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TWO-TRACK OR ONE-TRACK JUSTICE? SOME EVIDENCE FROM AN ENGLISH LONGITUDINAL SURVEY*

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I. INTRODUCTION

The United States is currently considering anti-crime measures which signal a fundamental change from the traditional ways in which our criminal justice system has dealt with juveniles who commit serious crimes. One such proposal comes from the U.S. Attorney General's Task Force on Violent Crime [hereinafter Task Force], a blue-ribbon panel appointed in April 1981 by William French Smith to make specific recommendations on ways in which the federal government could more effectively combat violent crime. Based on the conclusion that "[c]urrent statutory restrictions in the procedures pertaining to adult court use of juvenile records . . . unnecessarily limit the ability of the court to provide appropriate sentences . . . for adults with juvenile criminal histories,"¹ the Task Force recommended that "[t]he Attorney General should direct, and if necessary seek additional resources for, the Federal Bureau of Investigation to accept . . . criminal history information of juveniles convicted of serious crimes in state courts"²

This recommendation, as it relates to adult court use of juvenile records, no doubt reflects the influential thinking of Task Force member James Q. Wilson, professor of government at Harvard University. In a 1978 article,³ Wilson and co-author Barbara Boland characterized the

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¹ U.S. DEP'T OF JUSTICE, ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME: FINAL REPORT 82 (1981).

² *Id.*

³ Boland & Wilson, *Age, Crime, and Punishment*, 51 PUB. INTEREST 22 (1978).

typical state criminal justice system as a "two-track" system, argued that such a system has undesirable consequences, and recommended the elimination of separate tracks for serious repeat offenders.

A two-track system, according to Boland and Wilson, consists of two separate institutions; one administers juvenile justice, while the other administers adult justice. The authors argued that one distinctive feature of this arrangement—that official records created and compiled by agents of the juvenile system are not shared with agents of the adult system—results in agents of the adult system dispensing "two-track justice" on the basis of incomplete criminal history information.

The potential impact of this two-track system of justice can be illustrated by imagining the case of a former serious, chronic juvenile delinquent who comes to the attention of the legal authorities for the first time as an adult at age eighteen or nineteen.⁴ Upon conviction in the adult court for the first time, he will be sentenced erroneously as a first offender because agents of the adult system are unaware of his lengthy and serious juvenile court record. For the same offense he will receive a more lenient sentence as a first offender in the adult court than as a sixteen- or seventeen-year-old chronic juvenile delinquent in the juvenile court. Looked at another way, the former chronic juvenile delinquent sentenced as an adult will receive the *same* sentence as a first time adult offender guilty of the same offense, but with no juvenile record.

Boland and Wilson also maintained that significant punishment would befall the former chronic juvenile delinquent only later in his adult career, after the time had passed for him to amass a long and serious adult record.⁵ Only at this point would the brunt of the "social-debt" justification for punishment (the justification that the penalty for an offense is increased roughly in proportion to an offender's prior record) finally catch up to him. However, because by this time an adult's criminal activity is low and declining, a long prison sentence might occur too late in a criminal career to prevent many crimes.

In short, the two-track *system* is said to produce a two-track form of *justice* characterized by distinctive sentencing inequities (undeserved leniency for chronic juvenile delinquents who become adult criminals) and by prison sentencing practices that provide inefficient protection of the general public. To remedy these two defects Boland and Wilson urged the centralization of serious criminal history records on offenders of all ages.

Such a proposal undoubtedly poses a fundamental challenge to the

⁴ The maximum age of juvenile court jurisdiction in most states is 17. See, e.g., J. AUSTIN, R. LEVI & P. COOK, A SUMMARY OF STATE LEGAL CODES GOVERNING JUVENILE DELINQUENCY PROCEEDINGS (1977).

⁵ Boland & Wilson, *supra* note 3, at 29-32.

traditional welfare philosophy of the juvenile court, and so a close examination of the relevant empirical research seems warranted. The first sections of this Article examine the three basic assumptions underlying the Boland and Wilson proposal: (1) that two-track justice aptly describes criminal justice administration in the United States; (2) that two-track justice is a significant problem because juvenile delinquency is often the forerunner of adult criminality; and, (3) that two-track systems undermine public safety. The remainder of the Article investigates the extent to which the English one-track system (where juvenile records are routinely provided in adult courts) is free of the problems identified by Boland and Wilson—problems which form the basis of the Task Force proposal.

II. EXAMINING THE BOLAND AND WILSON ASSUMPTIONS

A. THE EXISTENCE OF TWO-TRACK JUSTICE IN THE UNITED STATES

Although two-track systems which conceal juvenile arrest, probation, and court records from adult court prosecutors, probation officers, and judges as well as from the police may be in operation throughout the United States, rigorous empirical documentation of this assertion is scant. The available research on this point is reviewed below.

It might be presumed that two-track systems are simply the product of statutes and case law which together severely limit the use of juvenile records in adult criminal proceedings. However, legal commentators have noted that most state codes either expressly provide for or have been interpreted by the courts to permit the use of juvenile records in adult sentencing proceedings.⁶ Moreover, while statutory provisions for the confidentiality, sealing, and destruction of juvenile records exist in most states, for a variety of reasons these provisions would not likely prevent disclosure of a chronic delinquency record in a sentencing proceeding against a young adult.⁷ Nevertheless, legal scholars also have noted that in most states juvenile or adult statutes preclude the creation of central repositories for the maintenance of *complete* (merged juvenile and adult) criminal history information.⁸ Thus, from a practical standpoint, such statutes appear to be the sole legal obstacle to routine use of juvenile records in most states.

According to the findings from a 1979 national survey of adult

⁶ See, e.g., SEARCH GROUP INC., CRIMINAL JUSTICE INFORMATION POLICY: PRIVACY AND JUVENILE JUSTICE RECORDS 66 (1982); Lavin, *Existence and Accessibility of Juvenile Records for Use in Adult Court: Legal Issues*, in P. GREENWOOD, J. PETERSILIA & F. ZIMRING, AGE, CRIME, AND SANCTIONS: THE TRANSITION FROM JUVENILE TO ADULT COURT 73 (1980) [hereinafter P. GREENWOOD].

⁷ Lavin, *supra* note 6, at 81.

⁸ See, e.g., SEARCH GROUP INC., *supra* note 6, at 63.

court prosecutors,⁹ reliable information about juvenile offending does not seem to be reaching adult courts. In this survey prosecutors were specifically asked about their knowledge of the juvenile criminal histories of young adults prosecuted for felonies. The most complete type of information asked about in the survey—statewide data on juvenile arrests and final court dispositions—was rarely known to prosecutors. Indeed, not more than about four percent of the prosecutors reported ever receiving statewide information about juvenile arrests and court dispositions as part of the police investigation report; and only about three percent reported ever attempting to locate this information themselves. It seems, therefore, that in practice two-track systems are pervasive in the United States.

Whether these two-track systems produce the sentencing inequities which Boland and Wilson asserted were characteristic of two-track justice is less certain. Hard evidence is unavailable concerning: (a) whether, among persons who commit the same serious offense and who have the same serious juvenile record, a lenient sentence is more common following a first adult conviction than a repeat juvenile conviction; and (b) whether, among young adults who commit the same offense and who appear in court on their first adult conviction, those with a serious juvenile record receive the same sentence as those with no such record.

The only evidence that Boland and Wilson offered pertinent to these issues was that in California the average age of persons committed to a juvenile institution was sixteen, while the average age of those committed to an adult institution was twenty-eight. They reasoned that the practice of ignoring juvenile records might be the cause of the high average age of the committed adults;¹⁰ offenders would begin again with a "clean slate" at age eighteen, and would take a few years to build up the kind of record which attracts institutional sentences. However, Boland and Wilson were unable to provide detailed information about the probability of an institutional sentence following conviction at different ages.¹¹

Two of the cities represented in the 1979 national survey of prosecutors, Los Angeles and Columbus, were also included in an analysis of court dispositions by Greenwood, Petersilia, and Zimring to investigate leniency shown toward young adults.¹² In Los Angeles, a city where sur-

⁹ Petersilia, *Juvenile Record Use in Adult Court Proceedings: A Survey of Prosecutors*, 72 J. CRIM. L. & CRIMINOLOGY 1746 (1981) (Findings reported here are based on, but not reported in, the above cited article. These findings were kindly provided to the authors by Joan Petersilia.).

¹⁰ Boland & Wilson, *supra* note 3, at 34.

¹¹ *Id.*

¹² P. GREENWOOD, *supra* note 6.

veyed prosecutors reported relatively frequent knowledge of the juvenile records of adults,¹³ eighteen-year-old adults convicted of burglary were *more* likely to be incarcerated than were juveniles of mixed ages convicted of residential burglary.¹⁴ In Columbus, where surveyed prosecutors had little knowledge of the juvenile records of adult offenders, young adults aged eighteen to nineteen who were convicted of violent crimes were about *as likely* to receive a sentence of confinement as sixteen- to seventeen-year-old juveniles convicted of similar crimes.¹⁵ The absence of controls for critical variables, in particular juvenile record and offense seriousness, made interpretation of these findings difficult. Nevertheless, the findings might indicate that in places where prosecutors are unaware of a young adult offender's juvenile record (e.g., Columbus), a young adult is about as likely to be incarcerated as a juvenile, but that in places where prosecutors are aware of these records (e.g., Los Angeles), a young adult is more likely to be incarcerated than a juvenile.

The Greenwood study also analyzed the records of a sample of California prison inmates to investigate whether these men had been sentenced more severely as older juveniles than as young adults. They found that, for crimes against the person and for burglary, the probability of incarceration was the same for the first adult conviction as for the last juvenile conviction.¹⁶ However, for other felonies, the juveniles were incarcerated more often than the adults. In addition, young adults without juvenile convictions were just as likely to be incarcerated as those with juvenile convictions.¹⁷ These last two findings lend some support to Boland and Wilson's arguments. How far they are influenced by the particular pattern of institutional provisions in California (e.g., the availability of the short-stay California Youth Authority institutions)¹⁸ and by the restriction of the sample to prisoners is unknown.

There was evidence of leniency toward young adults (in comparison with older adults) in the Greenwood research results. The probability of convictions being followed by incarceration was lower for those in their first two years of "adult" life than for older adults. This was true whether the minimum age for adult court processing was eighteen, as in Washington, D.C.¹⁹ or Columbus,²⁰ or sixteen, as in New York

¹³ *Id.* at 69.

¹⁴ *Id.* at 26 (Table 3.10).

¹⁵ *Id.* at 34 (Table 3.19).

¹⁶ *Id.* at 32 (Table 3.17).

¹⁷ *Id.* at 30 (Table 3.14).

¹⁸ *Id.* at 18 n.10.

¹⁹ *Id.* at 16 (Table 3.1).

²⁰ *Id.* at 34 (Table 3.20).

City.²¹ This tendency was less pronounced in the fourth place studied, Los Angeles,²² perhaps because of the greater awareness there of the histories of juvenile delinquents. It might be expected that young adults would be treated more leniently than older adults, especially where adult courts had little knowledge of juvenile records.

In summary, available evidence suggests that two-track systems, which to a large extent conceal juvenile records from adult criminal justice system officials, exist throughout the United States. Whether these systems actually produce the sentencing inequities that are said to characterize two-track justice is a question that remains to be answered through carefully controlled study.

B. THE RELATIONSHIP BETWEEN JUVENILE DELINQUENCY AND ADULT CRIME

The Task Force probably would not have recommended that the Federal Bureau of Investigation begin centralizing criminal history information on juveniles²³ had it not believed that the information might be of use in a great many of the adult criminal cases coming to the attention of law enforcement officials. Implicit are the assumptions that juveniles convicted of serious crimes in juvenile court frequently continue their official involvement in serious crime as adults, and, conversely, that many serious adult criminal cases involve offenders with serious juvenile delinquency records.

Because of the difficulty of obtaining reliable juvenile records in the United States, it is difficult to investigate the truth of these assumptions. The best information for testing the assumptions comes from prospective longitudinal surveys which follow samples through from the juvenile to the adult years. Table 1 summarizes results from American surveys in which youths who have appeared in juvenile courts have been followed up.

²¹ *Id.* at 36 (Tables 3.22-23).

²² *Id.* at 20-21 (Tables 3.4-3.7).

²³ *See supra* note 2 and accompanying text.

TABLE 1

 U.S. LONGITUDINAL SURVEYS OF JUVENILE COURT DELINQUENTS
 FOLLOWED INTO ADULTHOOD²⁴

Principal Investigator(s)	Juvenile Court Sample	Adult Follow-Up to Average Age	Prevalence of Contacts with the Criminal Justice System as Adults
W. Healy & A. Bronner (1926)	400 males who appeared in Boston Juvenile Court at least twice between 1909 and 1914 (excludes males who only appeared for petty offenses)	25	21% convicted (excludes convictions for traffic offenses, violating minor city ordinances, or other minor offenses); 6% committed to a penal institution
W. Healy & A. Bronner (1926)	420 males who appeared in Chicago Juvenile Court at least twice between 1909 and 1914 (excludes males who only appeared for petty offenses)	25	50% convicted (excludes convictions for traffic offenses, violating minor city ordinances, or other minor offenses); 37% committed to a penal institution

Note: Table entries are roughly organized according to the year in which juvenile court appearances occurred.

²⁴ S. GLUECK & E. GLUECK, *JUVENILE DELINQUENTS GROWN UP* (1940); W. HEALY & A. BRONNER, *DELINQUENTS AND CRIMINALS: THEIR MAKING AND UNMAKING* (1926); K. POLK, C. ALDER, G. BAZEMORE, G. BLAKE, S. CORDRAY, G. COVENTRY, J. GALVIN & M. TEMPLE, *BECOMING ADULT: AN ANALYSIS OF MATURATIONAL DEVELOPMENT FROM AGE SIXTEEN TO THIRTY OF A COHORT OF YOUNG MEN, FINAL REPORT OF THE MARION COUNTY YOUTH STUDY* (1981) (Findings reported here were kindly provided by M. Temple. They are based on but not reported in *BECOMING ADULT.*); M. WOLFGANG, T. THORNBERRY & R. FIGLIO, *FROM BOY TO MAN—DELINQUENCY TO CRIME* (1982) (Findings reported here were kindly provided by M. Wolfgang, R. Figlio, and P. Tracy. They are based on, but not reported in, the study.); Chaitin & Dunham, *The Juvenile Court in its Relationship to Adult Criminality: A Replicated Study*, 45 *SOC. FORCES* 114 (1966); Dunham & Knauer, *The Juvenile Court in its Relationship to Adult Criminality*, 32 *SOC. FORCES* 290 (1954); McCord, *A Thirty-Year Follow-up of Treatment Effects*, 33 *AM. PSYCHOLOGIST* 284 (1978) [hereinafter cited as McCord, 1978]; Robins & O'Neal, *Mortality, Mobility, and Crime: Problem Children Thirty Years Later*, 23 *AM. SOC. REV.* 162 (1958); J. McCord, letter to P. Langan (1982) [hereinafter cited as McCord, 1982]; C. Shaw, *Subsequent Criminal Careers of Juvenile Delinquents, School Truants, and Special School Pupils*, (C. 1947) (unpublished paper, Department of Sociology, University of Chicago) (later published in *SUBSEQUENT ARRESTS, CONVICTIONS, AND COMMITMENTS AMONG FORMER JUVENILE DELINQUENTS*, (H. McKay ed. 1967)).

TABLE 1—Continued

Principal Investigator(s)	Juvenile Court Sample	Adult Follow-Up to Average Age	Prevalence of Contacts with the Criminal Justice System as Adults
C. Shaw (c. 1947)	1,178 males who in 1920 appeared in Chicago Juvenile Court for the first time on delinquency charges (the vast majority were charged with some form of theft)	41	For felonies or misdemeanors: 60% arrested, 43% convicted, 22% committed to jail or prison (contacts for parking and traffic violations are not included in study findings)
S. & E. Glueck (1940)	1,000 males who appeared in Boston Juvenile Court between 1917 and 1922 and who were referred to the Judge Baker Guidance Center	24	66% arrested for felonies or misdemeanors, 34% committed to jail or prison
L. Robins & P. O'Neal (1958)	176 males and females who appeared in St. Louis Juvenile Court between 1924 and 1929 and who were referred to the St. Louis Psychiatric Clinic	43	60% arrested for non-traffic offenses (23% arrested three or more times), 17% committed to prison
C. Shaw (c. 1947)	1,336 males who in 1930 appeared in Chicago Juvenile Court for the first time on delinquency charges	31	For felonies or misdemeanors: 66% arrested, 52% convicted, 36% committed to jail or prison For felonies: 46% arrested, 41% convicted, 34% committed (contacts for parking and traffic violations are not included in findings)

TABLE 1—Continued

Principal Investigator(s)	Juvenile Court Sample	Adult Follow-Up to Average Age	Prevalence of Contacts with the Criminal Justice System as Adults
H. Dunham & M. Knauer (1954)	Five random samples of 100 males each who appeared in Detroit Juvenile Court for the first time in the years 1920, 1925, 1930, 1935, and 1940	21	31% of the combined samples arrested (33% of the 1920 sample, 24% of the 1925 sample, 25% of the 1930 sample, 34% of the 1935 sample, 37% of the 1940 sample) (arrests for traffic offenses, disorderly conduct due to drunkenness and other violations relating to drunkenness are not included in study findings)
J. McCord (1978)	139 males born between 1925 and 1934 who had been included in a study of delinquency prevention and who were convicted of any offense in Massachusetts Juvenile Courts between 1933 and 1951	48	79% convicted (43% for minor offenses against ordinances or order, 36% for serious offenses including attempted homicide, rape, assault, burglary, larceny and auto theft)
J. McCord (1982)	101 males born between 1926 and 1934 who had been included in a study of delinquency prevention and who were convicted of an index offense in Massachusetts Juvenile Courts between 1933 and 1951	48	46% convicted of an index offense

TABLE 1—Continued

Principal Investigator(s)	Juvenile Court Sample	Adult Follow-Up to Average Age	Prevalence of Contacts with the Criminal Justice System as Adults
M. Chaitin & H. Dunham (1966)	Six random samples of 100 males each who appeared in Detroit Juvenile court for the first time in the years 1941, 1944, 1946, 1948, 1950, and 1952	21	40% of the combined samples arrested (39% of the 1941 sample, 39% of the 1944 sample, 38% of the 1946 sample, 47% of the 1948 sample, 41% of the 1950 sample, 37% of the 1952 sample) (arrests for traffic offenses, disorderly conduct due to drunkenness and other violations relating to drunkenness are not included in study findings)
M. Wolfgang, T. Thornberry & R. Figlio (1982)	All the males (n=70) in the ten-percent random sample of the 1945 Philadelphia cohort who were convicted of an index offense in the Philadelphia Juvenile Court (convictions occurred between 1959 and 1963)	31	For index offenses: 54% arrested, 40% convicted, 33% committed to jail or prison
K. Polk, C. Alder, G. Bazemore, G. Blake, S. Cordray, G. Coventry, J. Galvin & M. Temple (1981)	All the males (n=56) in the Marion County Youth Study who were convicted of an index offense in Oregon juvenile courts (convictions occurred between 1961 and 1967)	31	For index offenses: 34% arrested, 30% convicted, 13% committed to jail or prison

The various surveys demonstrate that substantial proportions of these youths had subsequent official contacts with the criminal justice system as adults. In the longest follow-ups, Robins and O'Neal found that 60% of those who appeared in juvenile court were arrested as adults for non-traffic offenses, while McCord found that 79% were convicted, including 36% for more serious offenses.²⁵

Prospective longitudinal surveys can also be used to examine the

²⁵ Robins & O'Neal, *supra* note 24; McCord, 1978, *supra* note 24.

percentages of adults involved with the criminal justice system who have prior juvenile records. To illustrate, only 20% of the 506 Cambridge-Somerville males tracked by McCord were convicted of an index offense in juvenile courts, but this was true for about half (48%) of all those convicted of index offenses as adults.²⁶ Similarly, only 35% of the Philadelphia males born in 1945 and tracked by Wolfgang to age twenty-six were arrested as juveniles, but 66% of all those arrested as adults had a prior juvenile arrest record.²⁷ Only 9% of the Racine (Wisconsin) males born in 1942, 10% of those born in 1949, and 15% of those born in 1955, who were tracked by Shannon to the ages of 30, 23 and 21, respectively, were arrested for a felony as juveniles. In comparison, 33% of all the 1942-born males arrested for a felony as adults, 41% of all the corresponding 1949-born males, and 49% of all the corresponding 1955-born males had prior juvenile felony arrest records.²⁸

Retrospective surveys also indicate that substantial percentages of adult offenders had juvenile records. For example, of the 679 adults convicted of felonies in the Denver District Court between 1968 and 1970, 61% had at least one juvenile arrest, and nearly one-third had at least four prior juvenile arrests.²⁹ Such surveys also show that adding juvenile records to prior adult records can make a considerable difference in the completeness of reports of prior involvement in the criminal justice system. For example, of eighty sixteen- to seventeen-year-old adult defendants in the Manhattan Supreme Court in 1979, 41% had a prior adult arrest, but 66% had a prior *juvenile or adult* arrest.³⁰ Similarly, of all 342 adults convicted of violent offenses in Columbus in 1973, 32% had a prior adult felony conviction record, but 47% had a prior juvenile or adult felony conviction record.³¹ Of these 342 violent adults, 10.5% had a prior adult felony conviction for violence, but 18% had a prior juvenile or adult felony conviction for violence.³²

Thus, these surveys suggest that substantial percentages of juvenile court delinquents continue their criminal careers into adulthood, and that substantial percentages of adult criminals had juvenile delinquency

²⁶ McCord, 1982, *supra* note 24.

²⁷ Wolfgang, *From Boy to Man—From Delinquency to Crime*, 165 (Table 4) (1978) (paper prepared for National Symposium on the Serious Juvenile Offender, Philadelphia).

²⁸ L. SHANNON, *ASSESSING THE RELATIONSHIP OF ADULT CRIMINAL CAREERS TO JUVENILE CAREERS* (1981).

²⁹ S. BROWNE, J. CARR, G. COOPER, T. GIACINTI & M. MOLOF, *CHARACTERISTICS AND RECIDIVISM OF ADULT FELONY OFFENDERS IN DENVER* (1974).

³⁰ Boland, *Identifying Serious Offenders* 17 (Table 4) (Feb. 11, 1982) (paper prepared for Conference on Public Danger, Dangerous Offenders and the Criminal Justice System, Harvard).

³¹ S. VAN DINE, J. CONRAD & S. DINITZ, *RESTRAINING THE WICKED: THE INCAPACITATION OF THE DANGEROUS CRIMINAL* 36, 39 (Table 3-4), 57 (Table 3-19) (1979).

³² *Id.* at 41 (Table 3-6), 57 (Table 3-20).

records. Therefore, Boland and Wilson's concerns about the two-track system are not without some foundation.

C. AGE AND CRIME

Little systematic attention has been devoted to the relationship between age and delinquency or criminality.³³ One of the best recent studies was carried out by Cline,³⁴ who analyzed age-grouped arrest data from *Uniform Crime Reports* and examined findings from longitudinal surveys. Cline concluded that FBI arrest statistics as well as the major longitudinal surveys of crime and delinquency in the United States suggested two basic facts about the age-crime relationship: (1) that crime rates peak in late adolescence and early adulthood and decline rapidly after age thirty; and (2) that involvement in property crime is more characteristic of late adolescence while involvement in violent crime is more characteristic of young adulthood (ages twenty to twenty-nine).³⁵ Of particular interest here is the crime rate distribution over the ages eighteen to thirty.

Table 2 shows how arrests for index offenses varied with age in the important American longitudinal surveys in Philadelphia and in Racine (Wisconsin).³⁶ The data indicate that the volume of violent crime committed by offenders in their mid- to late twenties was nearly as high as that for offenders in their late teens and early twenties.

Different results were obtained in a retrospective self-report survey of serious repeat offenders in California prisons.³⁷ These men began their criminal careers at age fourteen to fifteen on the average, and committed offenses at a high rate as juveniles, at a somewhat lower rate as young adults, and at a considerably lower rate as adults. However, violent crimes showed the opposite pattern, occurring most frequently during the adult years.³⁸

To summarize, official and self-report measures suggest that crime rates peak during the late juvenile or early adult periods, as Boland and

³³ Greenberg, *Delinquency and the Age Structure of Society*, 1 CONTEMP. CRISES 189 (1977).

³⁴ Cline, *Criminal Behavior over the Life Span*, in CONSTANCY AND CHANGE IN HUMAN DEVELOPMENT (O. Brim & J. Kagan eds. 1980).

³⁵ A shortcoming of Cline's analysis of research findings is that at times it is unclear whether his statements refer to the proportion who are offenders, to the average number of crimes per offender, or to the overall crime rate (these two quantities multiplied). For a study which distinguishes carefully between these different quantities, see Blumstein & Cohen, *Estimation of Individual Crime Rates from Arrest Records*, 70 J. CRIM. L. & CRIMINOLOGY 561 (1979).

³⁶ These figures were kindly provided by James Collins (for the Philadelphia survey) and Lyle Shannon (for Racine, Wisconsin).

³⁷ J. PETERSILIA, P. GREENWOOD & M. LAVIN, *CRIMINAL CAREERS OF HABITUAL FELONS* (1977).

³⁸ *Id.* at 14, 27.

TABLE 2^a
ARRESTS FOR INDEX OFFENSES AT DIFFERENT AGES

Age	Philadelphia: 1945 Cohort(V/P) N=974)	Racine: (V/P)		
		1942 Cohort (N=633)	1949 Cohort (N=1297)	1955 Cohort (N=2149)
6		0 (0/0)	3 (0/3)	5 (0/5)
7		2 (0/2)	3 (0/3)	5 (0/5)
8		0 (0/0)	3 (0/3)	15 (0/15)
9		0 (0/0)	16 (0/16)	29 (3/26)
10		3 (0/3)	13 (1/12)	45 (3/42)
11		1 (0/1)	13 (0/13)	54 (2/52)
12		4 (0/4)	29 (0/29)	82 (8/74)
13		2 (0/2)	37 (1/36)	138 (18/120)
14	33 (5/28)	15 (1/14)	64 (7/57)	226 (15/211)
15	65 (2/63)	39 (0/39)	98 (8/90)	194 (30/164)
16	72 (14/58)	21 (1/20)	69 (13/56)	183 (40/143)
17	50 (11/39)	19 (2/17)	49 (7/42)	119 (19/100)
18	44 (17/27)	15 (0/15)	33 (6/27)	110 (30/80)
19	46 (16/30)	6 (2/4)	27 (9/18)	101 (26/75)
20	36 (10/26)	4 (0/4)	18 (4/14)	95 (35/60)
21	39 (16/23)	3 (2/1)	15 (5/10)	36 (16/20)
22	32 (13/19)	3 (2/1)	14 (4/10)	8 (3/5)
23	50 (18/32)	9 (3/6)	21 (10/11)	
24	45 (16/29)	2 (1/1)	16 (11/5)	
25	41 (12/29)	3 (1/2)	2 (0/2)	
26	33 (13/20)	4 (3/1)		
27	36 (26/10)	6 (2/4)		
28	25 (10/15)	4 (3/1)		
29	24 (12/12)	3 (1/2)		
30	15 (6/9)	5 (4/1)		
31		2 (2/0)		

^aV/P = Violence/Property Offense. Philadelphia cohort males only. Racine cohort males and females.

Wilson have argued. However, there is some indication that the most serious (violent) crimes peak later. Therefore, while incapacitation late in an offender's career (say, the mid- to late-twenties) may not prevent many crimes in general, it may prevent the more serious crimes of violence.

III. THE RELEVANCE OF ENGLISH RESEARCH

Our attempt to evaluate the truth of Boland and Wilson's arguments, and consequently the merit of the Task Force's proposal for central storage of juvenile delinquency records, has been frustrated by the lack of relevant well-designed research in the United States. For example, in investigating whether young adults are less likely to be incarcer-

ated than older juveniles, comparison groups should be similar in factors other than age. If other factors are not controlled, it is always possible that one of them (rather than age) might be responsible for any observed differences in incarceration rates. Type of offense and number of previous convictions are likely to have the most important influences on sentencing and therefore especially need to be controlled. These same factors are equally relevant to the comparison of incarceration rates of young adults and older adults.

Another methodological problem is that, in evaluating the incapacitative efficacy of sentences, it is necessary to know the average time served as well as the probability of incarceration. Unfortunately, in the few studies which attempted to investigate incarceration rates at different ages, the average time served was not included in the calculation of incarceration rates.³⁹ Further, problems are raised in studies based on samples of prisoners, where conclusions may not apply to more representative samples of juvenile or adult court defendants.

Other problems are raised by the studies of criminal activity at different ages and by comparisons of juvenile and adult crime rates. Because offenses found in official records may be a biased and under-representative sample of all offenses committed, it is important to study self-reported offending as well as official records. However, the relevant self-report studies are retrospective, asking for recall over long time periods.⁴⁰ The best information about the offenses committed at different ages, and about the relation between juvenile and adult crime, is likely to be obtained in a prospective longitudinal survey in which people are interviewed at regular intervals. One such survey is under way in the United States,⁴¹ but the results relevant to the present investigation have yet to be published.

The remainder of this paper describes results obtained in an English prospective longitudinal survey (the Cambridge Study in Delinquent Development) which is not subject to the methodological problems detailed above. The youths in this study were processed by a one-track system, in the sense that their juvenile criminal records were routinely provided on their adult court appearances. Therefore, these English results might provide some clues about the likely effects in the United States of the adoption of the Attorney General's Task Force recommendation.

In England, the age of criminal responsibility begins at ten, while

³⁹ See, e.g., P. GREENWOOD, *supra* note 6, at 19 (Table 3.3). Note that the only instance in which Greenwood did attempt to consider average time served was in Los Angeles. *Id.*

⁴⁰ J. PETERSILIA, *supra* note 37, at 157.

⁴¹ Elliott & Ageton, *Reconciling Race and Class Differences in Self-Reported and Official Estimates of Delinquency*, 45 AM. SOC. REV. 95, 98-100 (1980).

juveniles become adults, as far as the criminal law is concerned, at age seventeen.⁴² Juvenile offenders are dealt with by a juvenile court unless they are accused of a grave offense such as murder or charged jointly with an adult. In addition, the juvenile court magistrates can remand a person to the higher (crown) court for sentencing, after a finding of guilt has been established, if they feel that their sentencing powers are inadequate. This usually occurs when the magistrates feel that that juvenile should be sent to borstal, an indeterminate sentence that can only be given in the higher court.⁴³

The range of dispositions available for juveniles is different from that available for adults. In particular, a juvenile cannot be given a prison sentence, although the very small number found guilty of murder can be ordered to be detained during Her Majesty's Pleasure (an indeterminate institutional sentence).⁴⁴ Generally, the most severe disposition available for juveniles is borstal, which is an indeterminate institutional sentence with a minimum of six months and a maximum of two years.⁴⁵ The other major custodial disposition for juveniles is assignment to a detention center for three to six months.⁴⁶ Borstals and detention centers are also available for young adults up to age twenty-one. Juveniles can also be committed for an indeterminate period (usually six months to three years) to an approved school.⁴⁷

While juveniles and adults are, in general, sentenced in different courts, there is a free flow of information between the juvenile and adult courts. A juvenile convicted for the first time as an adult has his previous juvenile criminal record quoted in the adult court at the sentencing stage. At least in London, the site of the Cambridge study research, juveniles found guilty of indictable or serious offenses⁴⁸ are routinely fingerprinted, and their records are stored in the central Criminal Rec-

⁴² References to "England" should be taken to include Wales.

⁴³ R. SMITH, *CHILDREN AND THE COURTS* 7 (1979).

⁴⁴ *Id.* at 111.

⁴⁵ *Id.* at 108. The Criminal Justice Act 1982, which came into effect May 24, 1983, replaces borstal with a determinate sentence of "youth custody," which will be served in existing facilities.

⁴⁶ The Criminal Justice Act 1982 lowers the minimum and maximum limits so that the detention center sentence is between three weeks and four months. Unlike North American detention centers, English ones house sentenced juveniles.

⁴⁷ This refers to the system in the late 1960's, when the youths in the survey described *infra* were juveniles. Approved schools were similar to North American training schools. They are now called "Community Homes with Education on the Premises."

⁴⁸ The indictable offenses are the more serious ones, such as theft, burglary, taking vehicles, damage, sex offenses such as rape and indecent assault, violence against the person, and drug use (somewhat like "index offenses" in the United States). Since 1979, these have been called "serious offenses" by the English Home Office. The major non-indictable offenses are traffic violations and drunkenness.

ord Office.⁴⁹

A. THE CAMBRIDGE STUDY IN DELINQUENT DEVELOPMENT

Our research uses data from the Cambridge Study in Delinquent Development, a prospective longitudinal survey of a sample of 411 males. Data collection began in 1961-62, when most of the boys were aged eight, and ended in 1980, when the youngest person was aged twenty-five years, six months. The major results and a summary of the survey are available.⁵⁰

At the time they were first contacted in 1961-62, the boys were all living in a working class area of London, England. The vast majority of the sample was chosen by taking all the boys aged eight to nine who were on the registers of six state primary schools within a one-mile radius of the research office. In addition to 399 boys from these six schools, twelve boys from a local school for the educationally subnormal were included in the sample, in an attempt to make it more representative of the population of boys living in the area.

The boys were almost all white caucasian. Only twelve, most of whom had at least one parent of West Indian origin, were black. The vast majority (371) were being raised by parents who themselves had been reared in the United Kingdom or Eire. On the basis of their fathers' occupations, 93.7% could be described as working class (categories III, IV or V on the Registrar General's scale),⁵¹ in comparison with the national figure of 78.3% at that time. This was, therefore, overwhelmingly a white, urban, working class sample of British origin.

The boys were interviewed and tested in their schools when they were aged about eight, ten, and fourteen by male and female psychologists. They were interviewed in the research office at about sixteen, eighteen, twenty-one, and twenty-four, by young male social science

⁴⁹ According to R. SMITH, *supra* note 43, at 79, the London police take fingerprints and photographs of all arrested juveniles, although there is statutory backing only for fingerprinting juveniles aged at least 14. Criminal records of juveniles outside London are usually held locally rather than in the central Criminal Record Office, which holds national records only for adults. See Steer, *The Elusive Conviction*, 13 BRIT. J. CRIMINOLOGY 373 (1973). In the research described *infra*, almost all arrests were followed by convictions, since it was the policy of the London police at that time to prosecute all arrested juveniles and adults in court.

⁵⁰ D. WEST, PRESENT CONDUCT AND FUTURE DELINQUENCY (1969); D. WEST & D. FARRINGTON, WHO BECOMES DELINQUENT? (1973); D. WEST & D. FARRINGTON, THE DELINQUENT WAY OF LIFE (1977); D. WEST, DELINQUENCY: ITS ROOTS, CAREERS, AND PROSPECTS (1982). For a summary of the study, see Farrington & West, *The Cambridge Study in Delinquent Development*, in PROSPECTIVE LONGITUDINAL RESEARCH 137 (S. Mednick & A. Baert eds. 1981).

⁵¹ The Registrar General's classification of occupations, now published by the Office of Population, Censuses, and Surveys, is a measure of socioeconomic status. Each person is graded according to the occupation of the head of the household, from class I (professional occupations) to class V (unskilled labor).

graduates. Up to and including age eighteen, the researchers attempted to interview the whole sample on each occasion, and managed to trace and interview a high proportion. For example, at age eighteen, 389 of the original 411 (94.6%) were interviewed. Of the twenty-two youths missing at that age, one had died, one could not be traced, six were abroad, ten refused to be interviewed, and in the other four cases the parent refused on behalf of the youth.

Researchers also made repeated searches in the central Criminal Record Office in London to try to locate criminal convictions sustained by the boys, by their parents, by their brothers and sisters, and, in later years, by their wives. These searches, which continued until March, 1980, were assisted by the large numbers of birth and marriage certificates obtained to supplement the information from the interviews. The criminal records of the youths who had not died or emigrated are believed to be complete from their tenth to twenty-fifth birthdays.

B. THE CAMBRIDGE STUDY DATA: SENTENCING INEQUITIES?

In a one-track system, it might be expected that: (a) young adults would not be sentenced more leniently than older juveniles; and (b) young adults with juvenile criminal records would be sentenced more severely than young adults without such records.

Of the 411 youths in the study, 136 (33.1%) had been convicted before their twenty-fifth birthday⁵² of an offense normally recorded in the Criminal Record Office. This category is more or less equivalent to indictable or serious offenses discussed above. Eighty-four youths were convicted as juveniles and 110 as adults.

In investigating whether young adults were sentenced more leniently than older juveniles, sentences given after first adult convictions at age seventeen were compared with those given after juvenile convictions at age sixteen, which were similar in offense seriousness and in the number of previous juvenile convictions.⁵³ The offenses were dichotomized into the "more serious" ones of burglary or violence and the "less serious" remainder.⁵⁴ Sentences were classified as follows: custodial (the most severe, including prison, borstal, and detention center), discharge

⁵² Because of the variable delay between committing offenses and being convicted, the date of the offense determined inclusion in the convicted group, not the date of the conviction.

⁵³ Youths committing offenses at age 16 but not convicted until age 17 were excluded from this analysis, as were youths whose first adult conviction at age 18 was for an offense committed at age 17.

⁵⁴ This analysis is based on the principal offense. If a person is convicted on the same occasion of burglary or violence and of a less serious offense, this is counted as a conviction for a more serious offense.

(the most lenient), and the remainder (of intermediate severity, most commonly fines).

It was possible to match thirty-six youths convicted for the first time at age seventeen with thirty-six convicted at age sixteen on offense seriousness and number of prior juvenile convictions.⁵⁵ The matching was deliberately carried out in ignorance of the sentences, so that knowledge of sentences could not influence the choice of matched pairs. Of the thirty-six matched pairs, the seventeen-year-old received a more severe sentence on thirteen occasions, the sixteen-year-old on four occasions, and there were nineteen instances of no difference (using three categories of sentence severity as above). On a sign test (using the binomial distribution), the probability of thirteen or more occasions out of seventeen is .05 (two-tailed). Therefore, it can be concluded that seventeen-year-olds were dealt with more severely than sixteen-year-olds roughly matched on offense seriousness and number of previous juvenile convictions.

In investigating whether young adults with juvenile criminal records were sentenced more severely than those without, the first adult convictions of all 110 youths convicted as adults were studied. Just over half of these youths (fifty-eight) had been convicted as juveniles.⁵⁶ Sentences were divided into three categories of severity as above.

It was found that youths with a previous juvenile conviction were given a harsher sentence on their first adult conviction than those with no previous juvenile convictions. Twelve of those with previous juvenile convictions (20.7%) were given custodial sentences, in comparison with only one of those without (1.9%); and only two of those with previous juvenile convictions (3.4%) were given discharges, in comparison with 13 (25%) of those without. The relationship between previous juvenile convictions and sentence severity was statistically significant ($\chi^2 = 17.56$, 2 d.f., $p < .001$).

It might be thought that this significant result reflected the fact that youths with previous juvenile convictions tended to be convicted for more serious offenses on their first adult court appearance. However, dividing offenses into "more serious" versus "less serious" as above (i.e., burglary or violence versus the remainder), there was no tendency for those with previous juvenile convictions to be convicted of more serious offenses (32.8% of those with previous juvenile convictions were con-

⁵⁵ The matching was exact in all but seven cases. In these seven cases, the aim was to match as closely as possible, while equating the average number of juvenile convictions and the proportion of serious offenses in the two groups. The populations available for matching were 41 youths convicted at 17 and 42 convicted at 16.

⁵⁶ The information about juvenile convictions of this sample is complete. None of the boys died before their seventeenth birthday, and enquiries were made to the appropriate authorities abroad in regard to five who emigrated before they turned 17.

victed of burglary or violence on their first adult court appearance, in comparison with 32.7% of those without).

There was a tendency for the more severe sentences to be given for the more serious offenses (e.g., 19.4% of thirty-six burglary or violence offenses were followed by custodial sentences, in comparison with 8.1% of seventy-four less serious offenses). When a three-way table relating previous juvenile convictions, seriousness of offense, and sentence severity was constructed, it was clear that the order of sentence severity was as follows: (1) previous juvenile conviction plus more serious offense; (2) previous juvenile conviction plus less serious offense; (3) no previous conviction plus more serious offense; (4) no previous conviction plus less serious offense. A loglinear analysis showed that previous juvenile convictions were significantly related to sentence severity independently of seriousness of offense, but that the reverse was not true.⁵⁷ Thus, at least with the present method of measuring seriousness, previous juvenile convictions were more important than offense seriousness in influencing sentence severity after the first adult conviction.

There was a tendency for youths with previous juvenile convictions to be younger at the time of their first adult conviction (69.0% of them were aged seventeen to eighteen, in comparison with 51.9% of those with no previous juvenile conviction; corrected $\chi^2 = 3.34$, 1 d.f., $p < .10$).⁵⁸ However, a loglinear analysis showed that previous juvenile convictions were significantly related to sentence severity independently of age, and that the reverse was not true.⁵⁹

One can conclude from the Cambridge Study data that previous juvenile convictions influenced sentence severity on the first adult conviction independently of offense seriousness or age. Furthermore, sentence severity tended to increase with the number of previous juvenile convictions (35.7% of fourteen with four or more juvenile convictions were given custodial sentences, in comparison with 25% of sixteen with two or three juvenile convictions, and 10.7% of twenty-eight with only one juvenile conviction). It was interesting to note that only one of the fourteen youths with the most persistent juvenile conviction records (four or more juvenile convictions), who were also convicted as adults, did not receive an institutional sentence as an adult. Thus, these analy-

⁵⁷ The previous convictions \times sentence term had a significant effect when entered in the analysis after the seriousness \times sentence term ($G^2 = 20.51$, 2 d.f., $p < .001$). However, the seriousness \times sentence term did not have a significant effect when entered into the analysis after the previous convictions \times sentence term ($G^2 = 3.30$, 2 d.f., N.S.).

⁵⁸ In this and other analyses, the age on conviction is the age of the boy at the time the offense was committed, which is not necessarily the same as his age when the sentence was handed down.

⁵⁹ The respective values of G^2 were 18.01 ($p < .001$) and 3.44(N.S.).

ses suggest that the sentencing inequities identified by Boland and Wilson do not occur in England.

C. THE CAMBRIDGE STUDY DATA: INCARCERATION RATES AT DIFFERENT AGES

It might be expected that, in a two-track system in which juvenile records are not available to adult courts, the probability of incarceration will (a) gradually increase up to the final juvenile year; (b) decline between the last juvenile year and the first adult year; and (c) gradually increase from the first adult year onwards. This kind of distribution would not be expected in the English system.

Table 3 shows the Cambridge Study's findings of how the probability of incarceration after a conviction varied with age. This probability was highest for offenses at age twenty-three to twenty-four and lowest for offenses at age ten to eleven, but it did not increase steadily with age. The problem is that the overall probability of incarceration was a combination of four different probabilities, and these are shown separately in Table 3. Approved schools were available for those aged ten to sixteen inclusive, detention centers for ages fourteen to twenty inclusive, borstals for ages fifteen to twenty inclusive, and prison for those aged seventeen years or older.⁶⁰ The breakdown reveals that the use of approved schools peaked at age fourteen, detention centers at age seventeen, borstals at age nineteen, and the use of prison was still increasing at ages twenty-three to twenty-four.

The relationship between incarceration and age is further complicated when the time served is taken into account. It is difficult to discover the time incarcerated in any given case. However, it is known that the average time spent in approved schools was eighteen months, in detention centers two months, in borstals nine months, and in prison two-thirds of the sentence passed.⁶¹ Using these averages, the average time

⁶⁰ There is no separate jail sentence in England. Suspended prison sentences are not counted as sentences of incarceration in Table 3.

⁶¹ HOME OFFICE, *STATISTICS RELATING TO APPROVED SCHOOLS, REMAND HOMES, AND ATTENDANCE CENTERS IN ENGLAND AND WALES 6* (1970) shows that the average length of stay in approved schools for boys released in 1969 (the most relevant year for this research) was 18 months. The standard detention center sentence was three months, with one-third remission. The average period spent in borstal in the early 1970's was nine months. *See* HOME OFFICE, *YOUNG ADULT OFFENDERS 49* (1974). One-third remission was almost automatic for all prison sentences of at least one month. In addition, persons given relatively long sentences (over 18 months) can be paroled after serving at least one-third of their sentences. The possibility of parole has not been taken into account in calculating these figures, but it would not have made much difference to them. Very few of these incarcerated offenders would have been eligible for parole (because of sentence length). Only about half of the prisoners eligible for parole in the last few years have received it, and those who have received it have typically been on parole for no more than a few months.

TABLE 3^a
 INCARCERATION AT DIFFERENT AGES

Age at Offense	Number of Convictions	Per Cent Leading to Incarceration	Per Cent Approved School	Per Cent Detention Center	Per Cent Borstal	Per Cent Prison	Average Time (months) per Institutional Sentence	Incarceration Rate (Months per Conviction)	Average Serial Number of Conviction**	Per Cent Burglary or Violence
10-11	17	0.0	0.0	*	*	*	-	-	1.5	11.8
12-13	41	7.3	7.3	*	*	*	18.0	1.3	1.8	26.8
14	44	15.9	15.9	0.0	*	*	18.0	2.9	2.8	36.4
15	43	7.0	4.7	2.3	0.0	*	12.7	0.9	2.5	34.9
16	47	14.9	6.4	6.4	2.1	*	9.9	1.5	4.0	38.3
17	63	20.6	*	11.1	9.5	0.0	5.2	1.1	3.4 (1.3)	34.9
18	50	14.0	*	4.0	8.0	2.0	6.9	1.0	3.6 (1.9)	30.0
19	47	21.3	*	8.5	10.6	2.1	7.7	1.6	4.9 (2.6)	34.0
20	41	12.2	*	0.0	0.0	12.2	8.0	1.0	5.0 (2.8)	22.0
21-22	53	17.0	*	*	*	17.0	9.2	1.6	5.9 (3.8)	32.1
23-24	29	24.1	*	*	*	24.1	18.7	4.5	6.3 (4.1)	31.0
Total	475	14.9	3.2	3.6	3.4	4.8	10.1	1.5	3.9 (2.6)	31.6

^aBased on convictions not offenders. Extreme categories combined because of small numbers.

* Sentence not applicable.

** Average serial number of adult convictions in parentheses.

served per institutional sentence declined from eighteen months at age twelve to thirteen to about five months at age seventeen (the age at which detention centers were used most), and then increased back to about eighteen months at age twenty-three to twenty-four. The incarceration rate (months per conviction) fluctuated between 1.0 and 1.6, with two exceptions. At age fourteen, the peak age for approved schools, the incarceration rate reached 2.9 months per conviction, and at age twenty-three to twenty-four, the peak age thus far for prison, the incarceration rate reached 4.5 months. It seems clear that the maximum rates of incapacitation of this sample occurred at ages fourteen and twenty-three to twenty-four. This conclusion is not changed by taking conviction rates into account (e.g., multiplying the probability of a conviction by the average months per conviction).

The probability of a conviction leading to incarceration increased with the serial number of the conviction. Only 0.7% of youths were incarcerated on their first conviction, 8.3% on their second, and 15.9% on their third. These figures increased to 23.0% on convictions four to six, 30.2% on convictions seven to nine, and 35.9% on a tenth or later conviction. Table 3 shows the average serial numbers of convictions at each age, and, where applicable, the average serial numbers of adult convictions only. In general, these both increased with age. For example, at age twenty-three to twenty-four the average conviction was about the sixth altogether, or the fourth adult conviction. If the adult courts had not known about juvenile convictions, they would have assumed that the average convicted adult had two fewer convictions than he really had.

Convictions for more serious offenses (burglary or violence) were more likely to be followed by incarceration than were convictions for less serious ones (22.7% of 150 more serious offenses as opposed to 11.4% of 325 less serious offenses; corrected $\chi^2 = 9.41$, 1 d.f., $p < .005$). The percentage of convictions for burglary or violence increased up to age fourteen but then stayed fairly stable (at about 30%) up to age twenty-three to twenty-four. Changes in the probability of incarceration were not related to changes in the proportion of more serious offenses.

To conclude, changes in incarceration rates with age in England seemed to depend primarily on changes in institutional provision with age.

D. THE CAMBRIDGE STUDY DATA: JUVENILE DELINQUENCY AND ADULT CRIME

Using the Cambridge Study data, we investigated (a) the probability of a convicted juvenile becoming a convicted adult, and (b) the probability of a convicted adult having been convicted as a juvenile.

These investigations were based on 395 youths thought to be at risk of a known conviction for the whole period between their tenth and twenty-fifth birthdays.⁶²

We conclude that there was a close relationship between juvenile and adult convictions. Of the seventy-eight youths convicted as juveniles, fifty-five (70.5%) were convicted as adults, in comparison with fifty-two (16.4%) of 317 not convicted as juveniles (corrected $\chi^2 = 90.07$, 1 d.f., $p < .001$). Conversely, the majority of adults convicted up to their twenty-fifth birthday (fifty-five out of 107, or 51.4%) had previous juvenile convictions.

The more juvenile convictions a person had, the more adult convictions he was likely to have. Only thirteen youths in this sample had four or more juvenile convictions, but ten of these (76.9%) also had four or more adult convictions. In contrast, only seven (2.2%) of the 317 youths who were not convicted as juveniles had four or more adult convictions, only six (13.6%) of forty-four with one juvenile conviction, and six (28.6%) of twenty-one with two or three juvenile convictions. Of twenty-nine youths with four or more adult convictions, only seven (24.1%) were not convicted as juveniles.

Thirty-three of the seventy-eight juveniles were convicted of a more serious offense, in comparison with fifty-five of the 107 adult offenders. Of the thirty-three more serious juvenile offenders, nineteen (57.6%) became more serious adult offenders, eight (24.2%) became less serious adult offenders, and only six (18.2%) were not convicted as adults. Conversely, nineteen (34.5%) of the fifty-five more serious adult offenders were more serious juvenile offenders, fourteen (25.5%) were less serious juvenile offenders, and twenty-two (40%) were not convicted as juveniles. It seems clear that persons convicted as juveniles of serious offenses were likely to be convicted as adults of serious offenses, and that the same was true even when the discussion was restricted to the most serious offenses of violence and burglary.

It could be argued that the continuity between juvenile and adult convictions reflected continuity in police activity rather than in offending, since it is likely that police attention and suspicion are especially focussed on persons with previous criminal records. In order to investigate this, the self-reported delinquency measures obtained during the interviews at ages fourteen, eighteen, twenty-one and twenty-four were studied. Continuity in police activity could not explain continuity in self-reported offending, at least among unconvicted youths.

⁶² The sample excluded five youths who died and 11 who emigrated before age 25. The information about deaths and emigrations is complete only up to age 22. Some youths were interviewed at ages 21 and 24, and postal or telephone enquiries were made about others at age 23.

A combined self-reported delinquency score was obtained for each youth at each age, which reflected both frequency and variety of offending. For example, at age fourteen, the youths were given descriptions of thirty-eight acts on cards, and asked to say whether they had never, once or twice, sometimes, or frequently committed each act.⁶³ These four possible responses were given the weights 0, 1, 2, and 3 respectively, and the weights were added up over all the acts to produce a combined self-reported delinquency score. This score significantly predicted later convictions among previously unconvicted youths.⁶⁴ At age eighteen, the youths were asked to admit the number of times they had committed each of twelve acts in the previous three years, while at twenty-one and twenty-four they were asked to admit the number of times they had committed each of ten acts in the previous two years. Each response was scored 0, 1, 2, 3, or 4, according to the number of acts admitted. The acts enquired about at each age included thefts, taking vehicles, burglaries, damaging property, drug use, and violence.

Consistent with the continuity in criminal activity, the self-reported delinquency score at each age was significantly correlated with the score at every other age. As might have been expected, the lowest correlation was between the scores at the most widely separated ages (fourteen and twenty-four, $r = .33$, $N=84$, $p=.002$). The average of the six correlations was .44.

It might still be argued that self-reported delinquency scores at different ages are correlated because (a) there is continuity in police activity and (b) convictions are associated with higher scores.⁶⁵ In order to investigate this, the correlations were calculated separately for convicted youths (up to age twenty-four) and for youths who were never convicted. In both cases, five of the six correlations were significant.⁶⁶ The average correlation for unconvicted youths (.45) was very similar to that for the whole sample, while the average correlation for convicted youths (.32) was somewhat lower. We therefore conclude that youths who were relatively frequent offenders during their juvenile years tended to continue to be relatively frequent offenders during their early adult years.

⁶³ Farrington, *Self-Reports of Deviant Behavior: Predictive and Stable?*, 64 J. CRIM. L. & CRIMINOLOGY 99, 103 (1973).

⁶⁴ *Id.* at 106.

⁶⁵ The higher scores result either because convictions lead to an increase in offending or because convictions make people more willing to admit offending. See Farrington, *The Effects of Public Labelling*, 17 BRIT. J. CRIMINOLOGY 112 (1977).

⁶⁶ The exceptions were: for unconvicted youths, between scores at 14 and 21; and for convicted youths, between scores at 14 and 24. The latter result was probably a consequence of small numbers, since only 44 convicted youths were interviewed at both ages. When the scores at all ages were dichotomized, it was found that 17 out of 31 convicted youths with above average scores at 14 (54.8%) also had above average scores at 24, in comparison with only three out of 13 convicted youths with below average scores at 14 (23.1%).

E. THE CAMBRIDGE STUDY DATA: CHANGES IN OFFENDING WITH AGE

Farrington has described changes in the incidence of offending with age in a previous paper.⁶⁷ Briefly, convictions reached a peak at age seventeen, and most types of offenses leading to convictions seemed to peak within two years of this age (although shoplifting and stealing from automatic machines seemed to peak a little earlier, and drug use and fraud later).

The Cambridge Study's self-reports of offending showed a similar pattern, although the absolute rates of offending were much higher than those indicated by official records. Theft, taking vehicles, damage, and assault all peaked between ages fifteen and eighteen. Unlike the offenses leading to convictions, self-reported burglaries peaked earlier than fifteen, and self-reported drug use peaked at fifteen to eighteen. As in the official records, self-reported shoplifting peaked earlier than fifteen. Table 4 shows rates of self-reported offending at different ages, for burglary, taking vehicles, shoplifting, and damaging property.

Table 4 is derived from Table 5 in Farrington's previous paper.⁶⁸ On the basis of the median ages at interview, Table 4 shows self-reported offending up to fourteen years, nine months,⁶⁹ from fifteen years, seven months to eighteen years, seven months, from nineteen years, five months to twenty-one years, five months, and from twenty-two years, eleven months to twenty-four years, eleven months. In Table 4, the period between fifteen and eighteen is divided up further, since the youths were asked separately about their offending in the previous year (i.e., from seventeen years, seven months to eighteen years, seven months, typically) and in the two years before that (i.e., from fifteen years, seven months to seventeen years, seven months). In all cases, it can be seen that the rate of offending per 100 youths declined after age seventeen. The rate of offending per "active" youth (i.e., the average number of offenses committed by those who committed at least one offense) did not decline so sharply, suggesting that the overall decrease in offending reflected desistance rather than reduction by active offenders.

Comparing Table 2 with Table 4, one might hypothesize that the maximum incapacitation rate (at age twenty-three to twenty-four) occurs when the rate of offending is relatively low and decreasing. However, it might be argued that the "quality" of offenses changes as people get older, so that offenses committed by people in their twenties are more serious than those committed by juveniles, even though the legal

⁶⁷ Farrington, *Offending from 10 to 25 Years of Age*, in PROSPECTIVE STUDIES IN CRIME AND DELINQUENCY (K. Van Dusen & S. Mednick eds. 1983).

⁶⁸ *Id.* at 29.

⁶⁹ It was argued that almost all these offenses would have been committed after the tenth birthday.

TABLE 4
 SELF-REPORTED OFFENDING AT DIFFERENT AGES

Offenses	Ages (adjusted to N=387)				
	10-14	15-17	17-18	19-21	22-24
<u>Burglary</u>					
Percentage admitting	13.2	9.0	3.9	4.5	2.6
Number of offenses per 100 youths per year	-	38.6	11.1	11.5	3.5
Number of offenses per active youth per year	-	4.3	2.9	2.6	1.3
<u>Taking Vehicles</u>					
Percentage admitting	7.5	12.9	5.7	6.4	1.8
Number of offenses per 100 youths per year	-	44.1	20.7	47.5	1.2
Number of offenses per active youth per year	-	3.4	3.6	7.4	0.7
<u>Shoplifting</u>					
Percentage admitting	39.3	12.9	6.7	6.7	4.2
Number of offense per 100 youths per year	-	140.6	58.4	65.4	26.2
Number of offenses per active youth per year	-	10.9	8.7	9.8	6.2
<u>Damaging Property</u>					
Percentage admitting	11.9	18.3	5.7	3.6	3.6
Number of offenses per 100 youths per year	-	68.6	23.8	12.8	12.8
Number of offenses per active youth per year	-	3.7	4.2	3.6	3.6

- = Not available

categories may be the same.⁷⁰ As an example, one youth was convicted of a robbery at age fifteen, in which he threatened another fifteen-year-old with a stick and stole one pound. The same person was convicted of two robberies at age twenty-four, in which he used a firearm and stole property worth 28,000 pounds and 4,600 pounds respectively. All these offenses were classified as robberies, but those committed at age twenty-four seem qualitatively different.

In trying to investigate age-related changes in the "quality" of of-

⁷⁰ This was true in the Philadelphia sample. See Collins, *Alcohol Careers and Criminal Careers*, in *DRINKING AND CRIME* 179 (J. Collins ed. 1981).

fenses, we studied burglaries and robberies, since these were generally the most serious offenses committed. The "quality" of these offenses was operationally defined in terms of the value of the stolen property, as estimated in police records. Of the 126 burglaries and robberies (including attempts) committed between ages ten and twenty-four inclusive and leading to convictions, sixty either had no stolen property or the value not stated. (The items stolen were almost always described.) Of the remaining sixty-six offenses, three were duplicates, or instances where two youths in the sample were involved in the same burglary. This left sixty-three separate offenses: fifty-five burglaries and eight robberies. In order to allow for inflation, all values were converted to 1980 prices (the date of the last convictions), using the retail price index.⁷¹

It seemed clear that the average amount stolen increased with age. At 1980 values, the average of thirty-four juvenile offenses was 196 pounds, of twenty-two young adult offenses was 487 pounds, and of seven adult offenses was 8,103 pounds. Four of the seven adult offenses netted more than 5,000 pounds, while none of the juvenile offenses reached that amount. Only two of the thirty-four juvenile offenses and only three of the twenty-two young adult offenses involved more than 1,000 pounds. Therefore, it may be that, while offending in general peaks in late adolescence and early adulthood, the most serious offenses peak later in life and may coincide with the greatest use of incapacitation.

IV. CONCLUSIONS

Boland and Wilson have argued that it is necessary to keep central records of juvenile offending in order to avoid sentencing inequities—notably, lenient treatment for young adults with extensive juvenile delinquency records. A review of American literature, however, yields little evidence that leniency is occurring. In the English study in which juvenile delinquency records were routinely provided in adult courts, this leniency clearly did not occur. Young adults with juvenile records were sentenced more severely than those without such histories, and more severely than older juveniles with similar offenses and similar numbers of juvenile convictions.

Boland and Wilson have also argued that the two-track system provides inefficient protection for the public because the highest rates of incarceration do not coincide with the highest rates of offending. A review of American literature yields little evidence about incarceration rates at different ages, but suggests that offending rates peak in late ado-

⁷¹ CENTRAL STATISTICAL OFFICE, ANNUAL ABSTRACT OF STATISTICS, 457 (Table 18.1) (1982).

lescence and early adulthood. The English study confirms that the peak in offending rates is around age seventeen, and also finds that this peak does not coincide with the peak incarceration rates at ages fourteen and twenty-four. However, there is some suggestion that offenses committed at age twenty-four were qualitatively more serious.

Furthermore, Boland and Wilson have argued that the two-track system creates problems because juvenile delinquency is often the forerunner of adult crime. This has been confirmed, both in the United States and in England. The English study also demonstrates that this is true of self-reported as well as official offending.

To conclude, more American research on sentencing inequities caused by the two-track system, and on offending rates and incarceration rates at different ages, is required. More careful control of extraneous variables is needed in addition to a more sensitive measure of offense seriousness than is provided by legal categories alone. At the present time, the Task Force recommendation for centralized storage of juvenile records could be justified by reference to the close relationship between juvenile delinquency and adult crime. It is doubtful, however, that the recommendation could be justified by reference to clear-cut evidence of American sentencing inequities or inefficient public protection.