JAMES BOYS RANCH SAFETY AND SECURITY

Summary

The 2004-2005 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint that the William F. James Boys Ranch (James Ranch), operated by the Santa Clara County Probation Department (Probation), does not have adequate security measures to prevent sentenced juveniles from escaping. Some of the juveniles sentenced to this rehabilitation facility have been convicted of violent crimes. The Grand Jury inquiry resulted in seven recommendations. In summary, the Grand Jury recommends that:

- Santa Clara County Board of Supervisors (BOS) should monitor the use of the recently approved Global Positioning System (GPS) and, if this does not prove successful in deterring escapes, consider alternatives such as a perimeter fence;
- Probation should continue to sponsor regularly scheduled, well-publicized community outreach programs with residents of Morgan Hill neighborhoods adjacent to, and in the vicinity of, the James Ranch;
- BOS should secure funding and extend the contract with the Santa Clara County Sheriff's Department (Sheriff) to provide full-time deputies to patrol the James Ranch property and vicinity;
- Probation should keep in place the additional staff already allocated to the James Ranch so that heightened internal security measures at the James Ranch can be sustained:
- BOS should direct Probation to seek alternate funding sources to cover the cost of enhancements to security and to facilitate the implementation of programs to assist in the rehabilitation of juveniles housed at the James Ranch;
- BOS should provide funding for increased training of Probation staff so they become more knowledgeable and proficient in the core skills relating to their juvenile rehabilitation duties; and
- Probation should request the extension of treatment/rehabilitation programs at the James Ranch to range from 120 days up to 240 days.

Background

A major responsibility of government is to protect its citizens from crime. Juvenile crime is a substantial part of the overall crime rate. According to Probation, the types of

crimes committed by juveniles today are more sophisticated and serious than 40 years ago when existing facilities were built at the James Ranch.

In 2004, Santa Clara County (County) voters approved Measure A, which amended the County Charter and moved responsibility for Probation from the Santa Clara County Superior Court (Superior Court) to the County Executive (CE). It also gives the Santa Clara County Board of Supervisors oversight and policy-making authority over Probation and authorized the BOS to establish a Juvenile Hall Advisory Board. The purpose of the Charter amendment was "to improve safety and conditions for children at Juvenile Hall (and the Ranches) based on independent audit recommendations."

The goal of Probation is two-fold: 1) protect the community, and 2) provide programs and services that will rehabilitate youths to lead more productive, positive and law-abiding lifestyles.

The James Ranch is an unfenced, minimum-security County rehabilitation facility for juvenile males aged 15½ to 18 years. The James Ranch lies within the limits of the City of Morgan Hill (Morgan Hill) on 27 acres of land adjacent to the eastern foothills. Coyote Creek flows along the western boundary and County parkland lies along the southern boundary. Immediate access to the campus is gained by a bridge across Coyote Creek connecting to Malaguerra Avenue. The lands lying to the west of Malaguerra Avenue have been zoned for residential development by Morgan Hill. Much of the available property is already developed with single-family dwellings.

The James Ranch operates "24/7" and has a capacity of 96. The crimes committed by juveniles assigned to the James Ranch include, but are not limited to violent crimes against persons, property crimes, gang involvement, and violation of probation. According to Probation, youths considered high-risk are not recommended for placement at James Ranch. Youths are deemed high-risk if convicted of serious felony offenses such as murder or attempted murder, rape with force or violence, carjacking or kidnapping, or if they have acute mental health needs. These more serious offenders are usually sentenced to Juvenile Hall, long-term out-of-home placement, the California Youth Authority (CYA) or adult correctional facilities. Although Superior Court judges consider recommendations from Probation, they have full discretion to sentence juvenile offenders to any facility or program, as they deem appropriate. In response to community concerns, the Chief of Probation emphasized that the department would not recommend to the Superior Court that a juvenile convicted of rape be placed in a program at the James Ranch.

Youths committed to the James Ranch are placed in a comprehensive system of rehabilitative care that includes classes based on the County's educational curriculum, vocational and life skills training, focused counseling, community service and a structured living environment. Victim awareness and restitution are also emphasized.

The minimum-security design of the James Ranch has resulted in a dramatic increase in the number of runaways and escapes over the past five years (see Figure 1). Youths who run away from minimum-security ranches often have low impulse control and have difficulty adjusting to a highly structured rehabilitative setting.

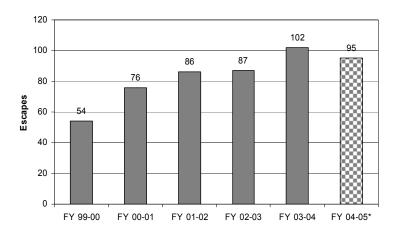


Figure 1: James Ranch Number of Escapes

* FY 04-05 data have been annualized based on actual data through mid-April 2005

Discussion

Escape from James Ranch is relatively easy because there is no perimeter fence or uniformed security staff patrolling the grounds. The California State Board of Corrections requires minimum-security facilities to have unlocked doors and the County Fire Marshall prohibits exit doors from being locked inside the James Ranch.

In January 2005, a fight broke out among rival gang members who were housed at the James Ranch. During the fight, four male juveniles escaped from the facility. Sheriff's deputies, Morgan Hill Police Department (MHPD) officers, a law enforcement helicopter and additional law enforcement officers searched for the juveniles for several hours. Two of the escaped juveniles were located and returned to custody a few days after the escape. Two others were not apprehended.

The January incident prompted the formation of a grassroots community group to voice their concerns for the safety of neighbors in the vicinity of the James Ranch. They directed their concerns to Probation, the District One County Supervisor, the CE and law enforcement agencies.

At the community forums, it was learned that some juveniles housed at the James Ranch had committed violent crimes, some of which were felony gang activities, shootings and Assaults with a Deadly Weapon (ADW). See Figures 2, 3 and 4.

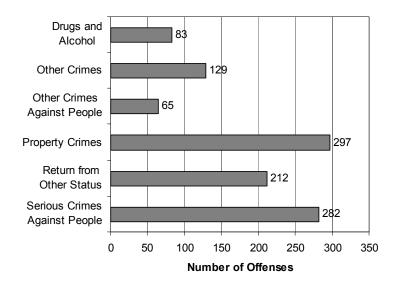


Figure 2: James Ranch Offense Categories, January 1, 2000 to February 12, 2005

Note: "Return from Other Status" includes violations of probation,

warrant arrests, ranch escapes, community release failures, electronic monitoring failures, and informal supervision failure.

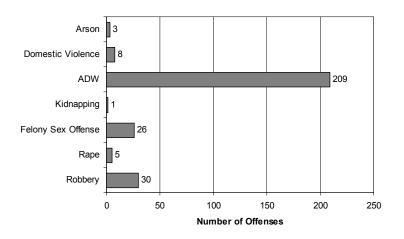


Figure 3: James Ranch Serious Crimes Against People, January 1, 2000 to February 12, 2005

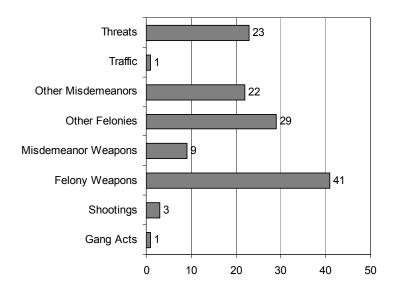


Figure 4: James Ranch "Other" Crimes, January 1, 2000 to February 12, 2005.

COMMUNITY AND AGENCY CONCERNS

Area residents complained that juveniles escaping the James Ranch flee through their neighborhoods, backyards and streets, causing them great concern for their safety and security. Many residents complained that there is no warning system when an escape occurs, generating fear of a confrontation with escapees. According to Probation, there have not been any assaults against any of the James Ranch staff or area residents in the past 15 years. Many of the escaped juveniles were interviewed by staff upon their capture or return and most indicated "they just wanted to get home to take care of unfinished business with families." Residents are concerned that a juvenile escaping from the James Ranch cannot be readily identified in their surrounding neighborhoods. Probation is currently in the process of designing distinctive clothing. The color selected for the clothing will be different from colors sometimes worn by gang members. The identification and markings on the garments will easily identify the wearer as a juvenile in custody at the James Ranch.

Any juvenile who leaves the James Ranch property without authorization is considered an escapee and is in violation of Section 871 of the California Welfare and Institutions Code. A violation of this code is usually a misdemeanor offense; however, if the juvenile uses force or violence, the escape becomes a felony violation. A juvenile escaping the James Ranch may be pursued by James Ranch staff but under no circumstances will the juvenile be pursued by staff beyond the James Ranch property lines. Probation is considering amending its current policies to authorize Probation staff to leave the James Ranch and assist law enforcement personnel with canvassing neighborhoods.

There is no fence on the James Ranch perimeter, except at the vehicular bridge crossing the Coyote Creek. Escape from the property can be achieved by crossing through the creek where passage is possible. The creek does pose a natural barrier during certain

times of the year when water levels and flows from the nearby Anderson Reservoir make a crossing perilous. Escape attempts across other boundaries of the James Ranch seem to be rarely attempted due to dangerous terrain and the considerable distances to accessible roads, highways and transportation. There are currently no security controls or devices in place to detect egress across the property line and boundaries of the James Ranch.

Many residents and Probation staff have concerns that construction of a fence would "harden" the facility and encourage the Superior Court to sentence more violent offenders to programs offered at the James Ranch. Due to the nature of their crimes, many of the most violent, high-risk juvenile offenders are now sentenced to Juvenile Hall, out-of-state programs or the CYA. If more such offenders were sent to James Ranch, Probation staff, in advising Superior Court, would have to develop and adopt more innovative procedures to "screen out" juveniles who would not benefit from rehabilitation programs.

The Grand Jury is aware that a fence erected along the property boundaries of the James Ranch can be conspicuous and obtrusive to nearby neighbors and residents. Mindful of area property values, landscaping and materials could be used to create an aesthetically pleasing fence. The CE estimates the cost to plan and construct an adequate fence for the James Ranch to be in excess of \$5 million.

Another alternative proposed by the CE and Probation in March 2005 is to utilize GPS tracking technology. A GPS anklet or bracelet could be placed on a juvenile who is housed at the James Ranch to continuously monitor his location within the boundaries of the facility. If the juvenile crosses the perimeter boundary while wearing the GPS device, an alert would notify on-duty James Ranch personnel of a security breach. The location of the wearer of the device could then be tracked using GPS technology. A tamper resistant mechanism built into the GPS device would make it difficult for anyone to remove. If the GPS device were removed, an alert would also notify the staff of the removal. The cost is approximately \$400,000 to install and operate the system.

NEW PROCEDURES

New guidelines for response to escapes from the James Ranch have been adopted by Probation and MHPD that has jurisdiction over much of the area adjacent to the perimeter of the James Ranch. Probation is now required to notify MHPD within ten minutes of an escape so that law enforcement resources can be mobilized to assist in the apprehension of fleeing juveniles. This procedure has worked well since January 2005, when the guidelines took effect, except in one instance when Probation failed to notify MHPD in a timely manner after an escape occurred.

Probation has also contracted with the Sheriff to provide patrol and security inside and outside the James Ranch boundaries approximately 12 hours a day, 7 days a week. The hours of the Sheriff's patrol vary on a day-to-day basis. The physical presence of a deputy sheriff is thought to be a deterrent to a juvenile's impulse to escape. The cost for the on-site deputy sheriff is currently being paid from the Probation budget. Probation has also hired two additional staff members who are solely responsible for security and surveillance inside the facility.

Juveniles who escape the James Ranch are placed in Juvenile Hall in San Jose once they are apprehended and are scheduled to reappear before a Superior Court Judge. The

Superior Court may prescribe that the juvenile be returned to the James Ranch for another structured period of time.

PROBATION'S CHALLENGE

Probation has a small budget and limited personnel resources to carry out its difficult task of housing and rehabilitating juvenile offenders. To understand this challenge, the Grand Jury examined national as well as local juvenile arrest and crime statistics in order to evaluate the programs, projects and endeavors that could produce the maximum beneficial outcome for the minimum investment.

The number and character of juvenile offenders today is different from those incarcerated in the 1960s. According to the Office of Juvenile Justice and Delinquency Prevention, the national juvenile arrest rate rose steadily from the 1960s to the mid-1990s, when it began to decline. In 1960, the arrest rate of 10 to 17-year-olds was 20.1 per 1,000. By 1996 – nine years ago – the arrest rate had risen to 95 per 1,000 (over 300% increase). From 1996-2003, however, the rate dropped to 65 per 1,000 (a 32% decrease from the 1996 peak). (See Figure 5.)

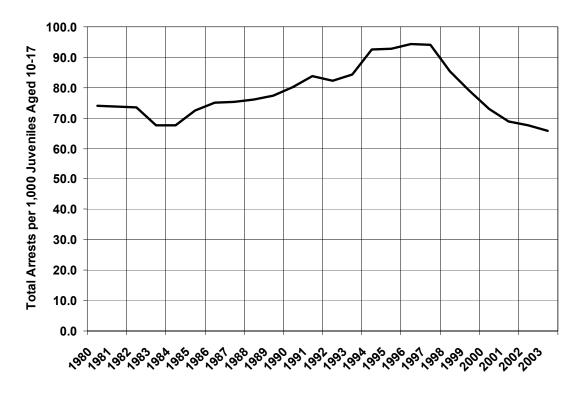


Figure 5: Overall National Juvenile Crime Index – Total Arrests per 1,000 Juveniles Ages 10-17

As shown in Figure 6, the overall national index of juvenile violent crime increased from about 3.1 per 1,000 arrests in the early 1980s to peak at about 5.3 per 1,000 in 1994 (a 71% increase). Since 1994, the juvenile violent crime index has dropped to a rate of about 2.7 per 1,000 (a 49% decrease), which is below the rate of the early 1980s. The proportion of murders among juvenile violent crimes peaked in 1993 at 2.9% and then

dropped to 1.2% in 2003 — the lowest level since 1980. The proportion of forcible rapes among juvenile arrests for violent crimes peaked in 1986 at 6.7% and had fallen to 4.6% in 2003. The proportion of robberies among juvenile arrests for violent crimes had fallen from a high of 50.1% in 1980 to 27.8% in 2003. In contrast, the proportion of aggravated assaults among juvenile arrests for violent crimes had risen steadily from about 43% in 1980 to 66.4% in 2003. The proportion of Property Crime Index offenses among all juveniles arrested fell from 35% in 1980 to 21% in 2003.

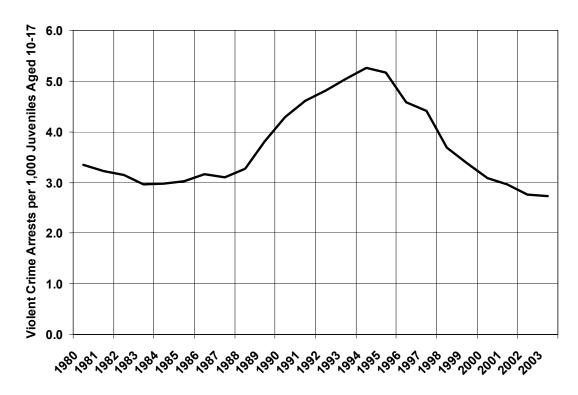


Figure 6: National Juvenile Violent Crime Index – Arrests per 1,000 Juveniles Ages 10-17

The Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) provides detailed information about crimes reported to law enforcement, including law enforcement's assessments of which crimes were committed by adult offenders and/or juvenile offenders. Analysis of NIBRS data from 1997 and 1998 shows that 19% of the non-fatal violent crimes were committed by a juvenile offender—either a juvenile acting alone, multiple juveniles, or a juvenile and adult offenders acting together. About two-thirds (62%) of the victims of non-fatal violence committed by juvenile offenders were themselves younger than 18. Details are shown in Appendix A.

The Grand Jury is encouraged by the decrease in all juvenile crime, especially in the category of juvenile violent crimes. The Grand Jury is optimistic that these trends will continue with the commitment from government agencies responsible for budgetary allocations for juvenile rehabilitative programs, as discussed next, in both the public and private sectors.

REHABILITATION VS. PUNISHMENT

Discussions with the Chief of Probation and the James Ranch Probation Manager convinced the Grand Jury that security could also be enhanced and complimented by adopting other program changes that emphasize rehabilitation of juvenile offenders instead of punishment. The current length of stay at the James Ranch is 120 days. Studies indicate a longer period of rehabilitation, education, treatment and counseling would be beneficial to achieve more consistent, positive experiences and outcomes for the juvenile offenders. To this end and marking a sharp turn in philosophy, the Governor of California agreed to put therapy and positive reinforcement at the heart of California's youth penal system, rejecting today's more punitive approaches. Leaders of the CYA called the Governor's action "historic" and said that, while the reforms would cost an undetermined amount of money up-front, there would be savings in the long run by helping more young offenders to reform.

At James Ranch, a change in the duration of detention from the current 120 days to 240 days is under consideration. This change would implement the philosophy of the "Missouri Model" which emphasizes rehabilitation over punishment and reduces the need for high security fencing. The State of Missouri has discontinued the use of larger "penitentiary-style" training schools for juveniles in favor of smaller settings where offenders are typically assigned to groups of no more than 12. The Missouri recidivism and escape rate is described as among the lowest in the nation. Hallmarks of the "Missouri Model" include:

- The opening of programs near the offender's home, so parents can participate in therapy;
- A wide range of programs so that violent offenders are kept separate from those guilty of less serious crimes;
- Day treatment centers to help recent offenders make an easier transition to life outside; and
- Intensified staff training in core skills relating to juvenile rehabilitation.

While these programs create an added expense, the long-term result may be a cost savings to the County and a benefit for the community. If the rate of recidivism drops, extra expenses for personnel, such as law enforcement and staff who are responsible for security, can be pared down.

Probation in Santa Clara County currently offers many programs to juvenile offenders. Meaningful work programs are offered to provide constructive vocational training opportunities as well as to increase a juvenile's sense of responsibility. Classes and programs are provided in areas such as painting, construction, welding, automotive repair and landscaping. Educational programs are also a part of the juvenile's weekly schedule. Daily classes in English, mathematics, science, social studies plus an elective are available. Other programs offered include parenting, sexual education, anger management, chemical dependency treatment, domestic violence education, gang awareness, health realization and sexual offender counseling.

AFTERCARE PROGRAMS

Virtually all juveniles are placed on "aftercare status" when they transition out of the James Ranch. Aftercare is a ten-week program designed to transition juveniles back to the community. During this phase of the program, the juveniles who have successfully completed the James Ranch portion of the program may be required to continue reinforcement programs such as family counseling, domestic violence counseling and sex offender counseling.

Increasing attention is being paid to what happens after juveniles are released back into the community. The "what happens?" question frequently is asked in reference to two closely related issues. The first is whether released offenders will commit additional crimes, particularly crimes against persons, and thereby threaten public safety. In fact, one of several motivations for prolonging incarceration is that confinement is regarded as the primary way to prevent offenders from committing additional crimes. Implicit in this view is the belief that the experience of incarceration is insufficient to prevent or deter offenders from committing crimes when released. A second, very closely connected issue centers on what is being done to ensure that released juvenile offenders will not continue to offend. Much uncertainty surrounds the community adjustment of juvenile offenders after release, and some believe the best policy is to postpone release as long as possible. Prolonged incarceration is problematic, however, for several reasons. First, it is very expensive. Second, many juvenile institutions are already overcrowded and space is scarce. Third, a longer detention period without appropriate rehabilitation programs has not demonstrated measurable reductions in juvenile arrests following release.

There are many challenges to recovery facing the juvenile offender. One of the most difficult is the transition to home – either to parents and family or to life on one's own. The challenges of finding a job and living quarters, enrolling in school, or handling on-going family problems can place a juvenile recently released from the program at risk of failure. Elements proven to increase a juvenile's chances of success are being implemented through private support in programs such as Boys Republic. In these types of programs, the agency provides community resource counseling, family reunification counseling, aftercare assistance awards, medical and dental care, and educational and vocational scholarships. Programs such as these are privately funded but significantly improve a juvenile's prospect for long-term success. Case managers help the juveniles successfully return to their communities and they may serve as counselors for the juveniles. They refer them to appropriate services in the community, including programs that address specific needs such as participating in Alcoholics Anonymous or Narcotics Anonymous meetings. As can be seen in Figure 7, many of the juveniles who are returned to the James Ranch have violated probation. This indicates to the Grand Jury that aftercare programs need to be more intense, structured, reinforced and consistent.

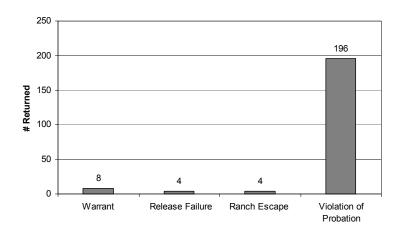


Figure 7: James Ranch Juveniles Returned to Custody, January 1, 2000 to February 12, 2005

Currently one Probation Officer is responsible for monitoring the juveniles on aftercare and can have a caseload that requires up to 30 individual contacts with juveniles per day. A breach of this aftercare "contract" includes bringing the juvenile back to the James Ranch for up to 10 additional weeks.

Conclusions

The safety and security of the James Ranch is both an economic and emotional issue with the residents and taxpayers of Santa Clara County. The area near the James Ranch, now becoming even more densely populated, is no longer remote. Issues regarding juveniles escaping the facility now have an immediate impact on residents. The Board of Supervisors, Probation and the community together should continue actively collaborating, formulating and adopting both short-term and long-term solutions. New and innovative programs that challenge the juveniles and hold them accountable for their actions should be implemented so that the James Ranch and the community can co-exist in a safe and secure environment. The Grand Jury concluded its inquiry with four findings and seven recommendations.

Finding 1

Security of the James Ranch is compromised because no barrier controls are in place to prevent a juvenile housed at the facility from escaping into the nearby neighborhoods. The reported increase in the severity of juvenile crime of the James Ranch residents is an adequate basis for Probation to re-evaluate its no-barrier philosophy for the James Ranch. Area residents concerned for the safety of their families due to escapes by juvenile offenders housed at the James Ranch have started a grassroots organization to participate in dialogues with Probation, law enforcement and County officials.

Recommendation 1A

The Santa Clara County Board of Supervisors should review options and funding to enhance security of the James Ranch, monitor the use of the recently approved Global Positioning System, and, if use of GPS does not prove successful in deterring escapes, consider alternatives such as a perimeter fence.

Recommendation 1B

Probation should continue to sponsor regularly scheduled, well-publicized community outreach programs with residents of Morgan Hill neighborhoods adjacent to, and in the vicinity of, the James Ranch.

Finding 2

Since no fencing is currently in place to prevent escapes by James Ranch juveniles, a temporary contract with the Sheriff provides added security inside and outside the James Ranch facility. Extra James Ranch staff has also been added to augment security by providing more personnel to detect and discourage escape attempts.

Recommendation 2A

The Santa Clara County Board of Supervisors should secure funding and extend the contract with the Sheriff to provide full-time deputies to patrol the James Ranch property and vicinity.

Recommendation 2B

Probation should keep in place the additional staff already allocated to the James Ranch so that the heightened internal security measures at the James Ranch can be sustained.

Finding 3

Limited funds allocated to Probation by the Board of Supervisors make it difficult to implement new juvenile programs such as rehabilitation methods similar to the "Missouri Model".

Recommendation 3A

The Board of Supervisors should direct Probation to seek alternate funding sources, such as private endowments, partnership grants and the Federal government, to cover the

cost of enhancements to security and to facilitate the implementation of programs to rehabilitate juveniles housed at the James Ranch, including aftercare programs once the juveniles are released back into the community.

Recommendation 3B

To improve the chance of success of program implementation, the Santa Clara County Board of Supervisors should provide funding for increased training of Probation staff so they become more knowledgeable and proficient in the core skills relating to their juvenile rehabilitation duties. Orientation sessions for incoming juveniles should be intensified and supervised by staff trained in juvenile rehabilitation.

Finding 4

Programs are currently structured and limited to 120 days for juveniles sent to the James Ranch for rehabilitation.

Recommendation 4

Probation should request the extension of treatment/rehabilitation programs at the James Ranch to range from 120 days up to 240 days, allowing additional rehabilitation time to enhance the potential for a more promising positive outcome for the juveniles enrolled in these programs.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury on this $5^{\rm th}$ day of May, 2005.

Michael A. Smith
Foreperson

References

Documents

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- 14. Morgan Hill Times "Escape Prompts Call for Better Security" 22 Jan. 2005
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- 16. San Jose Mercury News "Residents Worry about Boys Ranch Escapes" 24 Feb. 2005
- 17. Dilulio, John. Body Count: Moral Poverty And How to Win America's War Against Crime and Drugs, Simon & Schuster, 1996
- 18. Boys Republic, 2004 Annual Report, Pg. 6

Interviews

- 1. Santa Clara County Chief Probation Officer, 3 March 2005
- 2. Santa Clara County Probation Manager, 25 March 2005

Site Visits

1. William F. James Boys Ranch, 15 Oct. 2004 and 25 March 2005

Meetings Attended

1. William F. James Boys Ranch Community Meeting, DePaul Health Center, Morgan Hill, 29 March 2005

Appendix A

Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) Information about crimes reported to law enforcement 1997 and 1998

The Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) provides detailed information about crimes reported to law enforcement, including law enforcement's assessments of which crimes were committed by adult offenders and/or juvenile offenders. Analysis of NIBRS data from 1997 and 1998 shows that:

- Most (95%) of the victims of sexual assaults committed by juveniles were younger than 18, as were 43% of victims of juvenile robberies, 53% of juvenile aggravated assaults, and 61% of juvenile simple assaults;
- Almost half (48%) of the victims of non-fatal violent crimes committed by juveniles were other juveniles who were acquaintances of the offender;
- About 1 in 15 victims of non-fatal violent crimes by juveniles (7%) was an adult who was a stranger to the offender;
- Most (74%) of the victims who reported violent crimes by juveniles said the offender was a male;
- Many (42%) of the female victims of violent crimes by juveniles were victimized by other females;
- Among victims of simple assaults by juveniles, more than half (52%) of those older than 30 were the offender's parent or stepparent;
- Among all victims of violent crimes involving juvenile offenders, 17% faced multiple juveniles acting together and 15% faced juveniles and adults acting together. Among victims of robberies involving juveniles, 61% faced multiple offenders;
- In sexual assaults, robberies, and aggravated assaults committed by juveniles, 40% of victims were injured, compared with 48% of the victims of the same offenses committed by adults;
- About 1 in 2 juvenile victims of violent crime (51%) faced a juvenile offender; and
- About 1 in 10 adult victims of violent crime (9%) faced a juvenile offender.