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Juvenile Crime Victims in the Justice System

DAVID FINKELHOR, MALLIE J. PASCHALL,
and PATRICIA Y. HASHIMA

The literature on juvenile justice is largely concerned with offenders: topics such as juvenile courts, the rights of juvenile offenders, the adjudication of juveniles as adults, and the effectiveness of delinquency prevention programs. But juveniles have contact with the justice system in another role—in the role of victims—and this is not an intersection that has been addressed nearly so intensively by research or public policy. Child victimization is a social problem of no less importance than child offending. Moreover, child victims occupy as much time and attention and resources within the justice system as offenders. But the matter of child victims in the justice system has not been addressed nearly so systematically.

The purpose of this chapter is to highlight the main contexts in which juvenile victims have contact with the justice system, that is, with the police, the prosecutors, and the juvenile and criminal courts. We assemble some of the data that give some dimensions to the frequency or intensity of this contact. We also highlight some of the major policy questions that are considered or should be considered in trying to improve the quality of justice system response to these juvenile victims.

In considering the contexts in which juvenile victims have contact with the justice system, it may be useful to make two important conceptual distinctions. First, situations where the child's own victimization is the major focus of justice system involvement (e.g., a child abduction) can be distinguished from situations where the child's victimization is not the focus of the involvement even though it may be closely or even causally related to that involvement. Thus, for example, a large proportion of runaways and other status offenders picked up by police are victims of abuse or neglect (which may be why they have run away), but this is not the initial focus for justice system involvement. We might call this difference primary versus

DAVID FINKELHOR • Crimes against Children Research Center, Family Research Laboratory, Department of Sociology, University of New Hampshire, Durham, New Hampshire 03824. MALLIE J. PASCHALL • Pacific Institute for Research and Evaluation, Chapel Hill, North Carolina 27514-2866. PATRICIA Y. HASHIMA • Institute on Family and Neighborhood Life, Clemson University, Clemson, South Carolina 29634-0132.

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secondary focus justice system contexts. Second, child victims, of both the primary focus and secondary focus types just described, get involved in the justice system at two levels: the criminal and noncriminal level. There are different issues raised by each of these two levels.

Although these two dimensions might suggest a fourfold typology, in reality we would propose distinguishing the following five justice contexts in which juvenile victims appear:

1. *Juvenile victims involved in criminal investigations and prosecutions.* These would include abducted children and sexually assaulted children. It also would include children victimized by other children, if these acts are the subjects of police intervention. We also would include in this category child witnesses to crimes (such as an unharmed companion in a drive-by shooting), what might be called vicarious victims. All such children go through investigations and perhaps may be called on to provide testimony or be exposed to publicity or stigma as a result of their involvement.
2. *Juvenile victims involved in child protection actions.* These would include abused and neglected children, but of course there is some overlap with the victims involved in the criminal justice system. In addition to the investigatory component, the justice system plays a big role in determining the living and family situation of such children.
3. *Children victimized by domestic violence and custodial abductions.* Children enter the penumbra of the justice system when it adjudicates domestic violence and custody offenses. Children in homes with domestic violence generally have witnessed violence or themselves been victimized. Children who have been subject to abductions often have been victimized through deprivation of contact with family, friends, and neighbors. Such cases appear in both the civil and criminal side of the justice system, and although there is some overlap here with issues of child maltreatment and criminal victimization, frequently for these children the justice context is one where it is not their own victimization that is the initial focus of justice activity but the grievance or victimization of a parent. This puts the problem for child victims on somewhat different footing.
4. *Child victims involved in criminal offenses.* Large percentages of children arrested and adjudicated for criminal delinquent behavior also have histories of victimization that play a part in the trajectory that leads to their offenses. It is not clear to what extent the justice system is aware of this victimization history or takes it into account in its deliberation and adjudication.
5. *Child victims involved in status offenses.* Children get picked up by police and adjudicated by courts for running away, truancy, disobedience, and curfew violations. As with criminal offenders, large percentages of these children are victims of family and community violence. The victimization frequently becomes an important issue in the resolution of the case, even if it was not the initial focus of the justice system contact.

In the following sections of this chapter, we will take up each of these justice system contexts and try to describe what is known and what may need to be known about the dimensions of the problem and the important justice system issues.

JUVENILE VICTIMS INVOLVED IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS

Juveniles are among the most criminally victimized segments of the population. The National Crime Victimization Survey (NCVS) shows that 12- to 17-year-olds have rates two to three times higher than adults for rape, robbery, and simple and aggravated assaults (Table 1)

Table 1. Violent Crime Victimization of Juveniles and Adults:
Population Estimates and Ratios, 1994^a

Type of crime	Number of victimizations		Rate of victimizations (per 1000)		Juvenile-adult rate ratio
	Juveniles aged 12-17	Adults	Juveniles aged 12-17	Adults	
Violent crimes	2,625,600	8,235,100	116	43	2.7**
Rape/sexual assault	76,500	356,300	3	2	1.5
Rape/attempted rape	43,300	248,700	2	1	2.0
Sexual assault ^b	19,300 ^c	54,200	1	0.3	3.3
Verbal threat of rape/sexual assault	6,900 ^c	35,800	0.3	0.2	1.5
Unwanted sexual contact without force	7,000 ^c	17,600 ^c	0.3	0.1	3.0
Robbery	263,900	1,034,900	12	5	2.4
Complete robbery	160,900	634,200	7	3	2.3
With injury	50,300	237,400	2	1	2.0
Without injury	110,600	396,900	5	2	2.5
Attempted robbery	103,000	400,600	5	2	2.5
With injury	12,000 ^c	109,800	1 ^c	1	1.0
Without injury	91,000	290,900	4	2	2.0
Assault	2,285,200	6,843,900	101	36	2.8**
Aggravated	594,600	1,883,600	26	10	2.6
Completed with injury	165,800	512,700	7	3	2.3
Attempted with weapon	184,200	538,400	8	3	2.7
Threatened with weapon	244,500	832,500	11	4	2.8
Simple	1,690,600	4,960,300	75	26	2.9**
With injury	418,100	1,047,900	19	5	3.8*
Without injury	667,700	1,678,700	30	9	3.3*
Verbal threat of assault	604,700	2,233,700	27	12	2.3

^aFrom Hashima and Finkelhor (1999).

^bIncludes sexual attack with minor or serious assault and sexual assault without injury.

^cEstimate is based on fewer than 10 cases.

* $P < .05$

** $P < .01$

(Hashima & Finkelhor, 1999). The rates of victimizations involving injuries and weapons also are substantially higher for juveniles compared to adults taken as a group. Juveniles also have disproportionately high rates of property crime victimization (Finkelhor & Ormrod, in press).

Unlike delinquency, vulnerability to crime victimization precedes the adolescent period and encompasses early childhood. Substantial numbers of assaults and sexual assaults occur to preadolescent children, and many of the acts of child abuse (discussed below), which occur to even very young children at the hands of family members and caretakers, are nominally criminal acts as well. Unfortunately, however, data from the NCVS do not cover crimes occurring to children younger than age 12. Nor does the current Uniform Crime Report data from local police agencies break down crime reports according to victim age. However, the new National Incidence-Based Reporting System (NIBRS) being implemented in a variety of states soon may provide the basis for some estimates. Preliminary estimates from twelve states suggest that, by virtue of not counting victims under 12, NCVS estimates of crime victimization may be missing over half the sexual assaults and a quarter of the other assaults (Finkelhor & Ormrod, 2000).

Like delinquency, only a fraction of juvenile victimization comes to the attention of the police (Table 2), but juvenile victims are still overrepresented in police reports. Twenty-nine

Table 2. Police-Reported Violent Crime Victimization of Juveniles and Adults^a

Type of violent crime	Juveniles (12-17)			Adults (18+)		
	Total number of crimes	% reported	% of all juvenile reports to police	Total number of crimes	% reported	% of all adult reports to police
All violent crimes	2,625,600	28.9	—	8,235,100	45.6	—
Rape/sexual assault	76,500	46.4	4.7	356,300	28.5	2.7
Rape/attempted	43,300	39.5	2.2	248,700	28.2	1.9
Sexual assault	19,300	48.0	1.2	54,200	41.5	0.6
Verbal threat or unwanted contact	13,900	65.5	1.2	53,400	16.9	0.2
Robbery	263,900	38.8	13.5	1,034,900	59.6	16.4
Completed	160,900	48.4	10.2	634,200	68.5	11.6
Attempted	103,000	23.9	3.2	400,600	45.5	4.8
Assault	2,285,200	27.2	81.8	6,843,900	44.4	80.9
Aggravated	594,600	38.9	51.3	1,883,600	55.6	27.9
Simple	1,690,600	23.0	30.5	4,960,300	40.1	53.0

^aFrom 1994 NCVS and Hashima and Finkelhor (1999).

percent of NCVS-reported crime victimizations for 12- to 17-year-olds are reported to the police, a substantially lower rate than the 46% of adult reported victimizations (Finkelhor & Ormrod, 2000). Moreover, it is recognized that much violent victimization, especially among youth, is not even reported in the NCVS because it may not be perceived as qualifying among the crime type events asked about in that survey. Even with underreporting, the estimated 750,000 crimes reported to the police by youth (a rate of about 34 per 1000 teens each year) represent about 17% of all crimes reported to the police, this from a group that makes up only 10.6% of the population over 12.

Crimes against children do occupy a significant portion of the energy and resources of the criminal justice system, especially as many states have developed routine practices of referring all child abuse cases to justice authorities. Unfortunately, relatively few data are systematically collected to track the handling of such cases. No national data exist on the percentages of arrests or prosecutions that involve child victims. However, some data are available on the portion of the prison population serving time for crimes against children. According to a 1991 survey of inmates in state prisons, one in five violent incarcerated offenders were serving time for a crime against a juvenile. The percentage of child victimizers was higher among the older prisoners (35% for those age 45 or older) compared to younger prisoners (15% for those age 25 or less) (Beck et al., 1993).

One thing that is quite clear about the justice system's handling of crimes against juveniles is that of all the victimizations coming to its attention, sex crimes receive special priority. First, they are the only violent crimes reported to the police at a higher rate for youth than for adults (Table 2). Thus, of NCVS-reported sexual assaults on youth, 46% were reported to the police, higher than the 28% of the NCVS-reported sexual assaults on adults and higher than the 29% reporting rate for all youth violent victimization.

As another indication of the special attention sexual assaults receive, even though according to the NCVS they constitute just under 5% of all youth victimizations coming to the attention of the police, they are clearly the crimes that receive the largest amount of criminal justice activity. This is apparent in the literature on crimes against children and on child victims as witnesses, which deals almost exclusively with sexual abuse and sexual assault (Whitcomb, Goodman, Runyan, & Hoak, 1994; Whitcomb et al., 1991). In a 1993 American

Bar Association national survey of 600 prosecutors, 80% reported that they prosecute substantially more sexual abuse than physical abuse (Smith & Goretsky, 1992). The disproportionate focus on sexual assault is apparent in figures on incarcerated offenders. Seventy-one percent of those incarcerated for violent crimes against children are in jail for committing a sexual assault (Beck et al., 1993). This contrasts with the fact that only 10% of all juvenile reports to police for violent crimes perpetrated by adults (and thus vulnerable to prison time) are for sexual assaults. It also contrasts with the fact that among those who offend violently against adults, only 17% are incarcerated for sexual assaults.

This raises a key policy issue concerning crimes against children: whether the justice system's special focus on sexual assault—an overall small proportion of the child victimization picture—is a rational emphasis or a distortion of priorities in some larger context. It is clear that there is substantial public anxiety about the sexual exploitation of children, which provides popular support for aggressive criminal justice action in this area. Sexual assaults are believed to be particularly frightening and damaging kinds of victimizations for children. The evidence is not so clear, however, that sexual assaults are substantially and uniformly more traumatic than other kinds of violent victimization (Boney-McCoy & Finkelhor, 1995). There is reason to believe that in spite of their seriousness, physical assaults without a sexual component and even aggravated assaults by adults against children do not receive a great deal of police and prosecutorial priority. Part of the problem may be the reluctance of youth and their families to report physical assaults. Another part of the problem may be the degree to which physical assaults by other youth, because they come within the purview of the juvenile justice system, are not taken as seriously. Finally, a third part of the problem may be that adult physical assaults against children, especially because so many of them occur in a caretaking relationship, are difficult to prosecute given the legal protection most states provide to acts claimed to be disciplinary in nature. However, a National Institute of Justice study has demonstrated that some select prosecutors, when they give it equal emphasis, can achieve rates of prosecution for physical abuse that actually exceed that of sexual abuse (Smith, 1995). An overall evaluation of justice activity in response to physical assaults and abuse against children is an important policy need (Smith & Goretsky, 1992).

A variety of related public policy issues concern how the criminal justice system operates differently in cases involving child as compared to adult victims. A spectrum of concerns has been raised. At one end are arguments that child victims are badly mistreated by the criminal justice system, that their reports are not taken seriously, that their cases are not prosecuted out of fear that they will make unreliable or easily impeached witnesses, and that they will be easy targets for defense attorneys. At the other end are arguments that child victims are privileged in ways that trample on the rights of the accused, including claims that police investigators have been taught to always believe children and that juries are overly swayed by images of child victims. A large number of reforms have been proposed and implemented (and then subjected to legal challenge) in recent years, such as the use of closed circuit video transmissions of children's testimony, out of concern that the criminal justice system was not sensitive to children and contained obstacles to their involvement (Myers, 1994).

Despite this controversy, relatively little research has examined the operation of the criminal justice system in relation to child victims or evaluated the reforms that have been implemented to help them. Most of what has been done concerns cases of sexually abused children exclusively. On the whole, the research shows a complex and possibly reassuring picture.

Like much of the criminal justice system, a large portion of victimizations that get reported to the police do not go much further. Statistics do not appear to be available on what proportion of child victimizations are cleared by arrest. In terms of arrests that are referred for prosecution, estimates from various sources suggest that 60–75% go on to prosecution (Whitcomb et al., 1991). Most prosecuted cases involving children (80–90%) are settled by a

guilty plea, and 50–70% of convicted offenders against children end up serving some jail time (American Bar Association, 1987; Finkelhor & Williams, 1988). These overall statistics do not differ that much from those associated with the processing of comparable crimes against adults.

It also does not appear that sentences for offenders against children are systematically either lower or higher than sentences for offenders against adults, given equivalent crimes. According to the 1997 Survey of Inmates, those convicted of murdering a juvenile and currently in prison had the same median sentence length (300 months) as those convicted of murdering an adult (Finkelhor & Ormrod, 2000). For the crimes of negligent manslaughter, robbery, and assault, sentences were somewhat higher when the victim was a child. For crimes of rape and sexual assault, sentences were substantially lower, but a variety of factors probably account for this disparity including the larger number of family and acquaintances among the child victimizers, the lesser use of firearms and other weapons, and the less frequent presence of victim injury in sex crimes against children.

Overall, the picture of the criminal justice system suggests that juvenile victims of sexual crimes are treated in a way that may be distinct from juvenile victims of other violent crimes. But there is relatively little evidence that the system is biased for or against such victims in comparison to adult sexual assault victims.

Given the importance of these issues, it is disappointing that there is so little statistical information available to evaluate the operation of the criminal justice system in regard to child victims. For example, there is little information on whether reforms result in more prosecutions, more convictions or acquittals, more plea bargains, or fewer cases being dropped because of victim unavailability or noncooperation. Two particularly important priorities would seem to be gathering justice system data on the full spectrum of child victims, not just those reporting a sex crime, and collecting data in a way that allows a better comparison to the processing of crimes against adults.

A variety of other issues regarding criminally victimized children have received little or no attention in the literature. One issue concerns the use of crime victim services and compensation plans by juvenile crime victims. One of the important purposes in establishing crime victim services and compensation plans was to help vulnerable groups such as children. Anecdotal evidence suggests that children do use such services and apply for compensation more regularly than other crime victims. Little good documentation exists, however, about the pattern of usage of these services. Among service providers, there is an often-repeated concern that child victims and families do not follow through with treatment services and that there are enormous variability in services and substantial barriers to service provision and receipt (Finkelhor & Berliner, 1995).

Another important victim rights issue that has received some policy attention in recent years concerns the right of victims to receive information about the disposition of offenders and changes in offender status, such as when the offender is paroled or returned to the community. Because a large proportion of offenders against children are themselves juveniles, an important policy question concerns the degree to which concern about victim rights can be integrated into the operation of the juvenile justice system. Some questions are: (1) Are victims entitled to compensation when offenders are juveniles? (2) Are they informed of disposition of offenders and change in status? (3) Are there avenues for being heard as part of sentencing?

JUVENILE VICTIMS INVOLVED IN CHILD PROTECTION ACTIONS

The number of children referred for child protection investigations rose dramatically in the 1970s and 1980s, but then leveled off and even declined somewhat by the late 1990s (Jones

& Finkelhor, 2000). It was estimated that almost 3 million children in the United States were targets of child maltreatment reports in 1998, for which nearly 1.8 million investigations were conducted. About 29% of the investigations resulted in a disposition of substantiated or indicated child maltreatment. This translates into over 900,000 children whose maltreatment was substantiated, a rate of 12.9 victims per 1000 children under 18 in the United States (US Department of Health and Human Services, 2000).

Neglect was the predominant form of maltreatment among substantiated victims, accounting for 53% of the children whose maltreatment was substantiated (Table 3). Physical abuse occurred to 23% of the children and sexual abuse to 11%.

A key problem in regard to this population of child victims is that relatively few data are available about what happens to them after the investigatory process, what services are provided, what court actions are taken, whether criminal cases are filed and what their outcomes are, and how often such children reappear in the child welfare and justice system. Even basic statistics on the number of abused children reported and substantiated nationally are still not adequate for many policy analysis purposes.

Criminal court involvement is one justice system outcome that occurs to about 13% of all children whose maltreatment is substantiated (Whitcomb et al., 1994). As indicated earlier, this outcome is much more common for cases of sexual abuse than other kinds of maltreatment. The simultaneous occurrence of criminal prosecution and child protection actions is something that has created a number of policy dilemmas, including concerns that it may stall treatment and placement plans and increase the adversariality of the protection process. A variety of recommendations have been made for coordinating criminal prosecutions and child protection proceedings, but research suggests that half of all jurisdictions have little such coordination (Whitcomb et al., 1994).

Removal from the home (temporarily or permanently) is another dramatic justice system outcome in child maltreatment cases that is tracked at least partially. Despite the large number of substantiated maltreatment cases, removal from the home is relatively uncommon, occurring for only 15% of the victims, somewhere in the vicinity of 150,000 children. This is approximately the same percentage of cases for whom dependency court actions were initiated. Relatively little information is available about what ultimately happens to these children taken into custody or subjected to court action.

There has been substantial debate about the consequences of out-of-home placement of maltreated children and the conditions under which it is warranted. Some research shows that such children do at least as well, or sometimes better, than children left in the home (Widom, 1991). However, such placement is not inexpensive for states. Concerted efforts to reduce

Table 3. Child Victims
of Abuse and Neglect, 1998^a

Reports of maltreatment	2,806,000	
Substantiated or indicated ^b	1,048,062	100%
Physical abuse	195,891	23%
Neglect	461,274	54%
Medical neglect	20,338	2%
Sexual abuse	99,278	12%
Emotional abuse	51,618	6%
Other	217,640	25%

^aFrom US Department of Health and Human Services (2000).

^bPercentages total more than 100% because children may have been victims of more than one type of maltreatment.

placement in the 1980s through intensive family support services did not result in a clear-cut success. A majority of studies failed to find that intensive interventions reduced placement rates, but agencies also had a difficult time targeting the intervention services to the families at imminent risk of losing a child to placement (Gelles, 1996).

It is well recognized that children identified by the child protective services (CPS) system are at high likelihood to be re-reported to that system, as well to other justice-related systems, at a later time. Data from Massachusetts, for example, show that 37% of new substantiated reports concern children with an already substantiated prior report of maltreatment (Felix, Berman, & Carlisle, 1995). (Contact of maltreated children with other portions of the justice system will be discussed later.) This confirms the potential utility of the CPS system as a context for identifying children at high risk for future involvement with the justice system.

In spite of this, however, there is a widespread acknowledgment that relatively limited services are provided to these children and their families (Kolko, 1998). Given that child abuse is recognized as a risk factor for later delinquency (Widom & Ames, 1994) as well as other negative life outcomes, it would seem that interventions for maltreated children should be a high policy priority. A large national study (the National Longitudinal Study of Child Welfare) to track the experiences of children as they pass through the child welfare system is currently under way.

One possible barrier to the provision of more services is the absence of research demonstrating what services work best. There is a substantial and somewhat encouraging literature on services to abusing families, but much of it has been focused on what services reduce parents' propensity to abuse and neglect, rather than what results in positive social and psychological outcomes for the children. Daro *et al.* (1992) found that parental child abuse potential was most likely to decline with the delivery of multiple interventions (play groups, support groups, education classes) delivered intensively (multiple times per week), including aggressive outreach to high-risk families.

Services targeted directly at ameliorating the short-term and long-term effects of maltreatment to children themselves have developed more in the domain of sexual abuse (Kolko, 1998). In this domain, a professional consensus has developed that "abuse-focused treatment" is a preferred intervention. Such treatment is structured and tries to address the specific fears and misconceptions that are typically engendered by abuse and to empower victims to resist and report future abuse (Finkelhor & Berliner, 1995). Such approaches have proven superior to general supportive therapies in experimentally designed studies (Cohen & Mannarino, 1997).

Some prospective longitudinal studies currently are underway to examine the life course of abused children (Kelley, Thornberry, & Smith, 1997; Widom & Ames, 1994), but what are less common are studies designed to track the impact of justice system-related interventions and innovations to help lessen the trauma for these child victims and decrease the likelihood of their returning to the justice system sometime later in their lives.

CHILDREN VICTIMIZED BY DOMESTIC VIOLENCE AND CUSTODIAL ABDUCTIONS

It has been estimated that 11–20% of children witness acts of violence between parents (Wolak & Finkelhor, 1998). But the number of children who end up involved in the justice system as a result of such violence is more difficult to estimate.

One major form of justice system involvement is when police are called or make an arrest for domestic assault. There are an estimated 490,000 police reports of domestic violence

annually based on the NCVS data (Greenfeld et al., 1998). According to an analysis of police experience in five urban areas, there were children in 74–81% of households where the police substantiated an incident of domestic violence, and 40–48% of these households had at least one child under the age of 5. In fact, in 11–12% of the episodes the child placed the call to the police, and in 16–27% the child was a factor in the eruption of the violent dispute (Fantuzzo, Boruch, Beriama, Atkins, & Marcus, 1997).

Child witnesses to domestic violence also come into contact with the civil courts. Each year about half a million couples with children file for divorce and the rate of violence between divorcing couples has been estimated at above 50% (Kurz, 1996). Hundreds of thousands of parents with children seek restraining orders against their partners every year for protection against domestic violence.

Although this group of child witnesses is a conceptually distinct population from those children who are themselves victims, in practice the distinction is difficult to maintain. It is estimated that 30–60% of those who have witnessed parental violence also have been victimized by the parental violence themselves. Moreover, in studies looking at the long-term consequences of witnessing parental violence, it is difficult to differentiate such children from direct victims (Durant, Cadenhead, Pendergrast, Slavens, & Linder, 1994; Wolak & Finkelhor, 1998). Part of the problem is that even children who have not been directly victimized may have suffered from various kinds of nonreported parental neglect or emotional maltreatment.

Child victims of custodial interference and abduction are another facet of this picture. An estimated 354,000 family abductions occurred in 1988, and in 44% the police were involved to try to recover the child or adjudicate the dispute (Finkelhor, Hotaling, & Sedlak, 1990). (The number of prosecutions for family abduction is currently unknown.) Domestic violence is a common feature in family abduction situations (Plass, Finkelhor, & Hotaling, 1997), and physical and sexual abuse less so (Finkelhor et al., 1990); but even in the absence of violence exposure children are victimized by the loss of contact with family and friends and the disruption of their routines and living arrangements.

These are categories of child victims about whom good statistics are particularly scarce. In the case of domestic violence, since the primary victims or complainants are seen as adults, the involvement of children is not systematically recorded. In the case of family abductions, the relatively recent explosion of this kind of crime has not been accommodated by categories in justice-related record systems. A very high priority is for better and more comprehensive statistics on justice system contacts with families where domestic violence or criminal custodial interference has impinged on the lives of children.

The absence of good statistics is indicative of a more general policy question about the extent to which the justice system is aware of these child victims and their potential needs. When intervening in domestic violence, police and criminal courts in most jurisdictions do not take specific actions with regard to children, unless a caretaker initiates something on their behalf. No formal mechanisms exist for inquiry about the situation of children in situations where restraining orders are requested and granted. Judges and social agencies are perhaps more focused on children who have been abducted than those who are simply witnesses to parental violence.

In some communities, cooperative arrangements exist to involve child protection workers in order to ensure the safety and interests of children in cases where domestic or custodial violence has been identified. But these policies have engendered substantial controversy (Edelson, 1997). Advocates for battered women have pointed out that child protective investigations focused narrowly on children's safety can further victimize abused women, who now face, in addition to a violent partner, a hostile state investigation into their capacities as

parents at a time when they may be ill-prepared to defend themselves. A very high priority for public policy is to find out more about the variety of mechanisms that exist in communities for providing assistance, support, representation, and protection for children in situations of domestic and custodial violence and the comparative effectiveness of these mechanisms, both at protecting children and the interests of victimized adults.

An additional general priority in this area should be to add a concern about the child victims to all policy research on domestic violence. Although there has been an increasing expansion of policy research in recent years on justice system interventions in marital violence, such as mandatory arrest and prosecution policies, none of that literature to our knowledge has focused on the impact on children. It is unclear whether and under what circumstances children are relieved, upset, or embarrassed and effectively protected from physical and emotional harm when the justice system intervenes to arrest or prosecute their parents and how their interests converge or diverge with those of the abused parent.

CHILD VICTIMS INVOLVED IN CRIMINAL OFFENSES

Over 2.7 million juvenile arrests occurred in 1994; of these, an estimated 150,200 were for violent index crimes (homicide, forcible rape, robbery, aggravated assault) and 748,100 were for property index crimes (burglary, larceny-theft, motor vehicle theft, arson) (Table 4) (Snyder, Sickmund, & Poe-Yamagata, 1996). The majority of these arrestees were formally processed by juvenile courts (i.e., they were petitioned to the court), but relatively few resulted in detention and out-of-home placement.

Juvenile victims of crime and child maltreatment are overrepresented in this population of juvenile offenders, a fact not monitored by national statistics but revealed in small-scale studies. In one study of 226 incarcerated juvenile offenders in New Jersey, 66% of the youth reported that they had been beaten with a belt or extension cord, 32% reported that they had been beaten repeatedly, and 20% reported that they had been threatened with a knife or a gun (Geller & Ford-Somma, 1984). This study also found that a subsample of juveniles incarcerated for violent offenses were significantly more likely to report routine family violence than youth incarcerated for other kinds of offenses. A study of 213 incarcerated male adolescents in Arizona revealed that 49% of the youth had been physically abused by family members (Spaccarelli, Coatsworth, & Bowden, 1995). Similar to the study by Geller and Ford-Somma (1984), this study found that violent offenders were two to three times as likely as nonviolent offenders to report either being victims or witnesses of family violence.

Studies based on official reports of child abuse and crime records also consistently show

Table 4. How Violent and Property Offense Cases Were Processed by the Juvenile Justice System in 1994

Type of offense	Number of arrests	Number (%) of arrestees going to court	Number (%) of court cases	Number (%) of court cases placed out-of-home ^a
Violent index crimes ^b	150,200	130,600 (87)	93,400 (71)	33,300 (36)
Property index crimes ^c	748,100	566,700 (76)	301,000 (53)	61,600 (20)

^aThese figures are based on all person and property crimes and are therefore approximations.

^bViolent crimes include criminal homicide, forcible rape, robbery, and aggravated assault.

^cProperty crimes include burglary, larceny theft, motor vehicle theft, and arson.

Table 5. Comparison of the Delinquency Rates Found in Abused and Nonabused Children: Findings from Longitudinal Studies

Study	Delinquency rate in the abused group (%)	Delinquency rate in the control group (%)	Risk ratio ^a	Sample size (N)	Follow-up period
McCord (1983)	20.0	11.0	1.82	232	40 years
Zingraff et al. (1993)	13.7	9.0	1.52	810	3-4 years
Widom & Ames (1994)	26.0 ^b	16.8 ^b	1.55	1575	30 years
	28.6 ^c	21.1 ^c	1.35		
Kakar (1996)	10.0	6.4	1.56	440	2-5 years
Kelley, Thornberry, & Smith (1997)	45.0	32.0	1.40	1000	3 years

^aAll differences in delinquency rates between abused and control groups were significant at the .05 level.

^bPercent arrested for juvenile offenses.

^cPercent arrested for adult offenses.

that youth with a history of maltreatment are more likely to come into contact with the juvenile or adult court for delinquent or criminal acts (Table 5). Risk ratios in Table 5 indicate only a modest effect of child maltreatment on subsequent delinquency and crime. However, the strength of the relationship between child maltreatment and juvenile delinquency or adult crime actually may be underestimated by these studies as they relied only on official records of abuse and delinquency. It is commonly known that many episodes of child abuse and juvenile delinquency go unreported, and thus do not appear in court records.

In addition to histories of child maltreatment, a number of studies also show that juvenile offenders have high rates of current criminal victimization. For example, a study with data from the National Youth Survey found that 45% of youth who reported delinquent acts in the previous year had been physically assaulted or threatened with a weapon during the same period, compared to only 12% of nondelinquent youth (Lauritsen, Sampson, & Laub, 1991). While delinquency may increase a juvenile's risk for victimization, a growing number of studies suggest that living in a violent home or community and fear of victimization also lead to delinquent and criminal behavior among juveniles (Durant et al., 1994; Jenkins & Bell, 1994). In either case, the population of juvenile delinquents includes a disproportionate number of victims.

The strong evidence that (1) child maltreatment is causally related to juvenile delinquency and adult crime, and (2) juvenile offenders are disproportionate as victims of violent crimes raises important policy questions. First, are the child maltreatment and victimization histories of juvenile offenders being adequately assessed? Given current knowledge about the psychological and social impact of child maltreatment and victimization, such information would be important for courts and others to take into account in trying to develop the best strategy for adjudicating and rehabilitating juvenile offenders. There may be treatment needs that are revealed by such an assessment. For example, many juvenile victims are at high risk for adverse but potentially treatable psychological outcomes such as posttraumatic stress disorder and depression (e.g., Boney-McCoy & Finkelhor, 1995). This assessment also may reveal protection needs, such as protection from abusive family members, violent gangs, or generally unsafe neighborhoods.

Second, awareness of juvenile offenders' victimization histories could influence their disposition by courts. According to Feld (1993, p. 262), juvenile courts have moved away from

examining juvenile offenders' "best interests" and toward "proportional and determinate sentences based on the present offense and prior record." This shift in the court's treatment of juvenile offenders is reflected in the fact that from 1988 to 1992, the number of juvenile offense cases transferred to adult criminal court increased by 68%, from 7,000 to 11,700 (Butts, Snyder, Finnegan, Aughenbaugh, & Poole, 1996). Treating more juvenile offenders as adult criminals in all likelihood will lead to increases in victimization as they are incarcerated in adult prisons.

More knowledge of juvenile offenders' victimization histories and research on the effects of victimization also could help to inform judgments about dangerousness and likelihood of recidivism. Few studies have investigated the links between different types of victimization and subsequent delinquency (e.g., Widom & Ames, 1994). A comprehensive system for tracking child victims who enter the justice system would provide an excellent means of filling this important research gap. An important question that could be answered through such a data system is whether the likelihood of recidivism by juvenile offenders is affected by victimization history and/or victimization subsequent to placement by the juvenile or adult courts. If victimization were an important determinant of recidivism, then it would seem to be in the court's best interest to factor both the history and probability of future victimization into its disposition of juvenile offenders.

Such assessment could be facilitated by better instruments for ascertaining offenders' victimization history. These instruments could be developed from a growing number of models that already have been tested with samples of youth in a variety of settings, including low-income communities and juvenile detention facilities (e.g., Durant *et al.*, 1994; Geller & Ford-Somma, 1984; Spaccarelli *et al.*, 1995). Coupled with other diagnostic tools, such as instruments to assess psychological disorders, victimization assessments could provide important information regarding the types of treatment and protection most appropriate for juvenile offenders.

In addition to victimization histories based on self-reported information, there is a need for better cross-referencing between child protection, police, and delinquency records. Availability of such data across agencies would help social workers, law enforcement officials, and other service providers to conduct a more comprehensive assessment of the needs of juvenile victims and appropriate strategies for their treatment and rehabilitation.

Finally, assessment of victimization should be systematically reported in statistics gathered on delinquency. Although juvenile victimization is prominently featured in recent reports from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Snyder *et al.*, 1996) and in a recent review of the juvenile court system (Lewit & Schuurmann Baker, 1996), there has been no systematic attempt to examine the victimization histories of juvenile offenders themselves. Statistics on victimization in these reports are derived primarily from the National Crime Victimization Survey, and thus are not associated with the population of juvenile offenders being processed by the juvenile court system. Therefore, a key issue for OJJDP, the juvenile courts, and other referring agencies is how a system for documenting the victimization histories of juvenile offenders could be put into place as a means of (1) more accurately characterizing juvenile offenders and (2) informing intervention strategies such as counseling of youth and their families and out-of-home placement.

In summary, research indicates that juvenile offenders are overrepresented as victims and witnesses of crimes. Unfortunately, no systems are in place at the federal or state levels to (1) track child victims who enter the justice system, (2) assess and document the victimization histories of juvenile offenders, or (3) monitor the effectiveness of interventions implemented on behalf of child victims, such as out-of-home placement (Barth, 1996). Although the

majority of first-time juvenile offenders do not return to juvenile court, it is entirely possible that court dispositions are placing many juvenile offenders in situations in which they are at high risk for further victimization. Only through a more comprehensive system of assessing and documenting the careers of child victims will we be able to help juvenile offenders and assess the outcomes of victimization services provided by child protection agencies and the juvenile courts.

CHILD VICTIMS INVOLVED IN STATUS OFFENSES

In 1994, nearly 500,000 juvenile arrests were for status offenses, about half of them runaways (Table 6) (Snyder et al., 1996). Most status offenses are handled by police without further court involvement, but the exact number referred to the court is not known (Butts et al., 1996). Only 20% of court referrals resulted in formally petitioned cases in 1994 (Steinhart, 1996) and even fewer resulted in out-of-home placement.

Like juveniles who have committed violent and property crimes, juvenile status offenders include a disproportionate number of child abuse and crime victims. A national study of 587 runaway and homeless adolescents revealed that 46% of youth interviewed in shelters and 39% of youth interviewed on the street had been victims of physical abuse in their homes (Greene, Ringwalt, & Kelly, 1995). At least 60% of the youth had suffered emotional abuse and about half were classified as throwaway youth. Unfortunately, the victimization experiences of these runaway, throwaway, and homeless youth do not end in their homes. At least 7% of the youth living in shelters and 11% of the street youth had suffered from some type of violent victimization (robbery, physical assault, sexual assault) after leaving their homes. Not surprisingly, these victimization percentages were substantially higher among youth who had not returned to their homes for an extended period of time. Compared to the general population of adolescents, these runaway, throwaway, and homeless youth also were at high risk for a variety of problem behaviors including substance abuse, suicide attempts, unsafe sexual behavior, and criminal activities. Many of these illegal activities were commonly referred to as survival tactics (e.g., exchanging sex for money, food, subsistence, or drugs).

Research and policy issues that arise for status offenders are similar to those discussed in the previous section on juvenile delinquency and crime. In general, little is known about the victimization histories and futures of status offenders, particularly runaway or throwaway youth who make up the largest proportion of status offenders. This lack of information has resulted in part from inadequate assessment, documentation, and reporting by agencies

Table 6. How Status Offense Cases Were Processed by the Juvenile Justice System in 1994

Type of offense	Number of arrests	Number of arrestees going to court	Number of court cases	Number (%) of court cases placed out-of-home
Runaway	248,800	?	21,500	6,200 (29)
Liquor law violation ^a	120,000	?	33,600	2,000 (6)
Curfew/loitering	128,400	?	?	?
Truancy	?	?	36,400	4,000 (11)
Ungovernable	?	?	15,700	4,400 (28)

^aLiquor law violation arrests include public drunkenness as well as underage drinking.

providing services (e.g., shelters) for runaway and homeless youth. Although arrest statistics are available from police departments, these data do not provide information on the circumstances surrounding the arrests nor do they tell us why the vast majority of status offenders never appear in juvenile court. Similarly, juvenile court statistics tell us little about the importance of prior and future victimization in the adjudication of status offenders. Thus it is impossible to determine whether only a small percentage of status offenders are victims of maltreatment or whether a large number of status offenders are being returned to homes and communities where they will be revictimized. A better system for documenting and tracking status offenders who enter the broadly defined justice system would help us to know more about these youth and better serve their needs.

Despite the recent movement to deinstitutionalize status offenders, juvenile courts may be in the best position to provide leadership in (1) establishing a better system for documenting the intake and assessing victimization histories of status offenders and (2) ensuring that adequate services are available for these youth (Steinhart, 1996). While some researchers and policymakers have argued that the juvenile courts should not have jurisdiction over status offenders (e.g., Ketcham, 1977; Schwartz, 1989), others have argued that juvenile courts should take an active role in helping communities develop adequate service options for these youth (Edwards, 1992). Although this may be a nontraditional role for the juvenile court, it could in the long run serve to reduce the court's burden of status offender cases that is likely to increase with the growing adolescent population (Steinhart, 1996).

CONCLUSION

It is impossible on the basis of current knowledge to estimate the aggregate number of juvenile victims who come within the purview of the justice system, broadly speaking. Estimates developed in this chapter suggest that each year about 750,000 teen victims of violent crime are reported to police, 1.1 million substantiated or indicated victims of child abuse and neglect are known to child protection authorities, and 360,000–400,000 children reside in a home where police are called for spousal violence. Of the 900,000 youth arrested for serious violent or property offenses or the 500,000 arrested for status offenses, some significant proportion (ranging from 20 to 50%) are victims of child maltreatment and a similar proportion victims of other recent kinds of crimes and assaults. Such figures cannot be aggregated, of course, since many of them count the same children through the lens of different justice system processes. However, the numbers clearly portray a justice system with access to a large number of childhood victims of crime, violence, and abuse.

The relative proportions also are difficult to compare. It may not be coincidental that the largest figure—the one for substantiated and indicated child abuse and neglect—is also the only one based on a large formal data system established specifically to count victims coming to the attention of authorities.

Based on the data available, some crude sketch can also be made of the mixture of children of different ages being identified by the various systems (Fig. 1). The child protection system tends to identify somewhat more younger than older children. Juveniles being arrested and detained for criminal and status offenses tend to be almost exclusively teenagers. Close to half of all children in families with spousal assault arrests appear to be under 6 years, with less than a quarter older than 12 years. Crime victims reported to the police tend to be primarily teens with fewer school-age children and very few preschoolers.

Thus, the overall developmental picture appears to be as follows: Preschool victims

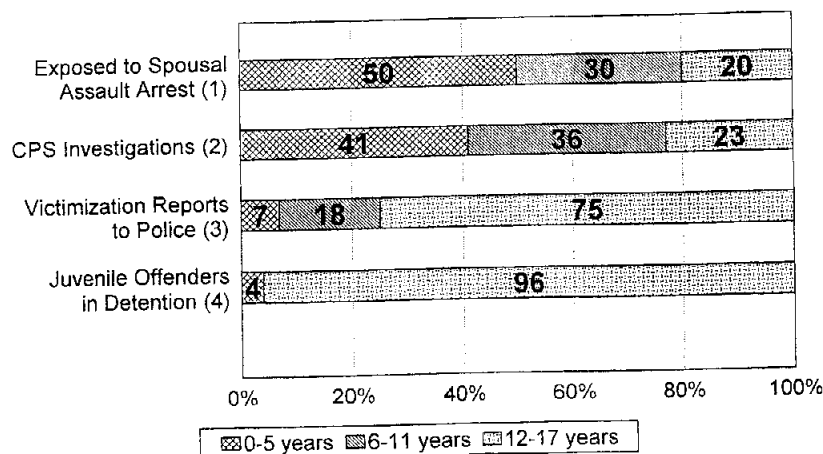


Figure 1. Age distribution of juveniles in various justice system contexts. (Sources: (1) Fantuzzo et al. [1997]; (2) National Center on Child Abuse and Neglect [1997]; (3) Snyder and Sickmund [1995]; (4) Butts et al. [1996].)

primarily come into the justice system via reports of child abuse and in conjunction with spousal assaults. School-age children come to attention via these same two routes, plus a certain amount of direct police reported crime victimization. Teenagers come into justice system contact through all five avenues, with the delinquency and status offense route being one they exclusively monopolize.

This review has attempted to make clear that the problem of child victims in the justice system is indeed complex and multifaceted and can be looked at from many angles. It can be looked at from the angle of the type of victimization experienced, from the angle of the ages of the children victimized, or from the angle of the justice system process in which the children are involved. The policy issues are numerous and wide-ranging and vary according to many of these dimensions. It is clear that considerable debate has occurred about these issues in recent years and much progress been made.

But it also is true that this agenda is to some extent hampered by the absence of a clear sponsor. That is to say, in this policy domain, unlike some others, there is no single or primary lobbying group, profession, or government agency whose major objective is to foster progress in regard to child victims in the criminal justice system. Government agencies like the Office of Juvenile Justice and Delinquency Prevention and the National Center on Child Abuse and Neglect occupy themselves with only a part of problem. Organizations like American Professional Society on the Abuse of Children likewise are only partially involved.

A comprehensive approach to dealing with child victims within the justice system should perhaps focus on four primary goals, abbreviated by the words recognition, protection, rehabilitation, and accountability:

1. **Recognition.** It should be a goal of the justice system to recognize more fully the presence and extent of victimization among the children who come within its purview by better history taking and assessment and by improved record-keeping and exchange of information among components of the system.
2. **Protection.** It should be a goal of the justice system to protect child victims of crimes from both continued victimization by their perpetrators and from unnecessary trauma and discomfort associated with the processes and procedures of a system not designed

with the needs of children in mind. Child victims should have all the safeguards and opportunities afforded adults in protecting them from further victimization. They also should have special mechanisms and services, to the extent consistent with the constitution, to help mitigate the experience of justice system contact.

3. Rehabilitation. It should be a goal of the justice system to help child victims recover from the effects of victimization. Services and programs should be available so that victimization is less likely to have continuing effects on children's development and less likely to result in further involvement with the justice system.
4. Accountability. It should be a goal of the justice system to have information systems that allow it to fully evaluate its impact on children and the impact of new policies and programs. This should mean being able to track adequately the length of time children are involved in the justice system, the reasons for their involvement, and the kinds of interventions and outcomes that result.

A justice system able to implement such goals would certainly be one that brought a much larger measure of justice to the lives of children and youth.

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