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OFFENSE SPECIALIZATION AND ESCALATION AMONG STATUS OFFENDERS*

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I. BACKGROUND

Founded on the concept of *parens patriae*,¹ the juvenile court system has traditionally been allowed wide latitude to intervene in the lives of youths, ostensibly in their "best interests." For most of its existence, the juvenile court has sanctioned juveniles who have run away from home, disobeyed their parents, or engaged in other status offenses² in much the same manner as juveniles charged with committing serious crimes.³ In recent years, disillusionment with the policies and practices of the juvenile court has become widespread, precipitating a major controversy over the power and jurisdiction of the court.⁴ In turn, this controversy has become enmeshed in the broader and more complex issue of the legal status

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¹ *Parens patriae*, literally "parent of the country," originated from the English common law that charged the King with the protection of persons with legal disabilities, including children. BLACK'S LAW DICTIONARY 1003 (5th ed. 1979). See also Rendleman, *Parens Patriae: From Chancery to the Juvenile Court*, 23 S.C.L. REV. 205 (1971).

² Status offenses are acts that are illegal only if committed by juveniles. Although there are variations among the states, status offenses typically include running away, disobeying parents, curfew violations and truancy.

³ For a discussion of the history of the juvenile court, see B. KRISBERG & J. AUSTIN, *THE CHILDREN OF ISHMAEL: CRITICAL PERSPECTIVES ON JUVENILE JUSTICE* 7 (1978); A. PLATT, *THE CHILD-SAVERS: THE INVENTION OF DELINQUENCY* (1969).

⁴ On the policy debate concerning status offenders, see *BEYOND CONTROL: STATUS OFFENDERS IN THE JUVENILE COURT* (L. Teitelbaum & A. Gough eds. 1977); *STATUS OFFENDERS AND THE JUVENILE JUSTICE SYSTEM* (R. Allinson ed. 1978). See generally L. EMPEY, *AMERICAN DELINQUENCY: ITS MEANING AND CONSTRUCTION* 473 (1982).

of juveniles and their right to set their own standards of conduct.⁵

The right of juveniles under the *parens patriae* doctrine, as explained by the Supreme Court in *In re Gault*,⁶ was "not to liberty but to custody."⁷ If parents were unwilling or unable to fulfill their custodial responsibilities, the state would assume control over their children. Because the proceedings and dispositions of the juvenile court were supposedly neither criminal nor punitive in nature, procedural protections were regarded as an unnecessary constraint on the ability of the court to care for children.⁸ In addition, the juvenile court was granted broad jurisdictional power over a wide range of behavior. Status offenses were of particular concern to parents as well as judges because it was commonly believed that unless the juvenile court intervened, such behavior would lead to more serious delinquency in the future.⁹

Traditionally, delinquent and status offenses¹⁰ have been subsumed under the legal category of "delinquency," and the treatment possibilities for both types of offenders generally have been similar. Over the past two decades, however, there have been some significant changes in juvenile court practices regarding status offenders. Beginning in the early 1960's, a trend developed to exclude the noncriminal offenses of juveniles from criminal offenses by creating a separate category for status offenders.¹¹ The new status offender categories were intended to protect juveniles who had engaged in noncriminal misbehavior from the stigma thought to attach to adjudication as a delinquent.¹² To insure that noncriminal offenders would not be exposed to "real" offenders, some states also mandated that status offenders not be placed in any facility that also held delinquents.¹³

⁵ For a discussion of children's rights and delinquency, see THE FUTURE OF CHILDHOOD AND JUVENILE JUSTICE (L. Empey ed. 1979).

⁶ 387 U.S. 1 (1967):

⁷ *Id.* at 17.

⁸ *Id.*

⁹ See A. PLATT, *supra* note 3, at 138. For similar but more contemporary views, see Arthur, *Status Offenders Need Help Too*, 26 JUV. JUST. 3, 5 (Feb., 1975); Guarna, *Status Offenders Belong in Juvenile Court*, 28 JUV. JUST. 35, 36 (Nov., 1977).

¹⁰ A delinquent offense would be a crime if committed by an adult, whereas a status offense applies only to juveniles and would not be a crime if committed by an adult.

¹¹ See Brantingham, *Juvenile Justice Reform in California and New York in the Early 1960's*, in JUVENILE JUSTICE PHILOSOPHY 259 (F. Faust & P. Brantingham eds. 1979).

¹² For example, the committee that drafted the PINS (Persons in Need of Supervision) statute in New York expected that it would reduce instances of stigma. Note, *Constitutional Law—Equal Protection—Sex-Based Discrimination in Section 712(b) of the Family Court Act Held Unconstitutional*, 41 FORDHAM L. REV. 703, 705 n.20 (1973).

¹³ See, e.g., MD. CTS. & JUD. PROC. CODE ANN. § 3-823(b) (1984); MASS. ANN. LAWS ch. 119, § 39G (Michie/Law. Co-op. 1979); N.M. STAT. ANN. § 32-1-34 (1978).

As was the case with the creation of a separate juvenile court, the creation of separate status offender categories worked better in theory than in practice. Although the intent had been to provide status offenders with more appropriate treatment, in practice their treatment was often indistinguishable from that of delinquents. Both types of offenders were subject to arrest, detention, and adjudication. In some states, status offenders continued to be detained and incarcerated in the same institutions as delinquents.¹⁴ Even in states that initially had intended to provide separate confinement, status offenders and delinquents were sometimes held together because of a lack of other facilities.¹⁵ In addition, whether or not separate status offender categories existed, status offenders, especially females, frequently were detained and institutionalized more often than delinquents and for longer periods of time.¹⁶

The federal government enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974¹⁷ to provide financial incentives to jurisdictions to deinstitutionalize status offenders and to divert them from the juvenile justice system into community-based programs. The objective of the legislation was to reduce the justice system's processing of status offenders and to exclude secure detention and incarceration as a dispositional alternative of the court.¹⁸ There have been various attempts to circumvent the intent of the JJDP Act, however, including using the contempt power of the court to elevate status offenders into delinquents, referring or committing status offenders to secure mental health facilities, relabeling status offenders as delinquents, and developing "semi-secure" facilities.¹⁹ These and other considerations have prompted many observers to question whether status offenses should be within the jurisdiction of the juvenile court at all, and the resulting controversy has been characterized as "one of the most hotly debated issues in juvenile

¹⁴ Sarri, *Status Offenders: Their Fate in the Juvenile Justice System*, in STATUS OFFENDERS AND THE JUVENILE JUSTICE SYSTEM (R. Allinson ed. 1978).

¹⁵ Schultz & Cohen, *Isolationism in Juvenile Court Jurisprudence*, in PURSUING JUSTICE FOR THE CHILD (M. Rosenheim ed. 1976).

¹⁶ See, e.g., Chesney-Lind, *Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent*, 8 ISSUES IN CRIMINOLOGY 51 (1973); Datesman & Scarpitti, *Unequal Protection for Males and Females in the Juvenile Court*, in JUVENILE DELINQUENCY: LITTLE BROTHER GROWS UP (T. Ferdinand ed. 1977); Lerman, *Beyond Gault: Injustice and the Child*, in DELINQUENCY AND SOCIAL POLICY (P. Lerman ed. 1970); Pawlak, *Differential Selection of Juveniles for Detention*, 14 J. RESEARCH IN CRIME & DELINQ. 152 (1977); Sarri, *Juvenile Law: How It Penalizes Females*, in THE FEMALE OFFENDER (L. Crites ed. 1976); Note, *Un-governability: The Unjustifiable Jurisdiction*, 83 YALE L.J. 1383 (1974).

¹⁷ 42 U.S.C. §§ 5601-5751 (1982).

¹⁸ 42 U.S.C. § 5602(b)(2) (1982).

¹⁹ Costello & Worthington, *Incarcerating Status Offenders: Attempts to Circumvent the Juvenile Justice and Delinquency Prevention Act*, 16 HARV. C.R.-C.L. L. REV. 41, 42 (1981).

justice today."²⁰

The underlying rationale for the differential treatment of status offenders is the assumption that status offenders represent a distinct group of youths who specialize in status offenses and are rarely involved in delinquent behavior.²¹ Those who support removal of the status offense jurisdiction from the juvenile court do not subscribe to the juvenile court philosophy that early intervention at the point of status offense behavior prevents a progression into more serious forms of delinquency—the so-called “escalation” hypothesis. They subscribe instead to the “labeling” hypothesis, contending that juvenile court intervention itself causes escalation by encouraging youths to think of themselves as delinquent, and to associate with others who have been similarly identified.²²

The few systematic studies of offense specialization and escalation among status offenders that have been conducted have not always produced consistent results.²³ Thus, although most studies have found that status offenders also engage in delinquent offenses to varying degrees,²⁴ other studies are suggestive of a more specialized status offender group.²⁵ Similarly, there is evidence that both supports and refutes the notion that court processing may be associ-

²⁰ NAT'L ADVISORY COMMITTEE FOR JUVENILE JUSTICE & DELINQUENCY PREVENTION, STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE (1980).

²¹ LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, U.S. JUVENILE JUSTICE AND DELINQUENCY PREVENTION OPERATIONS TASK GROUP, PROGRAM ANNOUNCEMENT: DEINSTITUTIONALIZATION OF STATUS OFFENDERS 10 (1975).

²² See, e.g., E. LEMERT, HUMAN DEVIANCE, SOCIAL PROBLEMS, AND SOCIAL CONTROL (1967); E. SCHUR, LABELING DEVIANT BEHAVIOR (1971); Wheeler, *Cottrell & Romasco, Juvenile Delinquency — Its Prevention and Control*, in JUVENILE DELINQUENCY AND YOUTH CRIME (The President's Commission on Law Enforcement and Administration of Justice Task Force Report ed. 1976).

²³ See J. WEIS, JURISDICTION AND THE ELUSIVE STATUS OFFENDER: A COMPARISON OF INVOLVEMENT IN DELINQUENT BEHAVIOR AND STATUS OFFENSES (1980); Clarke, *Some Implications for North Carolina of Recent Research in Juvenile Delinquency*, 12 J. RESEARCH IN CRIME & DELINQ. 51 (1975); Erickson, *Some Empirical Questions Concerning the Current Revolution in Juvenile Justice*, in THE FUTURE OF CHILDHOOD AND JUVENILE JUSTICE (L. Empey ed. 1979); Kelley, *Status Offenders Can Be Different*, 29 CRIME & DELINQ. 365 (1983); Maita & Sax, *Personality Patterns and Offense Histories of Status Offenders and Delinquents*, 29 JUV. & FAM. CT. J. 27 (1978); Rojek & Erickson, *Delinquent Careers: A Test of the Career Escalation Model*, 20 CRIMINOLOGY 5 (1982); Rojek & Erickson, *Reforming the Juvenile Justice System: The Diversion of Status Offenders*, 16 L. & SOC'Y REV. 241 (1981-82); Thomas, *Are Status Offenders Really So Different? A Comparative and Longitudinal Assessment*, 22 CRIME & DELINQ. 438 (1976); S. Hofacre & M. Zusman, *Career Patterns of Juvenile Multiple Offenders* (paper presented at the annual meeting of the American Society of Criminology, Washington, D.C., November 11-14, 1981).

²⁴ See, e.g., J. WEIS, *supra* note 23; Thomas, *supra* note 23.

²⁵ Clarke, *supra* note 23; Erickson, *supra* note 23 (when one-time offenders were included in analysis, 62% of those initially referred to court for a status offense either never returned or returned only for additional status offenses).

ated with subsequent involvement in more serious delinquency.²⁶

While several of the available studies provide important information on offense specialization and escalation among status offenders, they also have a number of deficiencies that limit their broader applicability. First, most studies have relied only on official data to address these issues.²⁷ Numerous studies have suggested that official data greatly underestimate the amount of delinquent activity and exaggerate sex and race differences.²⁸ By some estimates, as many as 90% of delinquent acts may go undetected or unacted upon.²⁹ It is widely recognized that discretionary and organizational factors may impinge upon the selection of youths for formal processing,³⁰ suggesting that official data may be more useful for examining these factors than actual delinquent activity. Unofficial delinquent activity or behavior, as opposed to official processing, may be better measured with self-report data that is collected directly from youths, and thus, is not impacted by the decisions of official control agents.³¹

Second, most studies have addressed the specialization and

²⁶ See, e.g., Marra & Sax, *supra* note 23, at 30 (concluded that status offenders "show a consistent pattern" of escalation); Thomas, *supra* note 23, at 452 (concluded that offense escalation "was not adequately supported").

²⁷ Both Erickson and Weis, *supra* note 23, used official and self-report data to examine offense specialization and escalation among status offenders. Although Erickson examined specialization using both official and self-report data, he used only the official data to test the escalation hypothesis. Weis, on the other hand, examined the specialization and escalation issues with the self-report data, but was unable to look at escalation with the official data. Weis had some official data and examined official reactions to status offenses, however, the official data available to him did not include the time the intervention occurred and so he could not address the question of order and escalation.

²⁸ See, e.g., Elliott & Ageton, *Reconciling Race and Class Differences in Self Reported and Official Estimates of Delinquency*, 45 AM. SOC. REV. 95 (1980); Gould, *Undetected Delinquent Behavior*, 3 J. RESEARCH IN CRIME & DELINQ. 27 (1966); Gould, *Who Defines Delinquency: A Comparison of Self-reported and Officially-reported Indices of Delinquency for Three Racial Groups*, 16 SOC. PROBS. 325 (1969); Hindelang, *Age, Sex, and the Versatility of Delinquent Involvements*, 18 SOC. PROBS. 527 (1971).

²⁹ Erickson & Empey, *Court Records, Undetected Delinquency and Decision-Making*, 54 J. CRIM. L., CRIMINOLOGY & POLICE SCI. 456, 462 (1963).

³⁰ See, e.g., Chesney-Lind, *Judicial Paternalism and the Female Status Offender*, 23 CRIME & DELINQ. 121 (1977); Piliavin & Briar, *Police Encounters with Juveniles*, 70 AM. J. SOC. 206 (1964); Thornberry, *Race, Socioeconomic Status and Sentencing in the Juvenile Justice System*, 64 J. CRIM. L. & CRIMINOLOGY 90 (1973); Wilson, *The Police and the Delinquent in Two Cities*, in *CONTROLLING DELINQUENTS* 9 (S. Wheeler ed. 1968).

³¹ See Hindelang, Hirschi & Weis, *Correlates of Delinquency: The Illusion of Discrepancy Between Self-Report and Official Measures*, 44 AM. SOC. REV. 995 (1979). The article suggests that the apparent incompatibility between official and self-report data may be largely illusory and attributable to the relatively less serious offenses often included in self-report measures. It is important, therefore, when using official and self-report data, to compare within offense categories to the extent possible rather than to make global comparisons.

escalation issues in terms of involvement in global status offense behavior rather than specifying particular types of status offenses, and thereby possibly have obscured important differences between types of status offenses. A third problem with some of the available studies is that they have included only males. Other studies have not conducted separate analyses for males and females.³² Similarly, race generally has not been included as a variable, particularly in conjunction with gender.³³

The present study attempts to extend existing research by examining the specialization and escalation issues with reference to both official and self-report data. Status offense categories are more specific and findings are presented separately for females and males. In addition, race also is examined in conjunction with sex to determine whether offense patterns differ among black females, white females, black males and white males.

II. THE PRESENT STUDY: DATA AND METHODS

These data were collected as part of a national evaluation of deinstitutionalization programs for status offenders. The sample consists of status offenders who were referred to the Family Court in Delaware during a three year period, and includes a pre-program group processed in the year prior to the advent of deinstitutionalization, as well as a program group processed in the two year period following deinstitutionalization. Juveniles whose instant status offense also involved a delinquent charge were excluded from selection so that the sample consists of only "pure" status offenders. For the purposes of this analysis, only those juveniles whose instant offense constituted their first referral to juvenile court are included (N=687). Juvenile court files were searched to obtain data on offenses committed subsequent to the instant status offense for a six month period on all juveniles, and for a twelve month period on juveniles selected during the first part of the pre-program and program periods. Juveniles who were not "at risk"³⁴ for the full follow-up period were excluded from the analysis.

In addition, self-reports of offenses were obtained from status

³² See, e.g., Rojek & Erickson, *supra* note 23 (study used only official data); J. WEIS, *supra* note 23 (study distinguished among types of status offenses and between females and males only with self-report data); Thomas and Kelley, *supra* note 23 (presented separate analyses for females and males based on official data).

³³ Rojek & Erickson and Kelley, *supra* note 23 (presented separate analyses by race for official data, but did not control for gender and race simultaneously).

³⁴ A juvenile who was not "at risk" reached age 18 before the end of the follow-up period and was no longer subject to the jurisdiction of the juvenile court.

offenders who were processed during the program period.³⁵ All juveniles in this group were contacted for an initial interview shortly after referral to court for the instant status offense (T1) and again six months later for a second interview (T2).³⁶ Of these, 657 or 72.5% completed the T1 interview and 502 or 76.4% of the T1 sample were interviewed at T2. At each interview, juveniles were asked to report the number of times they had engaged in various illegal acts during the previous six months. Frequencies could range up to fifteen or more for each of the twenty-eight self-reported delinquency items.

Because status offenses constitute the major focus of this analysis, the official data and self-reported data were collapsed into a delinquency category and three status offense categories: running away, being ungovernable, and a residual category of other status offenses. In examining the transition frequencies for evidence of escalation, the assumption is made that the offense categories are arranged in terms of increasing severity, beginning with other status offenses and culminating with delinquency. This assumption was made on the basis that status offenses elicit varying degrees of parental concern and justice system resources, so that running away is considered the most serious, followed by being ungovernable and the "other" category, which largely consists of underage drinking violations.

All existing studies do not employ the same statistical techniques in their analyses of offense specialization and escalation. For example, the standard approach to specialization is to examine the entire offense history to determine what percentage of youths can be classified as "pure" status or delinquent offenders or mixed offenders.³⁷ A variation of this approach is to determine what per-

³⁵ Self-report studies generally have been found to have a high degree of reliability and considerable validity. See M. GOLD, *DELINQUENT BEHAVIOR IN AN AMERICAN CITY* (1970); Clark & Tift, *Polygraph and Interview Validation of Self-Reported Deviant Behavior*, 31 AM. SOC. REV. 516 (1966); Farrington, *Self-Reports of Deviant Behavior: Predictive and Stable?*, 64 J. CRIM. L. & CRIMINOLOGY 99 (1973); Petersilia, *Validity of Criminality Data Derived from Personal Interviews*, in *QUANTITATIVE STUDIES IN CRIMINOLOGY* (C. Wellford ed. 1978).

³⁶ Interviews were conducted by members of the evaluation staff, usually in the youth's home. Youths were assured that their responses to the interview schedules would be anonymous and would be considered confidential, and in particular, that their responses would not be revealed to their parents or to justice or social service personnel. Only the interviewer and the youth were present during the actual interview and enough physical separation was maintained so that the youth could make his or her responses without being directly observed. Interviews were not conducted until at least one week after court intake to minimize the extent to which the youths might have viewed their responses as affecting court disposition.

³⁷ See, e.g., Erickson, *supra* note 23.

centage of youths have over half of their offenses within the same offense type.³⁸ Specialization also may be defined, as it was in the Wolfgang, Figlio, and Sellin Philadelphia cohort study,³⁹ as the likelihood that an offense of any type will be followed by one of the same type. This now classic study constituted an important step in delinquency research because it was the first to utilize stochastic models in the analysis of offense patterns. Using data on the arrest histories of 9,945 boys, Wolfgang, Figlio and Sellin concluded that juvenile offense histories could be best depicted as a simple homogeneous Markov chain, where the next offense type depends only on the present offense type and not on the number and type of past offenses.⁴⁰ They also found some evidence of offense specialization, but concluded that the strength of this tendency was difficult to determine because the probabilities of like-offense repetition were not particularly high.⁴¹

Status offenses were not included in the Philadelphia cohort study or in a recent replication of that study by Bursik.⁴² Bursik found, however, that the way that specialization is defined can influence the results of the study and suggested that the analysis of specialization can be greatly improved by combining the standard approach with more dynamic approaches such as the Markov model. The standard approach has the advantage of considering all of a youth's offenses, but cannot take into account the temporal ordering of the offenses. The Markov model, on the other hand, looks at the consecutive commission of like offenses without considering the totality of a youth's offense history. Therefore, the approaches should be considered complementary because each provides information lost to the other.⁴³

The present study thus will address the issues of offense specialization and escalation both in terms of the standard approach and the models which take time order into account.

III. OFFENSE SPECIALIZATION

In this section, several measures of the degree of offense specialization exhibited by a particular offense history are defined. The percent distributions of these measures are then compared in the

³⁸ See, e.g., Hofacre & Zusman, *supra* note 23.

³⁹ M. WOLFGANG, R. FIGLIO & T. SELLIN, *DELINQUENCY IN A BIRTH COHORT* (1972) [hereinafter cited as M. WOLFGANG].

⁴⁰ *Id.* at 179-85.

⁴¹ *Id.* at 188.

⁴² Bursik, *The Dynamics of Specialization in Juvenile Offenses*, 58 SOC. FORCES 851 (1980).

⁴³ *Id.* at 862.

four subgroups determined by race and sex, and for the official charges as well as self-reported offenses.

The first of these measures is defined as the probability of two offenses drawn at random from a particular offense record being in the same class. The computation for a particular record is carried out as follows:

(1) Let $n(i)$ denote the number of offenses in category i . In our case i represents one of four offense categories.

(2) Compute n to be the total number of offenses, and s to be the sum of the squares of the $n(i)$'s.

(3) Compute specialization by the formula

$$\text{Specialization} = s/n^2$$

This measure of specialization varies between 25%, meaning that offenses are equally distributed across categories, and 100%, meaning that all offenses are in the same category. Intermediate values indicate the degree to which the offense history shows a tendency to cluster in a small number of categories. As can be seen, specialization defined in this manner does not take into account the particular category in which specialization occurs. Thus, we also will examine specialization within a particular category, defined simply as the percent of all offenses falling within that category, referred to here as concentration to distinguish it from the more general measure of specialization discussed above.

The percent distributions of specialization are shown in Table 1. With respect to the official record, the majority of all status offenders, regardless of sex and race, are referred to court within the same offense category 50% to 70% of the time. The official data also suggest, however, that both sex and race are associated with specialization. Females, particularly white females, specialize in official offense behavior to a greater extent than males. Thus, 35.2% of the white females were referred to court within only one offense category while only 11.5% of the black males were so referred. The difference between females and males is approximately a 15% higher proportion of specializers among females, and the difference between whites and blacks is about a 9% increase among whites. At the other end of the scale, the greatest degree of non-specialization is shown by black males.

The official data also indicate that white females and males have the shortest mean offense records (1.52 and 1.54, respectively), followed by black females (1.79), and black males (2.37). To further examine the differential tendencies of the four race-sex groups to specialize, we calculated the average specialization, controlling for

TABLE 1
Percent Distribution of Specialization by Race and Sex

Specialization	OFFICIAL OFFENSES			
	FEMALE		MALE	
	Black	White	Black	White
%	%	%	%	%
25-29	0.0	0.0	3.8	2.3
30-39	11.6	12.6	19.2	5.7
40-49	4.7	0.0	0.0	3.4
50-59	55.8	46.4	50.0	63.2
60-69	2.3	5.6	15.3	5.7
70-79	0.0	0.0	0.0	0.0
80-89	0.0	0.0	0.0	0.0
90-99	0.0	0.0	0.0	0.0
100	25.5	35.2	11.5	19.5
TOTAL ^a	100%	100%	100%	100%
	(43)	(71)	(26)	(87)

Specialization	SELF-REPORT OFFENSES			
	FEMALE		MALE	
	Black	White	Black	White
%	%	%	%	%
25-29	5.3	4.7	4.6	1.5
30-39	38.6	49.7	29.2	45.2
40-49	26.6	27.4	30.7	31.8
50-59	13.3	10.8	12.3	13.0
60-69	5.3	3.1	10.7	1.9
70-79	5.3	1.0	3.1	2.3
80-89	1.3	0.5	1.5	1.1
90-99	0.0	0.0	1.5	0.4
100	4.0	2.6	6.2	12.7
TOTAL ^a	100%	100%	100%	100%
	(75)	(193)	(65)	(261)

^a Percents may not add to 100 because of rounding.

the length of the offense history. Unfortunately, the comparisons are meaningful only for whites because of the small number of blacks. When the offense record consists of two offenses only, white females had a mean specialization of 74.4% compared with 63.8% for white males. Similarly, among those with three offenses only, the mean specialization was 65.7% for white females and 52.8% for white males. Thus, although specialization appears to decrease with an increase in offense length, according to the official data, females appear more likely to specialize even when the number of offenses is held constant, at least among whites.

The self-report data show less specialization than the official data. Because juveniles typically self-report many offenses that do not result in official court action, the self-report data can be expected to show more heterogeneous careers simply as an artifact of the greater number of offenses. As can be seen, much higher proportions of these youths have all of their offenses within a single category when offense behavior is officially defined rather than self-reported. The self-report data show that the majority of these youths report that between 30% and 50% of their offenses occur within a single category. Thus, the official data suggest the existence of a fairly sizable group of youths who tend to be very homogeneous in their offense behavior and a large intermediate group in the 50% to 60% range of specialization. The self-report data, however, show a large group of youths who tend to cluster in the below 50% range of offense specialization.

In general, the differential tendencies of the race-sex groups to specialize in official delinquency are not supported by the self-report data, which suggest instead that offense behavior is more generalized among the types examined here for all groups. Further, when the number of offenses is controlled, as in the official data, the mean specialization of females and males does not differ markedly.

The analysis thus far has been in terms of specialization, without regard to the category of offense in which it occurred. It is possible that youths who appear as heterogeneous in their offense behavior from the analysis in Table 1 may nevertheless be defined as specialists in terms of a generalized involvement in status offenses only. Therefore, in Table 2 we turn to the measure of concentration in status offenses, as opposed to delinquent offenses, which is simply the proportion of the individual's offenses falling in any of the status categories.

There appears to be strong evidence of specialization in Table 2, at least for the official data. It appears that the overwhelming majority of first-time status offenders return to court only for other

TABLE 2
Percent Distribution of Concentration in Status Offenses by
Race and Sex

Concentration	OFFICIAL OFFENSES			
	FEMALE		MALE	
	Black	White	Black	White
%	%	%	%	%
0-9	0.0	0.0	0.0	0.7
10-19	0.0	0.0	0.0	0.0
20-29	0.9	0.0	5.8	1.7
30-39	1.9	0.8	5.8	1.4
40-49	0.9	0.0	3.8	0.7
50-59	11.2	5.3	11.5	12.9
60-69	4.7	2.5	5.8	2.8
70-79	0.9	1.6	3.8	1.0
80-89	0.9	0.8	5.8	0.0
90-99	0.0	0.0	0.0	0.0
100	<u>78.5</u>	<u>88.9</u>	<u>57.6</u>	<u>78.6</u>
TOTAL ^a	100%	100%	100%	100%
	(107)	(244)	(52)	(286)

Concentration	SELF-REPORT OFFENSES			
	FEMALE		MALE	
	Black	White	Black	White
%	%	%	%	%
0-9	0.0	0.0	0.0	0.0
10-19	0.0	0.0	0.0	1.1
20-29	0.0	1.6	1.5	3.4
30-39	1.3	7.3	4.6	8.0
40-49	4.0	14.5	9.2	18.7
50-59	10.6	18.1	12.3	17.2
60-69	14.6	21.7	18.4	19.9
70-79	13.3	13.4	10.7	13.0
80-89	18.6	10.3	10.7	8.8
90-99	13.3	4.7	16.9	6.1
100	<u>24.0</u>	<u>8.3</u>	<u>15.3</u>	<u>3.4</u>
TOTAL ^a	100%	100%	100%	100%
	(75)	(193)	(65)	(261)

^a Percents may not add to 100 because of rounding.

Table 3
Percent Distribution of Concentration Within Status Offenses by Race and Sex

Concentration %	OFFICIAL OFFENSES											
	RUNAWAY				UNGOVERNABLE				OTHER STATUS			
	FEMALE		MALE		FEMALE		MALE		FEMALE		MALE	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
0-9	52.3	50.0	86.5	86.9	47.6	77.0	32.6	76.0	85.0	60.2	61.5	28.8
10-19	0.0	0.0	0.0	0.0	0.0	0.4	0.0	0.0	0.0	0.8	0.0	0.0
20-29	0.0	0.0	1.9	0.4	0.9	0.8	5.8	0.7	1.9	0.8	3.8	0.4
30-39	0.9	0.8	0.0	0.4	2.8	2.0	1.9	0.7	0.0	0.8	0.0	0.7
40-49	0.0	0.4	0.0	0.0	0.0	0.0	1.9	0.4	0.0	0.0	0.0	0.4
50-59	7.5	4.9	1.9	2.8	8.4	4.5	3.8	3.9	1.9	2.0	5.8	3.5
60-69	2.8	2.9	1.9	0.4	0.9	1.2	0.0	0.0	0.0	0.4	1.9	0.4
70-79	0.9	0.8	0.0	0.0	0.0	0.4	0.0	0.0	0.0	0.4	0.0	0.0
80-89	0.0	0.4	1.9	0.0	0.0	0.4	1.9	0.0	0.0	0.0	0.0	0.4
90-99	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
100	35.5	39.7	5.8	9.2	39.2	13.5	51.9	18.3	11.2	34.4	26.9	65.4
TOTAL ^a	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	(107)	(244)	(52)	(284)	(107)	(244)	(52)	(284)	(107)	(244)	(52)	(284)

Table 3 (Cont'd.)

Concentration %	SELF-REPORTED OFFENSES											
	RUNAWAY				UNGOVERNABLE				OTHER STATUS			
	FEMALE		MALE		FEMALE		MALE		FEMALE		MALE	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
0-9	73.3	77.7	73.8	93.4	6.7	9.3	16.9	11.4	5.3	5.7	12.3	2.7
10-19	16.0	12.4	16.9	3.4	12.0	11.3	16.9	11.4	5.3	1.6	3.1	0.4
20-29	5.3	6.2	4.6	1.5	16.0	13.9	13.8	18.3	5.3	3.6	6.2	1.1
30-39	5.3	2.1	1.5	0.8	18.6	22.2	7.7	19.9	6.7	6.7	6.2	4.2
40-49	0.0	0.0	0.0	0.4	18.6	20.7	12.3	20.3	13.3	14.5	6.2	11.4
50-59	0.0	0.5	3.1	0.0	13.3	11.3	15.3	12.6	22.6	21.7	13.8	21.0
60-69	0.0	0.0	0.0	0.0	4.0	5.2	6.2	3.1	13.3	19.6	10.7	19.5
70-79	0.0	0.5	0.0	0.0	1.3	1.6	4.6	0.8	14.6	10.8	9.2	17.6
80-89	0.0	0.0	0.0	0.0	5.3	1.0	0.0	0.0	9.3	9.3	18.4	9.6
90-99	0.0	0.0	0.0	0.0	1.3	0.0	3.1	0.4	1.3	2.6	4.6	5.0
100	0.0	0.5	0.0	0.4	2.7	3.1	3.1	1.5	2.7	3.6	9.2	7.3
TOTAL ^a	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	(75)	(193)	(65)	(261)	(75)	(193)	(65)	(261)	(75)	(193)	(65)	(261)

^a Percents may not add to 100 because of rounding.

status offenses. Although this is the case for all race-sex groups, white females are the most likely to appear in official court records as pure status offenders (88.9%) whereas black males are the least likely to concentrate exclusively in status offense behavior (57.6%).⁴⁴ According to the self-report data, however, youths who engage in status offenses also are involved in delinquent behavior much more frequently than the official data indicate. For example, while 88.9% of the white females returned to court only for additional status offenses, only 8.29% appeared as pure status offenders in the self-report data. Most of these youths, however, report that at least half of their offenses were status offenses and few indicate that status offenses accounted for less than 30% of their offenses.

It is also interesting to note that higher proportions of white than black youths are referred to court for status offenses only, while higher proportions of black than white youths report that at least 90% of their offenses are status offenses. It appears that status offenses warrant official intervention most often when engaged in by white females and least often when engaged in by black males—a not unexpected finding. These findings also are consistent with other studies that have shown that when status offenders are referred to court, white females receive the harshest dispositions while black males are treated most leniently.⁴⁵

In Table 3 we consider the degree of specialization within status offense categories. The measure of concentration here is the proportion of all status offenses that fell in each of the three status sub-classifications. Again, the findings differ depending on whether offense behavior is officially defined or self-reported. The official data, for example, indicate that a sizable proportion of the status offense behavior of females is accounted for exclusively by runaway charges. Thus, runaway charges make up nearly 40% of the status offense referrals for females as compared with only 9.2% and 5.8%, respectively, for white and black males. The self-report data, on the other hand, show that runaway behavior constitutes only a very small part of the total status offense involvement of any race-sex group, with at least 90% reporting that less than 20% of their status offenses were runaway.

Whereas gender differences are most apparent in the official data for runaway behavior, the differences for ungovernability ap-

⁴⁴ White females may be treated more harshly because the departure from normative expectations is greater for them than for black males; white females have traditionally been charged with more stringent standards of morality. Reiss, *Sex Offenses: The Marginal Status of the Adolescent*, 25 LAW & CONTEMP. PROBS. 309, 319 (1960).

⁴⁵ Datesman & Scarpitti, *supra* note 16.

pear to be based on race. Approximately 50% of the status offense referrals of black males and 39.2% of those of black females consisted of ungovernability charges only, whereas this was the case for only 18.3% of the white males and 13.5% of the white females. The self-report data show that higher proportions of black youths report more of their status offense behavior as ungovernable, but the differences are much less pronounced than in the official data, particularly for black males.

Unfortunately, we do not know the precise behaviors that underlie these ungovernability charges. Ungovernability encompasses a less well defined and much broader range of behaviors than other more specific types of status offenses such as running away. For example, although youths may be referred to court as ungovernable for defying parental authority, other studies have found that youths may be charged as ungovernable when an alleged delinquent act cannot be sufficiently supported by the evidence.⁴⁶ It may be that black youths, especially black males, charged as ungovernable, engage in more serious offense behavior including delinquent behavior, than white youths. This may account at least in part for their overrepresentation in the official data. This is highly speculative, however, because our data do not allow us to determine whether this is in fact the case in the present research.

Finally, the official data suggest that white males are most likely to specialize within the residual category of other status offenses. While somewhat higher proportions of white males report more of their status offenses in this category, the differences are not nearly as apparent as in the official data. Because this is a miscellaneous category, it is difficult to determine what particular type of "other" status offense behavior accounts for the overrepresentation of white males in the official data. One possibility is that white males are committing the types of "other" status offenses that are more likely to result in a court referral. For example, 86% of the white males and 76.6% of the white females, but only 50% of the black youths, report drinking alcohol at least once in the six months prior to their referral to court. It may be that a significant proportion of the white males in the "other" category have been charged with an alcohol violation. As mentioned previously, it might also be that "other" status offenses are simply considered less serious as a group and that black youths tend to be referred to court only when their status offense behavior is relatively frequent and serious.

⁴⁶ See, e.g., Note, *Ungovernability: The Unjustifiable Jurisdiction*, 83 *YALE L.J.* 1383, 1394 (1974).

In sum, for the official data, there are a number of differences in specialization among the four race-sex groups. For example, the highest proportion of pure status offenders are found among white females and the lowest among black males. Further, females are the most likely to be concentrated within the runaway category, blacks within the ungovernable category, and white males within the other status offense category. These differences are either weaker or non-existent in the self-report data. The self-report data also indicate a greater diversity of offense behavior than is suggested in the official data, although most of these youths still report that status offenses account for a larger proportion of their offense behavior than delinquent offenses.

IV. OFFENSE ESCALATION

Analysis of offense specialization is a static analysis because it does not take into account the time order in which the offenses occur. Including the time order permits us to analyze tendencies to escalate or de-escalate in terms of the seriousness of the offense categories. The study of a sequence of events in time is complex and deserves more attention than it has had in delinquency research. We will describe this complexity in terms of analyzing a single offense history, and then define the two types of analyses we have used to approach our data.

A single offense record can be represented as a string of the offense types, given in time order. If the categories are numbered from 1 (least serious—the “other” status category) to 4 (most serious—the delinquency category), then a possible record of eight offenses could be written 1 2 1 2 2 3 3 4. One of the fundamental problems in analyzing records of this type is that there are so many possible patterns. For example, with four offense types and eight offenses there are more than 32,000 possible records. Clearly, it is necessary to simplify the description of an offense history, and this must be done with the intent of capturing its salient features.

In examining the development of delinquent careers in the Philadelphia cohort study,⁴⁷ Wolfgang, Figlio and Sellin reduced each record to a sequence of one-step transitions. If we use the notation [ij] to indicate that an offense type j immediately followed one of type i, then the record given above would be represented as (12) (21) (12) (22) (23) (33) (34), a sequence of seven transitions. When these one-step transitions are arranged in tables, the above record would contribute a transition from 1 to 2 in the first transition table.

⁴⁷ M. WOLFGANG, *supra* note 39.

In the second transition table, it would contribute a transition from 2 to 1, and so on. It is then possible to test the hypothesis that all the transition tables are drawn from the same hypothetical population of transition probabilities (the stationarity hypothesis), and combine them into a single one-step transition table, provided the hypothesis of stationarity is confirmed.

The rationale for reducing the original record to a set of transitions is based on the hypothesis that offense records follow a first-order Markov chain model as described in the Philadelphia cohort study.⁴⁸ As Wolfgang, Figlio and Sellin indicated, it is extremely difficult to test the Markov hypothesis due to the very large number of possible types of offense records.⁴⁹ Even samples that would be regarded as enormous are not adequate to test the Markov hypothesis. By contrast, the test of stationarity is very simple, being essentially equivalent to testing the hypothesis of homogeneity in a number of square contingency tables.⁵⁰ The stationarity test is meaningless, however, without first testing and confirming the Markov hypothesis.

Wolfgang, Figlio and Sellin recognized the necessity of preceding the stationarity test with a Markov test, and as a step in this direction they considered a second-order Markov model for their data.⁵¹ Whereas the first-order Markov model specifies that the next offense depends only on the current offense, and thus, is independent of the history preceding the current offense, the second-order Markov model specifies that the next offense depends on the current and immediately preceding offenses, but is independent of all offenses occurring earlier than these. In effect, the second-order model would justify reducing our hypothetical record to its triplets of transitions: (121) (212) (122) (223) (233) (334).

Wolfgang, Figlio and Sellin tested the hypothesis that the first-order model provided an adequate fit to their data, given that the second-order model was adequate. As indicated previously, no test of the second-order model was made because of the large number of possible records. Although this method does not follow the accepted practice of testing a hypothesis in contingency tables, it was a reasonable strategy given the limitation of the sample size. Using the reported chi-square, we calculate that the p-value against the

⁴⁸ *Id.* at 175.

⁴⁹ *Id.* at 187.

⁵⁰ See Y. BISHOP, S. FIENBERG & P. HOLLAND, *DISCRETE MULTIVARIATE ANALYSIS: THEORY AND PRACTICE* (1975); Goodman, *Statistical Methods for Analyzing Processes of Change*, 68 *AM. J. SOC.* 57, 68 (1962).

⁵¹ M. WOLFGANG, *supra* note 39, at 186.

first-order Markov hypothesis is .0645. Although this falls above the customary .05 criterion, it does provide considerable evidence that the first-order model fits substantially worse than the second-order model. The .05 criterion may be a reasonable one for testing null hypotheses against a research hypothesis, but it is not the appropriate standard for use in deciding which basic model should be used for analyzing the data.

In summary, the evidence favoring the use of a first-order Markov model does not appear to us to be very strong. We know of no case in which the Markov hypothesis has been tested on delinquency data, and in the only case in which a partial test has been made, the evidence suggests that, if anything, a second-order model should be used.

We found ourselves also in the position of having insufficient data to test the Markov hypothesis. In attempting to produce a partial test, we simplified the offenses to two categories, status and delinquent, and used the first five offenses (four transitions), including a desistance (no further offenses) category. If the first-order Markov model were adequate for the full record, then it would be adequate for our simplified test. If we rejected the model in our simplified case, then the Markov model for the full record would be rejected.

The results in Table 4 confirm both the first-order Markov model and the stationarity model for all four of the race-sex categories. Analysis within race-sex categories was necessary to avoid confounding the Markov property with heterogeneous transition probabilities among these four groups. Unfortunately, this conclusion leaves us in a position of having weak, partial evidence in favor of the stationarity Markov model, but not having conclusive evidence. Because of the high desistance rates in our sample, the amount of data available for these tests is rather small, so that a departure from "Markovity" would need to be substantial before our tests would detect it. Although Table 4 illustrates the appropriate statistical methodology (at least for two offense categories), we are unable to provide evidence favoring the first-order Markov model for our full data.

On the basis of the partial test, however, we have some evidence that the model is most likely first-order, suggesting that the next offense depends only on the current offense and not on previous offenses. The probability that a youth will be charged with a delinquent offense is essentially the same whether the previous offense history consisted of five status offenses or four delinquent offenses followed by one status offense. Thus, there is little evidence that the offense careers of these status offenders shift to more seri-

TABLE 4

**Test of the Markov Property and Stationarity for Transition
Data Using Delinquent and Status Categories by
Race and Sex**

	MARKOV PROPERTY			STATIONARITY			
	Chi-Sq	df	P	Chi-Sq	df	P	N
Black Female	5.18	16	.995	4.08	4	.395	42
White Female	7.32	16	.967	2.97	4	.563	72
Black Male	7.51	16	.962	3.35	4	.501	25
White Male	13.76	16	.617	0.14	4	.998	84

ous delinquent offenses as they become increasingly involved in status offenses.

The traditional Markov transition data are presented below in order to facilitate comparison with studies using that methodology, but a parallel analysis also is presented that uses a technique for data reduction less severe than that of the Markov model. Instead of reducing the hypothetical offense record to a sequence of adjacent transitions, we also considered reducing it to a set of non-adjacent transitions. If we use the notation [ij] to indicate that an offense of type j followed one of type i somewhere in the offense record (but not necessarily immediately following it), then the hypothetical record gives the information as follows:

<u>Non-Adjacent transition</u>	<u>Frequency</u>
[11]	1
[12]	5
[13]	4
[14]	2
[21]	1
[22]	3
[23]	6
[24]	3
[31]	0
[32]	0
[33]	1
[34]	2
[41]	0
[42]	0
[43]	0
[44]	0

The rationale for this has two bases. First, our simplification contains more of the structure of the offense record than the Markov analysis, and there is some doubt that the Markov analysis is

appropriate. Second, to answer questions concerning escalation, it is important to provide as much information as possible. Knowing whether there is a tendency for more serious offenses to follow less serious offenses, regardless of the intervening offenses, presents aspects of the offense career that are discarded in the Markov approach.

In what follows, we include our hypothetical record as contributing to the frequency of non-adjacent transitions as shown above. We will refer to this as the non-Markov analysis. It pertains to non-adjacent transitions. For the purpose of establishing comparability with the Markov transition analysis, the tables of non-adjacent transitions are arranged in the same form. An entry of p for the $[ij]$ transition in such a table has the interpretation that if we were to draw an individual at random from our sample, and choose two of his or her offenses at random, then, given that the first was i , the probability that the second was j would be p .

The transition probabilities for adjacent and non-adjacent offenses are presented in Tables 5 and 6, respectively. Overall, the results of the two analyses are fairly consistent, although the pattern of movement differs somewhat among the race-sex groups. In general, males are most likely to follow an offense of any type with a delinquent offense. The exception is black males whose prior offense was runaway. For them the most likely transition is runaway-to-runaway. The most likely movement for white females also is to a runaway offense regardless of the prior offense type, while black females show a somewhat more mixed pattern of movement. Black females whose prior offense was delinquent or ungovernable are most likely to follow with a delinquent offense, whereas runaway and other status offenses are most often followed with a runaway offense. Moreover, males are most likely to remain within the same offense type when the prior offense is delinquent, and females when the prior offense is runaway. Again, the exception is black males. About the same proportions of black males remain in the runaway and delinquent categories when the offenses are adjacent. The sample size, however, is exceptionally small here and this finding needs to be interpreted with caution. When the offenses are not adjacent, black males exhibit a pattern similar to white males.

There are, however, several noteworthy discrepancies in the pattern of movement between the adjacent and non-adjacent transitions. Among white females, for example, a delinquent offense is somewhat more likely to follow immediately after a delinquent offense than to follow later in the record. By contrast, a runaway offense is somewhat more likely to follow a status offense, other than a

TABLE 5
Probabilities of Adjacent Transitions from Prior to
Subsequent Offenses by Race and Sex

PRIOR OFFENSE = DELINQUENT					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Females	50.0	14.3	21.4	14.3	14
White Females	41.7	41.7	16.7	0.0	12
Black Males	63.6	9.1	18.2	9.1	22
White Males	66.7	9.5	2.4	21.4	42

PRIOR OFFENSE = RUNAWAY					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Females	32.4	59.5	5.4	2.7	37
White Females	23.2	53.6	14.3	8.9	56
Black Males	12.5	62.5	12.5	12.5	8
White Males	38.9	27.8	22.2	11.1	18

PRIOR OFFENSE = UNGOVERNABLE					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Females	44.0	32.0	20.0	4.0	25
White Females	33.3	30.0	30.0	6.7	30
Black Males	56.3	12.5	18.8	12.5	16
White Males	60.0	3.3	26.7	10.0	30

PRIOR OFFENSE = OTHER STATUS					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Females	25.0	50.0	25.0	0.0	4
White Females	26.1	13.0	21.7	39.1	23
Black Males	85.7	0.0	7.1	7.1	14
White Males	67.4	2.0	10.2	20.4	49

TABLE 6
Probabilities of Non-Adjacent Transitions from Prior to
Subsequent Offenses by Race and Sex

PRIOR OFFENSE = DELINQUENT					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Female	50.0	20.0	20.0	10.0	20
White Female	33.3	41.7	25.0	0.0	24
Black Male	52.8	5.7	35.8	5.7	53
White Male	68.9	5.6	3.3	22.2	90

PRIOR OFFENSE = RUNAWAY					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Female	24.7	63.0	8.2	4.1	73
White Female	28.1	56.3	10.4	5.2	96
Black Male	26.9	38.5	26.9	7.7	26
White Male	46.7	24.4	15.6	13.3	45

PRIOR OFFENSE = UNGOVERNABLE					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Female	51.1	28.9	17.8	2.2	45
White Female	27.6	36.2	29.3	6.9	58
Black Male	44.2	5.8	38.5	11.5	52
White Male	64.8	3.7	16.7	14.8	54

PRIOR OFFENSE = OTHER STATUS					
	Delinquent	Runaway	Ungovernable	Other Status	N
	%	%	%	%	
Black Female	16.7	33.3	33.3	16.7	6
White Female	28.6	28.6	19.0	23.8	42
Black Male	74.3	5.7	14.3	5.7	35
White Male	72.3	2.1	6.4	19.1	94

runaway offense, when the offenses are non-adjacent. Furthermore, it appears that black males are much more likely to follow a runaway offense with a like offense when the offenses are adjacent; although the runaway-to-runaway transition is also most likely when the offenses are non-adjacent, the probability of occurrence is much lower. Among black males, an ungovernable offense is also more likely to follow an offense of any type when the offenses are non-adjacent. Similarly, white males are more likely to follow a status offense with a delinquent offense when the offenses are non-adjacent. For black females, the major difference between the two analyses occurs in the other status offense category. The extremely small sample sizes here, however, do not permit even tentative comparison.

While it appears from the analysis thus far that a substantial proportion of status offenders, particularly males, do have escalating offense patterns, these findings must be considered in conjunction with the desistance rates presented in Table 7. In general, the majority of these youths do not return to court after their first referral for status offenses. With the exception of black males, desistance rates are highest among youths charged with other status offenses with about 80% of these other race-sex groups having no further court referrals. When the instant status offense is ungovernable, about 56-59% of all race-sex groups desist. Similar proportions desist in the case of runaway with the exception of white females, who are more likely to avoid future court action than black females and males. Thus, it appears that the official records of youths who first experience court contact for status offenses are more often than not restricted to the instant status offense.

Table 8 takes the desistance rates into account and shows the probabilities of ever returning to court for a delinquent offense after an initial referral for a status offense. As can be seen, the majority of all race-sex groups did not return to court after the instant status offense, or came back only for additional status offenses. The probabilities of ever returning for a delinquent offense range from a low of 6.8% for white females to a high of 56.2% for black males initially referred within the other status offense category. In general, females, particularly white females, are less likely than males to ever be charged with a delinquency regardless of the instant status offense, whereas black males generally are more likely to return on a delinquent charge. When the instant status offense was ungovernable, for example, 18.2% of the white females eventually came back for delinquent offenses as compared with 27.6% of the white males, 28.8% of the black females, and 36.6% of the black males. More-

TABLE 7
Desistance Rates Following Instant Offense
by Race and Sex

	INSTANT OFFENSE			N
	Runaway	Ungovernable	Other Status	
	%	%	%	
Black Female	59.5	55.8	84.6	107
White Female	68.5	56.8	82.0	241
Black Male	60.0	56.7	43.8	51
White Male	61.8	58.6	77.0	275

over, after an eventual referral for a delinquent offense, substantial proportions of these youths had subsequent referrals for status offenses, ranging between a third for white males and two-thirds for white females.⁵² When examined in this way, it appears that the majority of these youths did not have escalating offense patterns.

TABLE 8
Probabilities of Ever Having a Delinquent Offense After the
Instant Status Offense by Race and Sex

	INSTANT STATUS OFFENSE			N
	Runaway	Ungovernable	Other Status	
	%	%	%	
Black Female	16.7	28.8	7.7	107
White Female	12.0	18.2	6.8	241
Black Male	20.0	36.6	56.2	51
White Male	23.5	27.6	17.0	275

Finally, we were able to examine the self-report data for evidence of offense escalation between the first and second interviews. As others who have relied on official data have indicated,⁵³ the sequencing of offenses is much easier using official than self-report data because the official record can specify much more precisely the timing of a youth's offenses. Given the limitations of official data noted earlier in this paper, however, it is important to examine the escalation issue using both types of data. The longitudinal design of the present research allows us to compare the offenses reported by a

⁵² Table 6.

⁵³ See, e.g., Bursik, *The Dynamics of Specialization in Juvenile Offenses*, 58 *SOC. FORCES* 851, 852 (1980).

youth during the six month period prior to the T1 interview with those reported during the subsequent six month period (T2). Because the self-report data showed that only a very small proportion of these youths were pure status offenders,⁵⁴ there were too few youths to follow in this manner. Instead, we defined escalation as the probability that, if two offenses were drawn at random from T1 and T2, the subsequent offense would be more serious than the prior offense. For purposes of this analysis, offenses were categorized as either delinquent or status.

The percentage distribution of escalation using the self-report data is shown in Table 9. There appears to be very little evidence to support the escalation hypothesis. Fewer than 10% of these youths showed evidence of progression toward delinquent offenses 70% of the time or more. The bulk of these youths fell in the middle ranges of escalation, with at least two-thirds of all race-sex groups reporting that 40-60% of their offenses were more serious at T2. This again suggests that there is no clear-cut progression from status to delinquent offenses because it seems that subsequent offenses are as likely to decline in seriousness as to increase.

TABLE 9
Percent Distribution of Escalation for Self-Report Offenses
by Race and Sex

Escalation	FEMALE		MALE	
	Black	White	Black	White
%	%	%	%	%
0-9	0.0	0.0	0.0	0.0
10-19	0.0	0.0	0.0	0.0
20-29	0.0	4.1	5.6	1.0
30-39	11.1	5.4	13.8	12.0
40-49	52.7	33.7	41.6	33.0
50-59	25.0	32.4	25.0	34.0
60-69	2.8	18.9	5.6	13.0
70-79	8.3	2.7	2.8	4.0
80-89	0.0	2.7	5.6	2.0
90-99	0.0	0.0	0.0	1.0
100	0.0	0.0	0.0	0.0
TOTAL ^a	100%	100%	100%	100%
	(36)	(74)	(36)	(100)

^a Percents may not add to 100 because of rounding.

⁵⁴ Table 2.

There is no evidence that offenses tend to escalate in seriousness as the offense career lengthens. Moreover, the majority of these youths did not return to court for a delinquent offense after the instant status offense, based in part on the high desistance rates and the tendency among females to return only for additional status offenses. The pattern of movement in the official data differed somewhat for males and females, with males most likely to follow an offense of any type with a delinquent offense, and females most likely to follow with a runaway offense. Black females showed a more mixed pattern of movement to delinquent and runaway offenses. Overall, the results of the adjacent and non-adjacent transition analyses were similar, although there were enough differences to suggest that both approaches provide useful information. The self-report data also do not support the notion that involvement in status offenses leads to later involvement in delinquent offenses. For most of these youths, subsequent offenses were as likely to become less serious as more serious.

Whether the adjacent or non-adjacent analysis is preferable in studies like ours is an important question. We feel that the similarity in the results of the two analyses in our data is a consequence of the relatively short offense histories of our subjects. A study with longer offense histories might find greater departures. There is considerable need to test the Markov hypothesis in escalation studies because by its very nature the Markov assumption precludes certain kinds of results that could shed light on behavior patterns. For example, a subject with a string of delinquent offenses followed by a status offense, and a second subject with only status offenses, are considered to have the same subsequent probabilities of committing status and delinquent offenses under the Markov model. In effect, this assumes a homogeneity of behavior over groups of subjects that may in fact follow different patterns. The non-adjacent analysis moves in the direction of taking more of the structure of different patterns into account.

Neither the adjacent nor non-adjacent analysis seems appropriate for the study of specialization. Specialization does not involve the time ordering of the offenses, and should be examined by statistical measures that do not use the ordering.

V. SUMMARY AND IMPLICATIONS

The present research has addressed the issues of offense specialization and escalation among status offenders using both official and self-reported data. Based on the official data, it seems that a

case may be made for the existence of a specialized status offender group, at least among those youths who had no previous court record at the time of their referral for the instant status offense. The majority of these youths appeared in official records as pure status offenders, although this was more typical of white females and less so of black males. The self-report data, on the other hand, showed that only a very small proportion of these youths were pure status offenders, with almost all admitting to some degree of delinquent activity. Most, however, still reported that status offenses accounted for a larger proportion of their offense behavior than delinquent offenses.

In addition, most of these youths never came back to court a second time. The high desistance rates and the tendency among females to return only for additional status offenses indicates that most of these youths did not reappear in court on delinquent charges. Overall, the probabilities of ever having a referral for delinquency after the instant status offense were lowest for white females and highest for black males. In addition, there was no evidence that offense careers followed an escalating pattern, becoming more serious as the number of offenses increased. The self-report data also showed a lack of evidence for escalation, with subsequent offenses as likely to decline in seriousness as to increase.

Thus, these data provide little support for the assumption sometimes made by critics of the juvenile court jurisdiction over status offenders that such youths engage only in status offenses. The data also fail to support the labeling contention that status offenders who experience court intervention continue to violate the law and become involved in more serious delinquencies. These data do not demonstrate that official processing has no effect on producing delinquency, but only that most youths labeled as status offenders do not reappear in court as delinquent offenders. Moreover, because all of the youths in this study were officially processed at least through court intake, it is unclear what the outcome would have been had no intervention occurred.

There are some data available from the larger study of which the present research is a part which address the impact of court ordered treatment or services on these youths. According to the self-reports of these youths, receiving services was no more effective in reducing recidivism than release after court intake. In addition, the type of status offender who was least likely to receive services (other status offense category) was most likely to desist. There also was no evidence that youths who participated in the deinstitutionalization/diversion program had lower recidivism rates than youths who

had been processed by the court prior to the inception of the program.⁵⁵

These findings are not unique. Since the passage of the JJDP Act of 1974, deinstitutionalization and diversion programs have proliferated, although many have had limited success in achieving the intended results. Conceived to divert youths out of the juvenile justice system, or to less severe alternatives within the system, a number of such programs have managed, through the phenomenon known as "net widening," to bring within their control youths who previously would have escaped formal intervention.⁵⁶ Youths who would have been released outright if no diversion programs existed are now being referred to such programs, while those for whom the programs are designed are unaffected. Moreover, it appears that diversion programs may be no less stigmatizing than juvenile justice system experience.⁵⁷ The problem, according to Klein, is that deinstitutionalization and diversion programs lack program integrity, meaning that they have not embodied the appropriate rationales.⁵⁸ As noted above, for example, such programs often target inappropriate youths. Consequently, says Klein, "diversion and deinstitutionalization rationales have yet to be tested adequately because they have yet to be implemented properly."⁵⁹ Therefore, it seems somewhat premature to dismiss the basic philosophies of deinstitutionalization and diversion before they have been properly tried and tested.

The further step of completely removing the status offense jurisdiction from the juvenile court should also be given serious consideration. While the present study shows that status offenders sometimes engage in delinquent behavior, it is important to remember that they first came to the attention of the court for behavior that would have been none of the court's business if they were but a few years older. It also should be recognized that older youths who

⁵⁵ S. DATESMAN & F. SCARPITTI, DELAWARE'S DEINSTITUTIONALIZATION OF STATUS OFFENDER PROGRAM: AN ASSESSMENT (1981).

⁵⁶ See Klein, Teilmann, Styles, Lincoln & Labin-Rosensweig, *The Explosion in Police Diversion Programs: Evaluating the Structural Dimensions of a Social Fad*, in *THE JUVENILE JUSTICE SYSTEM* (M. Klein ed. 1976); Lemert, *Diversion in Juvenile Justice: What Hath Been Wrought*, *J. RESEARCH IN CRIME & DELINQ.* 34 (1981); Lincoln, *Juvenile Referral and Recidivism*, in *BACK ON THE STREET* (R. Carter & M. Klein eds. 1976); Rojek & Erickson, *supra* note 23.

⁵⁷ D. ELLIOTT, F. DUNFORD & B. KNOWLES, *DIVERSION—A STUDY OF ALTERNATIVE PROCESSING PRACTICES: AN OVERVIEW OF INITIAL STUDY FINDINGS* (1978).

⁵⁸ Klein, *Deinstitutionalization and Diversion of Juvenile Offenders: A Litany of Impediments*, in *REFORM AND PUNISHMENT: STUDIES IN CRIME AND JUSTICE* (N. Morris & M. Tonry eds. 1979).

⁵⁹ *Id.* at 157.

come before the court for status offense behavior may simply be making decisions about their personal conduct that are at variance with the behavioral standards set by their parents. At the same time, it is important to anticipate the full consequences of taking the status offense jurisdiction out of the court. For example, the Schwendingers, writing from a radical perspective, caution that such a step may actually be class-biased and harmful to working-class families who must already contend with poor public schools and meager community resources in controlling their children.⁶⁰

What is clear, however, is that the role of the juvenile court needs to be reexamined in light of children's rights. Beginning in the late 1960's, the Supreme Court began to extend certain due process protections of the adult criminal court to juvenile proceedings⁶¹ and, more recently, has heard cases involving children's rights in non-criminal contexts.⁶² The whole concept of childhood is currently being debated. This debate will undoubtedly have important implications for the treatment of youths within the justice system.⁶³ While the status offense jurisdiction controversy probably will continue for some time, we can at least hope that policy decisions will not be grounded on unfounded assumptions of the sort examined here.

⁶⁰ Schwendinger & Schwendinger, *Delinquency and Social Reform: A Radical Perspective*, in *JUVENILE JUSTICE: THE PROGRESSIVE LEGACY AND CURRENT REFORMS* (L. Empey ed. 1979).

⁶¹ See, e.g., *In re Gault*, 387 U.S. 1 (1967).

⁶² See, e.g., *Bellotti v. Baird*, 443 U.S. 622 (1979) (state may not constitutionally require parental or judicial consent before abortion can be performed on unmarried minor); *Carey v. Population Services Int'l*, 431 U.S. 678 (1977) (state cannot deny minors the right to receive non-prescription contraceptives); *Goss v. Lopez*, 419 U.S. 565 (1975) (students cannot be suspended without notice and hearing). See also SCIENTIFIC ANALYSIS CORP. WITH REGIONAL INSTITUTE OF SOCIAL WELFARE RESEARCH, INC., *THE LEGAL STATUS OF ADOLESCENTS* (1980).

⁶³ L. EMPEY, *THE FUTURE OF CHILDHOOD AND JUVENILE JUSTICE* (1979).