Introduction

- Defining Delinquency
  - two types of prohibited behavior
    - criminal offenses
    - status offenses
  - problems with legal definition of delinquency
    - doesn’t distinguish in those who engage and those charged
    - covers an overly broad range of behavior
    - status offenses
    - age to determine whether individual classified as juvenile or adult
    - limitations vary across states
  - shortcomings of age limitations
    - no agreed upon age at which a youth becomes adult
    - individual youth mature at different rates
    - treated as adults when commit crimes though denied adult rights
The Nature & Extent of Juvenile Crime/Victimization

Measuring Delinquency

- two common methods of measuring crime trends
  - Uniform Crime Reports (UCR)
  - National Crime Victimization Surveys (NCVS)

- three sources for measuring nature/extent of juvenile crime
  - self-report surveys
    - youth reported behaviors from status offenses to serious crimes
    - uncover and reveal patterns of unreported delinquent behavior
  - panel studies
    - self-report study using a representative sample of youth
    - repeated self-report measures through adulthood
    - determine both the onset and course of individual’s delinquent career
  - cohort studies
    - follow groups who have something in common over a period of time
    - study patterns of behavior over the life course
The Nature & Extent of Juvenile Crime/Victimization

- Measuring Delinquency
  - The Monitoring the Future Study (MTF)
    - studies changes in young people in U.S.
      - attitudes/beliefs
      - behaviors
    - monitors trends among adolescents and young adults in U.S.
      - abuse
      - substance abuse
  - Youth Risk Behavior Surveillance System (YRBSS)
    - examines behavior contributing to leading causes of death in U.S.
      - tobacco/alcohol/drug use
      - sexual behaviors
      - dietary behaviors
      - behaviors leading to unintentional injuries and violence
      - physical inactivity
The Nature & Extent of Juvenile Crime/Victimization

- **Patterns of Delinquency**
  - 1988-1994, arrests for violence increased dramatically
    - breakdown of the family
    - declining morals
    - violence in the media
    - crack epidemic
  - 2003
    - arrest rate for violent crime was lower than any time since 1980
    - males ages 10-17 accounted for 71% of juvenile arrest
  - 2004
    - youth ages 10-17 accounted for 11.4% of general population
      - 15.8% of all arrests
      - 15.5% for violent crime
      - 27.5% for property crime
Patterns of Delinquency

2005
- arrests for violent crime increased to 283 per 100,000 juveniles
- arrests for property crime decreased to 1,246 per 100,000

Nature/extent of delinquency varies across race & gender
- majority of juveniles arrested are white
- black youths disproportionately represented in arrest data
- male youths disproportionately represented in arrest data
- female delinquency rose 35% from 1980-2000

Levels of juvenile crime relatively stable over past 25 years
- juveniles represent 16% of all arrests
- most involve minor offenses unknown to authorities
- nearly 6% of youths responsible for over 1/2 of juvenile crime
- black youth disproportionately involved in serious crime
- primarily a male domain
The Nature & Extent of Juvenile Crime/Victimization

- Juvenile Victimization
  - 1993-2003
    - victimization for all nonfatal crimes declined 54 percent
    - ages 12-18 more than twice as likely as adults to be victimized
    - rates were higher for males than females
    - both white & black juveniles likely to be victimized by violent crime
    - urban youth more likely to be victimized by violent crime
    - two in three violent crimes were committed with a weapon
    - most common location for violent victimization was school
    - school victimization was higher for youth 12 to 14 years of age
Causes of Delinquency

Theories of Delinquency

- social learning theories
  - Edwin Sutherland - Theory of Differential Association (1947)
    - criminal behavior is learned by observing behavior of others
    - interaction with intimate personal groups that support criminal behavior
  - Burgess and Akers extend Sutherland’s theory (1966, 1996)
    - emphasized the concepts of modeling and operant conditioning
    - imitate a behavior and then repeat that behavior when it is rewarded

- strain theory
  - Merton
    - motivator- inability to achieve desired goals through legitimate means
  - Cohen
    - motivator- inability to achieve middle class status
  - Agnew’s General Strain Theory
    - motivator- anticipated or actual removal of positively valued stimuli
    - motivator- anticipated or actual presentation of negative stimuli
Theories of Delinquency

- social bond theory (Hirschi)
  - youth with higher levels are less likely to engage in delinquency
    - attachment
      - psychological and emotional connection one feels toward others
    - commitment
      - degree one has invested in certain activities, particularly school
    - involvement
      - time spent in conventional activities such as studying or athletics
    - belief
      - conventional values and norm

- labeling theory (1960)
  - emphasizes negative consequences of labeling youth delinquent
    - negative self-image leads to further delinquency
    - certain youth avoid labels because of status
      - caucasian
      - wealthy
Causes of Delinquency

- Risk-Protection Framework
  - characteristics that increase likelihood of delinquency
    - risk factors
      - lack of supervision and discipline/family conflict
      - lack of commitment to school/academic failure
      - antisocial peers/attitudes
      - substance abuse
  - characteristics that decrease likelihood of delinquency
    - protective factors
      - positive personality and social orientation
      - support relationships with family members or other adults
      - prosocial family and community norms
    - resiliency
      - capacity for successful adaptation to certain circumstances
      - internal or external factor enables them to overcome adversity
Causes of Delinquency

- Substance Abuse
  - strong correlation between substance abuse & delinquency
    - 2004 National Survey on Drug Use and Health (ages 12-17)
      - 30% reported using an illicit drug at least once during their lifetime
      - 21% reported drug use during the past year
      - 10.6% reported having used an illicit drug during the past month
      - 17.6% reported using alcohol during the past month
      - 11.1% reported being binge drinkers
  - known consequences of substance abuse among youth
    - absenteeism/poor school performance
    - injury and disease/high medical costs
    - cognitive/developmental lags
    - alienation from peers/family crisis
  - substance abuse reduction programs
    - Drug Abuse Resistance Education (DARE)
    - Youth Drug Courts
Causes of Delinquency

- Youth Gangs
  - cities with populations over 250,000 report gang activities
  - gang membership intensifies delinquent behavior
    - 2000 National Youth Gang Survey
      - 21,600 youth gangs consisting of 731,500 gang members nationwide
        - 47% Hispanic
        - 31% African American
        - 3% Caucasian
        - 7% Asian
      - factors found to increase a youth’s likelihood of joining a gang
        - history of physical aggression
        - early involvement in delinquency and drug use
        - mental health problems
        - high prevalence of stressful life events
Causes of Delinquency

- Youth Gangs
  - gang membership intensifies delinquent behavior
    - family factors that contribute to gang membership
      - broken home
      - family poverty
      - poor family management
      - child abuse/neglect
      - gang involvement of family members
    - community factors that contribute to gang membership
      - poverty
      - availability of drugs
      - presence of many troubled youth
      - feeling unsafe in the neighborhood
      - low neighborhood attachment
      - low level of neighborhood integration
      - neighborhood disorganization
Controlling Delinquency Throughout History

- Model of Family Government
  - the family was responsible for controlling delinquency
    - father had absolute authority
      - over wife
      - over children
      - over family affairs
      - primary type of discipline was corporal punishment
      - Massachusetts law prescribed death penalty for disobedient children
    - ended with the Industrial Revolution at the end of the 18th century
      - youth incarcerated with adults
        - jails
        - prisons
      - weakened family ties
        - increased child labor
        - long hours at factories
Controlling Delinquency Throughout History

- **Houses of Refuge**
  - first in New York City (1825)
  - were to be schools of instruction with certain characteristics
    - education
    - labor
    - discipline
    - moral regimen
  - focus was on prevention rather than punishment
    - housed delinquent, dependent, and neglected children
    - many were released to apprenticeship
    - some stayed until legal age of majority
  - *Ex Parte Crouse* (1838)
    - challenged the unfettered power to intervene in lives of children
Controlling Delinquency Throughout History

- Placing Out
  - mid-1800s, reformers concerned over institutional abuse
    - Child Savers
      - prevented delinquency through community-based programs
      - distributed food and clothing
      - provided temporary shelters
      - established playground programs
      - attempted to reach children of the streets
    - Charles Loring Brace and the Children’s Aid Society
      - transported children to the West to be placed in family environment
        - many children exploited
        - rarely accepted as a part of the family
Controlling Delinquency Throughout History

- **Probation**
  - developed in the latter half of the 18th century
    - alternative to incarceration
    - community based initiative
    - John Augustus, 1841
    - official probation officers appointed in Massachusetts, 1869

- **Reform Schools**
  - late 1800s, the government took over juvenile institutions
    - newer institutions emphasized certain factors
      - formal schooling
      - housed in small groups in cottages to emulate family living
      - reformation for certain youth
        - delinquent
        - dependent
        - neglected
The First Juvenile Court

- formerly, children over the age of 7 were treated as adults
- established in 1899 in Cook County Illinois
- came about because of the “Child Savers”
- established based on the principle of *parens patriae*
  - parent of the country
  - state assumes role of guardian/protector of all
  - idea was that the court would do whatever was best for the child
- 1925, all but two states established separate juvenile courts
- differ from adult courts in two ways
  - designed to rehabilitate youthful offenders
  - informal courtroom procedures and greater discretion
Contemporary Juvenile Courts

- Differ from earlier model in three key ways
  - juveniles accorded many adult due process rights
    - *In re Gault* (1967)
    - *In re Winship* (1970)
  - congressional acts placed restrictions on use of incarceration
    - 1968 Juvenile Delinquency Prevention and Control Act
    - Formula Grants Program
  - many states enacted laws making systems more punitive
    - shift from serving best interest of youth to balanced approach
    - provided more rights to victims of juvenile crime
    - held offenders more accountable for their behaviors
Processing Delinquency Cases in Juvenile Court

- Typical Case Proceedings
  - case begins with an arrest, usually for a less serious crime
    - youth taken into custody
    - preliminary screening conducted
      - review record and interview youth, parents, and victim
    - detention hearing
      - within 24 hours to determine if youth will be detained
    - intake screening
      - determine if case will be dismissed, handled informally or formally
    - adjudication
      - hearing where case is reviewed, outcome determined, plea entered
    - dispositional hearing
      - formal hearing to decide appropriate course of action
Processing Delinquency Cases in Juvenile Court

- Juvenile Detention
  - the Juvenile Justice and Delinquency Act of 1974
    - curtailed the practice of booking youths into local adult jails
    - juvenile detention facilities built soon after
    - housed youth prior to and following adjudication

- Juvenile Diversion
  - many common forms
    - Community-Based Case Management and Counseling
      - referred to social service or mental health agency
    - Teen Court
    - Drug Court
    - Victim-Offender Mediation
      - bring the youth and victim together for resolution
    - Alternatives to Detention
      - house arrest / electronic monitoring
Processing Delinquency Cases in Juvenile Court

- Transfer to Criminal Court
  - three mechanisms are used
    - judicial waivers
      - juvenile court judge transfers case to criminal court
    - prosecutorial waivers
      - prosecutor decides to file case in criminal court
    - legislative exclusions
      - state statutes exclude certain crimes from juvenile jurisdiction
      - statutes specify age at which youth can be transferred to adult court
  - blended sentencing is fourth option introduced in 20 states
    - receive both juvenile and adult sentences
    - adult sentence enacted if conditions of juvenile sentence not met
Juvenile Corrections

- Available dispositional options are many and varied
  - probation
  - restitution
  - community service
  - mental health/substance abuse/sex offender treatment
  - services in both community-based and residential settings
  - educational interventions
  - day and evening treatment centers
  - wrap-around and coordinated case management services
  - placement resources
    - foster care
    - group homes
    - secure facilities
Juvenile Corrections

- Probation
  - conditional release of youth into the community
    - provided with supervision and treatment
    - most common form of disposition
    - around 55 percent of adjudicated youth nationwide

- Day Treatment Centers
  - alternatives to incarceration for high risk youth
  - often used in conjunction with probation
  - provide treatment and supervision within one setting

- Foster Care
  - form of out-of-home placement with family-like setting
  - cases with documented evidence of abuse or neglect
  - therapeutic care for youth with extensive treatment needs
Juvenile Corrections

- Group Homes
  - similar to adult half-way houses
  - small, non-secure, community-based settings
    - individual and group counseling
    - life skills training and educational support
  - used as an alternative to incarceration
  - used as step-down program after a period of incarceration
  - long-standing problems associated with these homes
    - inadequate pay and benefits for staff
    - lack of staff training and staff support

- Boot Camps
  - first-time nonviolent offenders
  - strict regimes, military drills, and hard labor
Secure Care Facilities
- most restrictive correctional options for juveniles
- reserved for the most serious and chronic juvenile offender
  - high level of structure throughout the day
  - address individual risks and needs
  - established educational and treatment programs
  - phase systems and token economies

Aftercare
- provide a range of services and supervision for transition
- involves formal and informal networks of social control
- promotes interagency collaboration among all of agencies
- one prominent model is the Intensive Aftercare Program
Effective Correctional Interventions for Youth

- Effective programs include many characteristics
  - match offenders to programs based on level of risk
  - accommodate personal characteristics and learning styles
  - address offenders’ criminogenic needs
  - provide multiple types of services
  - use a cognitive-behavioral approach
  - involve family members in the treatment process
  - provide aftercare or follow-up services in the community
Disproportionate Minority Contact

- how this occurs
  - minority represented in proportions greater than in general public
- 2003
  - blacks constituted 16% of population between the ages of 10-17
    - 27% of delinquency caseload
    - 29% of delinquency cases referred to juvenile court
    - 36% of youth held in detention
    - 38% of youth in residential placement
- Child Welfare League of America asserts multiple causes
  - higher rate of black involvement in more serious delinquency
  - differential treatment of youth stemming from racial bias
  - policies, laws, war on drugs
  - higher exposure level to factors that increase risk of delinquency
Contemporary Issues in Juvenile Justice

- Death Penalty for Juveniles
  - supporters
    - in particularly heinous crimes, age is irrelevant
  - opponents
    - constitutes cruel and unusual punishment for juveniles
  - court cases
      - court reversed death sentence of 15 year old
      - court upheld death penalty for those who commit murder at 16/17
      - if under 18 at time of crime, death is cruel and unusual punishment
Abolish Juvenile Court?

- arguments for
  - increases in the rates of juvenile arrests for violent crime
  - courts too lenient and victims ignored in juvenile court
  - do a disservice to our youth by not holding them accountable
  - court not effective in rehabilitating youth under its care
  - are not as protective of due process rights as adult court

- arguments against
  - moral panic about crime fueled by distorted information
  - increased rates of violence overblown by media and politicians
  - grave predictions about new generation of youth super-predators
  - disagree that court is ineffective at rehabilitation of youth
  - cite programs that have lowered recidivism by 20-30 percent
  - argue that cases transferred to adult court have no better results
Cases

- Kent v. United States (1966)
  - Kent, 16, was charged with rape & robbery and confessed
  - attorney filed a motion for a hearing on jurisdiction
  - court waived jurisdiction after a “full investigation”
  - was sentenced 30 to 90 years in prison
  - appealed to the U.S. Supreme Court
  - ramifications of Kent v. U.S.
    - juveniles ensured “essentials of due process and fair treatment”
    - defense have access to all records involved in waiver
    - provide written statements for reasons for waiver
In re Gault (1967)

- Gault, 15, made crank phone call
- was identified by his neighbor
- adjudicated with no victim or no proof at the hearing
- was sent to a training school for 3 years
- ramifications of In re Gault
  - in hearings that could result in institutionalization, juveniles have
    - right to notice and counsel
    - right to question witnesses
    - protection against self-incrimination
    - no necessary right to appeal
      - but Court encouraged states to grant that right
    - court explicitly rejected idea of parens patriae as murky and outdated
In re Winship (1970)
- Winship, 12, charged with stealing $112 from purse in a store
- was seen running from store but no one saw him take money
- adjudicated delinquent and sent to a training school
- was sent to a training school for 3 years
- ramifications of In re Winship
  - beyond a reasonable doubt became standard of proof

Other Important Cases
- McKeiver v. Pennsylvania
  - jury trials are not constitutional for juveniles
- Schall v. Martin
  - preventive pretrial detention of juveniles is legal
  - abolished death penalty for offenders under age 18