

JUVENILES ARRESTED FOR FELONY CRIMES  
AND "REMANDED" TO OREGON CRIMINAL COURTS

by

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ACQUISITIONS

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## EXECUTIVE SUMMARY

During a recent offender based transaction statistics (OBTS) study in which we tracked the case handling and disposition of 7,451 serious felony arrests in Oregon using computerized criminal history (CCH) data, we discovered that 105 of these arrests could be attributed to 95 juveniles who we assumed were "remanded" to adult criminal courts for prosecution. The discovery of these remanded juveniles in a major OBTS research study provided the basis for important spin off research on a much discussed but seldom researched group of juveniles identified in discussions of juvenile justice policy. Though this research report on these remanded juveniles and their arrests is limited to the CCH data available and omits critical data on juvenile court referral and treatment histories, we feel that this brief report contains important information and findings pertaining to remanded juveniles and the transfer or waiver of juvenile court jurisdiction. A number of the more important research findings are highlighted in the next few paragraphs.

As mentioned earlier, 95 unique individuals can be associated with these 105 serious (Part I) felony arrests for calendar year 1979. Eighty-seven individuals accounted for one Part I felony arrest in 1979 and eight others accounted for two or three such felony arrests in 1979 in Oregon.

The joint distribution by sex and race indicates that the overwhelming majority of these 95 individuals (approximately 90%) were white males.

The age distribution for these 95 remanded juveniles gives us some clue as to why the juvenile courts waived and transferred jurisdiction in these cases. While youth as young as 16 (and as old as 17.99 years) can be remanded, 17 year olds appeared more often in our data. In fact, the age distribution is skewed or loaded heavily toward the older side of the 16 to 17.99 year age range with a mean of 17.42 years of age as of date of initial arrest in 1979. The fact that over three quarters (81%) of these individuals were over 17 and nearing the age at which juvenile court jurisdiction ends (at 18) may indicate that many in the juvenile justice system have judged these individuals not to

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be amenable to rehabilitation in facilities or programs available to the juvenile court. It also has been suggested (by one of the prepublication reviewers of this report) that many of these older youth already perceive themselves to be emancipated from their own families and committed to a life style of emancipation from adult control. Because of their particular life style and values it is possible that when arrested they may prefer remand status and prosecution in an adult criminal court rather than be handled as a referral in the juvenile court. Such a preference may simply be a manifestation of their emancipation needs.

As mentioned earlier, when we did the research and data analysis for this report we did not have access to data on juvenile court referral and juvenile justice system (JJS) treatment history. In lieu of this information we examined Oregon State Police CCH system "rap sheets" to determine how many of these 95 remanded juveniles had prior arrests in Oregon only for any type of offense. Data in the report indicates that only a small proportion (about 15%) of the individuals in this study had one or more prior arrests in Oregon (for any type of offense or ordinance violation) before the 1979 felony arrest(s) cited here. (NOTE: The only way a prior offense can be recorded in the CCH system would be via remand. Subsequent offenses come either via remand or because the youth has passed his 18th birthday.) Of course, we do not know about arrests which may have occurred outside Oregon nor do we know about juvenile court referrals (i.e., offenses which did not result in fingerprinting and entry into the CCH system via remand proceedings).

While the descriptive information on arrest disposition and sentence outcome in the courts in the third section of this report is interesting, the most surprising findings (at least to some of our prepublication report reviewers) involved conviction and incarceration rates. Compared to the adult arrests in our larger OBTS study, the conviction rate for our remanded juvenile felony arrestees is substantially higher. In addition, it appears that the juveniles in this study are similar to the adults in the larger OBTS study in terms of the proportions having various arrest charges. One prepublication reviewer of the report gave a plausible explanation for the finding of higher conviction rates. Basically, he felt that there is less of the due process and legal defense model employed in the case of juvenile defendants. Attorneys in juve-

nile cases often are less concerned with elaborate defenses to prove their client innocent. More often, the issue of concern is not whether the juvenile was involved in an offense but what offense he or she actually committed. For example, was it first or second degree burglary or simply criminal trespass.

Another interesting finding involves the severity of sentence dispositions for remanded juveniles--especially in terms of the extent to which incarceration is a sentence outcome. One reviewer commented that many juvenile court personnel have the idea that remanded juveniles "get off easy" in that sentences simply require "taking a walk" (i.e., getting probation or even sentences of lesser severity). The study findings do not support this stereotypical view and, in fact, a relatively large proportion received incarceration as a sentence outcome. In fact, the incarceration rate reported in this study for convicted cases was slightly higher than the corresponding rate reported in the larger OBTS study of all 1979 serious felony arrests.

A last finding of some significance is the statistic that 58 of the 95 individuals in this study (61.1%) had one or more subsequent arrests (i.e., after 1979) for some type of offense or ordinance violation.

Overall, these findings and the information presented in this report shed some light on remanded juveniles (at least those arrested for serious felony offenses in Oregon in 1979). Further, the report stimulates an interest in piecing together through further research a more complete picture of the remanded juvenile felony offender and the factors generating the decision to remand to an adult court for prosecution of felony arrests. It seems clear that future research will need to tap information which was beyond the scope and funding for the present study. For example, one report reviewer anticipated these additional data needs in noting that "...an understanding of the reason for, and probability of, remand is dependent on an analysis of the juvenile court history of the child." They also indicated that "...it also would be helpful to know the history of the use of other juvenile corrections related resources, such as probation, child care center treatment, and commitment to a state training school." The overall demeanor of the child at arrest and in the juvenile court was mentioned by still another reviewer as an important factor in remand decisions--one that involves still further data collection.

## 1. Introduction

### The Purpose of This Report

This brief study examines some of the more pertinent information available on the background characteristics and judicial dispositions of juveniles arrested for serious (Part I) felony crimes in Oregon in 1979 and "remanded" to regular criminal courts to be processed as adults. The background or "profile" characteristics include demographic factors (age, sex, and race) and criminal history information (mainly number of arrests during and after 1979). Information on arrest dispositions for this study group includes both a description of prosecutor or court case outcomes and any subsequent sentences. The data upon which this study is based are part of a larger data set used for our recent offender based transaction statistics (OBTS) report on the disposition of Part I felony crime arrests in Oregon in 1979.<sup>1</sup>

This study should be of special interest and value to readers familiar with the issues surrounding the transfer of juveniles to regular criminal court and the waiver of juvenile court jurisdiction. Though the study is limited to cases involving arrests for certain felony crimes and ignores juvenile involvement in misdemeanor and traffic offenses (many of which automatically result in remands), the waiver of juvenile court jurisdiction to a court of general criminal jurisdiction is usually for acts which would constitute a felony if committed by an adult.<sup>2</sup> This study of remanded juveniles arrested for

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<sup>1</sup>See James Paul Heuser, Ph.D., What Happens After Arrest in Oregon? A Report on the Disposition of Part I Felony Arrests for 1979, Oregon Law Enforcement Council, Salem, Oregon, 1982.

<sup>2</sup>See Harold E. Resteiner, "Delinquent or Criminal: The Problems of Transfers of Jurisdiction," Juvenile Justice, Volume 24, Number 1 (May, 1973), p. 2.

felony crimes gains particular significance in Oregon given the introduction in the last full session of the Legislative Assembly of a controversial and unsuccessful bill (House Bill 2283) which would have included provisions for lowering the age at which youths could be remanded by juvenile courts to adult criminal courts from sixteen (16) to fourteen (14) years.

Before posing the specific research questions and examining the findings, some background information about the use of remand procedures involving juveniles in Oregon is in order.

#### A Note on Remand Procedures Involving Juveniles in Oregon

While Oregon law states that the juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age,<sup>3</sup> a child who is 16 years of age or older may be remanded to a court of competent jurisdiction for disposition as an adult for any offense provided certain conditions are met. These conditions are as follows:<sup>4</sup>

1. The child must be 16 years of age or older at the time of the remand (though not necessarily at the time when the offense was committed);
2. The child is alleged to have committed a criminal offense or a violation of a municipal ordinance; and
3. The juvenile court determines that retaining jurisdiction will not serve the best interests of the child because he or she is judged to be not amenable to rehabilitation in facilities or programs available to the court.

While Oregon's laws relating to juvenile court proceedings do not specify that a formal hearing needs to be held for remand or transfer of jurisdiction, the juvenile court is required by law to make a specific, detailed, written finding of fact to support any determination that retaining jurisdiction is not in the best interests of the child.<sup>5</sup>

<sup>3</sup>See Oregon Revised Statutes (ORS), Section 419.476 (1).

<sup>4</sup>See Oregon Revised Statutes (ORS), Section 419.533 (1) (a), (b), and (c).

<sup>5</sup>See Oregon Revised Statutes (ORS), Section 419.533 (2).

Two other provisions in Oregon's laws related to the use of remand procedures are worth mentioning. First, is the juvenile court practice of issuing "blanket" remand orders for juveniles accused of certain offenses. Under provisions of Oregon law,<sup>6</sup> the juvenile court may enter an order directing that all cases involving violation of laws or ordinances relating to the use or operation of a motor vehicle (traffic violations) and boating laws or game laws can automatically be remanded to criminal or municipal court subject to certain conditions.

Second, after the juvenile court has entered an order remanding a child to an adult court for an alleged offense, the court may issue a "permanent" remand order which allows the appropriate adult court to have jurisdiction in all future cases for subsequent offenses involving the same child.<sup>7</sup> However, the juvenile court may at any time direct that this subsequent or "permanent" remand order be revoked (vacated) or it may remand a pending case to the juvenile court for further proceedings.<sup>8</sup>

2. Demographic and Criminal History Characteristics of Juveniles Arrested and Remanded to Adult Court for Part I Felony Crimes in Oregon in 1979
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#### How Many Arrests and Unique Individuals Were Studied?

As mentioned earlier, this study is the result of a larger OBTS study on the disposition of 7,451 Part I felony arrests involving 6,699 unique individuals in Oregon in 1979.<sup>9</sup> Based on certain analyses for this larger study, it was determined that 105 of these 7,451 arrests (or approximately 1.4%) involved individuals under 18 years of age. Specifically, 95 unique individuals (or approximately 1.4% of the 6,699 individuals in the larger study) accounted

<sup>6</sup>See Oregon Revised Statutes (ORS), Section 419.533 (3).

<sup>7</sup>See Oregon Revised Statutes (ORS), Section 419.533 (4).

<sup>8</sup>See Oregon Revised Statutes (ORS), Section 419.533 (5).

<sup>9</sup>Part I offenses include homicide, forcible rape, robbery, aggravated assault, burglary, theft (larceny), motor vehicle theft (UUMV), and arson.

for these 105 arrests. Our assumption is that all of these arrests began as juvenile court referrals which were subsequently remanded to regular criminal courts. The remand procedures resulted in booking and fingerprinting causing them to be entered as 1979 arrests in Oregon's computerized criminal history (CCH) data base. In fact, remand is the only route juveniles can take to end up in the CCH system.

How Many of These Felony Arrests Did Each Unique Individual Account for in 1979?

As mentioned above, 95 unique individuals can be associated with these 105 felony arrests in 1979. Obviously, some of these juveniles were arrested more than once during calendar year 1979. Table 1 gives the frequencies or number of individuals accounting for one, two, or three felony arrests in 1979. As the data reveal, nearly 92 percent of these individuals had a single felony arrest in Oregon in 1979. We have not included in these totals arrests in 1979 for other, nonfelony offenses or 1979 arrests involving felonies which were not included among the FBI Part I offenses. Of course, the CCH data base is limited to arrests from Oregon only. Arrests occurring outside of Oregon would not be included here.

Table 1: Most of the individual juveniles in this study accounted for only one reported felony arrest in Oregon in 1979.

Number of Part I Felony Arrests Accounted for in Oregon in 1979	Distribution of Unique Individuals	
	Percentage	Number
One	91.6%	(87)
Two	6.3%	(6)
Three	2.1%	(2)
	100.0%	(95)

How Many of These Remanded Juveniles Were White Males?

As one might suspect, in Oregon the vast majority of these 95 individuals are predominantly male and white. Table 2 gives the joint distribution for sex and race.

Table 2: Most of the individual juveniles in this study are male and white. Percentages of total (and numbers).

	SEX	RACE		
		White	Black	Totals
	Male	89.5% (85)	6.3% (6)	95.8% (91)
	Female	4.2% (4)	0.0% (0)	4.2% (4)
	Totals	93.7% (89)	6.3% (6)	100.0% (95)

The figures or cell entries in Table 2 indicate that roughly 96 percent of these individuals are male and 94 percent are white. Altogether, about 90 percent (85 of 95 juveniles) are white males.

How Old Were These Remanded Juveniles as of the Date of the Initial Arrest in 1979?

While Oregon law permits remanding juveniles as young as 16 years of age, 17 year old remands appeared more often in our data. In fact, the age distribution of these 95 remanded juveniles is skewed or loaded heavily toward the older rather than the younger juveniles in this 16 to 18 year age range. Table 3 presents the data of interest here.

Table 3: Looking at the age distribution of these remanded juveniles using age as of date of first Part I felony arrest in 1979 and using half-year increments, it appears that most of them were concentrated among the older age categories. (The average age for all 95 individuals is 17.42 years.)

Age Range	Percentage of Total	Number of Individuals
Under 16*	1.1%	(1)
16.00 to 16.49	3.2%	(3)
16.50 to 16.99	14.7%	(14)
17.00 to 17.49	32.6%	(31)
17.50 to 17.99**	48.4%	(46)
Totals	100.0%	95

Average Age in years = 17.42

(Standard Deviation = .5299)

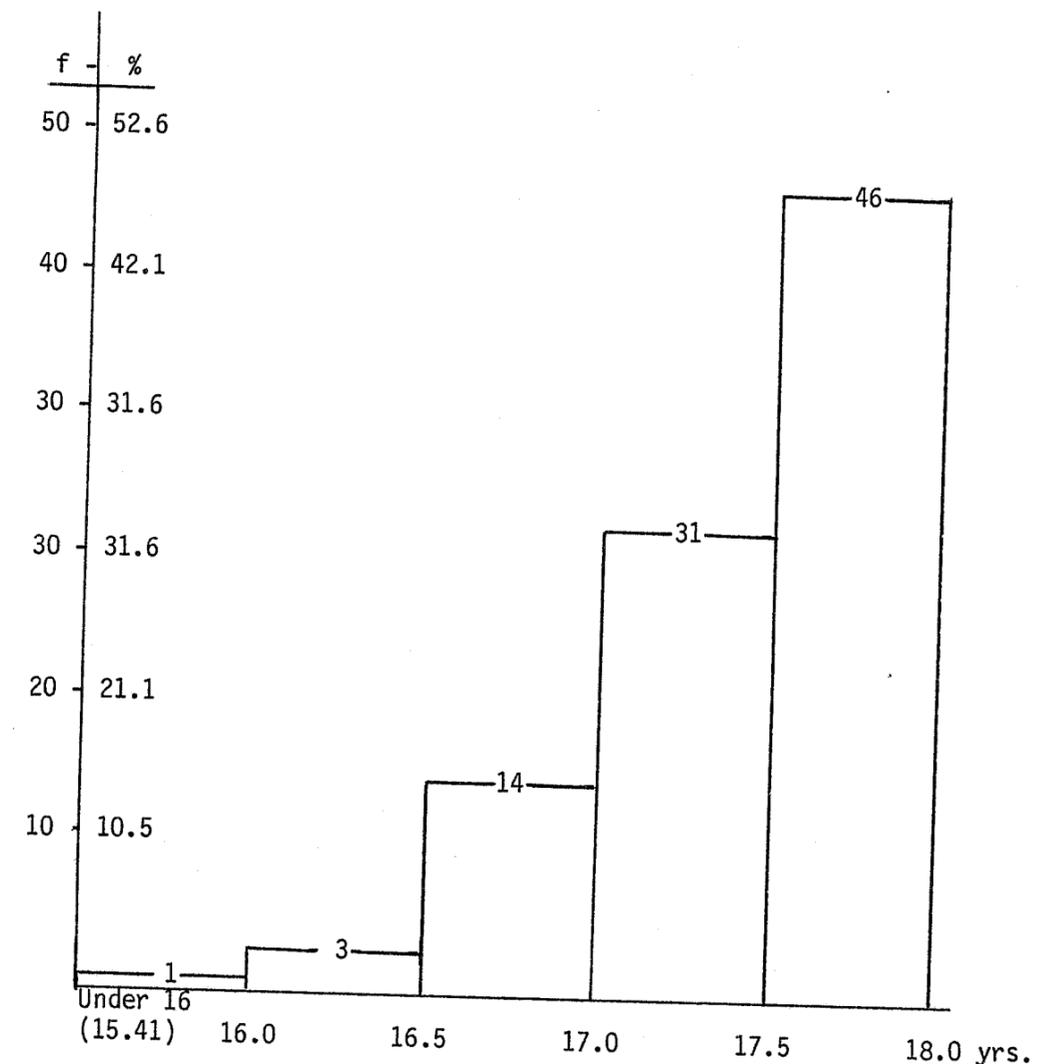
\*One individual's age at first arrest in 1979 was listed as 15.41 years. However, after a subsequent arrest during the same year the CCH "rap" sheet information listed on earlier birth date which would have made him 16.41 years of age for this first arrest. For computational purposes, we have used the 15.41 figure, however.

\*\*This grouping includes one individual whose 1979 felony arrest occurred one day before his eighteenth birthday and consequently his age was rounded off and calculated as 18.00 years.

Figure 1 reassembles the data of Table 3 into the form of a histogram to more fully reveal the negatively skewed distribution of arrest ages (above). A histogram represents the frequencies in each class interval by a rectangular bar, the area of which is proportional to the frequency.<sup>10</sup>

<sup>10</sup>See Theodore R. Anderson and Morris Zelditch, Jr., A Basic Course in Statistics With Sociological Applications, 2nd ed., New York: Holt, Rinehart, and Winston, Inc., 1968, pp. 54-58, for this definition and a discussion of how to construct and use histograms.

Figure 1: Histogram of Age Data In Table 3



mean = 17.42 years  
(std. dev. = .5299)

The data in Table 3 and Figure 1 indicate that most of these remanded juveniles tended to be approaching eighteen years of age or the point at which juvenile court jurisdiction ends. Of course, for some of these individuals arrests occurred earlier than 1979. We will examine prior arrests in the next section of this report.

How Many Prior Arrests in Oregon Did Each of These Individuals Have?

While the CCH system does not contain information on an individual's juvenile court referrals not resulting in arrest and fingerprinting via remand procedures (a key factor in remanding juveniles), it is still of interest to us to know how many of these 95 remanded felony arrest juveniles had prior arrests in Oregon (for any type of offense). Table 4 indicates that only a small proportion of the individuals in this study had one or more arrests in Oregon (for any type of offense or ordinance violation) before the 1979 felony arrest(s) cited here. Again, we wish to point out that our CCH data base here limit us to an examination of only those arrests reported in Oregon for the period before 1979. We do not have access to any records of arrests which occurred outside of Oregon.

Table 4: Only a small proportion (about 15%) of the 95 remanded juveniles in this study had arrests (for any type of offense) prior to 1979 in Oregon.

Number of Arrests (for any offense) Prior to 1979	Distribution of Unique Individuals	
	Percentage	Number
None (0)	85.3%	(81)
One (1)	13.7%	(13)
Two (2)	1.1%	(1)
	100.1%*	(95)

\*Does not total to exactly 100% due to rounding error.

3. What Happened After Arrest--A Look at Arrest Dispositions and Sentences

Of more importance than the demographic and criminal history background or profile information on these 95 individuals is the outcome or disposition of the 105 Oregon felony arrests they were responsible for in 1979. In other

words what happened after arrest? What happened, especially to those arrests resulting in conviction? These and a series of other questions form the basis of this section of the report.

What Happened to These Arrests in Terms of Final Court Disposition and Sentence Outcome

Figure 2 presents a flowchart which can be used to trace in graphic and detailed terms the flow of arrests toward final court disposition. Looking at these 105 arrests involving the 95 juveniles subject to remand procedures in 1979, we see in Figure 2 a steady case flow resulting in a pattern of case mortality or fallout and eventual attrition.

Starting with these 105 arrests, our analysis shows that in 83 cases (or 79%) charges were eventually filed in court. In the remaining 21 percent (or 22 cases) no court filing was reported after a minimum of 19 months of arrest for follow-up in our CCH/OBTS research. Continuing on we find that 63 of these 83 arrests resulted in conviction on some charge. These 63 cases represented 60.0 percent of the 105 arrests tracked here. In 31 of these 63 cases (or 49.2% of the 63 with convictions), conviction was on the same charge as the arrest charge. The remainder involved conviction on other charges and usually charges or offenses of a lesser degree of seriousness.

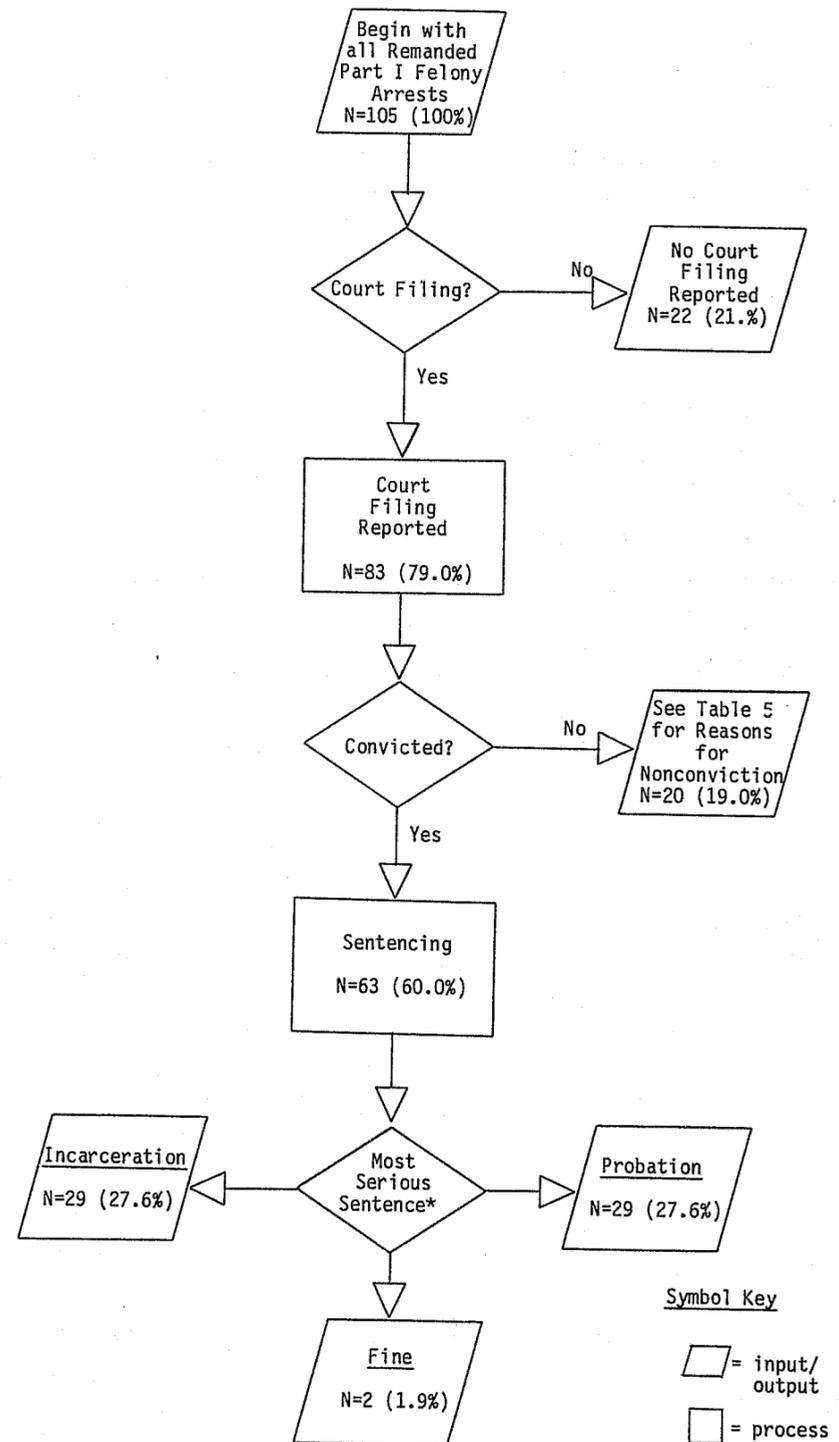
Compared to the larger study done of all 7,451 Part I felony arrests reported statewide in 1979, the court filing rate (79.0%) noted here is higher than that computed for all arrests (73.2%) including the 105 arrests under examination in this report. Likewise, the conviction rate of 60.0 percent is somewhat higher than the 49.3 percent reported in the complete study of all arrests.

For the 20 arrests not resulting in conviction the major reason was simple dismissal and this involved 19 of the 20 cases. The remaining case involved an acquittal ruling.

Reading on in our flowchart in Figure 2 we can determine the most serious sentence outcome for the 63 cases resulting in conviction. Assuming incarceration to be the most serious sentence penalty, 29 cases (or 27.6% of the total of 105) resulted in some period of incarceration. It is interesting to note that

Figure 2  
 FLOWCHART DEPICTING THE PROCESSING  
 AND COURT DISPOSITION OF  
 PART I FELONY ARRESTS IN OREGON  
 IN CY 1979

Total Remanded Juvenile Arrests



\*Excludes 3 cases not having the above sentence outcomes (i.e., incarceration, probation, or fine). See the second footnote in Figure 3 for an explanation of what happened to these three cases.

an additional 17 cases had incarceration as part of the sentence penalty, but the incarceration portion of the sentence was fully suspended by the court before imposition. However, in 16 of these 17 cases probation was designated as part of the sentence to be actually served. The incarceration rate of 27.6 percent was higher than the corresponding rate (21.7%) in the larger study of all 1979 serious felony arrests.

As the next most severe sentence, probation was the most serious or severe sentence imposed for another 29 cases (or 27.6% of the total number of arrests studied). The 27.6 percent here is higher than the probation figure of 22.6 percent for all arrests included in the larger study.

Once again, fines do not appear to be used as frequently as incarceration or probation and in only two cases (1.9% of the 105 cases) is a fine the most serious sentence penalty or outcome. The 1.9 percent here is comparable to the 2.5 percent figure noted for the total study group of 1979 serious felony arrests.

Does Arrest Disposition Vary by Type of Charge or Offense Cited at Arrest?

We would expect that some arrest offenses would be more likely than others to result in court filing of charges and conviction. Table 5 presents the data to examine differences here. Keeping in mind the statistical problems in making comparisons between percentages based on small numbers we can at least look at the major groupings here. Examining all 29 violent crime arrests we find that 79.3 percent (or 23) resulted in court filings and 20 of these 23 cases (or 87.0%) resulted in conviction on some charge. For the 76 arrests with property offenses cited at arrest, we find that 78.9 percent (or 60) resulted in court filings and 43 of these 60 cases (71.1%) resulted in conviction on some charge.

It is interesting to note that in comparing these 105 arrests involving remanded juveniles to all the arrests studied in 1979, similar proportions were for property and violent crime charges when taking into account the most serious charge. In 1979, 26.1 percent of all the arrests studied involved violent crime charges and 73.9 percent involved property crime charges. For the 105 remanded arrests of juveniles in 1979, 27.6 percent involved violent crime charges and 72.4 percent involved property crime charges.

Table 5

Probability of Court Filing and Major Court Dispositional  
Outcomes by Type of Part I Felony Arrest Charge

(Remanded Juveniles - Statewide, 1979)

	Type of Offense "Charged" at Arrest	ORS Number of Offense (in Column 1)	Total Number of Arrests Tracked	Probability of Court Filing of Charges if Arrested	Probability of Each of Three (3) Separate Court Dispositional Outcomes for Arrests With Charges Filed in Court (column 4):			
					CONVICTION	ACQUITTAL*	DISMISSAL**	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	
V I O L E N T	(1) Murder	163.115	4	75.0% (3)	100.0% (3)	0.0% (0)	0.0% (0)	
	(2) Manslaughter I	163.118	3	66.7% (2)	100.0% (2)	0.0% (0)	0.0% (0)	
	(3) Manslaughter II	163.125	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	
	(4) Crim. Neg. Hom.	163.145	1	100.0% (1)	100.0% (1)	0.0% (0)	0.0% (0)	
(5) All HOMICIDE			8	75.0% (6)	100.0% (6)	0.0% (0)	0.0% (0)	
(6) RAPE I	163.375		3	33.3% (1)	100.0% (1)	0.0% (0)	0.0% (0)	
C R I M E S	(7) Robbery I	164.415	7	100.0% (7)	71.4% (5)	0.0% (0)	28.6% (2)	
	(8) Robbery II	164.405	3	100.0% (3)	100.0% (3)	0.0% (0)	0.0% (0)	
	(9) Robbery III	164.395	2	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	
	(10) All ROBBERY			12	83.3% (10)	80.0% (8)	0.0% (0)	20.0% (2)
(11) Assault I	163.185		4	100.0% (4)	100.0% (4)	0.0% (0)	0.0% (0)	
(12) Assault II	163.175		2	100.0% (2)	50.0% (1)	0.0% (0)	50.0% (1)	
(13) All ASSAULT			6	100.0% (6)	83.3% (5)	0.0% (0)	16.7% (1)	
P R O P E R T Y	(14) Burglary I	164.225	31	77.4% (24)	87.5% (21)	0.0% (0)	12.5% (3)	
	(15) Burglary II	164.215	10	60.0% (6)	83.3% (5)	0.0% (0)	16.7% (1)	
	(16) All BURGLARY			41	73.2% (30)	86.7% (26)	0.0% (0)	13.3% (4)
	(17) THEFT I	164.055		8	62.5% (5)	60.0% (3)	0.0% (0)	40.0% (2)
(18) AUTO THEFT (UUMV)	164.135		26	92.3% (24)	58.3% (14)	4.2% (1)	37.5% (9)	
C R I M E S	(19) Arson I	164.325	1	100.0% (1)	0.0% (0)	0.0% (0)	100.0% (1)	
	(20) Arson II	164.315	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	
	(21) All ARSON			1	100.0% (1)	0.0% (0)	0.0% (0)	100.0% (1)
(22) VIOLENT CRIMES (Subtotals)			29	79.3% (23)	87.0% (20)	0.0% (0)	13.0% (3)	
(23) PROPERTY CRIMES (Subtotals)			76	78.9% (60)	71.6% (43)	1.7% (1)	26.7% (16)	
(24) ALL CRIMES (GRAND TOTAL)			105	79.0% (83)	75.9% (63)	1.2% (1)	22.9% (19)	

\*The lone acquittal disposition in this column did not involve mental incompetence or insanity.

\*\*Of the 19 cases in column 7 resulting in dismissal, 16 were simply dismissed and 3 others were released with no complaint. The "released, no complaint" type of dismissal occurs in cases where, in general, the district attorney initially decides after fingerprinting the arrestee that there is not enough evidence to bring the case before the grand jury for court processing. However, the case might be reactivated after additional investigation and without a second fingerprinting. We would not know (without a second fingerprinting) if the case eventually went to court. As a rule these cases do not go to court subsequent to the first fingerprinting and are handled as dismissals by the State Police in coding information for the CCH tape.

What is the Probability of Receiving Various Sentences or Penalties Following Conviction--A More Detailed Look at Sentence Outcomes

Table 6 furnishes us with information on the probability of various sentencing outcomes following conviction for various types of Part I felony offenses charged at arrest. The bottom three rows of the table are of most interest--partly because they involve enough cases for meaningful statistical analysis and partly because they summarize the important probabilities for the major types of arrests arranged by charge at arrest.

Looking at these rows we find that 46.0 percent of all convictions involve incarceration sentences.<sup>11</sup> The incarceration rate is much higher for violent crimes (65.0%) and much lower for property crimes (37.2%). For probation we find 55.6 percent of the convictions led to sentences utilizing some term of probation. For violent crime arrests this proportion was 40.0 percent and for property crimes the proportion with probation was 62.8 percent. As noted earlier, fines are less often used as sentence penalties. Overall, 17.5 percent of these 63 convictions involved the use of a fine.<sup>12</sup> The proportion of violent crime arrest convictions with fines was 20.0 percent and for property crimes 16.3 percent of the convictions involved imposing a fine.

How Often Did Sentencing Involve Multiple Rather Than Single Types of Penalties?

Figure 3 presents data on how often convictions are followed by sentences involving either a single type of penalty (incarceration, probation, or fine) or some combination of two or three penalties or sentence types. Review of these data indicate that 76.2 percent (48 of 63) of the convictions included only one type of sentence or sentence penalty. The remainder all involved some combination of incarceration, probation, or fine (including three convictions with all three penalties imposed.)

<sup>11</sup>In addition, another 17 cases involved completely suspended incarceration sentences not included here.

<sup>12</sup>It is of interest to point out that apart from fines, eight of the 63 cases with convictions imposed through sentencing some form of restitution payments to either the victim or an appropriate collection agency.

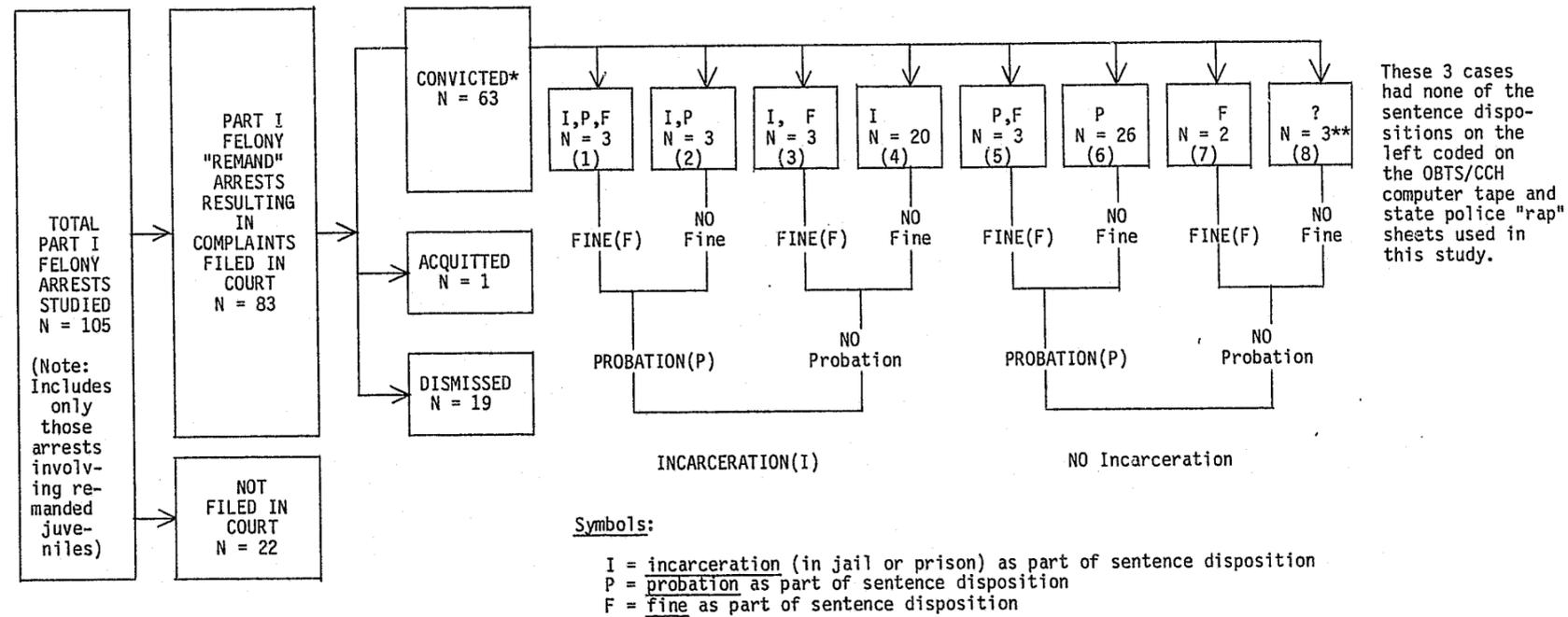
Table 6  
 Probability of Various Sentencing Outcomes Following  
 Conviction by Type of Part I Felony Offense Charged at Arrest  
 (Remanded Juveniles - Statewide, 1979)

	Type of Offense "Charged" at Arrest	ORS Number of Offense (in Column 1)	Total Number of Arrests With Convictions	Probability of Each of Three (3) Separate Sentencing Outcomes Following Conviction (Column 3):			Probability of Fully Suspended Incarceration Sentence (% of No. in Column 3)
				INCARCERATION <sup>a</sup>	PROBATION <sup>b</sup>	FINE	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
V I O L E N T  C R I M E S	(1) Murder	163.115	3	100.0% (3)	0.0% (0)	0.0% (0)	0.0% (0)
	(2) Manslaughter I	163.118	2	100.0% (2)	0.0% (0)	50.0% (1)	0.0% (0)
	(3) Manslaughter II	163.125	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)
	(4) Crim. Neg. Hom.	163.145	1	0.0% (0)	100.0% (1)	0.0% (0)	100.0% (1)
	(5) All HOMICIDE		6	83.3% (5)	16.7% (1)	16.7% (1)	16.7% (1)
	(6) RAPE I	163.375	1	0.0% (0)	100.0% (1)	0.0% (0)	100.0% (1)
	(7) Robbery I	164.415	5	40.0% (2)	40.0% (2)	20.0% (1)	20.0% (1)
	(8) Robbery II	164.405	3	100.0% (3)	0.0% (0)	66.7% (2)	0.0% (0)
	(9) Robbery III	164.395	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)
	(10) All ROBBERY		8	62.5% (5)	25.0% (2)	37.5% (3)	12.5% (1)
	(11) Assault I	163.185	4	50.0% (2)	75.0% (3)	0.0% (0)	25.0% (1)
	(12) Assault II	163.175	1	100.0% (1)	100.0% (1)	0.0% (0)	0.0% (0)
	(13) All ASSAULT		5	60.0% (3)	80.0% (4)	0.0% (0)	20.0% (1)
P R O P E R T Y  C R I M E S	(14) Burglary I	164.225	21	33.3% (7)	61.9% (13)	4.8% (1)	28.6% (6)
	(15) Burglary II	164.215	5	20.0% (1)	60.0% (3)	0.0% (0)	40.0% (2)
	(16) All BURGLARY		26	30.8% (8)	61.5% (16)	3.8% (1)	30.8% (8)
	(17) THEFT I	164.055	3	33.3% (1)	33.3% (1)	0.0% (0)	66.7% (2)
	(18) AUTO THEFT (UUMV)	164.135	14	50.0% (7)	71.4% (10)	42.9% (6)	21.4% (3)
I M P R I S O N E M E N T S	(19) Arson I	164.325	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)
	(20) Arson II	164.315	0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)
	(21) All ARSON		0	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)
T O T A L S	(22) VIOLENT CRIMES (Subtotals)		20	65.0% (13)	40.0% (8)	20.0% (4)	20.0% (4)
	(23) PROPERTY CRIMES (Subtotals)		43	37.2% (16)	62.8% (27)	16.3% (7)	30.2% (13)
	(24) ALL CRIMES (GRAND TOTAL)		63	46.0% (29)	55.6% (35)	17.5% (11)	27.0% (17)

<sup>a</sup>Includes incarceration for any length of time and excludes cases where sentences included fully suspended incarceration. (Note that the number of cases in parentheses in column 7 indicate how many cases in each row had fully suspended incarceration sentences.)

<sup>b</sup>Includes formal probation for any length of time.

Figure 3 - CASE FLOW OF PART I FELONY OFFENDERS  
(Remanded Juvenile Arrests - Statewide, 1979)



These 3 cases had none of the sentence dispositions on the left coded on the OBTS/CCH computer tape and state police "rap" sheets used in this study.

**Footnotes:**

\*Note that there are seventeen arrests (one in cell No. 5, fifteen in cell No. 6, and one in cell No. 8) where the sentence included incarceration which was fully suspended by the court at the time of conviction and sentencing.

\*\*In two of these three cases a sentence of incarceration (plus a fine in one case) did result from conviction but on a lesser charge than that recorded here as the most serious at disposition. The third case involved a suspended incarceration sentence and while there was no probation or fine imposed, the court specified certain special provisions as part of the sentence.

#### 4. The Implications of These Findings

The picture which emerges from these data and analyses is somewhat incomplete; but nevertheless, one which begins to shed some light on the remanding of juveniles to adult court--especially those arrested for serious (Part I) felony offenses.

Our first real clue as to why these youngsters were remanded appears to be age distribution (Table 3 and Figure 1). Looking at age as of first arrest in 1979 (and ignoring the fact that 14 of the 95 individuals had arrests via remand before 1979), the average age was 17.42 years with 81.1 percent of these individuals being at least 17 years of age. In fact, nearly half (48.4%) were over seventeen and one-half (17.5) years of age at the time of this first 1979 arrest. The age of these individuals suggests the following: (1) that these juveniles were judged to be nearly at the maximum age of jurisdiction of the juvenile court and (2) that they may not be (because of their age and behavioral history) amenable to rehabilitation in facilities or programs available to the juvenile court. There is also the issue of community tolerance for these individuals and their behaviors (or perhaps misbehaviors). The missing parts of the picture here obviously include our inability to know anything about the juvenile department referral histories on these juveniles and the limitations of the Oregon CCH system in not being able to pick up information on out-of-state arrests.<sup>13</sup> It seems clear that one's entire referral and arrest history has to be taken into account when we look at decisions to remand youngsters to adult criminal court. This history may be as instrumental in these decisions as the nature of the arrest crime for which a remand occurs. We will certainly need to know more about prior history to understand the logic for remand in many of these cases. The collection of juvenile department data on these cases is for the moment beyond the scope and financial base of support for this particular study.

<sup>13</sup>In addition, in our data analyses for this report we limited our focus to Part I felony offense arrests from 1979 and disregarded remands involving other felony and nonfelony offenses.

A second clue or lead to the reasons for remand comes from making comparisons between the results for this study and those of the larger study of which this is a part. We noted earlier in this report that for the 105 arrests involving remanded juveniles the court filing and conviction rates are higher than for all arrests considered together (i.e., for all of the 7,451 arrests in the larger study). Also, comparisons between the studies reveal lower acquittal and dismissal rates for the remanded juvenile arrests. In addition, it appears that while arrests arranged by type of most serious offense "charged" reveal similar distributions between the two study groups, we note that sentences are much less severe for the juvenile remand arrests in that incarceration, probation, and fines are less likely to result from convictions when compared to convictions for all arrests considered together.

Lastly, some hint as to reasons for the remand status comes from the number of prior (before 1979) remand arrests for these cases, as well as, the number of subsequent (after 1979) arrests. Earlier we noted that 14.8 percent of these 95 juveniles had prior arrests (via earlier remands) and, of course, we alluded to the possibility that many of these cases may have had extensive juvenile court referral histories. We also know from our CCH research that 58 of the 95 individuals (61.1%) had one or more subsequent arrests after 1979.

These last remarks ought to form the basis for our recommendations for future research on remanded juveniles in Oregon. In particular, we need to identify the complete juvenile court record for each individual to determine all of the variables which lead to remand and transfer decisions.<sup>14</sup> Until we can do this our understanding will be limited to the CCH data on hand.

<sup>14</sup>It may also be of value to compare at some future point in time and in some juvenile court setting groups of referrals with felony offenses to determine why some cases result in remand and not others. Such comparative research would further enhance our understanding of remands and the operation of the juvenile courts.

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**END**