

# Necessarily Relative: Is Juvenile Justice Speedy Enough?

**Jeffrey A. Butts**

*Despite 30 years of expanding procedural rights for juveniles, young offenders have not been provided with a constitutional right to a speedy trial. Yet concerns about timeliness are often equally pressing in the juvenile court. This study examines the timing of juvenile justice by analyzing delinquency case processing in nearly 400 jurisdictions. One fourth of all cases required 90 days or more to reach disposition—the maximum recommended by national standards. Processing time varied according to jurisdiction size, the rate of formal adjudications, and other characteristics of juvenile court caseloads.*

The Sixth Amendment to the U.S. Constitution guarantees a “speedy and public trial” for any citizen subjected to criminal prosecution. The amendment does not stipulate what is and what is not “speedy.” In its definitive case on speedy trial, the U.S. Supreme Court refused to specify exactly when delay becomes a violation of Sixth Amendment rights (*Barker v. Wingo* 1972). The Court cited an earlier opinion in finding that the concept of speedy trial is “necessarily relative” and should not be defined precisely (*Barker v. Wingo* 1972, p. 522).

The Supreme Court never addressed the question of speedy trial rights for juveniles. Traditionally, processing delays have not been a serious concern in the juvenile court, in part because the juvenile justice system has fewer procedural requirements. In recent years, however, concerns about delays in juvenile justice have become more common among judges, practicing attor-

---

**JEFFREY A. BUTTS:** Senior Research Associate, National Center for Juvenile Justice, Pittsburgh, PA.

This article was prepared as part of the Delays in Juvenile Justice Sanctions Project at the National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges, and was supported by grant 92-JN-CX-0002 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice. Several NCJJ staff members assisted with the study, including Gregory Halemba, Imogene Montgomery, Hunter Hurst IV, Diane Malloy, and Linda Szymanski. The author is grateful for the comments and suggestions of William H. Barton, Edmund McGarrell, Joseph B. Sanborn, Jr., and Melissa Sickmund. Points of view or opinions expressed in this document are those of the author and do not represent the official positions or policies of the U.S. Department of Justice, the National Council of Juvenile and Family Court Judges, or the National Center for Juvenile Justice.

CRIME & DELINQUENCY, Vol. 43 No. 1, January 1997 3-23  
© 1997 Sage Publications, Inc.

neys, court administrators, and state legislators (Butts and Halemba 1994; Butts 1996). Some of these concerns emphasize the due process rights of juveniles (Feld 1993, pp. 151-57), whereas others arise from the assumption that swift sanctions increase the rehabilitative impact of the court's efforts (Mahoney 1985, p. 54) and provide a more effective deterrent to future delinquency (Shine and Price 1992, p. 115).

The "relative" quality of a speedy trial suggests that case processing time should be evaluated differently in the juvenile court (Stull 1982). In fact, delay may be especially harmful in the juvenile justice system. Adolescents are less likely than are adults to consider the long-term consequences of their behavior and may be less likely to alter their behavior to obtain future rewards or avoid future punishments (Inhelder and Piaget 1958). Adolescents also experience time in an accelerated fashion, further reducing the immediacy of delayed sanctions (Mahoney 1985, p. 39). To affect the behavior of adolescents and perhaps reduce recidivism, the juvenile justice process must be easy to understand and involve a minimum number of court appearances, and juvenile court dispositions should be reached as quickly as possible in keeping with fairness and due process.

### *DUE PROCESS IN THE JUVENILE COURT*

Due process is a relatively new concept in the juvenile court. For more than 60 years after the first juvenile court was founded by the state of Illinois in 1899, juvenile court judges operated with great discretion and most states provided few procedural rights for juvenile offenders (Rothman 1980). The judges, prosecutors, and reformers who originally promoted the idea of a juvenile court believed that society would be better served if the criminal acts of juveniles were assessed in a forum completely separate from that of the adult courts (Schlossman 1977; Bernard 1992). The fact-finding procedures used in juvenile courts were explicitly less rigorous in order to create an environment where resolving problems took precedence over the legal determination of guilt versus innocence.

Critics argued that despite the lofty intentions of their founders, in reality juvenile courts were just as concerned with offender culpability and punishment as were the criminal courts. The U.S. Supreme Court eventually agreed with this perception, and in a series of cases during the 1960s and 1970s mandated greater due process protections for juveniles, including a higher standard of evidence, the protection against self-incrimination, and the right to counsel (*In re Gault* 1967; *In re Winship* 1970; *Kent v. United States* 1966). However, not all procedural protections were extended to juveniles. The right

to jury trials for juveniles was explicitly rejected by the Supreme Court (*McKeiver v. Pennsylvania* 1971). The Court also denied juveniles the constitutional right to bail (*In re Gault* 1967; *Schall v. Martin* 1984).

The Supreme Court has interpreted the Equal Protection Clause of the Fourteenth Amendment to mean that classes of people may receive "less protection" from the law as long as there is some "compensating benefit" that comes with this lesser protection (Bernard 1992, pp. 112-13). In theory at least, the juvenile court provides such a benefit because it is more concerned with rehabilitation than with deterrence. Ironically, the Supreme Court's decision to impose partial due process in the juvenile court may have accelerated the procedural convergence of the juvenile and adult justice systems so that it is increasingly doubtful whether a compensating benefit still exists. For example, some researchers have questioned whether jury trials are still unnecessary in juvenile court (Sanborn 1993). Another assumption that may need to be reconsidered is the long-standing belief that delinquency cases are handled relatively quickly and that no external pressures are necessary to ensure speedy dispositions.

The juvenile court is increasingly unable to have it both ways—to operate informally with broad discretion and yet provide enough due process to justify punitive dispositions in some cases. As predicted by Justice Stewart in his dissent to the *Gault* opinion, the juvenile justice reforms of the 1960s may have placed the juvenile court on a slippery slope toward complete procedural equality with the criminal court (Bernard 1992, p. 119). As a result, it may eventually be necessary to provide juveniles with Sixth Amendment speedy trial rights. The challenge for the courts will be to determine what constitutes a Sixth Amendment violation in the juvenile justice system. Exactly how speedy should the juvenile court be?

Little research exists on the issue of delinquency case processing time. As of the mid-1980s, one researcher found that there was "essentially no literature on the delay of juvenile justice" (Mahoney 1985, p. 37). Few researchers had explored the causes and consequences of delayed delinquency cases, and virtually no studies existed on the relative effectiveness of delay-reduction techniques in the juvenile justice system. Only a handful of studies on juvenile court delay have been published in the past 10 years (Mahoney 1987; Feld 1993; Butts and Halemba 1994; Butts 1996). Together, these studies suggest that the timing of delinquency case processing will be an increasingly important issue for juvenile courts as they are asked to manage the growing tension between their traditionally quasi-civil orientation and the societal expectation that they hold juvenile offenders accountable by imposing punitive sanctions.

*CONTROLLING DELAYS IN THE JUVENILE COURT*

Many states still do not use legislation or court rules to regulate delinquency case processing time in their juvenile courts. As of 1993, 20 states had no formal guidelines for when to hold adjudication hearings in delinquency cases, and 26 states had no time limits for dispositional hearings (Butts 1996). Many of the states that do regulate the timing of delinquency hearings do so only in cases involving detained juveniles. In 1993, only 12 states had firm deadlines for dispositional hearings in delinquency cases involving nondetained youths (Butts 1996). In those jurisdictions that had statutes and court rules to control the speed of juvenile court processing, most of the maximum allowable disposition times ranged from 40 to 60 days for detained juveniles and from 80 to 120 days for nondetained juveniles.

In jurisdictions that lack any case processing statutes or court rules, professional standards may be the only formal expression of case processing goals for delinquency cases.<sup>1</sup> Several national associations and government commissions have issued time standards for juvenile court proceedings during the past 20 years. For example, the Institute of Judicial Administration and the American Bar Association (IJA/ABA) coauthored 23 separate volumes of juvenile justice standards between 1977 and 1980 (Flicker 1982). Each volume of the standards addressed a separate topic (e.g., court administration, prosecution, probation, adjudication, disposition, and appeal). Standard 7.1 declared that "juvenile court cases should always be processed without unnecessary delay" in order to "effectuate the right of juveniles to a speedy resolution of disputes involving them" and to be consistent with the "public interest in prompt disposition of such disputes" (IJA/ABA 1980, p. 21). The standards suggested that cases involving nondetained juveniles should take no more than 60 days to move from referral to disposition. Cases involving detained juveniles should be completed in 30 days or less.

Standards were also developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention, established in 1974 by the federal Juvenile Justice and Delinquency Prevention Act (§ 207, P.L. 93-415). Congress asked the Advisory Committee to develop general standards for the administration of juvenile justice. The committee published standards for a wide range of juvenile justice functions, including prevention programs, court administration, adjudication, and dispositions (Office of Juvenile Justice and Delinquency Prevention 1980). The standards suggested that the time between police referral and court disposition should be limited to 80 days in cases involving nondetained juveniles and 33 days in cases involving detained juveniles.

The standards most familiar to U.S. court professionals are the guidelines developed by the American Bar Association's National Conference of State Trial Judges (Lawyers Conference Task Force 1986; National Conference 1985). The Bar Association provided guidance for state trial courts on a number of issues related to case processing, including caseflow management, calendaring, continuances, setting trial dates, and delay-reduction programs. Standard 2.52 recommended that juvenile court adjudicatory hearings be held within 15 days of admission to detention for juveniles in custody and within 30 days following the filing of a delinquency petition for noncustody cases. Disposition hearings were to be held no later than 15 days following the adjudicatory hearing.

The National District Attorneys Association issued the most permissive standards for the handling of delinquency cases. In Prosecution Standard 19.2, the district attorneys addressed topics such as case-screening procedures, the determination of legal sufficiency, the use of plea agreements, transfer to adult court, adjudication, and disposition (Shine and Price 1992, pp. 120-32). The standards permitted 60 days to elapse between police referral and disposition in cases involving detention and allowed for 90 days in nondetained cases.

### *JUVENILE COURT PROCEDURES*

Many juvenile courts operate without any formal controls on the timing of delinquency dispositions. This lack of uniformity means that in some courts, young offenders often wait 4 to 6 months for an official response to their delinquent behavior—and 6 months is a very long time for an adolescent. In other courts, delinquency cases may be processed relatively quickly. To date, however, research on such variations does not exist.

Measuring variations in the timing of juvenile court processing is complex. Case-handling practices vary greatly across jurisdictions, and the courts may be organized quite differently depending on state law. In 1990, 28 states and the District of Columbia placed exclusive jurisdiction over delinquent juveniles in a general trial court or an equivalent specialized court at the highest trial level, 3 states placed juvenile jurisdiction in a statewide inferior court, and 20 states placed it in a combination of courts (Szymanski 1990). Most states give their juvenile courts jurisdiction over cases involving delinquency, neglect, and status offense proceedings. Many juvenile courts also have jurisdiction over adoptions, terminations of parental rights, interstate compact matters, emancipation, and questions of juvenile consent (i.e.,

marriage, employment). Occasionally, juvenile courts may even have jurisdiction over traffic violations and child support matters.

Beyond issues of court structure and organization, juvenile courts vary considerably in their responsibilities and activities. Many matters referred to the juvenile court are resolved without official action. A juvenile involved in an unofficial (or informal) case typically agrees to some type of service or sanction (such as voluntary probation or community service), but no charges are filed. In recent years, half of the delinquency cases referred to juvenile courts across the country were handled without formal petitions or judicial hearings (Butts et al. 1995).

Jurisdictions also vary in the degree to which law enforcement agencies divert youths from the juvenile justice system. If the police send virtually all delinquency referrals forward for court handling, the court must contend with a more diverse population of youths. This would require the juvenile court intake unit to use more detailed case-screening practices before formal court action is considered. Prosecutors also have differing authority and involvement at the point of intake, which may affect the relative use of alternatives to court action.

To study juvenile justice systems across jurisdictions, the National Juvenile Court Data Archive developed a generic model of juvenile justice processing.<sup>2</sup> The generic model is used to restructure juvenile court data files so that delinquency referrals from any jurisdiction can be tracked through the same basic steps. The model recognizes that certain functions are performed in all jurisdictions, regardless of terminology. The four steps in the model are intake, petitioning, adjudication, and disposition.

All courts have some form of *intake* to screen referrals for legal sufficiency and to decide whether formal handling is warranted. Informal (or nonpetitioned) handling may include a voluntary referral to a social service agency, informal probation, or the voluntary payment of fines or restitution. In cases where no further actions are taken, the intake decision is considered the final disposition. If a case is to be handled formally, a *petition* is filed and the case is placed on the juvenile court docket for an *adjudication hearing*.<sup>3</sup> If the hearing results in a failure to adjudicate (analogous to acquittal), the petition is dismissed and this is considered the case's final disposition. If the adjudication hearing results in a finding of delinquency (analogous to conviction), the case proceeds to a *disposition hearing* where formal sanctions and services may be ordered, including placement in a correctional institution or other facility; a term of probation; referral to an outside agency for treatment; or the imposition of fines, community service, and restitution.

## SOURCE OF DATA

This study explores the extent of variation in juvenile court case processing time by analyzing data contributed voluntarily to the National Juvenile Court Data Archive by juvenile courts and juvenile justice agencies throughout the United States. Each year, the archive collects more than 700,000 computerized case records that describe about half of the delinquency cases handled by juvenile courts nationwide. This information is used to generate the national estimates of delinquency cases reported annually in *Juvenile Court Statistics*.

Unlike traditional research data files that are collected for a unique purpose, archive data are originally compiled to support the operations of juvenile courts. Thus some information that could be of interest to researchers is not often available (family background of the offender, victim information, etc.). The limited amount of information that is available, however, is highly accurate because it comes directly from the automated information systems used by courts to conduct their daily business. In addition, archive data are not uniform across jurisdictions. Some jurisdictions are able to submit only basic information about each case and the youth involved in each case (e.g., age, race, sex, and offense). However, many jurisdictions are able to contribute detailed case records with numerous measures of court activity, including the dates of referral and disposition.

This analysis examines detailed data about delinquency cases handled during 1991 and 1992 by juvenile courts in 16 states: Alabama, Arizona, Connecticut, Maryland, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Ohio, Pennsylvania, South Carolina, Utah, West Virginia, and Wisconsin. In some of these states, case records were available from every jurisdiction in the state (e.g., Utah and Pennsylvania). In others, case records were available from only a subset of jurisdictions, ranging from just one large county (e.g., Ohio) to nearly all counties (e.g., Wisconsin).

The jurisdictions selected for analysis met five criteria:

1. The jurisdiction was one of the 1,500 U.S. counties that contribute detailed delinquency data to the archive.
2. The total population of the jurisdiction was 20,000 or more as of the 1990 census.<sup>4</sup>
3. The jurisdiction reported data on all delinquency cases disposed in 1991 and 1992.
4. The variables and codes used by the jurisdiction enabled its data file to be combined with data from other jurisdictions in one standard format.
5. The jurisdiction's records included dates of referral and disposition for each case.

Altogether, 394 counties met these criteria. Together, they handled 257,532 delinquency cases in 1991 and 267,181 cases in 1992. The majority (290) of the counties had populations under 100,000, whereas 80 counties had populations between 100,000 and 400,000, and 24 counties had populations greater than 400,000. The jurisdictions represented in this study contained 20% of the U.S. population in the 1990 census.

## *FINDINGS*

Cases from the sample jurisdictions were similar to delinquency cases nationwide (cf. Butts et al. 1995). For example, 15% of the cases in the sample involved the use of secure detention at some point between referral and disposition, compared with 20% nationally in 1992 (Table 1). About half of all cases were processed formally, both nationally and in the study sample. Sixty-five percent of formal delinquency cases were adjudicated in the sample jurisdictions, and adjudications occurred in 57% of petitioned delinquency cases nationwide. Offenses and dispositions of the sample cases were also similar to cases nationwide.

### *Time to Disposition*

The number of days between referral and disposition was calculated for every delinquency case handled by the sample jurisdictions during 1991 and 1992. The median disposition time for all cases was 40 days. One quarter (26%) of all cases had disposition times exceeding 90 days. Disposition time appeared to be related to the size of the jurisdiction. The median disposition time for cases from large counties was 50 days, compared with 39 days for medium-sized jurisdictions and 27 days for cases from small jurisdictions. In the largest counties, nearly one third (32%) of all delinquency cases required more than 90 days to reach disposition, compared with 16% of cases from the smallest counties.

Formally charged cases had substantially longer disposition times than cases handled informally. The median processing time for petitioned cases was 69 days. Nearly two of every five petitioned cases required more than 90 days to reach disposition. Formally charged cases in large jurisdictions took even longer. The median disposition time for petitioned delinquency cases from the largest counties was 85 days; nearly half (48%) had disposition times in excess of 90 days. The impact of court efforts to accelerate the disposition of detention cases was pronounced among formally petitioned cases.



**TABLE 1: Days Elapsed between Referral and Final Disposition for Delinquency Cases Handled during 1991 and 1992 by Juvenile Courts in 394 Sample Counties**

	N	%	<i>Disposition Time</i>	
			<i>Median (days)</i>	<i>% over 90 Days</i>
Total delinquency cases	524,713	100	40	26
County population: small (under 100,000)	112,669	21	27	16
County population: medium (100-400,000)	150,418	29	39	12
County population: large (over 400,000)	261,626	50	50	32
Cases not involving secure detention	249,443	85	41	26
Cases involving secure detention	44,484	15	35	21
Informal (nonpetitioned cases)	256,638	49	19	12
Formal (petitioned cases)	268,075	51	69	39
Formal (petitioned) cases				
County population: small (under 100,000)	51,055	19	49	26
County population: medium (100-400,000)	74,690	28	58	31
County population: large (over 400,000)	142,330	53	85	48
Not involving secure detention	107,533	75	72	40
Involving secure detention	34,923	25	42	23
Not adjudicated	93,737	35	77	44
Adjudicated	173,962	65	65	36
Person offense (robbery, assault, etc.)	60,762	23	71	41
Property offense (burglary, larceny, etc.)	141,226	53	72	40
Drug offense (sales, possession, etc.)	20,433	8	67	38
Public order (vandalism, weapons, etc.)	45,654	17	56	32
Adjudicated cases				
Placed in residential facility or program	35,455	20	70	39
Placed on probation or other supervision	95,018	55	69	38
Other (fines, restitution, etc.)	13,118	8	64	36
Dismissed or otherwise released	30,371	17	53	29

SOURCE: Data are from the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. All delinquency cases disposed of in 1991 and 1992 in 394 counties with populations greater than 20,000 in Alabama, Arizona, Connecticut, Maryland, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Ohio, Pennsylvania, South Carolina, Utah, West Virginia, and Wisconsin. In 1990, these counties contained 20% of the U.S. population.

NOTE: Detail may not add to total because of missing data for some variables. Percentages may not add to 100% because of rounding.

When secure detention was used at any point in the processing of formally charged delinquency cases, their median disposition time was 42 days. If detention was never used, the median time from referral to disposition was 72 days.

Disposition time varied somewhat according to the most serious offense involved in a case, with formally charged property offense cases having the longest median disposition time (72 days) and public order offense cases the shortest median time (56 days). The type of disposition ordered for formally adjudicated cases also appeared to be associated with the length of case processing. Adjudicated delinquency cases resulting in dismissal or other release orders were handled more quickly (median = 53 days) than those ending in other dispositions. Probation cases and out-of-home placement cases had median disposition times of 69 days and 70 days, respectively. Nearly 40% of adjudicated cases ordered to out-of-home placement or probation supervision required more than 90 days to reach disposition.

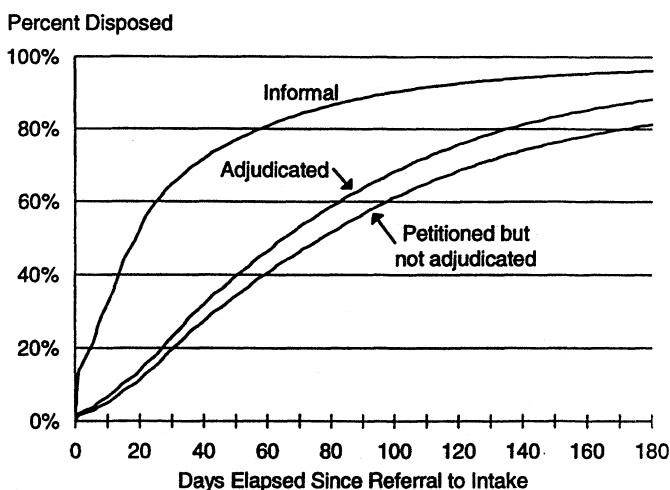
### *Distribution of Case Processing Time*

A visual analysis of disposition time was created by plotting the cumulative proportion of cases disposed against the number of days since referral (Figure 1). The substantial difference in the timing of formal and informal delinquency cases was clear. The disposition rate for informal cases handled by the sample courts was very rapid in the first few weeks following referral. More than two thirds (69%) of all informal cases were completed within 35 days of referral. On the other hand, less than 30% of formally petitioned cases were disposed of within 35 days. Even after 120 days, more than 20% of formally adjudicated cases had yet to reach disposition. The same was true for 30% of formally charged, nonadjudicated cases.

Delinquency cases from the largest jurisdictions took considerably longer to reach disposition. Even 120 days after referral, 22% of all delinquency cases from the largest jurisdictions were still short of final disposition (Figure 2). The smallest jurisdictions in the study, those with 20,000 to 100,000 total residents, appeared to move cases to disposition more quickly. In these jurisdictions, 80% of delinquency cases were disposed of within 75 days.

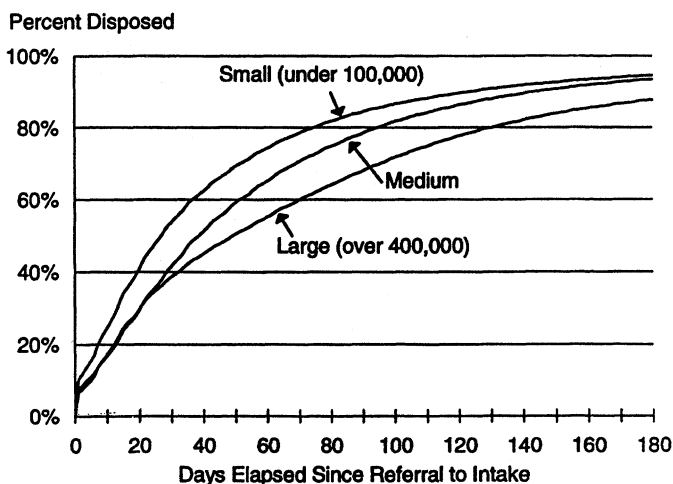
### *Jurisdictional Variations*

Large jurisdictions were overrepresented in the preceding analyses because of the size of their caseloads. To reduce the disproportionate influence of large counties, an entirely different method of examining jurisdictional differences in delinquency case processing was used. Rather than analyze



**Figure 1: Rate of Disposition by Case Type**

SOURCE: Data stored in the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. Delinquency cases disposed during 1991 and 1992 (see Table 1 notes). Analysis based on informal cases ( $n = 256,638$ ); petitioned but not adjudicated cases ( $n = 94,113$ ); and adjudicated cases ( $n = 173,962$ ).



**Figure 2: Rate of Disposition by County Population**

SOURCE: Data stored in the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. Delinquency cases disposed during 1991 and 1992 (see Table 1 notes). Analysis based on cases from small counties ( $n = 112,669$ ); medium counties ( $n = 150,418$ ); and large counties ( $n = 261,626$ ).

cases, this method analyzed jurisdictions using aggregate measures of case processing.<sup>5</sup>

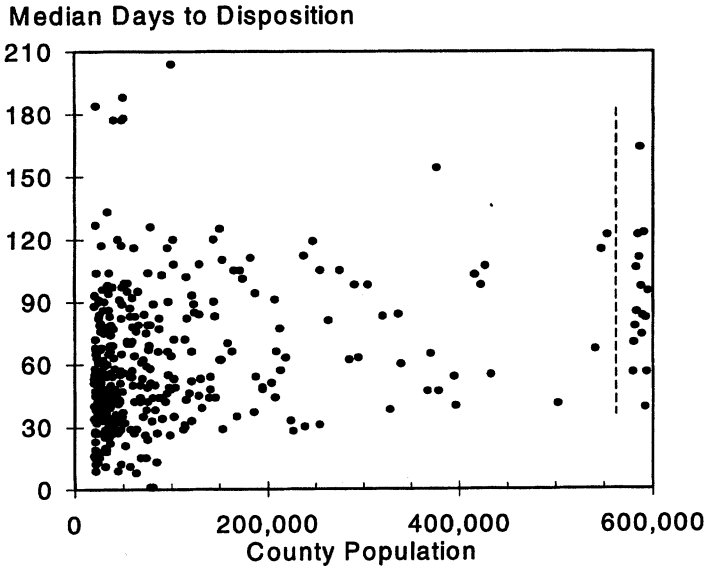
A *jurisdiction-level* data file was constructed that contained aggregate measures of formal case processing for each county in the study, independently of caseload size.<sup>6</sup> In other words, aggregate variables were created for all jurisdictions whether those variables summarized the processing of 50 cases or 500 cases. The county-aggregate variables included the total number of petitioned delinquency cases disposed of in the jurisdiction and the number of cases that were detained, adjudicated, placed out of the home, and so on. Aggregate measures of case processing time included the median days between referral and disposition for all petitioned cases and the median days for detained cases, adjudicated cases, and so on. Using these aggregate measures, the analysis was able to explore jurisdictional differences in case processing time while controlling for caseload size.

The association between the size of jurisdictions and their aggregate case processing time was examined by plotting the median case processing time for petitioned cases in each jurisdiction against its total population (Figure 3).<sup>7</sup> The correlation between population and aggregate disposition time appeared to be relatively weak when examined in this manner. There was considerable variation in median disposition time regardless of size, and some of the longest aggregate processing times were found in relatively small jurisdictions.

### *Factors Associated with Case Processing Time*

Clearly, processing time for delinquency cases is more than simply a reflection of a jurisdiction's size. To examine multiple associations with case processing time at the jurisdiction level, the analysis next included a series of linear regression models. Legal-environmental, case-processing, and demographic variables were tested for their relationships with county-aggregate measures of disposition time for petitioned delinquency cases (Table 2).

The independent variables tested by the regression models included the juvenile population of each county measured in thousands ( $M = 12.83$ ), whether the maximum age of original jurisdiction for juvenile courts was defined traditionally at age 17 (coded as 0) or was reduced to age 15 or 16 (coded as 1), the annual petitioned delinquency caseload of the juvenile court measured in hundreds ( $M = 6.91$ ), the per capita rate of petitioned cases handled by the court measured in cases per 1,000 juveniles ( $M = 18.77$ ),<sup>8</sup> and the proportion of all formal cases that were adjudicated during 1991 and 1992 ( $M = 70.82\%$ ). Other measures included the proportion of all delinquency cases handled by the court in which the most serious charge was a drug



**Figure 3: Median Days to Disposition for Petitioned Cases, by County Population**

SOURCE: Data stored in the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. Delinquency cases disposed during 1991 and 1992 (see Table 1 notes).

NOTE: For presentation purposes, 16 counties with populations between 600,000 and 2.1 million were recoded to have populations between 560,000 and 600,000.

offense ( $M = 2.91\%$ ) or a person offense ( $M = 19.75\%$ ) and the proportion of adjudicated cases in which the disposition included out-of-home placement ( $M = 24.18\%$ ).

The analysis also explored four dichotomous measures of whether states had enacted legislation or court rules to control the timing of adjudications and/or dispositions for either detained or nondetained cases. Among all jurisdictions in the study, 29% were in states with some form of legislation or court rules to govern the timing of adjudication hearings for nondetained juveniles; 61% controlled the timing of adjudications for detained juveniles. The timing of disposition hearings was regulated by 22% of the jurisdictions in cases not involving detention and 50% of jurisdictions when juveniles were detained.

The regression models tested the multiple associations between these independent variables and a set of county-aggregate measures of disposition

**TABLE 2: Descriptive Statistics for County-Aggregate Variables Used in Multiple Regression Analyses of Disposition Time for Petitioned Delinquency Cases**

	M	SD	N (counties)	Coding (if any)
<i>Independent Variables</i>				
Jurisdiction characteristics				
Juvenile population (in 1,000s)	12.83	21.40	394	
Reduced maximum age of original juvenile court jurisdiction (i.e., below age 17)	.24	.43	394	0 = No 1 = Yes
Case processing characteristics				
Formal cases disposed annually (in 100s)	6.91	19.65	394	
Formal cases per 1,000 population	18.77	14.30	394	
Percentage of formal cases adjudicated	70.82	19.30	393	
Percentage of all cases involving drug offenses	2.91	2.66	394	
Percentage of all cases involving person offenses	19.75	7.86	394	
Percentage of adjudicated cases resulting in out-of-home placement	24.18	14.68	393	
State controls on				
Adjudication time—youth not detained	.29	.46	394	0 = No 1 = Yes
Adjudication time—youth detained	.61	.49	394	0 = No 1 = Yes
Disposition time—youth not detained	.22	.42	394	0 = No 1 = Yes
Disposition time—youth detained	.50	.50	394	0 = No 1 = Yes
<i>Dependent Variables</i>				
Total petitioned cases				
Median disposition days	59.98	31.85	388	
Percentage over 90 days	28.06	19.69	388	
Nonadjudicated petitioned cases				
Median disposition days	64.83	39.50	343	
Percentage over 90 days	31.04	21.37	343	
Adjudicated petitioned cases				
Median disposition days	62.65	34.60	388	
Percentage over 90 days	28.94	21.35	388	
Nondetained petitioned cases				
Median disposition days	63.13	33.93	293	
Percentage over 90 days	29.71	20.63	293	
Detained petitioned cases				
Median disposition days	48.43	42.52	247	
Percentage over 90 days	21.35	19.64	247	

SOURCE: Data stored in the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. Delinquency cases disposed during 1991 and 1992 (see Table 1 note).

time. For five major types of formal delinquency cases (total, nonadjudicated, adjudicated, nondetained, and detained), two separate regression models were used to measure the relationships of the independent variables with each jurisdiction's median disposition time and the proportion of cases in the jurisdiction that exceeded 90 days between referral and disposition.

The explanatory power of the regression models was modest. The strongest explanation obtained was for total petitioned cases and adjudicated cases; 14% to 24% of the variance in aggregate disposition time for these cases was explained by the regression analyses (Table 3). The strongest model involved just four predictor variables (juvenile population, number of formal cases per year, the proportion of all cases resulting in adjudication, and the proportion of cases involving drug offenses). This model explained 14% of the variance in median disposition times for all petitioned cases and 20% of the variance in median disposition times for adjudicated cases.

The size of the juvenile population had a significant and positive effect on both measures of disposition time for all formal cases (median days to disposition, and the proportion of cases exceeding 90 days). For every increase of 1,000 juveniles in county population, the median disposition time for petitioned cases in the county increased .63 days, and the proportion of cases exceeding 90 days increased .41%.

The proportion of drug cases within a jurisdiction's total delinquency caseload was a relatively consistent predictor of disposition time. For every percentage increase in the proportion of drug offense cases referred to a juvenile court, the median disposition time for all petitioned delinquency cases grew 1.57 days, and the proportion of cases taking longer than 90 days to reach final disposition climbed 1.15%. This may suggest that the proportion of drug offenses among the referrals to juvenile court is a good indicator of the complexity of the caseload and of the delays likely to occur in the court's handling of delinquency matters.

The volume of a jurisdiction's formally petitioned delinquency caseload had a negative association with case processing time after controlling for other influences. For every increase of 100 in the number of formal cases disposed annually, median disposition time declined .49 days and the proportion of cases taking longer than 90 days to reach disposition dropped .29%. This negative relationship was significant for most types of delinquency cases. Thus jurisdictions with small petitioned caseloads for their size tended to have slower processing times. This may suggest that when caseload size increases relative to population size, courts develop more efficient case processing practices out of necessity. However, this finding could also indicate that courts with few petitioned cases for their size spend more time screening cases prior to filing formal charges, whereas jurisdictions that file

**TABLE 3: OLS<sup>a</sup> Regression of County-Aggregate Disposition-Time Measures on Jurisdiction Characteristics, Court Caseload Measures, and Extent of State Controls on Delinquency Case Processing Time**

Independent Variables	County-Aggregate Measures of Disposition Time													
	Total Petitioned Cases						Nonadjudicated Cases						Adjudicated Cases	
	Median Time		Percentage over 90 Days				Median Time		Percentage over 90 Days				Median Time	Percentage over 90 Days
	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>		
Jurisdiction														
Juvenile population (1,000s)	.63*	.43*	.41*	.45*	.26	.15	.41*	.43*	.59*	.36*	.37*	.37*	.37*	.37*
Reduced age of jurisdiction														
Court caseload														
Formal cases/year (100s)	-.49*	-.30	-.30*	-.30*			-.29	-.28	-.51*	-.29*			-.30*	-.28*
Per capita case rate														
Percentage adjudicated	-.40*	-.24*	-.29*	-.28*					-.68*	-.38*			-.45*	-.40*
Percentage placed														
Percentage drug offenses	1.57	.13	1.15	.16	2.14	.14	1.88*	.23*	1.36	.10			1.01	.13
Percentage person offenses														
State controls on														
Adjudicated time—if released														
Adjudicated time—if detained														
Disposition time—if released														
Disposition time—if detained														
Adjusted <i>R</i> <sup>2</sup>	.139		.187		.066				.200				.236	
Significance <i>F</i>	.0000		.0000		.0000				.0000				.0000	
<i>N</i> (counties)	388		388		343		343		388		388		388	



*Dependent Variables*  
*County-Aggregate Measures of Disposition Time*

<i>Independent Variables</i>	<i>Nondetained Cases</i>				<i>Detained Cases</i>			
	<i>Median Time</i>		<i>Percentage over 90 Days</i>		<i>Median Time</i>		<i>Percentage over 90 Days</i>	
	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>	<i>b</i>	<i>B</i>
Jurisdiction								
Juvenile population (1,000s)	1.07*	.63*	.58*	.56*				
Reduced age of jurisdiction								
Court caseload								
Formal cases/year (100s)	-.96*	-.46*	-.52*	-.40*				
Per capita case rate								
Percentage adjudicated	-.28*	-.17*	-.24	-.24	-.31	-.15	-.26*	-.27*
Percentage placed								
Percentage drug offenses			1.18	.13				
Percentage person offenses								
State controls on								
Adjudicated time—if released					28.43*	.24*	14.72*	.27*
Adjudicated time—if detained								
Disposition time—if released								
Disposition time—if detained								
Adjusted $R^2$	.099		.156		.052		.098	
Significant $F$	.0000		.0000		.0000		.0000	
$N$ (counties)	293		293		247		247	

SOURCE: Data stored in the National Juvenile Court Data Archive, National Center for Juvenile Justice, Pittsburgh, Pennsylvania. Delinquency cases disposed during 1991 and 1992 (see Table 1 notes).

NOTE:  $b$  = Nonstandardized regression coefficient;  $B$  = standardized regression coefficient. Each model was developed with stepwise entry of independent variables. Jurisdictions were dropped from each analysis if fewer than 5 petitioned cases were available for the calculation of aggregate processing time measures.

\*Statistically significant ( $p < .01$ ). Only significant coefficients are shown (at least  $p < .05$ ).

formal charges in a larger percentage of delinquency matters are able to do so relatively quickly because their decision-making process is less involved.<sup>9</sup>

Similarly, the relationship between disposition time and the proportion of a jurisdiction's petitioned cases that resulted in adjudication was significant and negative for most types of delinquency cases. After controlling for all other variables, disposition time decreased as the relative proportion of adjudications in a jurisdiction increased. For every percentage increase in adjudications, the median disposition time for total petitioned cases declined .40 days, and the median for adjudicated cases dropped .68 days. This may suggest that in jurisdictions where the handling of delinquency cases is less deliberative, procedures are simpler, adjudications are routine, and the court process is generally less time-consuming.

No other predictors had consistent associations with disposition time. Legislation and court rules were significantly and negatively related to disposition time only for formally handled, nonadjudicated cases. For these cases, disposition time was significantly quicker if a jurisdiction had rules or legislation governing the timing of adjudications for detention cases. However, the relationship between state controls and disposition time was positive for detained cases, suggesting either that disposition times were slower in jurisdictions that had enacted rules and legislation to control delinquency case processing time or that the variations in disposition time associated with state controls were artifacts of other, unmeasured characteristics of jurisdictions. In effect, the presence of state court rules and legislation appeared to be unrelated to the timing of delinquency case processing.

## *DISCUSSION*

The results of this analysis indicate that the speed of the juvenile court process is partly related to the size of jurisdictions. Large jurisdictions are more likely than small jurisdictions to experience problems with delay. Yet significant variation in case processing time remains after the population of a jurisdiction is taken into account by multivariate analyses. After controlling for population size, the juvenile court process is slower in jurisdictions with a high proportion of drug offense cases, perhaps suggesting that case complexity increases delay. The rate of adjudication for formal delinquency cases is also a significant predictor of disposition time. Disposition time decreases as a court's relative use of adjudication for petitioned cases increases. This could suggest that the handling of delinquency cases is slower in juvenile courts with fact-finding orientations more similar to the criminal courts,

where referral to court does not always result in the filing of formal charges, and formal charges do not automatically result in conviction.

The speed of the juvenile court process deserves closer attention from researchers and policymakers. Further research is needed on the actual impact of delays on the courts, on juvenile offenders and their families, and on the community. Since the 1960s, U.S. juvenile courts have been required to incorporate greater procedural protections for young offenders, including the right to counsel, the right to formal notice of charges, a higher standard of evidence for adjudication, and the right to confront and cross-examine one's accusers. This expansion of due process may have changed the atmosphere of the juvenile court in ways not anticipated by reformers. As foretold by Justice Stewart in his dissent to the *Gault* case, increased due process for juveniles may have exacerbated the tensions between the traditional rehabilitative mission of the juvenile court and its obligation to provide a fair and accurate fact-finding process.

Case processing time may turn out to be the next important confrontation between the traditional goals and contemporary methods of juvenile justice. In 1993, the federal Office of Juvenile Justice and Delinquency Prevention published a strategy for dealing with serious offenders that called for states to combine accountability and sanctions with treatment and rehabilitation services for juvenile offenders. One of the linchpins of the strategy was the use of "immediate interventions" that "stop the juvenile's further penetration into the system by inducing law-abiding behavior as early as possible through the combination of appropriate intervention and treatment sanctions" (Wilson and Howell 1993, p. 19). This strategy requires juvenile courts to be able to handle delinquency cases as expeditiously as possible so that young offenders receive the message that illegal behavior will provoke a swift response from the juvenile justice system. When half of all formally charged delinquency cases wait the equivalent of a summer vacation for disposition, this message may not be getting out.

Policymakers and juvenile justice professionals should make every attempt to control case delays. Some might argue that a simple method of improving the speed of juvenile justice would be to extend to juveniles the speedy-trial rights provided for adult defendants by the Sixth Amendment. However, legal and regulatory delay-reduction efforts have not been particularly successful at the state level. Juvenile courts may benefit more from a managerial approach to delay reduction, such as the case flow management systems used by many civil and criminal courts (Hewitt, Gallas, and Mahoney 1990). Whatever method is used to control juvenile court delay, the concept of speedy trial will have to be redefined for use in the juvenile justice system.

The U.S. Supreme Court once ruled that a trial delay of 5 years did not necessarily violate a defendant's Sixth Amendment rights (*Barker v. Wingo* 1972). Obviously, if the notion of speedy trial is to be applied to juvenile court proceedings, the definition of unacceptable delay will have to fit the developmental characteristics of adolescent offenders.

## NOTES

1. In some jurisdictions, local court rules may be used to set case processing goals.
2. For a more complete description of the National Juvenile Court Data Archive and its contents, see any recent *Juvenile Court Statistics* report (e.g., Butts et al. 1995).
3. Some delinquency cases are dismissed by the juvenile court in order that the matter may be transferred to the criminal court. In recent years, criminal court transfers have accounted for about 1% of delinquency cases nationwide (Butts et al. 1995). Transferred cases were excluded from this study.
4. To eliminate small counties that handled only a few cases per year, data from jurisdictions with populations less than 20,000 were deleted before analysis. On average, these small counties handled 37 delinquency cases per year. Their removal reduced the study's initial database of delinquency cases by just 5%.
5. Similar methods have been used by others to analyze the influence of poverty and race on juvenile justice decision making using the archive's data files (Sampson and Laub 1993).
6. All aggregate comparisons are based only on formally petitioned cases because some jurisdictions in the study were unable to report data on informal delinquency cases.
7. The median for petitioned cases ranged from 1 to 204 days among the sample jurisdictions.
8. The case rate also served as an interaction term for the combined influence of population and caseload.
9. A better test of this hypothesis would be to measure the association between disposition time and the proportion of all cases that are formally petitioned. This was not possible because some jurisdictions were unable to collect data on informal delinquency cases.

## REFERENCES

- Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182 (1972).
- Bernard, Thomas J. 1992. *The Cycle of Juvenile Justice*. New York: Oxford University Press.
- Butts, Jeffrey A. 1996. "Speedy Trial in the Juvenile Court." *American Journal of Criminal Law* 23:515-60.
- Butts, Jeffrey A. and Gregory J. Halemba. 1994. "Delays in Juvenile Justice: Findings from a National Survey." *Juvenile & Family Court Journal* 45:31-46.
- Butts, Jeffrey A., Howard N. Snyder, Terrence A. Finnegan, Anne L. Aughenbaugh, Nancy J. Tierney, Dennis S. Sullivan, and Rowen P. Poole. 1995. *Juvenile Court Statistics 1992*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Feld, Barry C. 1993. *Justice for Children: The Right to Counsel and the Juvenile Courts*. Boston: Northeastern University Press.

- Flicker, Barbara D. 1982. *Standards for Juvenile Justice: A Summary and Analysis*. 2d ed. Cambridge, MA: Ballinger.
- Hewitt, William E., Geoff Gallas, and Barry Mahoney. 1990. *Courts That Succeed: Six Profiles of Successful Courts*. Williamsburg, VA: National Center for State Courts.
- Inhelder, Barbara and Jean Piaget. 1958. *The Growth of Logical Thinking from Childhood to Adolescence*. New York: Basic Books.
- In re Gault, 387 U.S. 1, 87 S.Ct. 1428 (1967).
- In re Winship, 397 U.S. 358, 90 S.Ct. 1068 (1970).
- Institute of Judicial Administration-American Bar Association. 1980. *Standards Relating to Pretrial Court Procedures*. Cambridge, MA: Author.
- Kent v. United States, 383 U.S. 54 (1966).
- Lawyers Conference Task Force on Reduction of Litigation Cost and Delay. 1986. *Defeating Delay: Developing and Implementing a Court Delay Reduction Program*. Chicago: American Bar Association.
- Mahoney, Anne R. 1985. "Time and Process in Juvenile Court." *The Justice System Journal* 10:37-55.
- . 1987. *Juvenile Justice in Context*. Boston: Northeastern University Press.
- McKeiver v. Pennsylvania, 403 U.S. 528 (1971).
- National Conference of State Trial Judges. 1985. *Standards Relating to Court Delay Reduction*. Chicago: American Bar Association.
- Office of Juvenile Justice and Delinquency Prevention. 1980. *Standards for the Administration of Juvenile Justice: Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention*. Washington, DC: Author.
- Rothman, David J. 1980. *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. Glenview, IL: Scott, Foresman.
- Sampson, Robert J. and John H. Laub. 1993. "Structural Variations in Juvenile Court Processing: Inequality, the Underclass, and Social Control." *Law and Society Review* 27:285-311.
- Sanborn, Joseph B. Jr. 1993. "The Right to a Public Jury Trial: A Need for Today's Juvenile Court." *Judicature* 76:230-38.
- Schall v. Martin, 467 U.S. 253 (1984).
- Schlossman, Steven L. 1977. *Love & the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825-1920*. Chicago: University of Chicago Press.
- Shine, James and Dwight Price. 1992. "Prosecutors and Juvenile Justice: New Roles and Perspectives." Pp. 101-33 in *Juvenile Justice and Public Policy: Toward a National Agenda*, edited by I. M. Schwartz. New York: Lexington Books.
- Stull, B. D. 1982. "Speedy Trial Rights for Florida's Juveniles: A Survey of Recent Interpretations by Florida Courts." *Nova Law Journal* 6:437.
- Szymanski, Linda A. 1990. *Courts Exercising Family Court Jurisdiction*. Pittsburgh, PA: National Center for Juvenile Justice.
- Wilson, John J. and James C. Howell. 1993. *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders: Program Summary*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.