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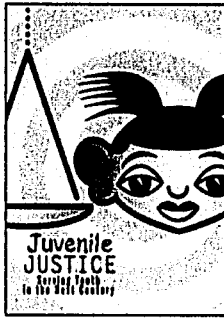


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American Youth Violence: Implications for National Juvenile Justice Policy

The perception of increasing youth violence is based on fear, not fact.

Franklin E. Zimring

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Unwarranted panic caused by the misperception that youth violence is dramatically increasing has led to a proposed national youth policy based on fear rather than fact. Juvenile crime statistics, reinforced with recently released FBI data, show that juvenile crime has actually been on the decline for the past few years. But more important is the fact that over the past two decades, there has been no sustained trend of either increase or decrease in juvenile violence.

Law Based in Fiction

In recent years, virtually every state has enacted laws designed to cope with a worsening general pattern of violent juvenile crime that does not exist. One of the more popular state-level measures has been lowering the age at which juveniles can be tried as adults. Many local governments are placing new restrictions on youth, and Congress gave serious consideration in 1998 to a law that, if passed, would have enabled federal prosecutors rather than judges to decide when to prosecute, in adult courts, juveniles

accused of serious crime. The proposed legislation further provided for federal financial incentives for punitive state juvenile justice policies. Another version of the federal juvenile justice bill is currently before a House-Senate conference committee as of late 1999.

Such proposals are the direct result of the belief that American cities are witnessing the emergence of a more dangerous breed of juvenile offender whose vicious behavior is unprecedented and whose numbers can only grow in the first decade of the next century. But the prediction of a "coming storm of juvenile violence" is science fiction rather than social science. The only conclusion to be drawn from the data with any confidence is that

there was no consistent pattern of youth arrests for violent crime from 1980-96.

The Facts

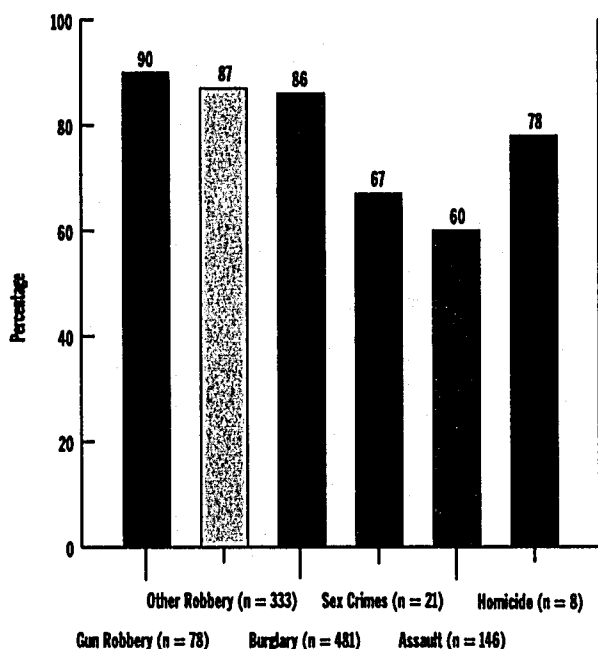
Juvenile vs. Adult Violence Adolescent violence differs from adult patterns in the United States in three respects: its high rate, its relatively low death toll, and its high level of group involvement. For American males, the most violence-prone years are adolescence, with about 10 percent of all 15- to 19-year-old boys involved in serious assault each year. But the death rate from assault is lower in the teen years than later. For example, boys aged 12-15 are assault victims just as often as males aged 20-24, but the younger group has a death rate

Important LRE Resource

American Youth Violence by Franklin E. Zimring, one of the nation's leading authorities on juvenile justice, examines juvenile violence statistics from 1980-96, offering a thorough review of the data, including national juvenile crime statistics and trends, population demographics, public policy trends, and media coverage of juvenile violence. Conclusions are drawn that provide important new information about what juvenile crime rates are today and what might be expected in the future. A critical finding is that a misreading of the statistics has been driving a nationwide trend toward much harsher approaches to juvenile justice than are necessary. Readers are encouraged to obtain and familiarize themselves with this important book, which is available at better bookstores and directly from the Oxford University Press by calling 1-800-451-7556 or visiting the Web site at www.oup-usa.org

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Figure 1 Multiple Offender Cases as a Percentage of Total Juveniles Charged, by Crime, New York City. Source: Zimring (1981).



from assault that is less than one-tenth as high. At the same time, teens, far more than adults, commit crimes in groups (see fig. 1), with many of the offenses deriving from efforts to “show off” or gain group status.

Youth Violence Trends Since 1980, trends in youth violence have been mixed in the following ways:

- Since 1980, arrest rates for juveniles aged 13–17 accused of rape and robbery show no identifiable trend over time either up or down, and they in fact have declined over the past five years (see fig. 2). Only one index of crime of violence shows a large and sustained increase since 1980: aggravated assault.
- Most of the increase in the arrest rate for aggravated assault for juveniles aged 13–17 between 1984–92 was not the result of increased numbers of assaults but of a change in the way police report and classify assaults. Supporting this is the fact that, even though there were more arrests for simple and aggravated assault during this period, the assault rate—measured through vic-

tim surveys—did not change during the same period. Further, assault arrests reported by police increased substantially, even for age groups in which homicide rates were declining.

- The homicide arrest rate for juveniles aged 13–17 rose sharply between 1984–92 but fell back by more than one-third by 1996; and, according to recently released FBI figures, this rate dropped an additional 16 percent in 1997. The homicide arrest rate in 1997 was about 12 percent above that in 1980. If the problematic aggravated assault category is put aside, youth violence in 1997 was no greater than in 1980.

The fallacy of predicting future arrest rates from past history is obvious when the historical data are examined. During the 1980–96 period, there were only three times in which the arrest rates for any one of four violent offenses (homicide, rape, aggravated assault, and robbery) rose or fell for more than three consecutive years. Arrest rates often change substantially in a short period of time.

Population Trends Part of the alarm expressed over the “coming storm of youth violence” concerns the growth in the youth population expected between 1995–2010; yet the population in the high-arrest years (ages 13–17) will increase only 15 percent during that period, and the proportion of the total population in these high-arrest-rate years will remain quite low by historical standards (see fig. 3). Youth between the ages of 13 and 17 will be 7.2 percent of the total U.S. population in 2010, a smaller proportion of society than during the 1960s,

Figure 2 Arrest Rates for Offenders, Ages 13–17, for Four Violent Offenses, 1980–1996. Source: U.S. Department of Justice, Federal Bureau of Investigation (1980–1993, 1994a, 1995–1996).

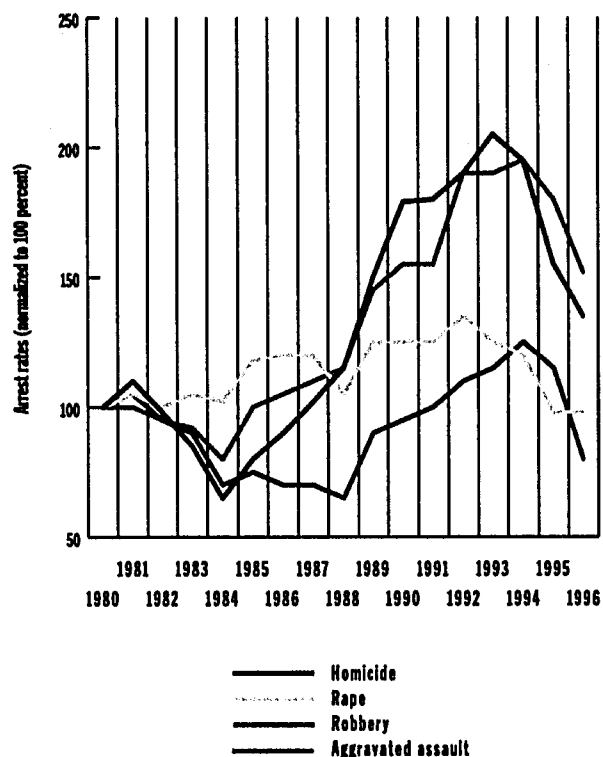
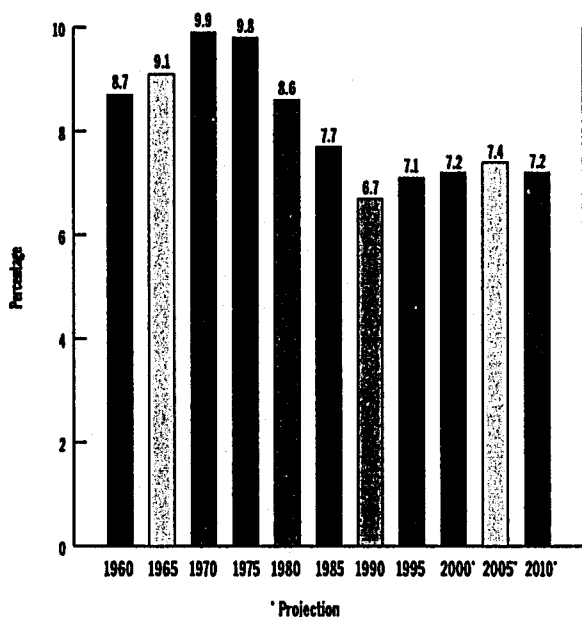


Figure 3 Proportion of U.S. Population, Ages 13–17, 1960–2010.
 Source: U.S. Department of Commerce, Bureau of the Census (1960–1994, 1995a).



1970s, and early 1980s. There will be no explosive “echo boom” of adolescents in the next decade.

Some widely publicized projections of future behavior from these data are even more flawed. One much-trumpeted prediction, for example, claimed that there will be an additional 270,000 extremely violent young people by 2010. However, that statistic, which was widely reported in the national media, included all young people under 18—even babies. The major influence on the amount of serious youth violence in the United States over the next decade will not be an increase in the number of adolescents.

Legal Policy Issues

There are three pivotal issues of legal policy toward adolescent violence: adolescent gun policy, transfer (waiver) of adolescents to criminal (adult) court, and the penal treatment of adolescent killers.

Adolescent Gun Policy Adolescent gun use and its legal regulation are critical to the control of youth violence because all of the increase in juvenile killings experienced after 1980 was

the result of gun use (see fig. 4). Current policies rest on two inconsistent views of adolescent maturity. The laws that restrict youth access to guns are based on the immaturity and inexperience of young people. About 90 percent of all the people prohibited by federal law from purchasing handguns are children and youth; yet mandatory minimum penalties and compulsory transfer of juveniles

involved in gun cases to criminal court seem to assume that juveniles should be regarded as equally capable of exercising judgment as adults. One of these assumptions must be wrong, and it is the latter.

Transfer to Criminal Court There are standards governing when youth under the maximum age of juvenile-court jurisdiction should be transferred to the jurisdiction of criminal court. The present analysis suggests that the practice should be restricted to cases in which the maximum punishment available in juvenile court is plainly inadequate, a determination that should be made by judges on a case-by-case basis.

The current trend in state legislation—to make wholesale exclusions from juvenile courts on the basis of the offense charged—is wrong in two respects. First, it does not rely on judges to determine the seriousness of individual cases, and, second, the law currently does not spell out the extent to which a defendant’s youth and immaturity should influence the punishment to be imposed in criminal court after transfer. To imagine that

transferring a 14-year-old from one court building to another has made him or her into an adult is a form of magical thinking we usually associate with primitive civilizations, yet such thinking plays an important role in current legislative activity in the United States.

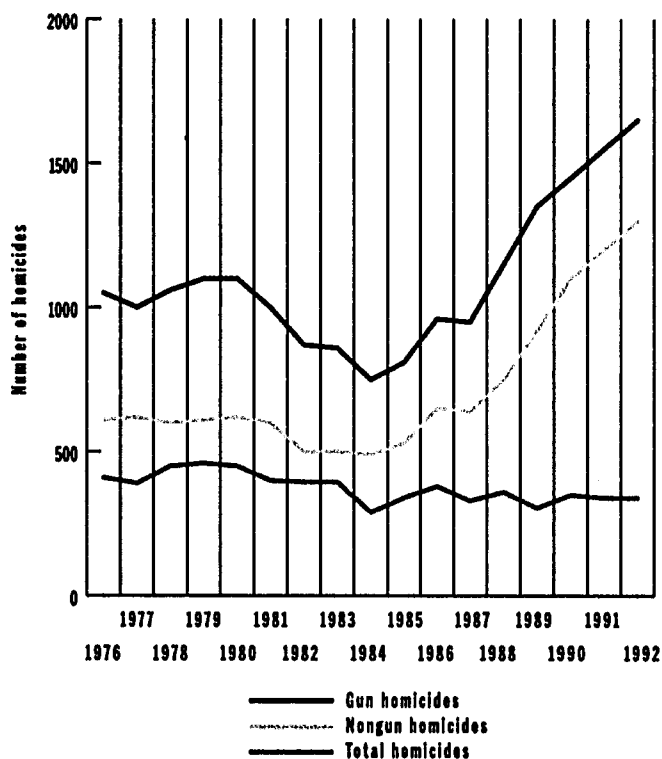
Penal Treatment Erroneous thinking about juvenile defendants can be replaced through rigorous analysis of the penal treatment of adolescent killers. Difficult questions that must be contemplated include the following:

- Do the rules and assumptions that make adults liable for first-degree murder if they merely aid a robber who causes a death also apply to teen homicide defendants?
- Should the diminished responsibilities of teen defendants result in fixed discounts from adult murder penalties or in separately determined punishments?
- What about the death penalty for the adolescent who kills?

Policies that aim to protect youth must give way when they conflict with

MacArthur Foundation
American Youth Violence by Franklin E. Zimring was supported by the MacArthur Foundation in Chicago. The Research Network on Adolescent Development and Juvenile Justice was established by the John D. and Catherine T. MacArthur Foundation in 1997 to develop new knowledge regarding the assumptions on which the juvenile justice system functions and to determine how a fuller understanding of adolescent development might influence legal and social policies concerning juvenile crime and juvenile justice. The network’s agenda bridges research, policy, and practice in social science, law, and juvenile justice. For more information on the network, visit its Web site at www.mac-adoldev-juvjustice.org

Figure 4 Number of Gun, Nongun, and Total Homicides by Offenders, Ages 10–17, 1976–1992. Source: U.S. Department of Justice, Federal Bureau of Investigation (1994b).



the minimum punishment necessary in homicides, but the interests of young offenders can be accommodated even in homicide cases much more effectively than in common practice.

Conclusion

The issue of adolescent violence must be put into the larger perspective of legal policy toward youth. There is no large conflict between the philosophy

and capacity of the modern juvenile court and most cases of adolescent violence. A special danger of the recent debate about youth violence is the fact that future crime patterns are the only feature of a generation of young children that has been addressed. It is both peculiar and destructive when members of Congress discuss only the future crime rates of children currently four and five years old.

The largest failure of perspective in the youth crime panic of the mid-1990s was a refusal to comprehend the multiple potentials and the contingency of a generation of young children not yet starting school when the bloodbath predictions were made. If the only measure of any generation in the United States was the worst acts that any of its members might commit, each new generation would be viewed as an unqualified disaster. In fact, to see only the negative in any generation of a nation's youth is almost implausibly silly. Such an unbalanced vision of the future can be put forward only by advocates with no real sense of the American past. ♦

The Coming Storm

Juvenile violence in the United States is frequently depicted as a difficult current problem that will inevitably get worse. United States Representative Bill McCollum, chair of the House Subcommittee on Crime, touches all the usual bases in testifying before a House Committee on Early Childhood, Youth, and Families in 1996:

In recent years, overall crime rates have seen a modest decline—nevertheless, this general decline masks an unprecedented surge of youth violence that has only begun to gather momentum. Today's drop in crime is only the calm before the coming storm. ...

It is important to keep in mind that [the current] dramatic increase in youth crime over the past decade occurred while the youth population was declining. Now here is the really bad news: This nation will soon have more teenagers than it has had in decades. In the final years of this decade and throughout the next, America will experience an "echo boom"—a population surge made up of the children of today's aging baby boomers. Today's enormous cohort of five-year-olds will be tomorrow's teenagers. This is ominous news, given that most [sic] violent crime is committed by older juveniles (those fifteen to nineteen years of age) than by any other age group. More of these youths will come from fatherless homes than ever before, at the same time that youth drug use is taking a sharp turn for the worse. *Put these demographic facts together and brace yourself for the coming generation of "super-predators."* (Emphasis in original.)

—Bill McCollum. Testimony Before the House Subcommittee on Early Childhood, Youth, and Families. April 30, 1996. Washington, D.C.: U.S. Government Printing Office, pp. 1–3.