<sup>3</sup> During 2008, 7,483 youth successfully completed diversion, representing 28 percent of all youth charged with an offense.<sup>4</sup> In that same year, successfully completed diversions accounted for over 50 percent of the cases closed by the Court Designated Worker program in Lawrence, Nicholas, and Robertson Counties.<sup>5</sup>

Charges are petitioned to the court when diversion is not appropriate or has not worked.<sup>6</sup> Youth may be ineligible for diversion if they have already completed two diversion programs, been charged with specified offenses or held in contempt of court, had an adjudicated offense within the past 12 months, failed to appear for the preliminary inquiry interview required for diversion consideration, violated probation, or have met the criteria of a youthful offender. Additionally, if a youth does not successfully complete a diversion agreement, their case will proceed to court. Charges can also go to court for formal processing if the youth, the County Attorney, or the judge requests the case be heard in court, regardless of eligibility for diversion. In Kentucky, 18,352 youth were referred by petition in 2008; 10 percent were petitioned for unsuccessful diversion, 28 percent at the request of the County Attorney, and another 17 percent at the request of the judge.<sup>7</sup>

A significant portion of juvenile justice spending nationally pays for detention, yet research shows detention does little to prevent future offenses.<sup>8,9</sup> In Kentucky, a higher percentage of youth are in custody for nonviolent offenses (72 percent) compared to the national rate (66 percent).<sup>10</sup> This occurs despite higher costs for secure detention compared to other available options for dealing with minor, non-violent offenses.<sup>11</sup> In 2008, more than 9,800 Kentucky youth were detained, including 2,020 youth charged with

## Reasons for Cases Being Closed by the Court Designated Worker Program, 2008



Source: Kentucky Administrative Office of the Courts

status offenses, actions not considered a crime if committed by an adult.<sup>12</sup> The number of youth detained represents a decrease of 13 percent from 2007. Among counties with at least 10 bookings into detention each year, Graves, Lincoln, Mason, Nelson, Owen, and Spencer Counties had reductions of 50 percent or more in the number of youth detained from 2007 to 2008.

The Juvenile Justice and Delinquency Prevention Act (JJDPDA) prohibits states from using secure detention for youth charged with status offenses, unless the youth has violated a valid court order.<sup>13</sup> Yet, youth charged with status offenses in Kentucky are detained at one of the highest rates in the nation.<sup>14</sup>

The JJDPDA also requires states to work to prevent and reduce disproportionate minority contact at all stages of the juvenile justice process, yet disparate treatment, still occurs.<sup>15</sup> Though unintentional, the system of juvenile justice results in different vulnerabilities, treatment and outcomes for youth of color compared to White youth, even when they have engaged in the very same behaviors. Kentucky data reflect these disparities, with African-American youth less likely to be successfully diverted and more likely to be petitioned to court for the filing of formal charges and detained than White youth.<sup>16</sup>

Proven strategies exist for reducing both disparities and the over-use of secure detention without compromising public safety. All youth who meet eligibility criteria should have the opportunity to participate in a diversion program. These young people are more likely to successfully complete diversion programs that are culturally relevant and reflect the resources available to them. Kentucky can reduce the use of secure detention by increasing the use of effective community-based alternatives to detention.

**Data Source:** Kentucky Administrative Office of the Courts; Kentucky Department of Juvenile Justice; and Louisville Metro Youth Detention Services.  
**Date Note:** Counts reflect youth rather than charges, though youth may be counted more than once if they were charged with offenses in more than one county. Youth detained counts youth each time they are booked into a facility.

# YOUTH SUCCESSFULLY DIVERTED, REFERRED BY PETITION, & DETAINED (number of youth)

	2008			2008			
	Youth successfully diverted	Youth referred by petition	Youth detained	Youth successfully diverted	Youth referred by petition	Youth detained	
<b>Kentucky</b>	<b>7,483</b>	<b>18,352</b>	<b>9,834</b>				
Adair	37	97	33	Knox	34	95	62
Allen	28	80	36	LaRue	27	67	37
Anderson	29	94	43	Laurel	76	179	128
Ballard	13	22	13	Lawrence	121	57	12
Barren	83	206	81	Lee	9	21	3
Bath	12	51	34	Leslie	16	29	14
Bell	47	182	66	Letcher	48	107	37
Boone	350	430	153	Lewis	20	51	68
Bourbon	48	102	30	Lincoln	61	107	17
Boyd	71	162	184	Livingston	5	12	7
Boyle	45	99	46	Logan	53	95	46
Bracken	18	15	6	Lyon	21	32	9
Breathitt	40	48	38	McCracken	177	267	412
Breckinridge	32	35	23	McCreary	44	108	61
Bullitt	84	394	134	McLean	22	30	20
Butler	15	48	25	Madison	155	345	148
Caldwell	44	58	43	Magoffin	16	37	28
Calloway	77	90	43	Marion	35	35	22
Campbell	161	457	316	Marshall	77	86	28
Carlisle	4	17	18	Martin	31	66	18
Carroll	42	56	33	Mason	25	56	25
Carter	29	100	105	Meade	55	114	50
Casey	76	68	27	Menifee	14	22	12
Christian	191	566	439	Mercer	27	86	22
Clark	42	199	90	Metcalfe	29	51	15
Clay	9	45	15	Monroe	20	26	5
Clinton	12	33	3	Montgomery	48	114	50
Crittenden	18	25	8	Morgan	16	37	39
Cumberland	21	23	11	Muhlenberg	65	77	65
Daviess	272	530	331	Nelson	39	209	19
Edmonson	10	20	10	Nicholas	25	16	8
Elliott	2	22	12	Ohio	32	79	41
Estill	18	31	9	Oldham	98	166	21
Fayette	510	895	690	Owen	14	21	14
Fleming	38	46	15	Owsley	8	31	14
Floyd	83	95	29	Pendleton	25	72	47
Franklin	87	234	92	Perry	37	135	88
Fulton	10	59	17	Pike	80	212	98
Gallatin	17	74	19	Powell	12	53	49
Garrard	24	71	11	Pulaski	117	205	98
Grant	100	144	46	Robertson	9	5	0
Graves	73	126	46	Rockcastle	22	33	9
Grayson	46	141	69	Rowan	13	64	57
Green	5	15	18	Russell	49	53	16
Greenup	50	68	65	Scott	48	152	72
Hancock	14	19	9	Shelby	35	88	37
Hardin	274	367	302	Simpson	28	85	36
Harlan	112	146	34	Spencer	27	42	10
Harrison	33	84	55	Taylor	49	79	73
Hart	31	61	32	Todd	25	44	31
Henderson	166	309	185	Trigg	21	41	22
Henry	21	40	4	Trimble	12	31	7
Hickman	2	22	16	Union	26	56	18
Hopkins	89	243	133	Warren	141	434	250
Jackson	3	21	9	Washington	9	13	7
Jefferson	914	4,296	1,792	Wayne	42	59	12
Jessamine	71	254	180	Webster	22	50	16
Johnson	29	66	31	Whitley	87	247	133
Kenton	110	860	638	Wolfe	16	49	35
Knott	53	54	15	Woodford	53	96	26

# YOUTH UNDER DEPARTMENT OF JUVENILE JUSTICE SUPERVISION

## Definition

*Youth committed* is the number and rate of youth assigned to the custody and control of the Department of Juvenile Justice (DJJ). *Youth probated* is the number and rate of youth assigned to DJJ for formal supervision.

## Data in context

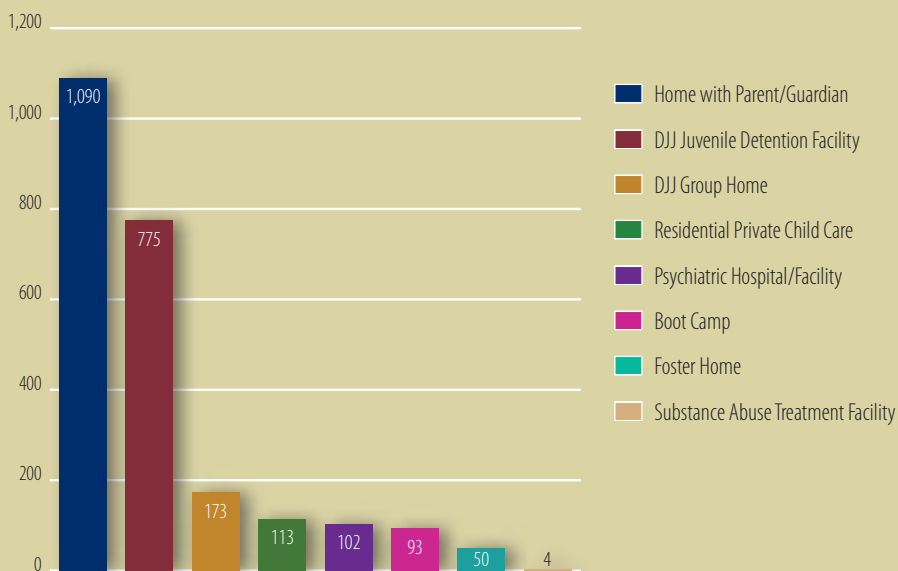
Youth need connections with their families, communities, and schools to achieve positive outcomes and successfully transition to adulthood. Courts must hold youth who commit offenses accountable but also offer opportunities for rehabilitation so youth can become productive contributing adults.

A number of case dispositions, including commitment to DJJ and probation, exist after a youth has been found to have committed a public or status offense. Commitment to the Department of Juvenile Justice is one of the most serious dispositions a youth can receive. Placement options for committed youth range from living at home to placement in foster care, group homes, juvenile detention facilities, and boot camps, among others. Research has found these placement types are not equally effective in rehabilitating young offenders. For example, analysis of youth leaving detention facilities consistently shows rates of rearrest within 2 or 3 years ranging from 50 to 80 percent, including youth who had not committed serious offenses prior to being detained.<sup>1</sup> Not only are recidivism rates high, but incarceration itself is the most significant factor in increasing the odds a youth will recidivate (commit future offenses).<sup>2</sup>

The number of youth committed nationwide declined by 17 percent from 1999 (77,928 youth) to 2006 (64,558 youth).<sup>3</sup> During that same time period, the number of committed youth in Kentucky dropped by 2 percent.<sup>4</sup> In Kentucky in 2008, 647 youth were committed to DJJ at a rate of 12 per 10,000 youth ages 10 to 19. The most frequent placement for youth committed to DJJ was at home in the care of a parent or guardian (45 percent), and another 32 percent of placements were in a DJJ juvenile detention facility.<sup>5</sup> Of counties with rates calculated, Boone and Warren Counties had the lowest rates, while rates were more than three times the state rate in Grayson, Todd, and Trigg Counties.

Probation allows youth to continue living in their community while supervised by a DJJ probation officer. Probation was the second most common disposition of juvenile cases in 2008.<sup>6</sup> During that year, 1,385 youth were probated at a rate of 25 per 10,000 youth ages 10 to 19. Rates were less than 15 per 10,000 in Boone, Laurel, Pulaski, Warren, and Whitley Counties, while rates were greater than 100 per 10,000 in Elliott, Fulton, Grayson, and Lyon Counties.

### Placements of Youth Committed to the Department of Juvenile Justice, 2008



**Note:** Youth committed to DJJ may have more than one placement during a year.

**Source:** Kentucky Department of Juvenile Justice

Though no substantial differences in crime exist, youth of color across the country are much more likely to be arrested, detained, formally charged, and placed in a locked facility.<sup>7</sup> Overrepresentation of youth of color accumulates during the course of the justice process, and Kentucky data reflect this. In 2008, African-American youth constituted only 10 percent of Kentucky's child population but accounted for 20 percent of charges and 29 percent of all youth with cases that received a disposition of commitment.<sup>8</sup>

Kentucky can achieve the best outcomes for public safety and youth by working diligently to keep young people from becoming deeply involved with the juvenile justice system.<sup>9</sup> Supporting youth in taking responsibility and building healthy relationships with peers, as well as building skills to finish school and enter the workforce, increase the chance youth will learn from their mistakes and become contributing members of society.<sup>10</sup> Efforts must include monitoring data to identify and address points in the process where racial disparities appear.<sup>11</sup> For example, because youth of color are overrepresented at arrest and referral for formal court processing, which could be the result of unintentional bias, the use of prior arrests or adjudications as a legal factor in determining a youth's placement can result in more restrictive placements for youth of color.<sup>12</sup>

**Data Source:** Kentucky Department of Juvenile Justice.

**Data Note:** Data do not include youth from other states.

**Rate Calculation:** (number of youth committed in 2008 \* 10,000) / (total number of youth ages 10-19 in 2008)  
 (number of youth probated in 2008 \* 10,000) / (total number of youth ages 10-19 in 2008)

# YOUTH COMMITTED & PROBATED

(number & rate per 10,000 youth ages 10-19)

	2008			
	Youth Committed		Youth Probated	
	Number	Rate	Number	Rate
<b>Kentucky</b>	<b>647</b>	<b>12</b>	<b>1,385</b>	<b>25</b>
Adair	1	*	23	96
Allen	4	*	4	*
Anderson	6	20	13	44
Ballard	3	*	3	*
Barren	2	*	3	*
Bath	4	*	7	48
Bell	6	17	17	48
Boone	12	7	19	12
Bourbon	2	*	0	*
Boyd	6	10	13	22
Boyle	6	16	4	*
Bracken	3	*	3	*
Breathitt	1	*	12	55
Breckinridge	3	*	12	50
Bullitt	3	*	5	*
Butler	3	*	10	60
Caldwell	3	*	11	70
Calloway	6	13	16	34
Campbell	12	10	23	19
Carlisle	3	*	3	*
Carroll	4	*	4	*
Carter	4	*	16	43
Casey	4	*	5	*
Christian	33	26	120	93
Clark	5	*	13	29
Clay	0	*	2	*
Clinton	0	*	0	*
Crittenden	0	*	0	*
Cumberland	2	*	4	*
Daviess	13	10	42	34
Edmonson	2	*	2	*
Elliott	1	*	9	103
Estill	1	*	3	*
Fayette	55	16	58	17
Fleming	0	*	9	46
Floyd	3	*	1	*
Franklin	5	*	13	22
Fulton	0	*	11	127
Gallatin	1	*	4	*
Garrard	0	*	0	*
Grant	3	*	4	*
Graves	3	*	5	*
Grayson	14	44	44	139
Green	2	*	3	*
Greenup	3	*	5	*
Hancock	1	*	6	48
Hardin	18	13	61	43
Harlan	8	20	8	20
Harrison	6	25	16	67
Hart	1	*	4	*
Henderson	16	28	17	30
Henry	0	*	2	*
Hickman	1	*	2	*
Hopkins	10	17	16	28
Jackson	2	*	1	*
Jefferson	124	14	165	18
Jessamine	9	14	26	39
Johnson	2	*	2	*
Kenton	29	14	58	27
Knott	2	*	2	*

	2008			
	Youth Committed		Youth Probated	
	Number	Rate	Number	Rate
Knox	2	*	1	*
LaRue	0	*	3	*
Laurel	5	*	7	10
Lawrence	0	*	2	*
Lee	1	*	1	*
Leslie	2	*	1	*
Letcher	0	*	20	70
Lewis	2	*	4	*
Lincoln	1	*	4	*
Livingston	1	*	0	*
Logan	9	26	9	26
Lyon	0	*	8	109
McCracken	12	15	31	39
McCreary	7	28	0	*
McLean	3	*	6	49
Madison	20	17	40	35
Magoffin	0	*	0	*
Marion	1	*	0	*
Marshall	3	*	14	39
Martin	1	*	2	*
Mason	3	*	14	64
Meade	8	20	29	71
Menifee	0	*	1	*
Mercer	3	*	3	*
Metcalfe	2	*	8	61
Monroe	1	*	6	43
Montgomery	5	*	8	25
Morgan	0	*	13	81
Muhlenberg	2	*	2	*
Nelson	4	*	22	37
Nicholas	0	*	2	*
Ohio	2	*	18	62
Oldham	4	*	3	*
Owen	1	*	3	*
Owsley	0	*	3	*
Pendleton	2	*	8	37
Perry	6	16	19	52
Pike	0	*	1	*
Powell	2	*	5	*
Pulaski	4	*	7	10
Robertson	0	*	2	*
Rockcastle	1	*	1	*
Rowan	1	*	6	17
Russell	0	*	4	*
Scott	9	14	10	16
Shelby	1	*	9	17
Simpson	3	*	8	35
Spencer	1	*	1	*
Taylor	1	*	3	*
Todd	7	42	4	*
Trigg	6	37	5	*
Trimble	1	*	1	*
Union	0	*	3	*
Warren	12	8	18	12
Washington	0	*	3	*
Wayne	1	*	1	*
Webster	2	*	3	*
Whitley	3	*	7	13
Wolfe	1	*	1	*
Woodford	2	*	2	*

\* Rates were not calculated for counties with fewer than 6 occurrences.