Youth Arrest and Court Involvement

Trends in the District of Columbia
1998-2014

DCLY
DC LAWYERS FOR YOUTH

Introduction

There is no doubt that the number of homicides rose significantly in the first half of 2015. For many, the recent uptick in homicide has bolstered the perception that crime generally is on the rise. Additionally, anecdotes and media coverage often make it seem that youth crime in particular is on the rise. The hard data, however, tells another story. The Urban Institute reports that despite a recent uptick in violent crime this summer, overall violent crime in the District has significantly decreased in the past twenty years.[1] Additionally, the District's arrest and petition data shows that juvenile arrests and petitions are both down over 25% since 2009 and are at their lowest point in ten years.[2] The data shows that the number of youth-involved homicides (either as a victim or offender) in the District has actually decreased substantially between 2009 and 2014.[3]

We do not wish to minimize the effect that the recent violence has had on our community; however, the long-term trends show that crime is actually not on the rise. With this in mind, the District has a unique opportunity now, while crime overall is down, to combat violence in a way that both increases public safety and addresses the needs of our community. We must decline to pursue strategies that have proven to be, not only unsuccessful, but also detrimental to the cause of curbing violence. Responding primarily with an increase in policing, prosecution, detention, and incarceration is shortsighted and ineffective, especially when it comes to youth in the prime of their development. Instead, we should approach violence as a public health issue and meaningfully invest in a coordinated strategy to proactively address the root causes of violence in our communities – lack of opportunity, under-resourced communities, and childhood trauma. To be clear, policing and prosecution have an important role to play in a public health approach to violence reduction, especially to the extent it primarily targets violent and serious weapons offenses. However, we need a stronger, coordinated, data-driven, and research-based approach to violence that prioritizes prevention and intervention rather than policing and prosecution.

This report summarizes recent data on youth arrests and court involvement in the District of Columbia. It expands upon previous DCLY publications on this topic[4] by utilizing arrest data from 1998 through 2014 and adding analysis of delinquency petitions. The data presented in this report are primarily from two sources. Youth arrest data can be found in the Metropolitan Police Department (MPD) annual reports, years 1998-2014.[5] Data concerning court petitions against young people under age 18 are available in the Superior Court of the District of Columbia Family Division (Family Court) annual reports to Congress, years 2002-2014.[6]

The key findings of the analysis are:

1. Youth arrests are at their lowest point in the past 10 years, and have decreased 27% since 2009.

2. Delinquency petitions against youth have decreased 29% since 2009.

3. Youth arrests for most categories of serious crimes have decreased or held steady since 1998.

4. In 2014, 77% of youth arrests and 52% of delinquency petitions were for non-violent, non-weapons offenses.

Based on this analysis, we make three recommendations:

1. The District should employ a public health approach to dealing with violence. This means investing in evidenced-based, front-end programs that address the underlying factors that contribute to violence. By tackling both widespread community needs and the immediate needs of youth at-risk of delinquency, we can hope to see positive outcomes for our youth and for our community.

2. Our responses to juvenile justice should be data-driven and research-informed. To that end, we need to become more sophisticated in the manner in which we collect and analyze data. The primary agencies responsible for processing youth through the DC juvenile justice system should create and maintain a unified, multi-agency dataset that allows for improved analysis of youth justice trends.

3. The juvenile justice system should focus its efforts primarily on violent and serious weapons offenses. Most other issues can and should be dealt with in the school, behavioral health, and family support systems.

Definitions

For the purposes of this report, a youth arrest is defined as the taking into custody and formal booking by the Metropolitan Police Department (MPD) of an individual age 17 or younger who is suspected of committing a crime. Note that this excludes youth who are merely seized by MPD and diverted to an alternative treatment program without formal booking.

A delinquency petition is a document that the Office of the Attorney General (OAG) files in court alleging that a juvenile has committed a delinquent act; it is the juvenile equivalent to an adult indictment.[7]

Decrease in Youth Contact With the Justice System

In the past five years, youth involvement with the juvenile justice system has decreased substantially. Youth arrests and delinquency petitions have both fallen significantly since 2009. In 2014, youth arrests were at their lowest point and delinquency petitions were at their second lowest point since 2009.

Arrests

In 2014, youth arrests were at their lowest point in the past 10 years, and have been generally decreasing since 2009.[8] There were slightly fewer arrests in 2014 than in 1998, the oldest year available through the posted MPD Annual Reports. Since their peak in 2009, youth arrests have decreased 27%. Moreover, the Urban Institute has recently reported that the District is experiencing historically low levels of violent crime. While the decrease in youth arrests does not necessarily prove a decrease in crime, arrest rates are commonly used as an indication of crime rates. Accordingly, the fact that there are fewer arrests than they were ten years ago, and the fact that arrests for most categories of serious crime are decreasing, tells us that the youth are committing fewer total crimes than they were ten years ago.

Figure 1: Youth Arrests Have Declined 27% Since 2009[9]
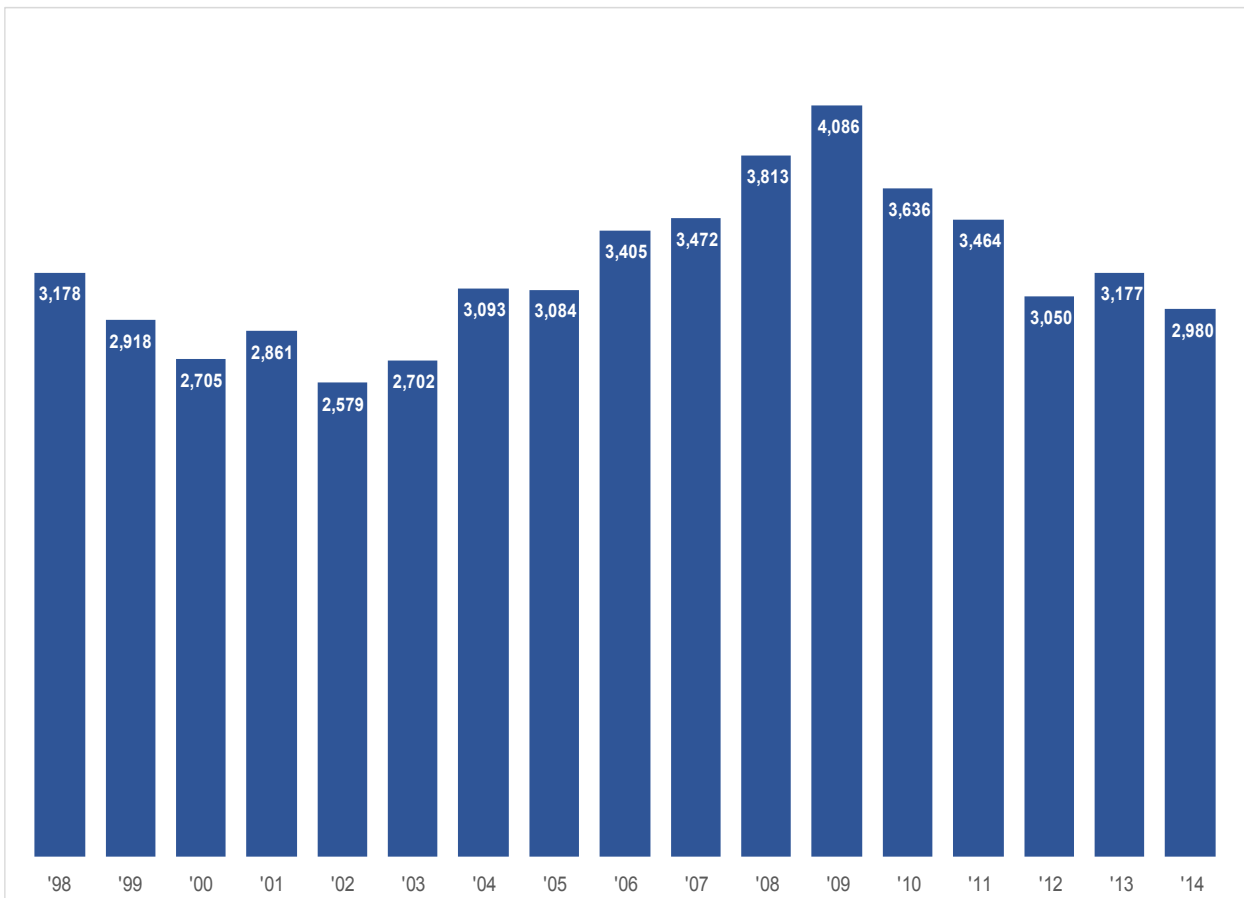
Delinquency Petitions

Delinquency petitions filed by OAG have also followed the decreasing trend exhibited by arrests. Since 2009, petitions have decreased by 29%.[10] Further, delinquency petitions in 2014 were at their second lowest level since 2007, the earliest year for which petition data were published in the Family Court's annual reports. Over the entire available interval, petitions have decreased 24%.[11]

Figure 2: Delinquency Petitions Declined 29% Since 2009[12]
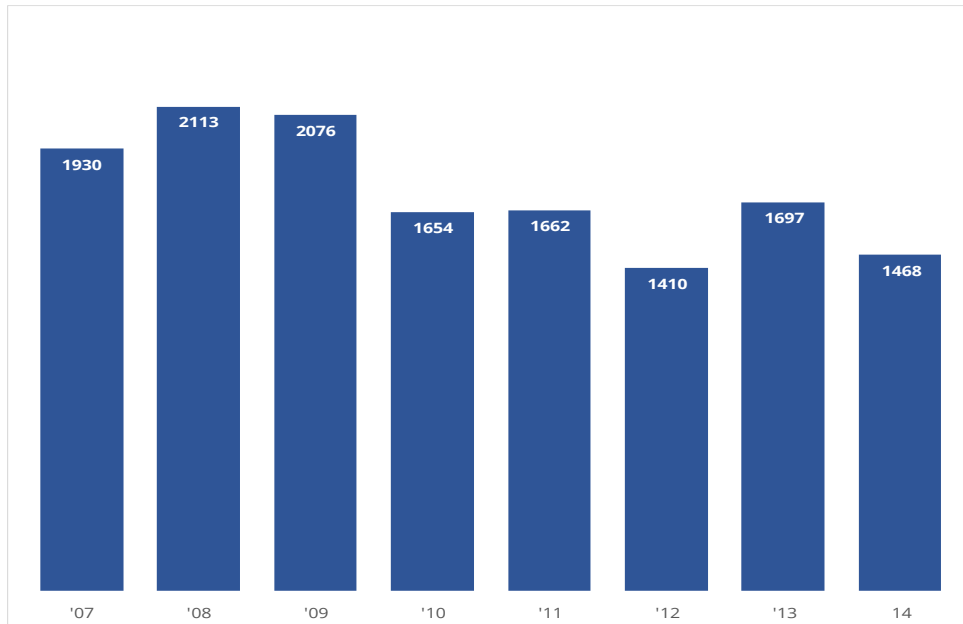
Nearly 50% of Youth Arrests Do Not Result in a Delinquency Petition

Data on arrests and petitions reveal that many youth arrests and court referrals do not ultimately result in a prosecution. In 2014, for example, about 49% of the 2,980 youth arrests ultimately resulted in prosecution.[13] The fact that only half of arrests ultimately result in a petition is not uncommon, as illustrated in Figure 3 (right). From 2007 to 2014, the average rate of arrests that resulted in petitions was 50%. A similar ratio of arrests to petitions exists in the criminal context, with data demonstrating that about 50% of adult arrests (for all offenses) result in a formal filing in criminal court.[14]

Figure 3: Since 2007, About Half of Youth Arrests Have Resulted in a Petition[15]

| Year	Arrests	Petitions	%
2007	3,472	1930	56
2008	3,813	2113	55
2009	4,086	2076	51
2010	3,636	1654	45
2011	3,464	1662	48
2012	3,050	1410	46
2013	3,177	1697	53
2014	2,980	1468	49

Data Analysis Issues

Arrests

Arrest data reporting practices have changed over the past 15 years, so comparing annual data at the offense level is a challenge. Between 1998 and 2014, MPD annual reports repeatedly changed the categories used for arrest reporting. From 1998-2000, there were 37 different categories of arrest; from 2001-2005, there were 39 categories; from 2006-2011 there were 27 categories; in 2012-14, there were 31 categories.[16] Further, it is sometimes unclear how offenses would be recategorized from one year to another.

A related data quality issue makes drawing conclusions from the arrest data even more challenging: the proportion of arrests coded as other crimes, other felonies, or other misdemeanors fluctuates greatly from year-to-year (see Figure 4). Therefore, when examining data for specific arrest types, it is not clear whether changes in arrest rates for those offenses indicate genuine changes in activity or merely arrests being shuffled into and out of other crimes. For example, MPD greatly improved its data coding from 2010 to 2011, resulting in far fewer arrests being classified as other misdemeanors, and more arrests being accurately classified by their specific offense. Superficially, the data thus seemed to indicate large increases in arrest rates for many types of offenses in 2011. However, a large portion, perhaps all, of this seeming increase was actually the result of improved data collection and reporting by MPD, not of genuine increases in arrests for those particular categories of offenses.

Figure 4:

Fluctuation in the Percentage of Youth Arrests Classified as "Other"[17]
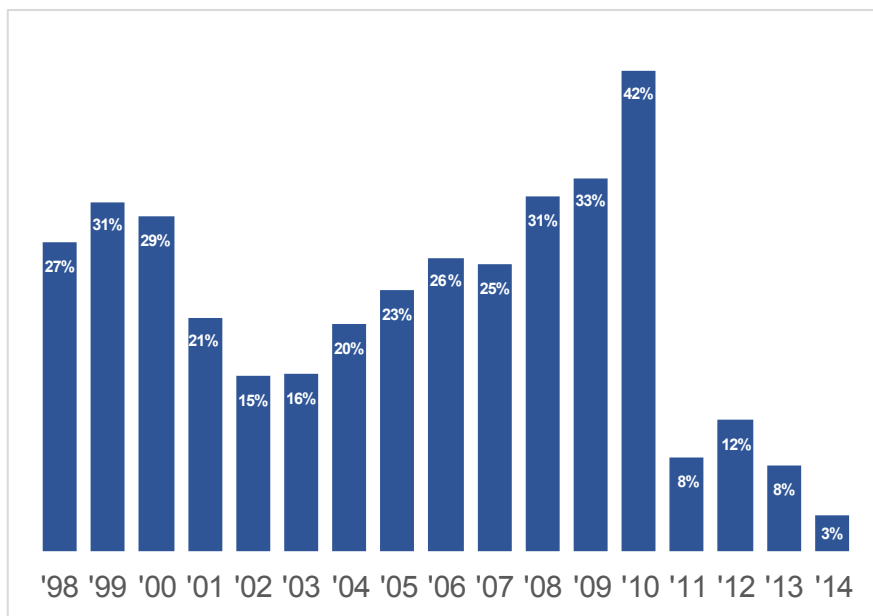
Petitions

As with MPD reporting of arrest data, Family Court data reporting practices have changed over time. From 2003-2006, the Family Court reported figures on the number of youths who were referred to the Court for various offenses, while from 2007-2012 the Court reported the aggregate number of youths referred and the number of youths who were formally petitioned for various offenses.[18] Consequently, this report focuses on petitions from 2007-2014.

Data Analysis Issues

The Lack of a Multi-Agency Dataset

A final data limitation was that the information available from various agencies involved in the youth justice system is not easily linked. MPD, OAG, Family Court, and the Department of Youth Rehabilitation Services are all responsible for different stages of the system and report isolated outcomes. As a result, the data cannot easily be used, for example, to evaluate the outcome of a particular arrest later in the process. To illustrate, consider that in 2013, MPD only made 42 youth arrests for aggravated assault,[19] but OAG issued 244 delinquency petitions for aggravated assault.[20] It might be that many of the additional cases petitioned for aggravated assault were originally arrested for simple assault or some other offense. However, without unified data from MPD, OAG, and the Family Court, it is not possible for us to conclusively explain this discrepancy. The figure below shows the primary agencies that possess data relevant to the DC juvenile justice system.

Figure 5:

**District Agencies Responsible for Juvenile Justice Case Processing[21]**
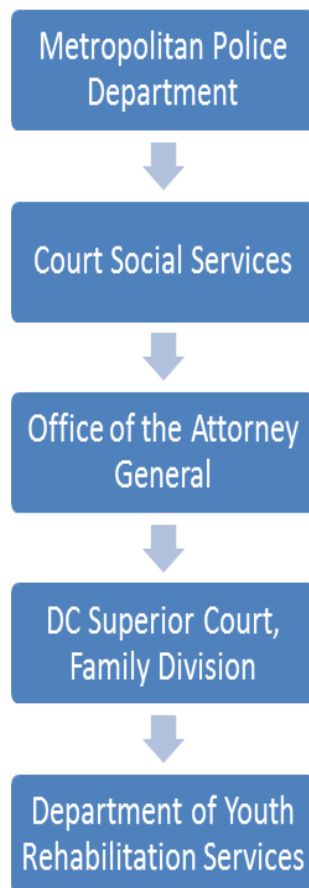
Youth Arrests for Most Categories of Serious Crimes Have Decreased or Held Steady

This section examines arrest trends for seven serious crimes: larceny/theft, burglary, arson, aggravated assault, robbery, rape/sexual abuse, and homicide.[22] From 1998 to 2014, the number of youth arrested for aggravated assault decreased 32%. The number of youth arrests for burglary, arson, rape/sexual abuse, and homicide held relatively steady from 1998 to 2014. Note that homicide and rape arrests account for extremely small fractions of total arrests year-to-year, meaning that percent changes can be volatile. Larceny/theft arrests have shown a moderate increase, which could be due in whole or in part to data recategorization.[23]

Robbery is the only offense that has shown a substantial increase since 1998.[24] As overall youth arrests began to fall dramatically after 2009, and youth arrests for most serious crimes remained relatively steady, robbery arrests increased over a number of years before falling back down to the 2009 levels. This is not unprecedented; other jurisdictions have observed increases in youth robbery arrests concurrent with decreases in youth arrests overall.[25] Further research into the dynamics of youth robbery might help reveal why this particular offense category has not conformed to the recent downward arc of youth crime.

Figure 6:

Arrests for Most Categories of Serious Crime Are Not on the Rise[26]
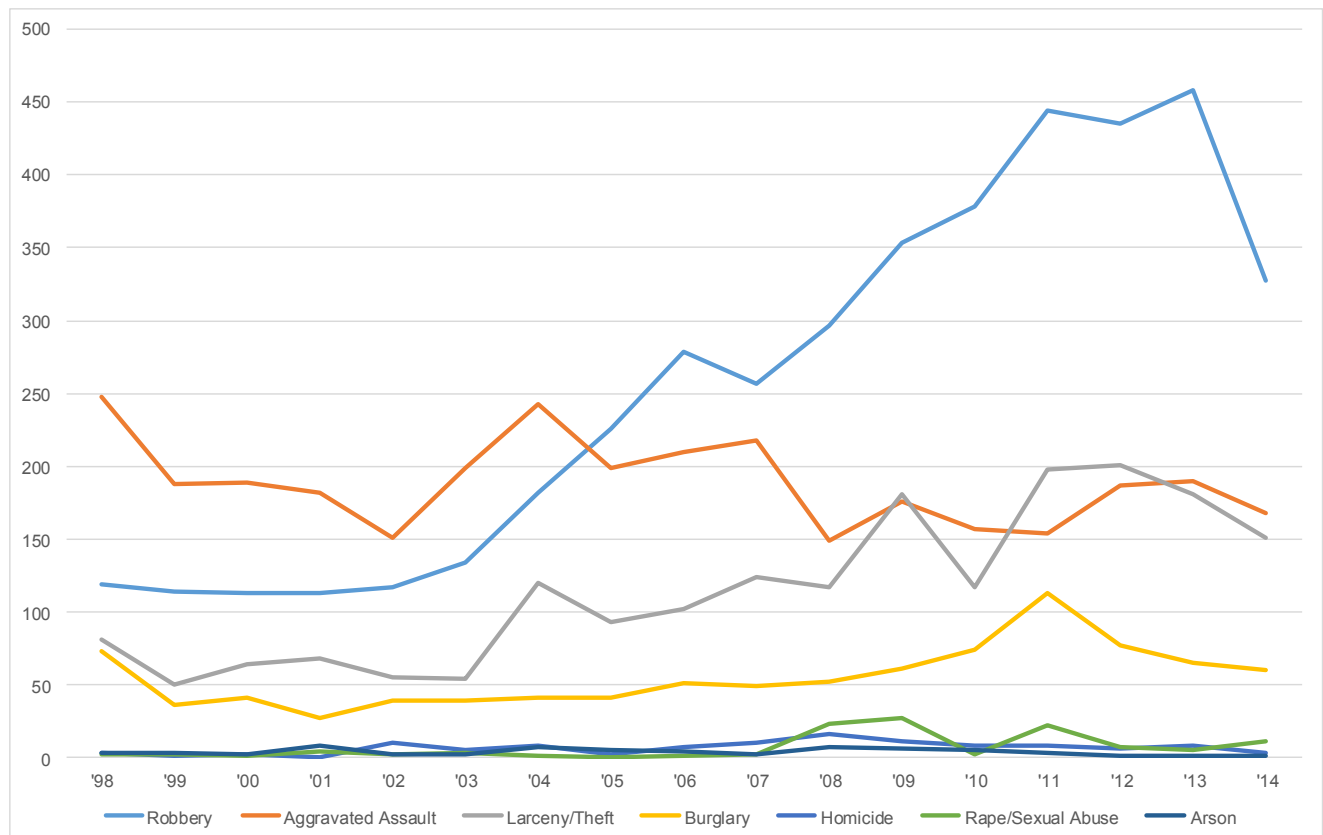
# 2014 Snapshot: Many Youth Arrests and Petitions Were for Non-Violent Offenses

This section depicts the offenses for which youth were arrested and petitioned in 2014, the most recent full year for which data are available. Other years are not examined because changes in offense categorization are likely to make such comparisons misleading. During 2014, at the time of both arrest and petition, the reason for youth contact with the juvenile justice system was often a **non-violent, non-weapons** offense, which is any offense except aggravated assault, robbery, rape or other violent sexual offenses, homicide, and weapons crimes.[27]

Arrests

This section examines the frequency of arrest for each of the offenses used in the MPD 2014 Annual Report. Though changes in MPD data categorization might distort year-to-year comparisons for many of these offenses, we can still use the data from the most recent year to provide insight into the current distribution of youth arrests. In 2014, non-violent, non-weapons offenses accounted for 77% of youth arrests (illustrated in blue in Figure 7 below).

Figure 7:

Non-Violent, Non-Weapon Offenses Accounted for 77% of Youth Arrests[28]
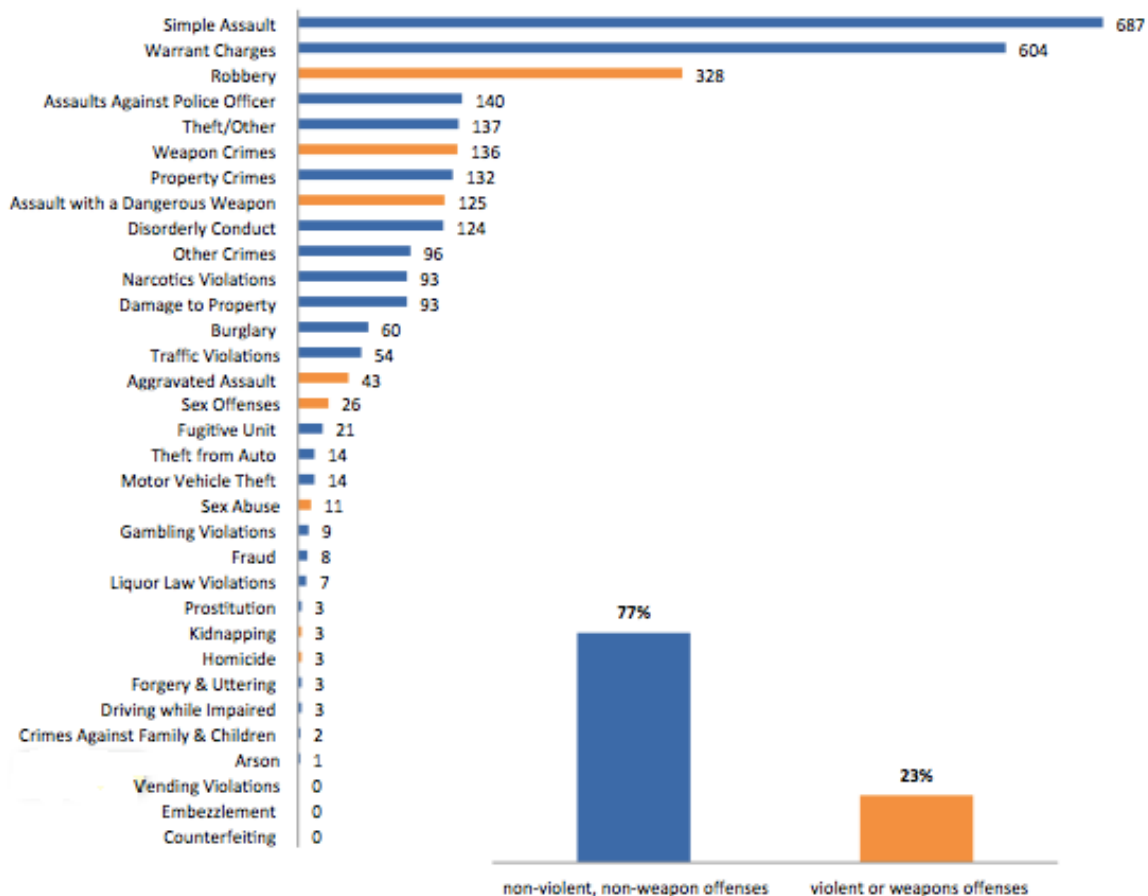
Also, a small number of offense categories account for large portions of all youth arrests. Simple assault accounted for 23% of all youth arrests, warrant charges for 20%, and robbery for 11%. Together, these three offense categories made up over 54% of all youth arrests. The next three most common offense categories were assault against a police officer (5%), theft (5%), and weapons crimes (5%).

Petitions

At the petition stage, non-violent, non-weapons offenses (illustrated in blue in Figure 8 below) accounted for 52% of delinquency petitions. Again, a small number of offense categories were the top charge in most of the cases pursued. Aggravated assault accounted for 17% of petitions, simple assault for 16%, robbery for 12%, and theft for 7%.

Figure 8:

Non-Violent, Non-Weapon Offenses Accounted for 50% of Delinquency Petitions[29]
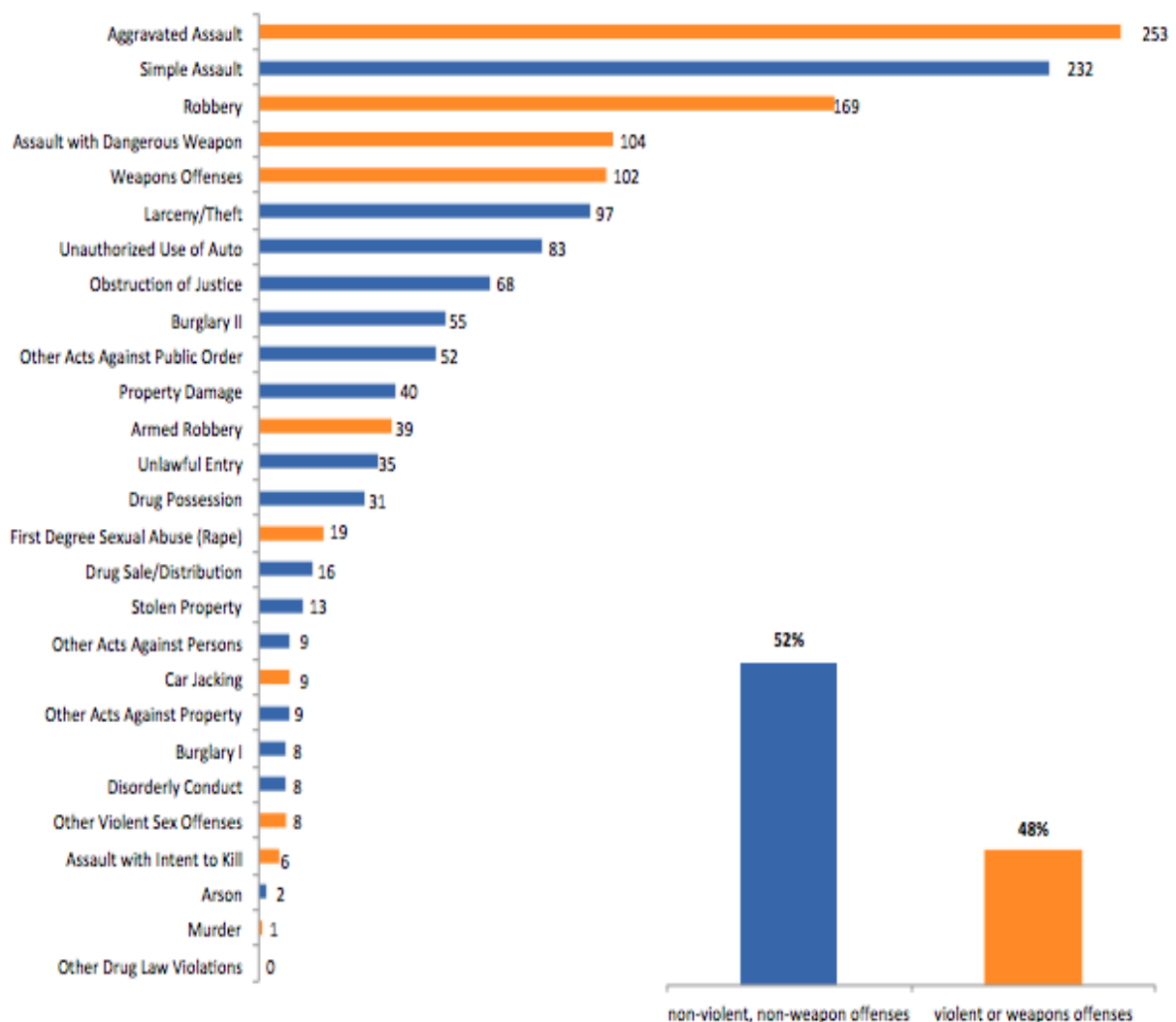
Conclusion & Recommendations

The data presented in this report reveal that the District is moving in the right direction. Fewer children are being arrested and over two-thirds of all arrests were for non-violent, non-weapons offenses. In 2014, less than 50% of juvenile arrests resulted in criminal prosecution. There is more that can be done to reinforce these positive trends while continuing to increase public safety.

We suggest three responses. First, the District should undertake a public health approach to juvenile justice reform, which requires investing in preventive services and programs for youth at risk of delinquency. Second, we recommend that the District strengthen its data reporting and engage in juvenile justice reform that is both data-driven and research-based. Third, the juvenile justice system should direct its time and money to the more violent and serious juvenile offenses.

The District Should Take A Public Health Approach to Addressing Youth Violence

With youth arrests at the lowest in a decade and with youth-involved homicides decreasing substantially since 2009,[30] the District has a unique opportunity to engage in a new, more meaningful approach to violence prevention and public safety. Often, we wait until violence occurs before we act instead of working to prevent it in the first place. While law enforcement and justice responses to youth violence are critical, they are not enough. Research shows that youth violence can be best prevented through an evidence-based, public health approach.[31]

A public health approach to violence prevention means shifting from reactive, punitive policies, to proactive, evidence-based policies. Studies show that incarcerating youth increases, rather than decreases, recidivism, and decreases the likelihood that the youth will complete high school or achieve gainful employment.[32] Clearly, prosecuting and incarcerating our youth is not a sustainable way to prevent violence in our community. District agencies should invest more in preventative, front-end programs that address the needs of the communities affected by violence, as well as the needs of youth at-risk of delinquency before they ever come into contact with the justice system.

Preventing juvenile justice involvement through a public health approach requires multi-prong, inter-disciplinary programs and policies that focus on community and local Government investment in our youth, as well as targeted case-by-case interventions for youth and families in crisis.[33] Prevention activities should continue throughout childhood, adolescence and young adulthood, and these activities should be adapted to address varying risks at different stages of a youth's development.[34] Youth violence prevention involves evidence-based programs in schools, in homes, and in the community, as well as programs that focus specifically on high-risk youth or chronic offenders, as well as programs that focus on very young children.[35]

Preventative programs and policies that address the needs of youth at-risk of delinquency will ultimately increase public safety and produce better outcomes for our youth. Early investment in our youth means that the juvenile justice system will no longer act as the default safety net for those youth merely in need of community-based services.

Data-Driven and Research-Based Juvenile Justice Reform

The process of researching this report revealed that the District's current data reporting practices leave much to be desired. Changes in offense categorization by MPD make reliable year-to-year comparisons difficult. Changes in the reporting format by the Superior Court limit the length of time periods that we can compare. The fluctuation in the percentages of offenses categorized as other by MPD makes it difficult to assess the changes in arrest levels for individual offense categories. The lack of a multi-agency dataset makes it impossible to determine how practices at different agencies interact. These issues make it difficult for both researchers and policymakers to get good answers about how our youth justice system functions.

A unified multi-agency dataset could indicate for each case: the top charge at arrest, whether the arrest resulted in a Family Court complaint, whether the complaint resulted in a petition, the top charge at petition, whether the youth was detained pre-trial, whether the youth was adjudicated delinquent, the disposition, positive youth development indicators, and whether the youth recidivated. Additionally, the dataset should be:

> Consistent. To the extent feasible, the dataset should maintain the same format from year to year.

> Regularly published. At minimum, the data should be made available to the public at a standard time each year. Quarterly reporting would allow for more timely analysis.

> Analysis-ready. Many agency annual reports are made available in Portable Document Format (PDF). While such files are easily compressed and downloaded, they make it difficult for outside researchers to perform calculations. Data should be provided in both Excel format and a format readable by more sophisticated data analysis software.

Such a dataset would allow for the examination of important questions about the District's juvenile justice system, such as the adjudication outcomes of certain types of arrests, the disposition outcomes of OAG papering decisions, and the youth development outcomes of diversion programs. Importantly, quality data will provide District agencies and the community with an understanding of overall trends of juvenile arrests and petitions, allowing our system to undertake a more informed approach to justice reform, rather than react to mere upticks in crime.

Arrests and Petitions Should Primarily Target Serious and Violent Offenses

The data in this report confirms that two-thirds of arrests and petitions are for nonviolent, non-weapons offenses. Moreover, arrests overall have decreased 27% since 2009, and arrests for most categories of serious crime, with the exception of robbery, have either decreased or remained flat since 1998 (see Figure 5). Our analysis of the data from 1998 to 2014 shows that while two-thirds of arrests are for non-violent, non-weapons offense, only about half of petitions are for such offenses. This indicates that MPD is expending substantial police time and resources conducting arrests for many less serious offenses. Instead, arrests and petitioning decisions should target more serious, violent offenses, thereby decreasing the number of youth coming into contact with the system. With less overall youth in the system, MPD and OAG could then have greater capacity to appropriately target violent crime.

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Our three recommendations are intended to work in concert with one another. A unified, multi-agency juvenile justice database allows the District to obtain the most accurate data on youth contact with the system and then analyze this data over the long term. Additionally, investment in prevention and early intervention, in conjunction with a more targeted approach to the policing and charging of violent crime, will hopefully reduce the number of youth involved in the system, and allow the system to serve only those youth who have committed serious and/or violent offenses. We hope that consideration of the data presented in this report will help policymakers continue to improve the District's juvenile justice system so that it produces better public safety outcomes for the District's residents and better life outcomes for system-involved youth.

Endnotes

[1] *Our Changing City* (Urban Institute) (2015), accessed September 15, 2015, http://www.urban.org/features/our-changing-city-collection.

[2] MPDC Annual Reports, accessed September 15, 2015, http://mpdc.dc.gov/page/mpdc-annual reports.

Annual Reports and Documents, accessed July 15, 2015, http://www.dccourts.gov/internet/about/orgperf/annualreports.jsf.

[3] "MPDC Annual Reports."

Recent data shows that there were zero arrests of youth for homicide from January to August 2015. Data retrieved by the Office of Research and Analytical Services, Executive Office of the Chief of Police, Metropolitan Police Department (August 6, 2015) (on file with author).

[4] *Youth Arrest Trends in the District of Columbia (2007-2011)* (DC Lawyers for Youth, March 2015), http://d3n8a8pro7vhmx.cloudfront.net/dcly/pages/17/attachments/original/1370223188/DCLY_Youth_Arrest_Trends_Brief_2007-2011.pdf.

Comparison of Juvenile, Young Adult, and Adult Arrests in the District of Columbia (2010) (DC Lawyers for Youth, March 2011), http://d3n8a8pro7vhmx.cloudfront.net/dcly/pages/17/attachments/original/1370225661/Young_Adult_Brief_Draft_(Final).pdf.

[5] "MPDC Annual Reports."

[6] "Annual Reports and Documents."

[7] For further definitions and background information on juvenile case processing in the District, see: *Guide to the DC Juvenile Justice System* (Council for Court Excellence, June 644[3]), http://www.courtexcellence.org/uploads/publications/DCJuvenileJusticeGuideEnglish_Final.pdf.

[8] "MPDC Annual Reports."

MPD data from January to August of 2015 demonstrates that juvenile arrests have remained essentially flat year over year since 2009. Data retrieved by the Office of Research and Analytical Services (August 6, 2015) (on file with author).

[9] "MPDC Annual Reports."

[10] "Annual Reports and Documents."

[11] Ibid.

[12] Ibid.

[13] "MPDC Annual Reports."

"Annual Reports and Documents."

[14] "MPDC Annual Reports."

"Annual Reports and Documents."

Data from both MPDC and DC Superior annual reports for the last ten years, shows that about half of criminal arrests result in criminal filings in DC Superior Court.

[15] "MPDC Annual Reports."

"Annual Reports and Documents."

[16] "MPDC Annual Reports."

[17] Ibid.

[18] Annual Reports and Documents."

[19] *Metropolitan Police Department Annual Report 2013*, 28.

[20] Hon. Lee F. Satterfield, *Family Court 2013 Annual Report* (Superior Court of the District of Columbia, March 31, 2014), 84, http://www.dccourts.gov/internet/documents/Family-Court-2013-Annual-Report-to-Congress.pdf.

[21] *DC Juvenile Justice System at a Glance* (Criminal Justice Coordinating Council, n.d.), http://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/Juvenile%20Justice%20System%20ProcessesCJCC.pdf.

[22] These categories are chosen to roughly mirror the Part I offenses in the FBI's Uniform Crime Reporting Program. The Part I offenses "were chosen because they are serious crimes, they occur with regularity in all areas of the country, and they are likely to be reported to police." Federal Bureau of Investigation, "UCR Offense Definitions," 2009, http://www.bjs.gov/ucrdata/offenses.cfm.

Note that the DC Code definitions of these offenses differ somewhat from the UCR definitions.

Metropolitan Police Department Annual Report 2013 (Metropolitan Police Department of the District of Columbia, 2013), 19, http://mpdc.dc.gov/node/878852.

[23] The two largest year-to-year increase in this category occurred from 2003-04 and 2010-11, the same years in which the most significant changes in arrest data formatting were implemented in MPD's annual reports. Consequently, it is difficult to determine whether this increase represents changes in arrest activity, changes in data practices, or some combination of the two.

[24] Although as noted earlier data recategorization may somewhat distort this trend, there are three features of the robbery statistics that make it likely that the statistical increase reflects a real increase. First, robbery has been a distinct arrest category in each of the different arrest categorization systems since 1998. Second, it is a relatively serious crime and therefore more likely to be classified correctly rather than simply as "other." Third, the magnitude of the increase suggests that it is unlikely to be caused by recategorization alone.

[25] *Juvenile Arrest Trends, 2003-2008* (Chicago Police Department, Research and Development Division, March 2009), https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statistical%20Reports/Juvenile%20Reports/JuvArr2008.pdf.

Juvenile Arrest Trends, 2000-2005 (Chicago Police Department, Research and Development Division, June 644[0]), https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statistical%20Reports/Juvenile%20Reports/JuvJustV3I1.pdf.

Part I Crime Trends: Number of Juvenile Arrests and Arrest Rates Per 100,000 Population (Pennsylvania) (Pennsylvania Commission on Crime and Delinquency, 2010), http://www.portal.state.pa.us/portal/server.pt/document/882353/paarrsts_totjuvadlt_xls.

[26] "MPDC Annual Reports."

The Federal Bureau of Investigation's Uniform Crime Reporting Program designates eight offenses considered to be serious, regularly occurring, and likely to be reported to police as "Part I" offenses. The "serious" offenses chosen for Figure 7 mirror the Part I offenses as close as possible. The Part I offenses, and are criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Note that the statistics in this figure reflect MPD offense categorization, which may differ from the categorization of offenses in UCR data. Motor vehicle theft is excluded from Figure 5 because its reporting format has changed significantly over time within the MPD Annual Reports. Data on the remaining seven offenses should be more reliable than that for other offenses due to the seriousness nature of the crimes involved and the fact that MPD is required to report figures on these offenses to the UCR program.

[27] This subset of offenses is chosen to roughly mirror the four Part I – Violent offenses in the FBI's Uniform Crime Reporting Program, with the addition of weapons crimes. Note that the DC Code definitions of these four offenses differ somewhat from the UCR definitions.

[28] *Metropolitan Police Department Annual Report 2014.*

[29]Hon. Lee F. Satterfield, *Family Court* 2014 *Annual Report.*

[30]"MPDC Annual Reports."

[31]The Centers for Disease Control has identified violence as one of the most significant public health issues facing young people in this country. Centers for Disease Control (CDC), *Preventing Youth Violence: Opportunities for Action* 6 (2014), *available at* http://www.cdc.gov/violenceprevention/ youthviolence/pdf/opportunities-for-action.pdf.

[32]Aizer, A., J. Doyle, *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly Assigned Judges*, National Bureau of Economics Research Working Paper No. 5[3] 546, 6457, available at http://www.nber.org/papers/w19102.

[33] "Centers for Disease Control."

[34]Ibid.

[35]National Institute of Justice, Office of Justice Programs, accessed July 20, 2015, http:// www.crimesolutions.gov.