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PREDICTION OF CRIMINAL CAREERS  
FROM FAMILY COURT RECORDS  
IN NEW YORK CITY

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Laura Winterfield  
Vera Institute of Justice  
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Which of the children who appear in Family Court as juvenile delinquents graduate to adult criminal careers? How many do so? Is there any way to know which of them will do so? Is there a relationship between juvenile delinquent history and adult criminal record; if so, what is it and how useful is it?

Better information on these questions might permit reasoned consideration of policy questions such as whether the early adult offenses of certain delinquents are sufficiently serious and frequent to warrant ending the confidentiality of Family Court records, for at least some 16-year olds, and to justify a specific focus of prosecutorial resources on them when they first appear in adult court.

The Vera Institute is pursuing some of these questions, because they are of current policy importance and because Vera's earlier Family Court Disposition Study (1981) positioned us to cut through some of the difficulties researchers have had in developing databases that permit prospective examination of the criminal careers of juvenile delinquents as they age into the adult years. The Family Court Disposition Study, (an extensive study of a representative, ten percent sample of 1,890 of the juvenile delinquents coming into the New York City Family Court in 1977-78) provided an extraordinarily rich data base. The first step towards our current research was, at the end of 1981, to subject these data to some re-examination, in response to questions from Kenneth Conboy, then Deputy Commissioner of Police. (Mr. Conboy was interested in the extent to which empirical data existed to verify the common view that juvenile delinquency careers, if known to the adult system, would enhance the impact and efficiency of various "career criminal" programs then being developed.)

This first re-examination of the Family Court Disposition Study data confirmed that a sub-group of juveniles establish quite substantial records of serious charges before they turn 16 (when subsequent arrests would bring them into the adult system). But to move from this simple finding to more useful knowledge required examination of the subsequent criminal records of the juveniles who had been sampled for the Family Court Disposition Study. Before sketching the results, to date, of my exploration of the links between delinquency careers and adult criminal careers, it might be useful to summarize the sample of juveniles on which the current work is built.

### Background of the Sample

As might be anticipated, the vast majority entering Family Court in the sample period were male. About half were black and a third were hispanic. Sixty-seven percent were fourteen or fifteen years old; only 17 percent were 12 years old or less. Most lived with a mother but no father in the house, although about a quarter lived with both parents. Many, but not a majority, were in homes where no one was employed and where welfare was the major support. They were, on the whole, a sub-group of the urban poor, and the offenses for which they were arrested (on the case that brought them into the sample) covered the entire spectrum of illegal behavior, from murder and predatory crimes to offenses against the public order. About a third were charged with violent offenses: robbery (the largest sub-category among violent offenses), assault, sexual offenses, arson and murder or manslaughter. Roughly half were charged with property offenses: burglary was the most common property offense (it led the list of all crimes charged by a wide margin). The remainder of the sample were charged with a variety of victimless crimes, drug offenses, and petty offenses.

The underlying behavior which resulted in these arrests is more diverse than the spectrum of charges. Most (about 8 out of 10) were charged with felonies rather than misdemeanors, though the majority of these felony charges were at the lower rather than the higher penal law levels (D and E class felonies in contrast to A, B and C classes). Most of the crimes charged involved victims and, in about 15 percent of all the crimes charged, someone had been injured. The majority of the victims (injured or not) were adults below the age of 60, and almost three out of ten were other juveniles; only one victim out of ten was elderly. In almost half of all the cases, the victim was a stranger. In the majority (over 70%), the charge was one where a crime had been committed by one of the sampled juveniles acting in concert with other persons -- most typically another juvenile. The crimes had most often been committed during the day and on the street, although a sizable minority had been committed in the evening or at night, or in a variety of public places and dwellings. Weapons were rarely present, although in about 15 percent of the cases one was present, most typically a knife.

Many of these young offenders were not strangers to the Family Court. Almost a third had siblings already known to the court, and almost half had themselves had at least one prior court contact on a delinquency charge; one in ten already had five or more court contacts within the older sub-group of juveniles -- those who were 14 or 15 years old when entering our sample -- some had already established fairly substantial records of court involvement, often on serious allegations. Fifty-seven percent (714) of the 1263 sampled fourteen and

fifteen year olds had at least once before appeared at Family Court intake on a delinquency charge; of these 714 juvenile repeaters, 58 percent (417) had more than one prior court contact\* and 21 percent (153) had five or more. (Note that the majority of this "older" subgroup still had more than a year at risk of further arrest before passing beyond the jurisdiction of the Family Court.) Within the group of 417 who had had more than one court contact, 55 percent (396) had at least once been brought to court on a clearly serious allegation (e.g., robbery, sexual offense, assault or burglary), and 32 percent (231) had been brought to court more than once on such allegations. One very important sub-group of the "older," repeat offenders are the 161 who entered the sample on a robbery charge -- over half had been to court before on a robbery charge.

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### The Career Criminal Study

In March, 1983, the National Institute of Justice funded Vera to track forward for approximately five years the 1263 14 and 15 year olds who had come into the sample in 1977-78. The records of this sub-group's Family Court contacts were updated through the end of their 15th year, and the data base was extended, by adding information on all adult arrests from their 16th birthday through the age of 18 to 20 (depending on their age at intake into the original sample). The goal of this NIJ-financed study was to increase the field's understanding of relationships between juvenile and adult criminal careers, and to generate information useful for the assessment of various crime control policies and strategies.

The Criminal Career Study was designed to test the following questions:

- ° Juvenile-adult continuity: Are "serious" juvenile offenders more likely to become "serious" adult offenders than are "non-serious" juvenile offenders?
- ° Early entry: Are offenders who begin early more likely to have subsequent careers of "serious" crime than those who begin later? And, are offenders who begin early more likely to have a longer career than those who begin later?

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\* For purposes of this study, a "court contact" is an appearance at Probation Intake.

- ° Increasing "seriousness": As a criminal career progresses, is there a greater likelihood of more serious offenses (e.g., is an offender likely to go from committing larceny to burglary to robbery, the longer he offends)?
- ° Increasing specialization: As a criminal career progresses, is the offender likely to decrease the number of different types of offenses committed?

The study was also intended to examine certain policy issues about the use of Family Court records in adult court, including: whether juveniles do in fact get a "free ride" on their first adult court appearance, what is the current use of Family Court records in adult court, and what are the positions (and philosophical bases for positions) taken about the use of Family Court records.

#### The Concept of "Criminal Career"

To pursue these tasks, it was necessary to specify the rather loose notion of a "criminal career". I felt more was needed, in this research, than the usual summative definitions (i.e., total number of arrests or total number of convictions over a given time period, and the like). More specificity is needed because, otherwise, there is no control for the distribution of crimes over the time frame chosen: thus, if we define as a "chronic" offender one who has five or more arrests through age 18, there is no way of differentiating the offender who accumulated that record between the ages of 12 and 15 (and who then was arrest-free for three years) from the one who began at age 14 and was arrested twice a year for four consecutive years.

I decided to set a minimum consecutive time period of offending so that the length of time and the frequency and severity of offending during that time period could be used as the criteria for differentiating among the types of criminal careers. For my analyses below, offenders had to have a minimum of one arrest per year for two consecutive years to be potentially characterized as "careerists." The number and type of arrests per year (e.g., felony or misdemeanor) then became the 'severity-frequency' indicator (in place of the more conventional indicator: the aggregate number of arrests accumulated). So that each year in an offender's career would be comparable, all years were adjusted to reflect only the number of days the offender was actually "on the street" (e.g., at risk of arrest); incarceration time, if any, was deleted.

Elements of the Criminal Career

Once the years at risk were established, "year types" were developed by counting the number and types of arrests during each year at risk. Six year types were specified and ranked in severity from the least severe of "0" (no arrest in that year) to "5" (three or more felony arrests in the year).

Then, 5 "career types" were developed, based on the minimum of two consecutive years of arrest at a given year type. These five career types ranged from "Drop-out" (no activity after one year) to "Serious (or Hi Rate) Career" (at least two consecutive years with at least 2 felony arrests per year). A detailed description of the "Year Types" and "Career Types" is set forth in Appendix A.

Distribution of Career Types

For analytic purposes, the 5 career types were applied to three different time periods. The 'overall' period was from the first arrest to the end of the sample data collection (9/83); the juvenile period was from the first arrest to the 16th birthday; and the adult period was from the 16th birthday through the end of the sample data collection. In the table below, the "Juvenile Career" running from first juvenile arrest through the age of 15 (a rather short view, it turns out), is presented first; second is the career from the age of maturity (16th birthday); the last column distributes career types from first juvenile arrest through the early adult years.

		<u>Career Type</u>					
		(From 1st juv arrest thru age 15) Juvenile		(From 16th B'day thru early adult years) Adult		(From 1st juv arrest thru early adult yrs) Overall	
		N	%	N	%	N	%
Drop-out	0	687	55%	517	41%	321	25%
	1	133	11%	284	23%	238	19%
	2	142	11%	162	13%	166	13%
	3	218	17%	213	17%	354	28%
Hi Rate	4	<u>83</u>	<u>7%</u>	<u>87</u>	<u>7%</u>	<u>184</u>	<u>15%</u>
		<u>1263</u>	<u>100%</u>	<u>1263</u>	<u>100%</u>	<u>1263</u>	<u>100%</u>

The implications of the above distributions are the following: When looking at the overall criminal career (irrespective of the age-jurisdictional cut-offs) approximately one-fourth of the representative juvenile sample were never involved in another arrest -- adult or juvenile -- other than the arrest that brought them into the Family Court Disposition Study sample. At the other end of the spectrum, 15 percent of the 1977-78 sample of 14 and 15 year olds could be described as 'high-rate' offenders during two of the years of their overall arrest history. Thus, on the one hand, it seems wrong to say that 'most of the juveniles brought to Family Court are repeat, violent offenders' and, on the other hand, it seems correct that there is a small group whose records reveal sustained periods of high-rate criminality.

The same point emerges from the "juvenile" and the "adult" distributions of career types, although the meaning of "career type" in these distributions is different, because of the age cut-offs used. For both the juvenile period and the adult period, close to half of the sampled offenders are not "careerists" --that is, they do not have two consecutive years of arrests either as juveniles or as adults. For the juvenile time period, the implication of this is that some began their 'careers' as fifteen year olds and could not, by definition, have had two consecutive years of arrests before their 16th birthday. Of course, some of these did go on to accumulate adult records qualifying them for the higher career types. For the adult time frame, the picture is more definitive; 41% did not develop adult "criminal careers," as I have defined them -- that is, they were arrested only during their 16th year and not after. These offenders had arrests in only one year of adulthood.

Thus, for all three of the distributions, the conclusion is the same: only a small proportion of offenders entering the Family Court go on to become high-rate, serious criminal careerists.

It is interesting to compare the different characteristics, known at the time of the initial Family Court case, of the juveniles who became 'drop-outs' with the juveniles who went on to be 'high-rate' offenders. This information is presented in Table 1:

Table 1  
Descriptive Characteristics of High-Rate Offenders  
as compared to Drop-outs

	Career Type 4 Hi Rate	Career Type 0 Drop-out
Age of 1st Arrest:		
15	19%	53%
14	31%	46%
<14	51%	2%
Sex:		
Male	100%	79%
Female		21%
Race:		
Black	65%	39%
Hispanic	25%	37%
White	10%	24%
Residence:		
Both Parents	22%	40%
Mother only	65%	46%
Mother +	9%	7%
Father only	4%	7%
Household Employment Status:		
Both Employed	7%	12%
Father only	14%	28%
Mother only	19%	17%
No one	60%	43%
Household Welfare Support:		
Total	56%	28%
Partial	6%	8%
Other	6%	6%
None	32%	58%
Highest Grade completed in School:		
0-6	10%	6%
7	29%	19%
8	40%	48%
9+	20%	28%
Type of First Allegation:		
Robbery	24%	13%
Assault	9%	17%
Burglary	26%	20%
Larceny	17%	26%
Other Crimes vs. Persons	3%	3%
Other Property	4%	7%
Miscellaneous	18%	14%
Severity of First Allegation:		
Fel A-B	2%	4%
Fel C	26%	15%
Fel D	44%	36%
Fel E	17%	16%
Misd.	11%	30%



Generally, the expected picture develops. The offender who emerged as high-rate was more likely than the drop-out to have been younger when first arrested, to be black, and to be male. He is most likely to have been living with his mother only; it is more likely that no one in his household was employed, and that the household was totally dependent on welfare. He is also more likely not to have been in the school grade level appropriate for his age, but to have been several grades lower. Further, it is more likely that his first arrest was for robbery or burglary than for other offenses; it is also more likely that the first arrest was for a class C or D felony.

Conversely, the "drop-out" is more likely to have been 15 years old than to have been younger when first arrested, is more likely than the high-rate offender to be white, and is more likely to have been living with both parents in a household where someone is employed and there is no welfare support. He is more likely to have been at school grade level appropriate to his age. He is more likely to have been charged with either burglary or larceny when first arrested; he is twice as likely as the high-rate offender to have been charged with assault on his first arrest, and he is three times as likely as the high-rate offender to have been charged with a misdemeanor on his first arrest. The few girls in the sample of delinquents were more likely than the boys to drop out. Thus, the picture is the one so often repeated in the popular and professional literature: the typical "career criminal" is a minority male who, when a juvenile, was economically deprived and was more likely than other delinquents to begin involvement with the criminal justice system at an early age and for a serious offense.

The next question to be asked, in pursuit of a picture more useful to juvenile justice policy, concerns the relationship between juvenile and adult careers. The following table displays the relationship:

Adult Career Type by Juvenile Career Type

		<u>Adult Career Type</u>											
		0		1		2		3		4		<u>Total</u>	
		<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>		
<u>Juvenile</u>	0	359	52	160	23	63	9	74	11	31	5	687	100%
<u>Career</u>	1	48	36	34	26	17	13	21	16	13	10	133	100%
<u>Type</u>	2	41	29	23	16	28	20	41	29	9	6	142	100%
	3	57	26	52	24	38	17	54	25	17	8	218	100%
	4	12	15	15	18	16	19	23	28	17	21	83	100%
<u>Total</u>		517	41%	284	22%	162	13%	213	17%	87	7%	1263	100%

This table indicates a significant relationship between the severity of the juvenile career and that of the subsequent adult career. Clearly, those who had only one year of juvenile offending (i.e., the "0" juvenile career category on the top row of the table) were much more likely to have no adult career than those who had more serious juvenile careers; indeed, those with only one year of juvenile arrests were approximately three times more likely to have no adult career than were those with a "high-rate" juvenile career (52% compared to 15%). Further, the high-rate juveniles (type "4" on the bottom row of the table) were approximately 4 times more likely than the 0 group to be high-rate adult offenders (21% as compared to 5%). But the past does not perfectly predict the future: less than half of the high rate juveniles (the "4"s in the bottom row) went on to become more serious adult offenders (the adult groups 3 and 4); less than one-quarter become high-rate adults.

Thus, while high-rate juvenile offenders are more likely than low-rate juvenile offenders to become high-rate adult offenders, less than one-quarter of them do so. Remembering this point is crucial when discussing the relationship between juvenile and adult careers. In essence, most juveniles -- whether high-rate offenders or one-time offenders as juveniles -- do not go on to serious adult criminal careers.

When juvenile offenders do appear in adult court, issues arise regarding the use of information from the Family Court in the criminal court proceeding. Because of this, I think it useful to ask of our data whether different types of juvenile offenders are treated differently when they appear in criminal court, or are "born again" -- whatever their juvenile careers -- when they arrive there. This question is addressed in Graphs 1-4, appended.

Graphs 1 and 2 show, for the first through the sixth adult arrest, the conviction and incarceration percentages for those offenders in the least severe juvenile career type (the "0"s, or those who have only one year of juvenile offending), and compares their adult court treatment with that of the highest-rate juvenile offenders (the "4"s, or those with a minimum of two consecutive high-rate felony arrest years as a juvenile). This information is for any type of adult arrest and conviction, and sentence of incarceration for those convicted either, for a felony or a misdemeanor. Graphs 3 and 4 have the same information, for adult felony arrests and convictions only. Thus, the percentages in Graph 3 and 4 reflect, of those arrested for felonies, the percentages convicted of felonies (Graph 3), and, for those convicted of felonies, the percentage incarcerated by the two juvenile career types.

In Graphs 1 and 2, there are differences in the severity of subsequent adult dispositions (as measured by incarceration) for the different juvenile career types. While the incarceration curves (Graph 2) for both groups have similar shapes, the difference in the percentage incarcerated is approximately ten percentage points, with more high-rate juvenile offenders being incarcerated when convicted of a crime as an adult (for the first adult arrest the percentage incarcerated is 32% for the high-rate juveniles versus 18% for the drop-outs). The conviction rates (Graph 1), however, are less differentiated by career type. It is plausible that guilt or innocence is established with reference principally to the merits of the current case, but that prior record would play a larger role in establishing the appropriate sentence.

This pattern is confirmed, to a certain degree, by Graphs 3 and 4 (just felony arrests); the pattern is especially clear on the first two felony arrests is an adult. The proportions convicted (Graph 3), while somewhat higher for the high-rate juvenile careerists than for the low-rate juveniles, are within range of each other. However, the proportions incarcerated (Graph 4) vary dramatically, with a much greater proportion of the high-rate juveniles incarcerated on their first two convictions after adult felony arrests. By the third adult felony conviction, however, incarceration rates even out. No doubt this is because the accumulating adult felony conviction record weighs heavy at sentencing, irrespective of juvenile career type.

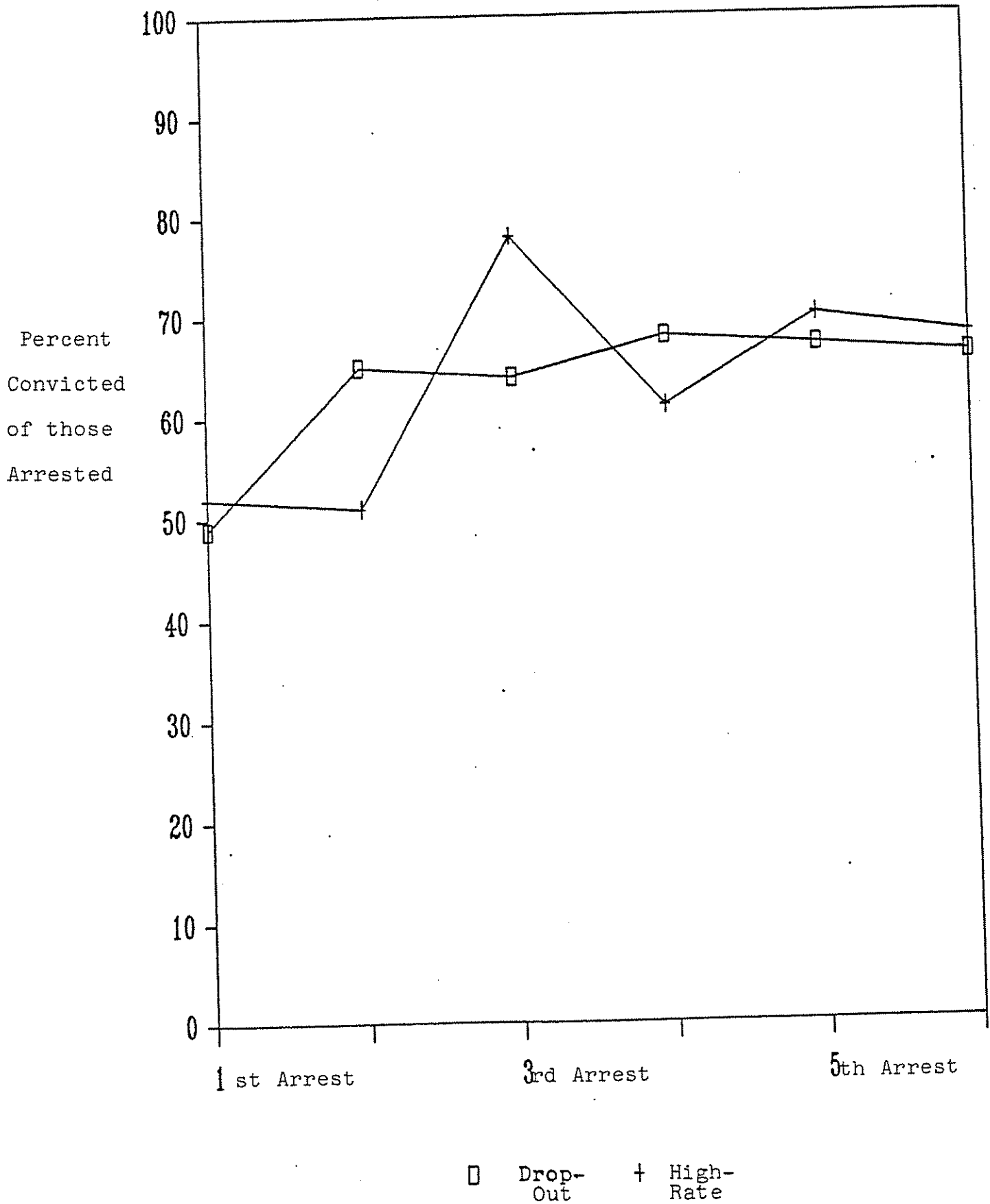
Thus, it appears that juveniles are not exactly "born again" in adult court, and that some mechanisms do operate to transfer information from the Family Court to the adult courts. I plan to look more closely at this in a subsequent paper.

In conclusion, it can be seen that the typical juvenile delinquent appearing in Family Court is not likely to become a high-rate offender. However, the juvenile whose arrest record started at an early age, and who has accumulated a number of juvenile arrests, has a higher probability of becoming a high-rate (although not necessarily violent) adult offender. Finally, juveniles with substantial Family Court records do not appear to be getting a "free ride" when they appear in adult court for the first time, particularly if the adult charge is serious.

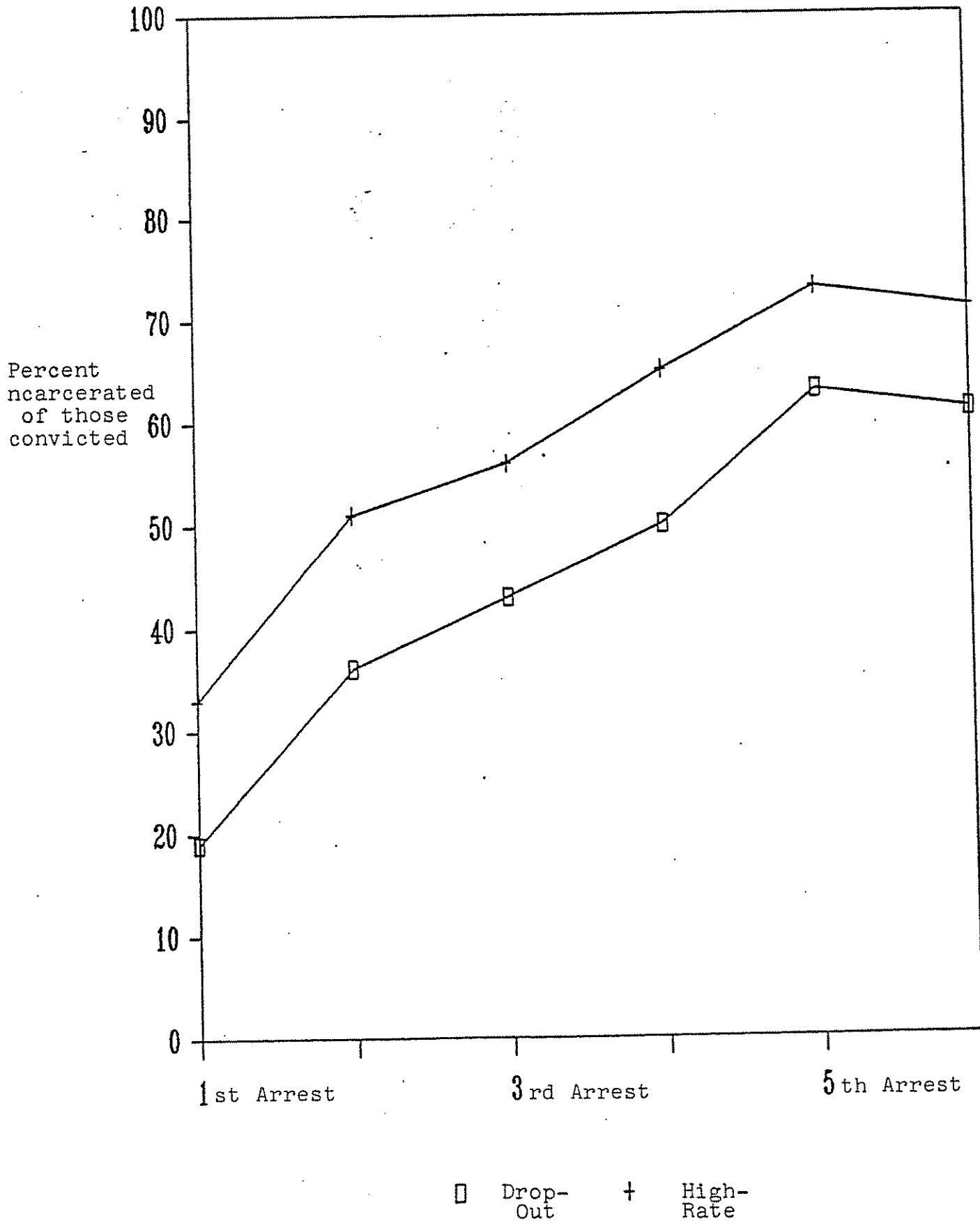
Whether we can get any closer to distinguishing, from Family Court records accumulated by the sixteenth birthday, between juveniles who have a high probability of becoming high-rate violent criminals from those who do not, awaits further analysis of the now-completed data-set, and will be examined in a subsequent paper.

Graph 1

# All adult arrests: convicted

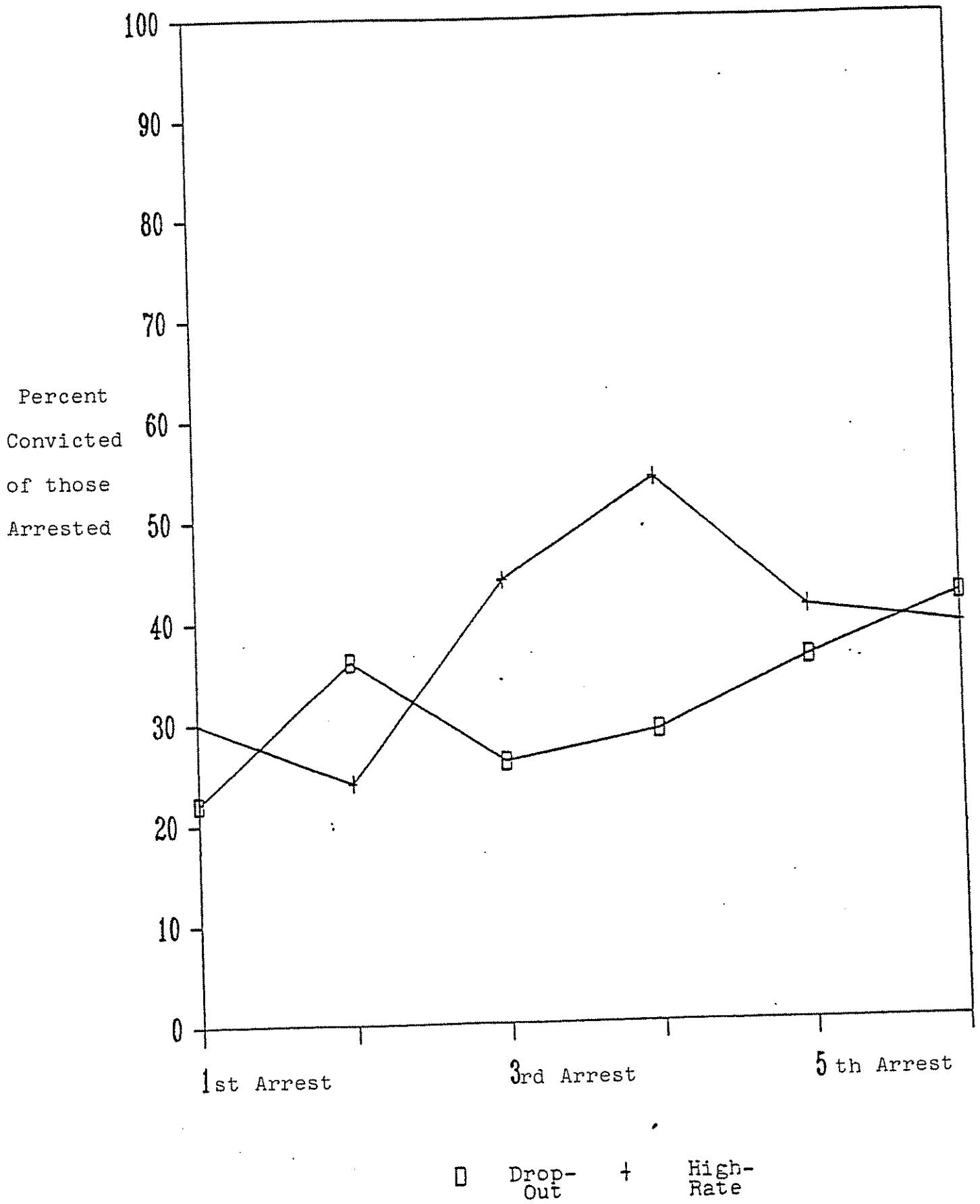


# All adult arrests: incarcerated

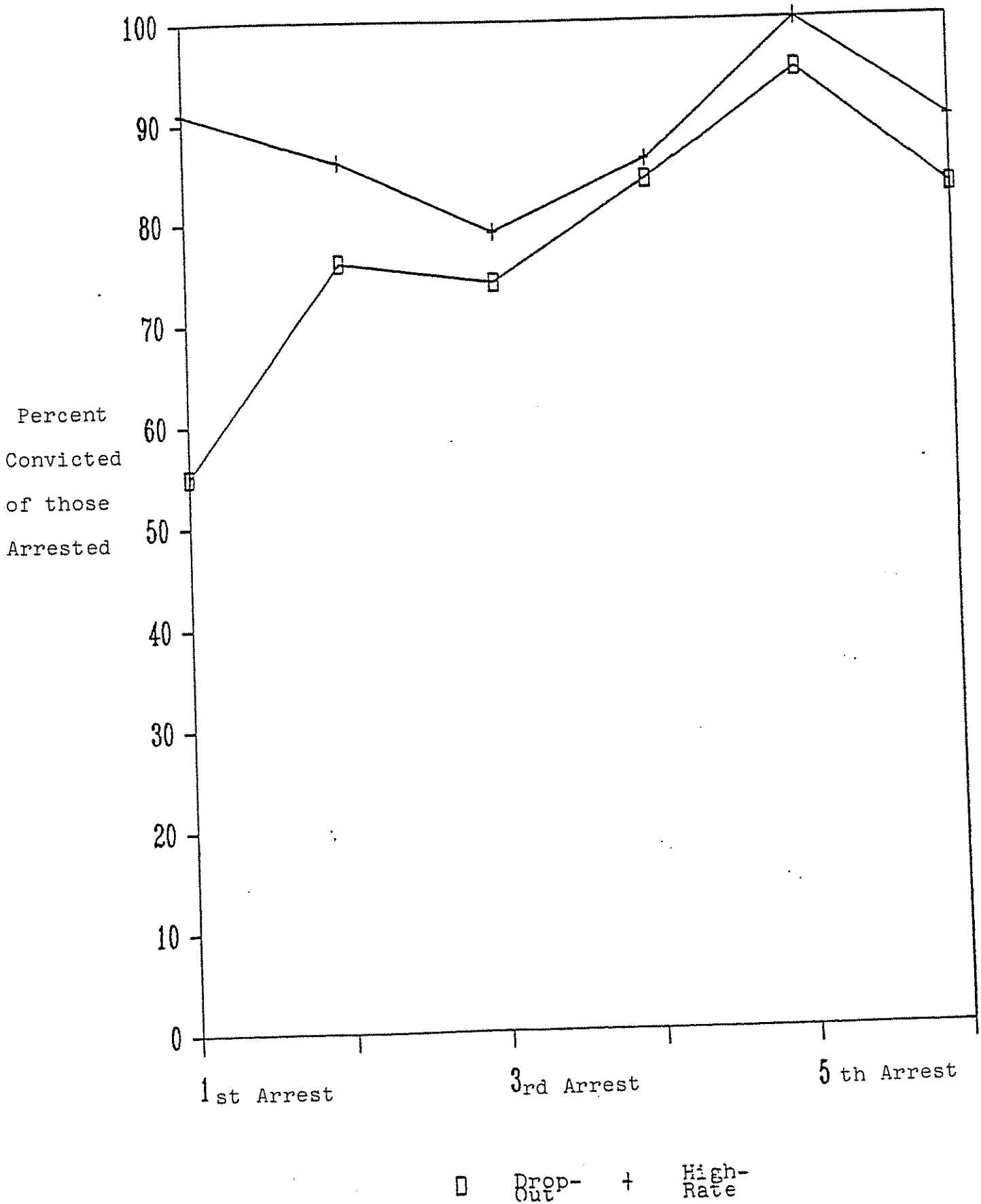


Graph 3

# Adult felony arrests: convicted



# Adult felony arrests: incarcerated



## Appendix A

### Year Types

0 = no arrest

1 = 1 misdemeanor

2 = 2+ misdemeanor

3 = 1 felony, and any combination of misdemeanors

4 = 2 felonies, and any combination of misdemeanors

5 = 3+ felonies, and any combination of misdemeanors

### Career Types

Drop-out

Low Rate or Non-Careerist

0 = if no activity after year 1

1 = if only single arrest per year  
(either felony or misdemeanor)  
and no two or more consecutive  
years w/felony arrest

Residual

2 = everything else not defined

Moderate Career

3 = Year Types 3-3, 3-4, 3-5, 4-3, 5-3

Serious or Hi Rate Career

4 = Year Types 4-4, 4-5, 5-4, 5-5