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DELINQUENCY

THEORY, PRACTICE, AND LAW

12e

LARRY J. SIEGEL | BRANDON C. WELSH

JUVENILE DELINQUENCY

THEORY, PRACTICE, AND LAW

TWELFTH EDITION

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University of Massachusetts, Lowell

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Larry J. Siegel and Brandon C. Welsh

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DEDICATION

*To my wife, Therese J. Libby, and my children,
Julie, Andrew, Eric, and Rachel*

—L.J.S.

To my wife, Jennifer, and our son, Ryan

—B.C.W.

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Larry J. Siegel was born in the Bronx, New York. While living on Jerome Avenue and attending City College of New York in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on individual behavior. Did people shape society or did society shape people? He applied his interest in social forces and human behavior to the study of crime and justice. After graduating CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, earning both his MA and PhD degrees there. After completing his graduate work, Dr. Siegel spent nine years at Northeastern University, and also held teaching positions at the University of Nebraska–Omaha, and Saint Anselm College in New Hampshire before joining the faculty at the University of Massachusetts–Lowell. Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, and criminal procedure. He teaches courses in criminal justice, criminology, and delinquency at both the undergrad and grad level. He is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry and his wife, Terry, reside in Bedford, New Hampshire, with their two dogs, Watson and Cody.



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Preface

Two recent Supreme Court cases have touched on the issue of whether juvenile offenders can be placed in confinement for the remainder of their lives. The first, decided on May 17, 2010, in the case of *Graham v. Florida*, put an end to the practice of life sentences without the possibility of parole for juveniles convicted of nonhomicide crimes.¹ The Court agreed that this sentence violated the Eighth Amendment's ban on cruel and unusual punishment. The Court did, however, leave in place the prospect that juveniles could continue to receive a life sentence without parole for crimes in which someone is killed.

This decision came a little more than a year to the day after the Court agreed to accept appeals from two individuals, both from Florida, who were serving life sentences for nonhomicide crimes committed when they were juveniles. In the first case, which goes back to 1989, Joe Sullivan, then 13, was convicted of raping a 72-year-old woman. In the other case, Terrance Graham, who was 17 years old, was convicted of a probation violation for a home invasion robbery in 2004. In their briefs to the Court, both petitioners argued that the sentence of life without the possibility of parole violates the Eighth Amendment's prohibition of cruel and unusual punishment. In oral arguments before the Court, the justices did not revisit the question that "juveniles generally are psychologically less mature than adults," but instead focused on "whether the mitigating trait of immaturity justified a categorical exclusion of juveniles from the sentence of life without parole."²

In the second case, *Miller vs. Alabama*, the Supreme Court revisited the issue of life in prison for juveniles, but this time the focus was on a mandatory life sentence for those kids transferred to adult court and found guilty of murder.³ Again, the majority ruled that such a practice violated the Eighth Amendment's prohibition on cruel and unusual punishment. The Court ruled that immaturity, impetuosity, and failure to appreciate risks and consequences should be considered by the sentencing judge. Mandatory sentences prevent judges from taking into account the child's family and home environment no matter how brutal or dysfunctional. As a result of *Miller*, judges have to consider the defendant's youth and the nature of the crime before sentencing.

Life without parole for juveniles has long been a controversial issue in the annals of juvenile justice. Some scholars view it as a replacement for the death penalty for juveniles, which the Supreme Court abolished in 2005. In a provocatively titled article, "A Slower Form of Death: Implications of *Roper v. Simmons* for Juveniles Sentenced to Life Without Parole," legal scholar Barry Feld argues that the Supreme Court's diminished responsibility standard—used in their decision to end the juvenile death penalty—should also be applicable to cases in which juvenile offenders are receiving life sentences without the possibility of parole.⁴ The main reasons for this view center on the overly punitive nature of this sentence and the need to differentiate

¹ 560 U.S. ____ (2010).

² Elizabeth S. Scott and Laurence Steinberg, "The Young and the Reckless," *New York Times*, November 14, 2009.

³ *Miller v. Alabama*, 567 U.S. ____ (2012).

⁴ Barry C. Feld, "A Slower Form of Death: Implications of *Roper v. Simmons* for Juveniles Sentenced to Life Without Parole," *Notre Dame Journal of Law, Ethics and Public Policy* 22:9–65 (2008).

between juvenile and adult culpability. To achieve this end, Feld proposes that “states formally recognize youthfulness as a mitigating factor by applying a ‘youth discount’ to adult sentence lengths.”⁵ This could have implications for thousands of juvenile offenders now and in the future.

The debate over the use of strict punishments for juvenile offenders who commit very serious crimes has become more focused in the aftermath of high-profile cases involving kids who engage in terrorist acts and/or mass murders, school-based shootings, and the like. Can even the most violent juveniles be successfully treated and rehabilitated? Or should they be tried as adults and given long prison sentences, even if it means life behind bars?

JUVENILE DELINQUENCY: Theory, Practice, and Law

Issues such as the death penalty for juveniles or sentencing juveniles to life without parole for murder have sparked interest in the study of juvenile delinquency not only in the United States but also around the world. Inexplicable incidents of violence occur all too frequently in schools, homes, and public places. Teen gangs can be found in most major cities. Hundreds of thousands of youths are known to be the victims of serious neglect and sexual and physical abuse each year; many more cases may be unreported or hidden. It is not surprising, considering the concern with the problems of youth, that courses on juvenile delinquency have become popular offerings on the nation’s college campuses. We have written *Juvenile Delinquency: Theory, Practice, and Law* to help students understand the nature of juvenile delinquency, its cause and correlates, as well as the current strategies being used to control or eliminate its occurrence. Our book also reviews the legal rules that have been set down either to protect innocent minors or control adolescent misconduct: Can children be required to submit to drug testing in school? Can teachers legally search suspicious students or use corporal punishment as a method of discipline? Should children be allowed to testify on closed-circuit TV in child abuse cases?

Our primary goals in writing this 12th edition remain the same as in the previous editions:

1. To be as objective as possible, presenting the many diverse views and perspectives that characterize the study of juvenile delinquency and reflect its interdisciplinary nature. We take no single position nor espouse a particular viewpoint or philosophy.
2. To maintain a balance of research, theory, law, policy, and practice. It is essential that a textbook on delinquency not be solely a theory book without presenting the juvenile justice system or contain sections on current policies without examining legal issues and cases.
3. To be as thorough and up-to-date as possible. As always, we have attempted to include the most current data and information available.
4. To make the study of delinquency interesting as well as informative. We want to encourage readers’ interest in the study of delinquency so they will pursue it on an undergraduate or graduate level.

We have tried to provide a textbook that is both scholarly and informative, comprehensive yet interesting, well organized and objective yet provocative.

⁵ Ibid., p. 10.

Organization of the Text

The 12th edition of *Juvenile Delinquency: Theory, Practice, and Law* has 17 chapters:

- **Chapter 1, Childhood and Delinquency**, contains extensive material on the history of childhood and the legal concept of delinquency and status offending. This material enables the reader to understand how the concept of adolescence evolved over time and how that evolution influenced the development of the juvenile court and the special status of delinquency.
- **Chapter 2, The Nature and Extent of Delinquency**, covers the measurement of delinquent behavior, trends, and patterns in teen crime and victimization, and also discusses the correlates of delinquency, including race, gender, class, and age, and chronic offending.
- **Chapter 3, Individual Views of Delinquency**, covers individual-level views of the cause of delinquency, which include choice, biological, and psychological theories.
- **Chapter 4, Structure, Process, Culture, and Delinquency**, looks at theories that hold that culture and socialization control delinquent behavior.
- **Chapter 5, Social Reaction, Social Conflict, and Delinquency**, reviews theories that state that delinquency is a product of human interaction as well as the economic and political forces that control the way people interact.
- **Chapter 6, Developmental Theories of Delinquency: Life-Course, Propensity, and Trajectory**, covers developmental theories of delinquency, including such issues as the onset, continuity, paths, and termination of a delinquent career.
- **Chapter 7, Gender and Delinquency**, explores the sex-based differences that are thought to account for the gender patterns in the delinquency rate.
- **Chapter 8, The Family and Delinquency**, covers the influence of families on children and delinquency. The concept of child abuse is covered in detail, and the steps in the child protection system are reviewed.
- **Chapter 9, Peers and Delinquency: Juvenile Gangs and Groups**, reviews the effect peers have on delinquency and the topic of teen gangs.
- **Chapter 10, Schools and Delinquency**, looks at the influence of schools and the education process, delinquency within the school setting, and the efforts by schools to prevent delinquency.
- **Chapter 11, Drug Use and Delinquency**, reviews the influence drugs and substance abuse have on delinquent behavior and what is being done to reduce teenage drug use.
- **Chapter 12, Delinquency Prevention: Social and Developmental Perspectives**, covers delinquency prevention and efforts being made to help kids desist from criminal activities.
- **Chapter 13, Juvenile Justice: Then and Now**, gives extensive coverage to the emergence of state control over children in need and the development of the juvenile justice system. It also covers the contemporary juvenile justice system, the major stages in the justice process, the role of the federal government in the juvenile justice system, an analysis of the differences between the adult and juvenile justice systems, and extensive coverage of the legal rights of children.
- **Chapter 14, Police Work with Juveniles**, discusses the role of police in delinquency prevention. It covers legal issues such as major court decisions on searches and *Miranda* rights of juveniles. It also contains material on how race and gender affect police discretion as well as efforts by police departments to control delinquent behavior.

- **Chapter 15, Juvenile Court Process: Pretrial, Trial, and Sentencing**, contains information on plea bargaining in juvenile court, the use of detention, and transfer to adult jails. It contains an analysis of the critical factors that influence the waiver decision, the juvenile trial, and sentencing.
- **Chapter 16, Juvenile Corrections: Probation, Community Treatment, and Institutionalization**, covers material on probation and other community dispositions, including restorative justice programs and secure juvenile corrections, with emphasis on legal issues such as right to treatment and unusual programs such as boot camps.
- **Chapter 17, Delinquency and Juvenile Justice Abroad**, looks at delinquency around the world and examines efforts to control antisocial youth in other nations.

What's New in This Edition

Because the study of juvenile delinquency is a dynamic, ever-changing field of scientific inquiry and because the theories, concepts, and processes of this area of study are constantly evolving, we have updated *Juvenile Delinquency: Theory, Practice, and Law* to reflect the changes that have taken place in the study of delinquent behavior during the past few years.

Two new changes stand out. We have created a new feature called **Cyber Delinquency**, which offers in-depth analyses showing how the Internet has influenced juvenile behavior and is now used to prevent or facilitate youthful misbehavior. Another new feature describes careers of people working in the field of juvenile delinquency and juvenile justice. These **Professional Spotlights** provide students with a “here-and-now glimpse” of what professional opportunities are available in the areas of delinquency treatment, prevention, and intervention.

Like its predecessors, the 12th edition includes a review of recent legal cases, research studies, and policy initiatives. It aims to provide a groundwork for the study of juvenile delinquency by analyzing and describing the nature and extent of delinquency, the suspected causes of delinquent behavior, and the environmental influences on youthful misbehavior. It also covers what most experts believe are the critical issues in juvenile delinquency and analyzes crucial policy issues, including the use of pretrial detention, waiver to adult court, and restorative justice programs. While these principles remain the backbone of the text, we have also incorporated into the 12th edition the following:

- **Chapter 1** opens with a new vignette on Keaira Brown, who was just 13 years old when she was found guilty of first-degree murder and attempted aggravated robbery and sentenced to serve 20 years before being eligible for parole. There is a new Exhibit 1.1 which sets out the six generations of current Americans and their problems and issues. There are new data on the teen suicide rate that show suicide is the third leading cause of death among young people ages 15 to 24, averaging about 4,500 per year. We have a new section on health and mortality problems that discusses how adequate health care is another significant concern for American youth. Another new section on self-image problems relates that adolescents are particularly vulnerable to stress caused by a poor self-image. A section on problems in cyberspace shows that while the Internet and other technological advances have opened a new world of information gathering and sharing for today's youth, these technologies have brought with them a basketful of new problems ranging from sexting to cyberstalking. A Cyber Delinquency feature covers “catfishing,” the practice of setting up a fictitious online profile, in order to lure another into a fraudulent romantic relationship. And a new Evidence-Based Juvenile Justice feature looks at the Family Key programs, designed to provide highly effective case management services

that prevent at-risk youth from repeat violations that could result in juvenile probation or detention.

- **Chapter 2** begins with a vignette on Leonel Contreras and William Steven Rodriguez, two California boys who kidnapped and sexually assaulted two girls and were sentenced to at least 50 years in prison, though they were both 16 years old when they committed the crime. A new Focus on Delinquency box looks at juvenile sex offenders. The sections on race and delinquency have been revised and revamped. And all data on juvenile offending patterns and victim patterns have been updated.
- **Chapter 3** begins with a new vignette on Adam Lanza, a boy with sensory processing disorder (SPD), which made him over-respond to stimuli, who later committed the Newtown, Connecticut, massacre. We review James Densley's research on gangs in London, finding that they evolved from nonviolent, noncriminal adolescent peer groups and into organized criminal enterprises. A new section called "Creating Scripts" looks at how some kids will create scripts that guide their interactions with victims. If they follow the script, they can commit their crimes and avoid detection. A new section on perception and deterrence looks at how the perception that punishment will be forthcoming influences criminal behavior. Another new section explores actual deterrence and delinquency: the more likely cops are to make arrests, the courts to convict, and the correctional system to punish, the less likely it is that kids will engage in delinquency. A new Case Profile, "Timothy's Story," looks at the life of a 13-year-old biracial male residing with his mother and younger sister.
- **Chapter 4** begins with a new story that made headlines around the world when a young woman in Delhi, India, was raped and killed by a group of five men, including a teen. We update the data on economic disadvantage and poverty showing that nearly 15 million children in the United States—21 percent of all children—live in families with incomes below the poverty line. An Evidence-Based Juvenile Justice feature looks at Communities That Care, a comprehensive community-based delinquency prevention program. A Youth Stories feature tells the story of Rebecca Falcon, a young troubled girl who was placed in prison for life. A new Focus on Delinquency box, "Too Good to Be True: Do Overachievers Neutralize?" looks at the neutralizing efforts of people who engage in positive behaviors that rise above the norm. A new Case Profile, "Steph's Story," looks at the life of a young woman whose family hit hard times during the economic downturn, forcing them to move out of their home after a foreclosure.
- **Chapter 5** begins with an analysis of the Steubenville rape case in which two members of the champion football team were found to be delinquent in an incident involving the rape of a drunk 16-year-old girl after a night of partying and drinking. A Cyber Delinquency feature entitled "Trying Cases on the Net" looks at the phenomenon of how information that is tweeted, texted, emailed, or posted on YouTube can influence the justice process. Research by Tammy Rinehart and her associates, finding that minority suspects stopped by police are significantly more likely to be arrested than white suspects, is reviewed. A new Cyber Delinquency feature entitled "*N.N. v. Tunkhannock School District*" reviews a controversial sexting case in which a high school student won a lawsuit against school and county officials for violating her rights to privacy and free expression.
- **Chapter 6** now begins with the story of 17-year-old T. J. Lane, who shot and killed three students at a local school and showed no remorse. There is a new section on cumulative disadvantage, which holds that some kids not only fail to accumulate social capital but experience social problems that weigh down their life chances. People who acquire this cumulative disadvantage are more likely to commit delinquent acts and become crime victims. There is a new Youth Stories feature on juvenile serial killer Craig Price. And we have added new material on a subgroup of delinquents called *escalators* whose severity of violence increases over time.

- **Chapter 7's** new opening vignette tells the story of Amber Wright, a 16-year-old girl convicted of first-degree murder for her role in the killing of 15-year-old Florida boy in a revenge murder plot that sent her to prison for life. A new Evidence-Based Juvenile Justice box looks at the Friendly PEERsuasion Program, designed to give at-risk girls a healthful environment. A new section, "Police and the Gender Gap," looks at how police are changing the manner in which they handle cases involving adolescent females, showing them less favoritism, resulting in a greater likelihood of girls getting arrested. A new Youth Stories feature tells of Rehtaeh Parsons, a 17-year-old Canadian girl who committed suicide 18 months after she was sexually assaulted by four boys, who posted photos of the assault on the Internet. A new Case Profile, "Rain's Story," is about a girl whose troubled life led her to feel depressed and isolated, culminating in a suicide attempt. Another new section, "Trauma, Victimization, and Delinquent Paths," looks at the research showing that young girls are more likely to be the target of victimization and abuse than any other group.
- **Chapter 8** now begins with the story of Nehemiah Griego, a young man who shot and killed his father, mother, and three young siblings because he had "anger issues" and "was annoyed with" his mother. A new section called "Teen Moms/Single Moms" explores whether living in a single-parent home, especially one headed by an unmarried teenage mother, is associated with delinquency. A new Focus on Delinquency feature looks at economic stress and delinquency. The sections on the effect of family breakup have been revised to include material showing that the effects of divorce seem gender-specific. There is new material on the long-term effects of divorce. Another new section, "Parental Involvement in the Justice System," looks at the effect of having parents who suffer arrest, conviction, and incarceration. We updated the sections on child abuse and neglect with the latest data available. There is a Case Profile on Ayden, a 15-year-old male referred to the county juvenile justice system for disorderly conduct in his family home and possession of marijuana.
- **Chapter 9** has a new chapter opening vignette about MS-13 gang members Heriberto Martinez, also known as "Boxer," and Carlos Ortega, also known as "Silent" or "Silencio," who were convicted in New York on charges of murder, assault with a dangerous weapon, firearms offenses, and conspiracy. We have a new section on whether crime-prone kids hang out together, and an accompanying Focus on Delinquency feature entitled "Birds of a Feather?" We updated data on the globalization of gangs and show that the gang migration problem is not unique to the United States and that homegrown gangs and migrating transnational gangs have developed around the world. A new Cyber Delinquency feature entitled "Gangs in Cyberspace" shows how gang communications have entered the cyber age and gang members use cell phones and the Internet to communicate and promote their illicit activities. We have a new section on African and Caribbean gangs. A Case Profile called "Luis's Story" concerns a 16-year-old Latino male who identified himself as gang-involved. We cover another recent phenomenon, hybrid gangs that recruit from different racial/ethnic groups. They may even have openly gay members, something that would rarely be seen in traditional gangs. A Youth Stories feature entitled "Jason: Strengthening Family Bonds" tells the story of an 18-year-old gang member who was referred to gang intervention services by juvenile probation when he was 15 years old. A new Evidence-Based Juvenile Justice feature, "Cure Violence," discusses a program that has proven to be an effective broad community approach to preventing and reducing gang violence.
- **Chapter 10** opens with the case of Chelsea Chaney, a Georgia high school student who filed a lawsuit against a school administrator who, without her knowledge or permission, showed an image of her in a bikini to hundreds of local parents and students at a seminar addressing the dangers of social media. There is a new Focus on Delinquency feature, "School Discipline, School Opportunities, and

Minority Youth,” that discusses racial disparity in school disciplinary practices. We have the latest data on both trends in school achievement and victimizations at school. A Professional Spotlight discusses Kevin Quinn, a school resource officer in the Chandler, Arizona, Police Department. There is a detailed discussion of the landmark case *J.D.B. v. North Carolina*, which concerns police interrogation in the school setting. A new Cyber Delinquency box looks at free speech on the Net, examining how far school officials can go to limit control of Twitter messages, texts, and emails that are quickly spread among the student body.

- **Chapter 11** opens with the death of a Florida teen, Helen Marie Witty, caused by another teen who was driving while under the influence of alcohol and other drugs. As part of her sentence, the driver is required to speak to high school students about the dangers of drinking and driving. The chapter updates recent trends and patterns in juvenile drug use with data based on three national surveys, including the large-scale Monitoring the Future (MTF) survey. We have expanded coverage of the major explanations for why youths take drugs and added new material reviewing the most up-to-date research on what works to reduce juvenile drug use. Also new to the chapter is a Professional Spotlight feature profiling the career of a juvenile substance abuse counselor.
- **Chapter 12** opens with a milestone program by the British government to provide home visitation services to new young mothers and their babies, modeled after the Nurse-Family Partnership program in the United States. The chapter substantially updates material on what works in delinquency prevention, with new evaluations and reviews on the effectiveness of programs that take place in early childhood and the teenage years. New studies have been added on the financial costs of delinquency, as the high costs of juvenile crime are sometimes used to justify more spending on prevention programs. An Evidence-Based Juvenile Justice feature has been updated to present the latest research findings on the Blueprints for Healthy Youth Development initiative.
- **Chapter 13** opens with the case of Florida teen Michael Hernandez, who took the life of his classmate Jaime Gough and was sentenced to life in prison without the possibility of parole. Owing in part to the recent Supreme Court ruling that struck down life sentences for all juvenile offenders, Hernandez was granted a new sentencing hearing. The chapter updates the section on a comprehensive juvenile justice strategy, which combines elements of delinquency prevention and intervention and justice approaches. The latest research findings on teen courts and juvenile drug courts are presented. Also new to this chapter is a Professional Spotlight feature that discusses the career of a juvenile probation officer.
- **Chapter 14** begins with a story about the intersection of inner-city gang violence, a gunshot injury to 7-year-old Tajahnnique Lee, and the growing concern of the police about witness intimidation. The chapter presents new research on juveniles’ attitudes toward police and the discretionary powers of police. It updates statistics on the handling of juvenile offenders by police, which show that two-thirds of all juveniles who are arrested are referred to juvenile court. It brings together the latest findings on what works when it comes to police efforts to prevent juvenile crime, including an updated Evidence-Based Juvenile Justice feature on “pulling levers” policing and the national evaluation of the G.R.E.A.T. program. The chapter also includes a new Cyber Delinquency feature that discusses “SafetyNet: Smart Cyber Choices” in San Diego.
- **Chapter 15** opens with a violent case involving a group of teens who beat to death a homeless man, drawing attention to the debate on transfers of juveniles to adult court. The chapter includes up-to-date statistics on juvenile court case flow, from the decision to release or detain, to waivers to adult court, to juvenile court dispositions. The chapter covers a new Supreme Court ruling that put an end to life without parole for *all* juvenile offenders. The chapter also includes a new Professional Spotlight feature that discusses the career of a juvenile court judge.

- **Chapter 16** begins with long-standing concerns about the safety of juvenile offenders and their need for treatment while in correctional facilities, profiling the case of Joseph Daniel Maldonado in California. The chapter reports on the latest trends in juvenile probation and incarceration. The latest research findings on what works in treating juvenile offenders are reviewed, along with an updated Evidence-Based Juvenile Justice feature on an innovative foster care program for serious and violent juvenile offenders known as Multidimensional Treatment Foster Care (MTFC). The chapter also includes a new Professional Spotlight feature on the career of a teacher who works in a juvenile correctional facility, and updates material on juvenile aftercare and reentry services.
- **Chapter 17** begins with some of the growing crime problems facing China, a product of social and economic shifts that are also impacting other countries. The chapter presents new material on delinquency and juvenile justice systems around the world. It updates international statistics on juvenile crime and drug use, along with profiles on juvenile violence in Japan, youth justice reforms in Canada, and the youth justice system in England. A new Cyber Delinquency feature profiles some experiences of cybercrimes committed by youths in Europe and Asia.

Learning Tools

To access additional course materials, including CourseMate, please visit www.cengagebrain.com. At the CengageBrain.com home page, search for the ISBN of your title (from the back cover of your book) using the search box at the top of the page. This will take you to the product page where these resources can be found.

The text contains the following features designed to help students learn and comprehend the material:

- **Chapter Outline and Learning Objectives** Each chapter begins with an outline and a list of chapter objectives. The summary is keyed to and corresponds with the learning objectives.
- **Concept Summary** This feature is used throughout the text to help students review material in an organized fashion.
- **Professional Spotlights** New to this edition, these boxed features provide students with a look at what professional career opportunities are available in the area of delinquency treatment, prevention, and intervention. For example, Chapter 13 spotlights juvenile probation officer Carla Stalnaker.
- **Cyber Delinquency** This is a new feature highlighting contemporary problems faced by today's youth: delinquency and victimization in the cyber age. Chapter 14, for example, discusses policing juveniles in cyberspace.
- **Focus on Delinquency** As in previous editions, these boxed inserts focus attention on topics of special importance and concern. For example, in Chapter 16, "Mental Health Needs of Juvenile Inmates," discusses that as many as two out of three incarcerated juveniles suffer from mental health problems, but many states are cutting back on funding for mental health programs.
- **Case Profile** This feature discusses real-life situations in which at-risk youths worked their way out of delinquency. These stories are then tied to the material in the chapter with thought-provoking critical thinking boxes.
- **Youth Stories** This interesting feature focuses on current cases and incidents that have made the news and illustrate the trials and tribulations of youths in contemporary society.
- **Evidence-Based Juvenile Justice** These thought-provoking boxes discuss major initiatives and programs. For example, in Chapter 17, "Precourt Diversion Programs around the World" tells how keeping youths, who have become involved in minor delinquent acts from being formally processed through the juvenile justice system, has become a top priority of many countries.

- **Weblinks** In the margins of every chapter are links to websites that can be used to help students enrich their understanding of important issues and concepts found in the text.
- **Viewpoint and Doing Research on the Web** Each chapter ends with a feature called Viewpoint that presents a hypothetical case for the student to analyze. The Doing Research on the Web feature presents material found in articles on the Web to lead students to research ideas contained in the chapter.
- **Key Terms** Key terms are defined throughout the text when they appear in a chapter.
- **Questions for Discussion** Each chapter includes thought-provoking discussion questions.
- **Running Glossary** A glossary sets out and defines key terms used in the text. The definitions appear in the text margin where the concept is introduced, as well as in the comprehensive glossary at the end of the book.

Ancillary Materials

A number of supplements are provided by Cengage Learning to help instructors use *Juvenile Delinquency: Theory, Practice, and Law* in their courses and to help students prepare for exams. Supplements are available to qualified adopters. Please consult your local sales representative for details.

Instructor's Resource Manual with Test Bank Updated by Babette Protz of University of South Carolina, Lancaster and Wesley Jennings of University of South Florida, the manual includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson plans, discussion topics, student activities, "What If" scenarios, media tools, a sample syllabus and an expanded test bank with 30 percent more questions than the prior edition. The learning objectives are correlated with the discussion topics, student activities, and media tools. Each chapter's test bank contains questions in multiple-choice, true/false, completion, essay, and new critical thinking formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text as well as to Bloom's Taxonomy levels and includes the section in the main text where the answers can be found. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage—so you can be assured that you are working with an assessment and grading resource of the highest caliber. The manual is available for download on the password-protected website and can also be obtained by emailing your local Cengage Learning representative.

PowerPoint Slides Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint® slides outline the chapters of the main text in a classroom-ready presentation. Updated by Wesley Jennings of University of South Florida, the PowerPoint slides reflect the content and organization of the new edition of the text and feature some additional examples and real-world cases for application and discussion. Available for download on the password-protected instructor book companion website, the presentations can also be obtained by emailing your local Cengage Learning representative.

Cengage Learning Testing Powered by Cognero, the accompanying assessment tool is a flexible, online system that allows you to:

- Import, edit, and manipulate test bank content from the Siegel/Welsh test bank or elsewhere, including your own favorite test questions
- Create ideal assessments with your choice of 15 question types (including true/false, multiple choice, opinion scale/Likert, and essay)

- Create multiple test versions in an instant using drop-down menus and familiar, intuitive tools that take you through content creation and management with ease
- Deliver tests from your LMS, your classroom, or wherever you want, and import and export content into other systems as needed

Cengage Learning Video Program (Courtesy BBC, CNN, and more) CNN videos feature short, high-interest clips from current news events as well as historic raw footage going back 30 years. CBS and BBC clips feature footage from nightly news broadcasts and specials to *CBS News Special Reports*, *CBS Sunday Morning*, *60 Minutes*, and more. Taken together, the brief videos offer the perfect discussion-starters for your classes, enriching lectures and providing students with a new lens through which to view the past and present, one that will greatly enhance their knowledge and understanding of significant events and open up to them new dimensions in learning.

CourseMate Companion Website Cengage Learning's Criminal Justice CourseMate brings course concepts to life with interactive learning, study, and exam preparation tools that support the printed textbook. CourseMate includes an integrated eBook as well as critical chapter review tools such as pretests students can use to quiz themselves in advance of reading the assignment so they are focused on issues that present a particular challenge to them personally. Also included are quizzes mapped to chapter learning objectives, flashcards, and videos, plus EngagementTracker, a first-of-its-kind tool that monitors student engagement in the course. The accompanying instructor website offers access to password-protected resources such as an electronic version of the instructor's manual and PowerPoint slides.

Careers in Criminal Justice Website *Available bundled with this text at no additional charge.* Featuring plenty of self-exploration and profiling activities, the interactive Careers in Criminal Justice Website helps students investigate and focus on the criminal justice career choices that are right for them. Includes interest assessment, video testimonials from career professionals, résumé and interview tips, links for reference, and a wealth of information on "soft skills" such as health and fitness, stress management, and effective communication. Ask your representative about the state-specific Careers in Criminal Justice Website, which features information that only pertains to an individual state.

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Lynn Tankersley, Mercer University

Scott Belshaw, University of North Texas

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Larry Siegel
Brandon Welsh

part one

The Concept of Delinquency

Chapter 1 Childhood and Delinquency

Chapter 2 The Nature and Extent of Delinquency

the field of juvenile delinquency has been an important area of study since the turn of the twentieth century. Academicians, practitioners, policy makers, and legal scholars have devoted their attention to basic questions about the nature of youth crime: How should the concept of juvenile delinquency be defined? Who commits delinquent acts? How much delinquency occurs each year? Is the rate of delinquent activity increasing or decreasing? What can we do to prevent delinquency?

Part One reviews these basic questions in detail. Chapter 1 discusses the current state of American youth and the challenges they face. It covers the origins of society's concern for children and the development of the concept of delinquency. It shows how the definition of delinquency was developed and how the legal definition has evolved. While society has chosen to treat adult and juvenile law violators separately, it has also expanded the definition of youthful misbehaviors eligible for social control; these are referred to as *status offenses*. Status offenses include such behaviors as truancy, running away, and incorrigibility. Critics suggest that juveniles' noncriminal behavior is probably not a proper area of concern for law enforcement agencies.

Chapter 2 examines the nature and extent of delinquent behavior. It discusses how social scientists gather information on juvenile delinquency and provides an overview of some major trends in juvenile crime. Chapter 2 also discusses some of the critical factors related to delinquency, such as race, gender, class, and age. It discusses the chronic delinquent, those who continually commit delinquent acts in their youth and continue to offend as adults.

1

Childhood and Delinquency

Chapter Outline

The Adolescent Dilemma

Adolescent Problems
Problems in Cyberspace
Are Things Improving?

The Study of Juvenile Delinquency

The Development of Childhood

Childhood in the Middle Ages
Development of Concern for Children
Childhood in America

The Concept of Delinquency

Delinquency and *Parens Patriae*
The Legal Status of Delinquency
Legal Responsibility of Youth

Status Offenders

The History of Status Offenses
The Status Offender in the Juvenile Justice System
Reforming Status Offense Laws
Increasing Social Control
A Final Word

Learning Objectives

- 1 Become familiar with the problems of youth in American culture
- 2 Distinguish between ego identity and role diffusion
- 3 Discuss the specific issues facing American youth
- 4 Understand the concept of being “at risk” and discuss why so many kids take risks
- 5 Be familiar with the recent social improvements enjoyed by American youth
- 6 Discuss why the study of delinquency is so important and what this study entails
- 7 Describe the life of children during feudal times
- 8 Discuss the treatment of children in the seventeenth and eighteenth centuries
- 9 Discuss childhood in the American colonies
- 10 Know about the child savers and the creation of delinquency
- 11 Discuss the elements of juvenile delinquency today
- 12 Know what is meant by the term *status offender*

chapter features

cyber Delinquency: Catfishing

Case profile: Aaliyah's Story

Evidence-Based Juvenile Justice—intervention: Family Key Programs

KEAIRA BROWN WAS JUST 13 YEARS OLD when she was charged with murder and became the youngest person in Wyandotte County, Kansas, ever to be tried as an adult. Her family life was close but troubled. Her mother, Cheryl Brown, had three other children, two enrolled in local colleges. Keaira was involved in after-school activities, including playing the violin. But when her mom went to prison on a drug charge, things began to spiral downhill for Keaira, and when she was only 10 she attempted suicide. On July 23, 2008, at about 4:00 PM, Keaira was supposed to be at a summer program at the Boys and Girls Club in Kansas City. Instead, she was involved in the carjacking of Scott Sappington, Jr., a junior at Sumner Academy, who had just dropped his siblings off at their grandmother's house. When he returned to his car, neighbors heard him yell, "Hey, hey," then there was a struggle inside the car, and he was shot in the head. An investigation led to a 6-year-old who told police that a young girl told a group of children to get rid of her bloody clothes. Police distributed pictures of the bloody clothes to the media, and soon after, the clothes were traced back to Keaira Brown.

Prosecutors thought the murder was a result of a carjacking that went wrong, while Keaira's family claimed she was an innocent pawn for area gang members who thought she would not be prosecuted because of her age. They were incorrect. In



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April, almost a year after the crime, a Wyandotte County judge ruled that Keaira should face trial as an adult. On November 9, 2010, Keaira Brown was found guilty of first-degree murder and attempted aggravated robbery. She will have to serve 20 years before being eligible for parole.

Stories such as that of Keaira Brown are certainly not unique. While the Supreme Court ruled in *Roper v. Simmons* that juveniles cannot be sentenced to the death penalty, it is quite legal to incarcerate them in adult prison for life if they commit a capital crime, as long as the judge takes age into account before sentencing takes place (*Miller v. Alabama*).¹ So Keaira, who was 13 years old at the time she committed her crime, may spend the rest of her life behind bars.

The problems of youth in contemporary society can be staggering. Because of trouble and conflict occurring in their families, schools, and communities, adolescents experience stress, confusion, and depression. There are approximately 75 million children in the United States, a number that is projected to increase to about 85 million by 2025.² Since the mid-1960s, children have been decreasing as a proportion of the total US population, so today 24 percent of the population are 18 and under, down from a 1964 peak of 36 percent at the end of the so-called baby boom. Children are projected to remain a fairly stable percentage, about 23 percent, of the total population through 2050. Though the number of children is projected to remain stable, racial and ethnic diversity is growing, so that the population is projected to

Roper v. Simmons

A juvenile under 18 years of age who commits a capital crime cannot face the death penalty.

Miller v. Alabama

In this case, the Supreme Court held that mandatory life sentences, without the possibility of parole, are unconstitutional for juvenile offenders.

exhibit 1.1

Six Generations of Americans

The Greatest Generation: Born after World War I and raised during the Depression, they overcame hardships, fought in World War II, and went on to build America into the world's greatest superpower. They were willing to put off personal gain for the common good.

Baby Boomers: Born between the end of World War II and the Kennedy-Johnson years, and now approaching retirement age, "boomers" are considered a generation who have benefited the most from the American Dream and post-war leadership. Their parents, who grew up during the Great Depression, made sure their children had the best of everything. Baby boomers benefited from affordable college and post-graduate education, relatively low housing costs, and plentiful job opportunities. Though they experienced some significant setbacks, such as the war in Viet Nam, they were a privileged generation that has been accused of being self-absorbed and materialistic.

Generation X: Born between 1963 and 1980 and now approaching 50, Gen-Xers are often accused of being unfocused and uncommitted—the "why me?" generation. Coming of age between 1980 and 1990, when divorce was rampant and greed was good, they are not attached to careers or families. They lived through the 1990s, a time with significant social problems, including teen suicide, homelessness, the AIDS epidemic, a downsizing of the workforce, and overseas conflict. Generation X is described as pessimistic, suspicious, and frustrated slackers who wear grunge clothing while listening to alternative music after they move back home with their parents. They do not want to change the world, just make their way in it and through it without complications.

Generation Y: Born between 1981 and 1994, Gen Y kids were deeply influenced by the 9/11 attacks and as a result are more patriotic than their older peers. They were weaned on reality TV and are sometimes called the *MTV generation*. Compared to their elders, Gen Y kids are incredibly sophisticated technologically. Gen Y members live in a world that is much more racially and ethnically diverse than their parents, and most are willing to accept diversity. Their worldview is aided by the rapid expansion in cable TV channels, satellite radio, the Internet, e-zines, etc. They may have lived in families with either a single caretaker or two working parents. Members of Generation Y are often accused of being self-centered, irresponsible, and having a lack of understanding of how the work world functions.

Generation Z: Born between 1995 and 2009, they are the first generation to have grown up in a world dominated by the Internet and instant communication; iPads, group video games, texting, and tweeting are their milieu. Will this next generation have the same opportunities as their grandparents in a global economy in which the United States is competing with other powerful nations for dominance?

Generation Alpha: Born after 2012, it's just too early to tell.

The mission of the **Children's Defense Fund** (<http://www.childrensdefense.org/>) is to "leave no child behind" and to ensure every child "a healthy start, a head start, a fair start, a safe start, and a moral start in life," as well as a successful passage to adulthood with the help of caring families and communities. The CDF tries to provide a strong, effective voice for kids who cannot vote, lobby, or speak for themselves. For more information about this topic, visit the Criminal Justice CourseMate at cengagebrain.com, then access the "Web Links" for this chapter.



become even more diverse in the decades to come. In 2023, less than half of all children are projected to be white, non-Hispanic; by 2050, 38 percent of children are projected to be white, non-Hispanic, down from 55 percent today.

During the baby boom (1946–1964), the number of children grew rapidly (see Exhibit 1.1). Now as the baby boomers enter their senior years, their needs for support and medical care will increase. At the same time, a significant number of kids who are poor and at risk for delinquency and antisocial behavior will need both private and public assistance and aid. While the number of poor kids and the elderly will be rising, the 30- to 50-year-old population who will be expected to care and pay for these groups will constitute a much smaller share of the population.

The Adolescent Dilemma

As they go through their tumultuous teenage years, the problems of American society and the daily stress of modern life have a significant effect on our nation's youth. Adolescence is unquestionably a time of transition. During this period, the self, or basic personality, is still undergoing a metamorphosis and is vulnerable to

a host of external determinants as well as internal physiological changes. Many youths become extremely vulnerable to emotional turmoil and experience anxiety, humiliation, and mood swings. Adolescents also undergo a period of biological development that proceeds at a far faster pace than at any other time in their lives except infancy. Over a period of a few years, their height, weight, and sexual characteristics change dramatically. The average age at which girls reach puberty today is 12.5 years; 150 years ago, girls matured sexually at age 16. But although they may become biologically mature and capable of having children as early as 14, many youngsters remain emotionally and intellectually immature. By the time they reach 15, a significant number of teenagers are approaching adulthood but are unable to adequately meet the requirements and responsibilities of the workplace, family, and neighborhood. Many suffer from health problems, are educational underachievers, and are already skeptical about their ability to enter the American mainstream.

In later adolescence (ages 16 to 18), youths may experience a life crisis that famed psychologist Erik Erikson labeled the struggle between **ego identity** and **role diffusion**. Ego identity is formed when youths develop a full sense of the self, combining how they see themselves and how they fit in with others. Role diffusion occurs when they experience personal uncertainty, spread themselves too thin, and place themselves at the mercy of people who promise to give them a sense of identity they cannot mold for themselves.³ Psychologists also find that late adolescence is a period dominated by the yearning for independence from parental domination.⁴ Given this explosive mixture of biological change and desire for autonomy, it isn't surprising that the teenage years are a time of rebelliousness and conflict with authority at home, at school, and in the community.

Such feelings can overwhelm young people and lead them to consider suicide as a "solution." Though most kids do not take their own lives, millions are left troubled and disturbed and at risk for delinquency, drug use, and other forms of antisocial behavior. Acting out or externalized behavior that begins in early adolescence may then persist into adulthood.⁵ In the United States the teen suicide rate remains unacceptably high: suicide is the third leading cause of death among young people ages 15 to 24, averaging about 4,500 per year. According to the Centers for Disease Control and Prevention, the top three methods used in youth suicides are firearms (46 percent), suffocation (37 percent), and poisoning (8 percent).⁶

Adolescent Problems

The population trends take on greater meaning when the special problems of youth are considered. It may not be surprising to some that this latest generation of adolescents has been described as cynical and preoccupied with material acquisitions. By age 18, American youths have spent more time in front of a television set than in the classroom; each year they may see up to 1,000 rapes, murders, and assaults on TV. Today's teens are watching racy TV shows involving humans, from *Teen Mom* to *Californication*, and nonhumans (e.g., *True Blood*). They listen to rap music, such as the classic "Candy Shop," by 50 Cent, and "I Hit It First" by Ray J, whose sexually explicit lyrics routinely describe substance abuse and promiscuity. How will this exposure affect them? Should we be concerned? Maybe we should. Research shows that kids who listen to music with a sexual content are much more likely to engage in precocious sex than adolescents whose musical tastes run to Katy Perry or Adele.⁷

Troubles in the home, the school, and the neighborhood, coupled with health and developmental hazards, have placed a significant portion of American youth **at risk**. Youths considered at risk are those dabbling in various forms of dangerous conduct such as drug abuse, alcohol use, and precocious sexuality. They are living in families that, because of economic, health, or social problems, are unable to provide adequate care and discipline.⁸

ego identity

According to Erik Erikson, ego identity is formed when youths develop a full sense of the self, combining how they see themselves and how they fit in with others.

role diffusion

According to Erik Erikson, role diffusion occurs when people spread themselves too thin, experience personal uncertainty, and place themselves at the mercy of people who promise to give them a sense of identity they cannot develop for themselves.

at-risk youth

Young people who are extremely vulnerable to the negative consequences of school failure, substance abuse, and early sexuality.

Data on population characteristics

can be found at the website of the US Census Bureau (<http://www.census.gov/>). For more information about this topic, visit the Criminal Justice CourseMate at cengagebrain.com, then access the "Web Links" for this chapter.



Adolescent Poverty According to the US Census Bureau, 48 million people, or one in seven residents, live in poverty in the United States, the highest rate since 1994. And because the government defines poverty as \$23,000 a year for a family of four, a great many more Americans live just above the poverty line, the so-called working poor, struggling to make ends meet.⁹ Today, real incomes are falling, and poverty in the United States is more prevalent now than in the late 1960s and early 1970s—and has escalated rapidly since 2000. While poverty problems have risen for nearly every age, gender, and race-ethnic group, the increases in poverty have been most severe among the nation's youngest families (adults under 30), especially those with one or more children present in the home. Since 2007, the poverty rate has risen by 8 percent among young families with one or more children in the home, and now rests at about 37 percent; in 1967, it stood at only 14 percent. Among young families with children residing in the home, four of every nine are poor or near poor, and close to two out of three are low income.¹⁰

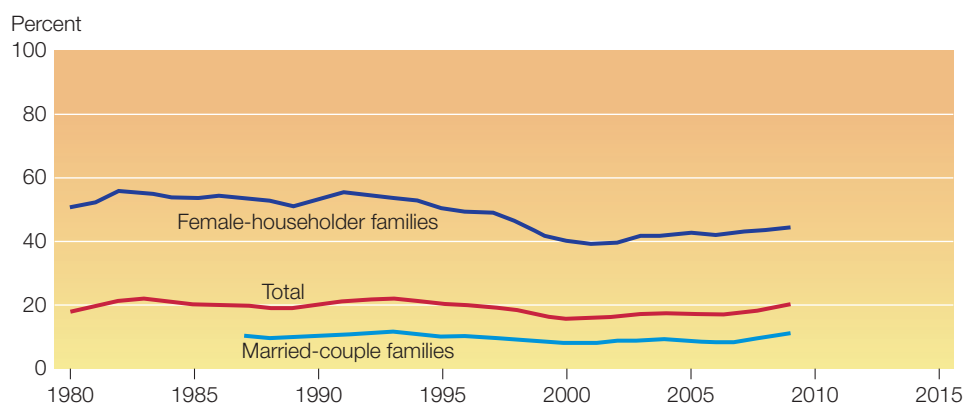
Working hard and playing by the rules is not enough to lift families out of poverty: even if parents work full-time at the federal minimum wage, the family still lives in poverty. Consequently, about 6 million children live in extreme poverty, which means less than \$10,000 for a family of four; the younger the child, the more likely they are to live in extreme poverty.¹¹

Which kids live in poverty? As Figure 1.1 shows, kids living in a single-parent, female-headed household are significantly more likely to suffer poverty than those in two-parent families.

figure 1.1

Percentage of Children Ages 0–17 Living in Poverty by Family Structure

SOURCE: US Census Bureau, *Current Population Survey, Annual Social and Economic Supplements*, <http://www.childstats.gov/americaschildren/surveys2.asp?popup=true#cps> (accessed May 2013).



Child poverty can have long-lasting negative effects on the children's cognitive achievement, educational attainment, nutrition, physical and mental health, and social behavior. Educational achievement scores between children in affluent and low-income families have been widening over the years, and the incomes and wealth of families have become increasingly important determinants of adolescents' high school graduation, college attendance, and college persistence and graduation. The chances of an adolescent from a poor family with weak academic skills obtaining a bachelor degree by his or her mid-20s is now close to zero.¹²

Health and Mortality Problems Receiving adequate health care is another significant concern for American youth. There are some troubling signs. Recent national estimates indicate that only about 18 percent of adolescents meet current physical activity recommendations of one hour of physical activity a day and only about 22 percent eat five or more servings of fruits and vegetables per day.¹³

Kids with health problems may only be helped if they have insurance. And while most kids now have health care coverage of some sort, about 10 percent or 7.5 million youth do not.¹⁴ As might be expected, children who are not healthy, especially those who live in lower-income families and children from ethnic and minority backgrounds, are subject to illness and early mortality. Recently, the infant mortality rate

rose for the first time in more than 40 years, and is now 7 per 1,000 births. The United States currently ranks 25th in the world among industrialized nations in preventing infant mortality, and the percent of children born at low birth weight has increased.¹⁵ It remains to be seen whether the new national health care policy, created by the Health Care and Education Reconciliation Act of 2010 (aka Obamacare) will eventually reduce or eliminate inadequate health care for America's children.

While infant mortality remains a problem, so do violent adolescent deaths. More than 3,000 children and teens are killed by firearms each year, the equivalent of 120 public school classrooms of 25 students each. Another 16,000 children and teens suffer nonfatal firearm injuries. Today, more preschoolers are killed by firearms than law enforcement officers killed in the line of duty.¹⁶

Racial Inequality Despite years of effort to reduce racial inequality, it still tragically exists. Minority kids are much more likely than white, non-Hispanic children to experience poverty; proportionately, Hispanic and black children are about three times as likely to be poor than their white peers.¹⁷ As Figure 1.2 shows, African American median income is significantly below that of white and Asian families.

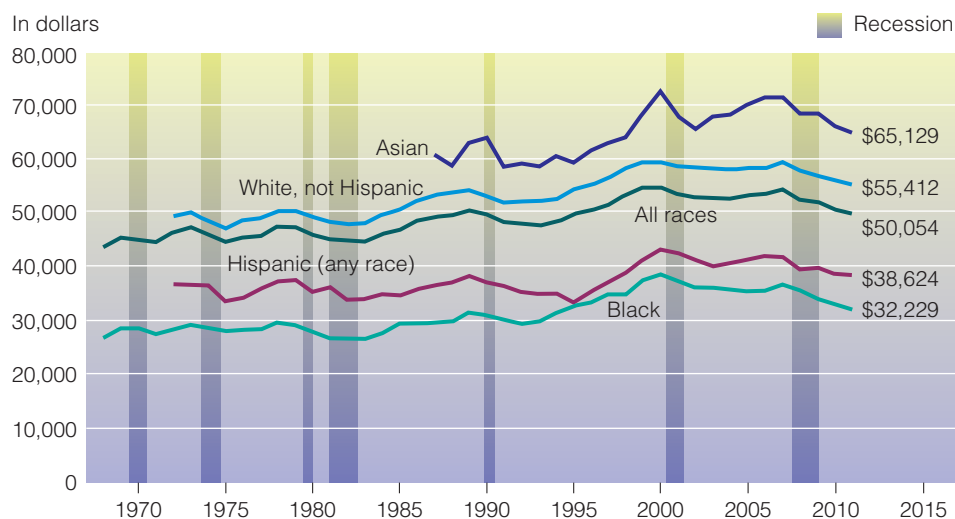


figure 1.2

Real Median Household Income by Race and Hispanic Origin

SOURCE: US Census Bureau, *Current Population Survey, 1968 to 2012, Annual Social and Economic Supplements*, <http://www.childstats.gov/americaschildren/surveys2.asp?popup=true#cps> (accessed May 2013).

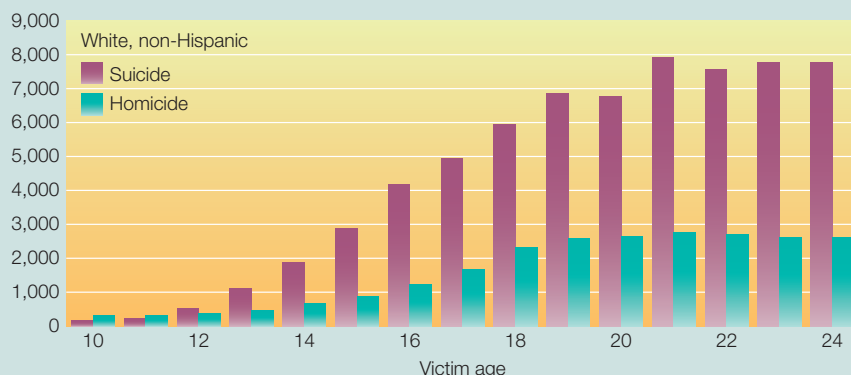
Inequality can also be found in other elements of social life. Educational problems are more likely to hit minority kids the hardest. According to the nonprofit Children's Defense Fund, African American children are half as likely as white children to be placed in a gifted and talented class and more than one and a half times as likely to be placed in a class for students with emotional disturbances. They are also more likely to face disciplinary problems, including being two and a half times as likely to be held back or retained in school, almost three times as likely to be suspended from school, and more than four times as likely to be expelled.¹⁸

Ironically, despite suffering these social and economic handicaps, minority youth are less likely to take their own life than white youth. However, as Exhibit 1.2 shows, they are more likely to be victims of lethal violence.

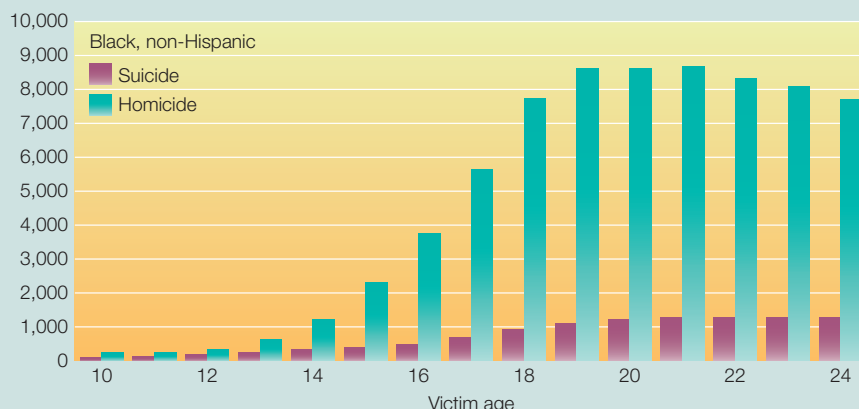
Self-Image Problems Adolescents are particularly vulnerable to stress caused by a poor self-image. According to recent surveys by the American Psychological Association, citizens of all ages are likely to live stress-filled lives, but children and adults alike who are obese or overweight are more likely to feel stressed out; overweight children are more likely to report that their parents were often or always stressed. When asked, one-third (31 percent) of American children report being very or slightly overweight. These kids are more likely to report they worry a lot or a great deal about things in their lives than children who are normal weight (31 percent versus

Race, Ethnicity, Suicide, and Violence

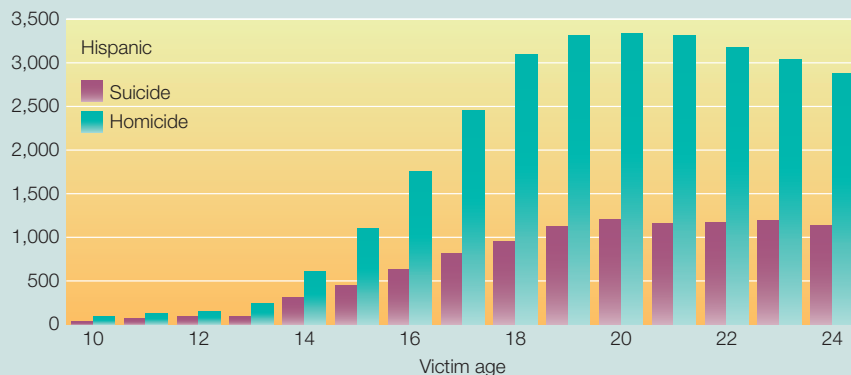
Number of Victims



Number of Victims



Number of Victims



Note: Between 1990 and 2009, suicide was more prevalent than homicide for non-Hispanic white juveniles, while the reverse was true for Hispanic juveniles and non-Hispanic black juveniles.

- At each age between 12 and 24, suicide was more common than murder for non-Hispanic whites, in sharp contrast to patterns for Hispanics and non-Hispanic blacks.
- For every 10 white homicide victims ages 7 to 17, there were 25 suicide victims (a ratio of 10:25); the corresponding ratio was 10:2 for black juveniles and 10:4 for Hispanic juveniles.
- Between 1990 and 2009, the juvenile suicide rate for white non-Hispanic youth (i.e., suicides per million for persons ages 7 to 17 in this race/ethnicity group) was 27.
- The suicide rates were substantially lower for Hispanic (17), black non-Hispanic (16), and Asian non-Hispanic (15) juveniles ages 7 to 17.
- In contrast, the suicide rate for American Indian juveniles (63) was more than double the white non-Hispanic rate and more than triple the rates for the other racial/ethnic groups.

SOURCE: OJJDP Statistical Briefing Book, March 5, 2012, <http://www.ojjdp.gov/ojstatbb/victims/qa02703.asp?qaDate=2009> (accessed May 2013).

14 percent). Overweight children are also significantly more likely than normal-weight children to report they worry about the way they look or about their weight (36 percent versus 11 percent). Children, regardless of weight or age, say they can tell that their parents are stressed when they argue and complain, which many children say makes them feel sad and worried.¹⁹

Family Problems Divorce strikes about half of all new marriages, and many intact families sacrifice time with each other to afford more affluent lifestyles. Today, about 70 percent of children under age 18 live with two married parents. Kids who live

with one parent only are much more likely to experience poverty than those living in two-parent families. Because of family problems, children are being polarized into two distinct economic groups: those in affluent, two-earner, married-couple households and those in poor, single-parent households.²⁰

Substandard Living Conditions Millions of children now live in substandard housing—high-rise, multiple-family dwellings—which can have a negative influence on their long-term psychological health.²¹ Adolescents living in deteriorated urban areas are prevented from having productive and happy lives. Many die from random bullets and drive-by shootings. Some are homeless and living on the street, where they are at risk of drug addiction and sexually transmitted diseases (STDs), including AIDS. Today about one-third of US households with children have one or more of the following three housing problems: physically inadequate housing, crowded housing, or housing that costs more than 30 percent of the household income.²² Despite the fact that the minimum wage has increased to more than \$6.50 per hour, the poor can barely afford to live in even the lowest-cost neighborhoods of metro areas such as Chicago, New York, and Washington, DC.²³

Inadequate Educational Opportunity Education shapes the personal growth and life chances of children. Early educational experiences of young children, such as being read to daily, encourage the development of essential skills and prepare children for success in school. Later aspects of academic performance, such as mastering academic subjects, completing high school, and enrolling in college, provide opportunities for further education and future employment. Youths who are neither enrolled in school nor working are a measure of the proportion of young people at risk of limiting their future prospects.²⁴ Although all young people face stress in the education system, the risks are greatest for the poor, members of racial and ethnic minorities, and recent immigrants. By the time they reach the fourth grade, students in poorer public schools have lower achievement scores in mathematics than those in more affluent districts.²⁵ According to the watchdog group Children's Defense Fund:

- About 70 percent of fourth-graders in our public schools cannot read at grade level.
- Minority children are most seriously affected: almost 90 percent of black fourth-graders, 80 percent of Hispanic fourth-graders, and 80 percent of American Indian/Alaska native fourth-graders are not reading at grade level.²⁶

The problems faced by kids who drop out of school do not end in adolescence.²⁷ Adults 25 years of age and older without a high school diploma earn 30 percent less than those who have earned a diploma. High school graduation is the single most effective preventive strategy against adult poverty.

At home, poor children receive less academic support from their harried parents. Take for instance having parents who read to their children at home, a key to future academic success. Although about half of all children ages 3 to 5 who are not yet in kindergarten are read to daily by a family member, the likelihood of having heard a story at home is stratified by class. About two-thirds of children in families with incomes at or above 200 percent of the poverty level are read to daily; in contrast, less than half of children whose family falls 200 percent below the poverty level are read to at home.²⁸

Problems in Cyberspace

Kids today are forced to deal with problems and issues that their parents could not even dream about. While the Internet and other technological advances have opened a new world of information gathering and sharing, they have also brought a basketful of new problems ranging from sexting to cyberstalking.

Formed in 1985, the **Children's Rights Council (CRC)** is a national nonprofit organization based in Washington, DC, that works to assure children meaningful and continuing contact with both their parents and extended family regardless of the parents' marital status. For more information about this topic, visit their website at <http://www.crckids.org> or go to the Criminal Justice CourseMate at cengagebrain.com, then access the "Web Links" for this chapter.



Cyberbullying Phoebe Prince, a 15-year-old Massachusetts girl, hanged herself in a stairwell at her home after enduring months of torment by her fellow students at South Hadley High School. Prince, who had immigrated from Ireland, was taunted in the school's hallways and bombarded with vulgar insults by a pack of kids led by the ex-girlfriend of a boy she had briefly dated. As she studied in the library on the last day of her life, she was openly hounded and threatened physically while other students and a teacher looked on and did nothing. In the aftermath of her death, prosecutors accused two boys of statutory rape and four girls with violating Prince's civil rights and criminal harassment. Ironically, most of these students were still in school, and some continued to post nasty remarks on Prince's memorial Facebook page after her death.²⁹

Experts define bullying among children as repeated, negative acts committed by one or more children against another.³⁰ These negative acts may be physical or verbal in nature—for example, hitting or kicking, teasing or taunting—or they may involve indirect actions such as manipulating friendships or purposely excluding other children from activities.

While in the past bullies were found in the school yard, they can now use the Internet to harass their victims through emails or instant messages. Physical distance is no longer a barrier to the frequency and depth of harm doled out by a bully to his or her victim.³¹ Obscene, insulting, and slanderous messages can be posted to social media sites or sent directly to the victim via cell phones; bullying has now morphed from the physical to the virtual.³²

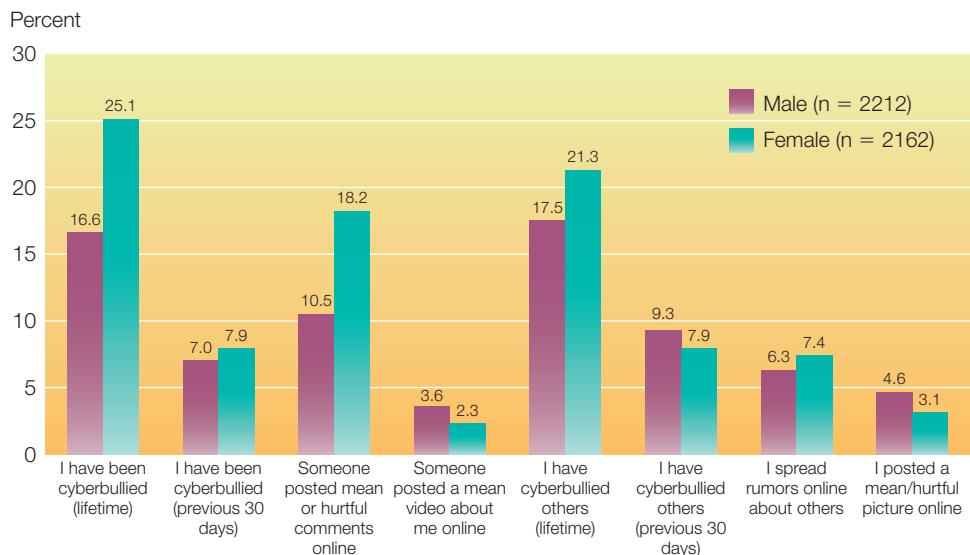
Cyberbullying is the willful and repeated harm inflicted through Internet social media sites such as Facebook, blogs, or microblogging applications such as Twitter. Like their real-world counterparts, cyberbullies are malicious aggressors who seek implicit or explicit pleasure or profit through the mistreatment of other individuals. Although power in traditional bullying might be physical (stature) or social (competency or popularity), online power may simply stem from Net proficiency.

It is difficult to get an accurate count of the number of teens who have experienced cyberbullying. A recent study by Justin Patchin and Sameer Hinduja found that more than 20 percent of the youth they surveyed reported being the target of cyberbullying.³³ As Figure 1.3 shows, adolescent girls are significantly more likely to have experienced cyberbullying in their lifetimes (26 percent versus 16 percent) than boys. Girls are also more likely to report cyberbullying others during their lifetime (21 percent versus 18 percent). The type of cyberbullying tends to differ by gender; girls are more likely to spread rumors while boys are more likely to post hurtful pictures.³⁴

cyberbullying
Willful and repeated harm inflicted through Internet social media sites or electronic communication methods such as Twitter.

figure 1.3
Cyberbullying by Gender

SOURCE: Justin Patchin and Sameer Hinduja, Cyberbullying Research Center, <http://cyberbullying.us/research.php> (accessed May 2013).



Cyberstalking Cyberstalking refers to the use of the Internet, email, or other electronic communications devices to stalk another person. Some predatory adults pursue minors through online chat rooms, establish a relationship with the child, and later make contact. Today, Internet predators are more likely to meet and develop relationships with at-risk adolescents, and beguile underage teenagers, rather than use coercion and violence.³⁵

Others, as the Cyber Delinquency feature shows, engage in a misleading practice called *catfishing*: taking on a fictional identity to lure unsuspecting kids into romantic relationships.

Sexting Adolescents now have to worry that the compromising photos they send their boyfriends or girlfriends—a practice called sexting—can have terrible repercussions. In 2008, Jesse Logan, an 18-year-old Ohio high school girl, made the mistake of sending nude pictures of herself to her boyfriend. When they broke up, he sent them around to their schoolmates. As soon as the e-photos got into the hands of her classmates, they began harassing her, calling her names and destroying her reputation. Jesse soon became depressed and reclusive, afraid to go to school, and in July 2008 she hanged herself in her bedroom.³⁶

While the sexting phenomenon has garnered national attention, there is some question as to how often teens actually engage in the distribution of sexually compromising material. One recent survey of 1,560 Internet users ages 10 through 17 found that about 2.5 percent had appeared in or created nude or nearly nude pictures or videos and that 1 percent of these images contained sexually explicit nudity. Of the youth who participated in the survey, 7 percent said they had received nude or nearly nude images of others; few youth distributed these images. It is possible that sexting is not as common as previously believed or that it was a fad that is quickly fading.³⁷

Are Things Improving?

Though American youth do face many hazards, there are some bright spots on the horizon. Teenage birthrates nationwide have declined substantially during the past decade, with the sharpest declines among African American girls. In the same period, the teen abortion rate has also declined. These data indicate that more teens are using birth control and practicing safe sex.

Fewer children are being born with health risks today than in 1990. This probably means that fewer women are drinking or smoking during pregnancy and that fewer are receiving late or no prenatal care. In addition, since 1990 the number of children immunized against disease has increased.

Kids are taking less risks when they ride in cars:

- From 1991 to 2011, the percentage of high school students who never or rarely wore a seatbelt declined from 26 to 8 percent
- From 1991 to 2011, the percentage of students who rode with a driver who had been drinking alcohol during the past 30 days declined from 40 to 24.
- The percentage of high school students who had driven a car during the past 30 days when they had been drinking alcohol decreased from 17 in 1997 to 8 in 2011.³⁸

They are also drinking less alcohol. Since 1999, the percentage of high school students who drank alcohol during the past 30 days decreased from 50 percent to 39 percent and, since 1997, the percentage who reported binge drinking (having 5 or more drinks of alcohol in a row during the past 30 days) decreased from 33 percent to 22 percent.³⁹

More parents are reading to their children, and math achievement is rising in grades 4 through 12. And more kids are going to college: college enrollment is now about 21 million and is expected to continue setting new records for the next decade.⁴⁰

CYBER delinquency

Catfishing

“Catfishing” refers to the practice of setting up a fictitious on-line profile, most often for the purpose of luring another into a fraudulent romantic relationship. According to *The Urban Dictionary*, a catfish is “someone who pretends to be someone they’re not using Facebook or other social media.” So, to “catfish someone” is to set up a fake social media profile with the goal of duping that person into falling for the false persona.

While catfishing has been around awhile, it became a topic of public interest when Notre Dame football star Manti Te’o was the apparent target of a catfish. Te’o developed an online relationship with someone he knew as Lennay Kekua. It is difficult to know how deep the relationship was, but he did refer to her as his girlfriend and mentioned repeatedly that he loved her. Te’o amassed a wide sympathy following when it was learned that his grandmother and his girlfriend (Kekua) died on the same day early in the 2012 football season. While his grandmother did in fact die on that day, his “girlfriend” did not—media investigations revealed that she had never existed in the first place. Kekua was in fact a fictitious online persona created by a friend of Te’o’s. In a statement to the press, Te’o maintained that he was a target: “To realize that I was the victim of what was apparently someone’s sick joke and constant lies was, and is, painful and humiliating.”

In another case that got national attention, 13-year-old Megan Meier began an online relationship with a boy she knew as Josh Evans. For almost a month, Megan corresponded with this boy, exclusively online because he said he didn’t have a phone and was homeschooled. One day in October 2006, Megan received a message from Josh on her MySpace profile saying, “I don’t know if I want to be friends with you any longer because I hear you’re not nice to your friends.” This was followed by bulletins being posted through MySpace calling Megan “fat” and a “slut.” After seeing the messages, Megan became distraught and ran up to her room. A few minutes later, Megan’s mother Tina found her hanging in her bedroom closet. Though Tina rushed her daughter to the hospital, Megan died the next day.

Six weeks after their daughter’s death, the Meier family learned that the boy with whom Megan had been corresponding never existed. Josh Evans (and his online profile) was created by Lori Drew, a neighbor and the mother of one of Megan’s friends. She created the profile as a way to spy on what Megan was saying about her daughter. Drew was eventually acquitted in federal court for her role in Megan’s death.

Another, more extreme example, is the case of 18-year-old Anthony Stancil, who in 2009 impersonated two girls (“Kayla” and “Emily”) on Facebook. He befriended and formed online



AP Photo/Disney-ABC, Lorenzo Bevilacqua

The most famous case of “catfishing” involved Notre Dame’s star linebacker Manti Te’o, shown here speaking with Katie Couric during an interview. Te’o admitted that he briefly lied about his fictitious online girlfriend Lennay Kekua after discovering she didn’t exist, while maintaining that he had no part in creating the hoax. Te’o gained the sympathy of the nation when he was made to believe that his girlfriend had died of cancer.

romantic relationships with a number of boys in his high school (again, while posing and interacting as these two girls). He then convinced at least 31 of those boys to send him nude pictures or videos of themselves. As if that weren’t bad enough, Stancil—still posing as a girl and still communicating through Facebook—tried to convince more than half to meet with a male friend and let him perform sexual acts on them. If they refused, “she” told them that the pictures and videos would be released for all to see. Seven boys actually submitted to this horrific request, and allowed Stancil to perform sex acts on them or they performed sex acts on him. He took numerous pictures of these encounters with his cell phone, and the police eventually found over 300 nude images of male teens on his computer. He was charged with five counts of child enticement, two counts of second-degree sexual assault of a child, two counts of third-degree sexual assault, possession of child pornography, and repeated sexual assault of the same child, and received a 15-year prison sentence.

CRITICAL THINKING Some might argue that catfishing is harmless Internet fun and that people should know better than to enter into any significant relationship with another person they only know digitally. Do such thoughts make it okay to use technology to mislead someone, and lead to a “victim-blaming” mentality? Should people who catfish others be held criminally liable?

SOURCE: Justin Patchin, “Catfishing as a Form of Cyberbullying,” Cyberbullying Research Center, <http://cyberbullying.us/blog/catfishing-as-a-form-of-cyberbullying.html> (accessed May 2013).

Almost 30 percent of the adult population in the United States now have college degrees.

Although these are encouraging signs, the improvement of adolescent life continues to be a national goal.

The Study of Juvenile Delinquency

The problems of youth in modern society is a major national concern especially when they are linked to **juvenile delinquency**, or criminal behavior committed by minors.

More than 1.1 million youths are now arrested each year for crimes ranging in seriousness from loitering to murder.⁴¹ Though most juvenile law violations are minor, some young offenders are extremely dangerous and violent. About 800,000 youths belong to more than 20,000 gangs in the United States. Violent street gangs and groups can put fear into an entire city (see Chapter 9 for more on gangs). Youths involved in multiple serious criminal acts—referred to as lifestyle, repeat, or **chronic delinquent offenders**—are now recognized as a serious social problem. State juvenile authorities must deal with these offenders, along with responding to a range of other social problems, including child abuse and neglect, school crime and vandalism, family crises, and drug abuse. The cost to society of these high-rate offenders can be immense. In a series of studies, Mark Cohen, Alex Piquero, and Wesley Jennings examined the costs to society of various groups of juvenile offenders, including high-rate chronic offenders who kept on committing serious crimes as adults.⁴² They found that the average cost for each of these offenders was over \$1.5 million, and their cost to society increased as they grew older. The “worst of the worst” of these offenders, who committed 53 known crimes, cost society \$1,696,000 by the time they reached their mid-20s. In all, the high-rate offenders they studied had an annual cost to society of over half a billion dollars.

Given the diversity and gravity of these problems, there is an urgent need for strategies to combat such a complex social phenomenon as juvenile delinquency. But formulating effective strategies demands a solid understanding of delinquency’s causes and prevention. Is delinquency a function of psychological abnormality? A collective reaction by youths against destructive social conditions? The product of a disturbed home life and disrupted socialization? Does serious delinquent behavior occur only in large urban areas among lower-class youths? Or is it spread throughout the entire social structure? What impact do family life, substance abuse, school experiences, and peer relations have on youth and their law-violating behaviors? We know that most youthful law violators do not go on to become adult criminals (what is known as the **aging-out process**). Yet we do not know why some youths become chronic delinquents whose careers begin early and persist into their adulthood. Why does the onset of delinquency begin so early in some children? Why does the severity of their offenses escalate? What factors predict the **persistence**, or continuation, of delinquency, and conversely, what are the factors associated with its desistance, or termination? Unless the factors that control the onset and termination of a delinquent career are studied in an orderly and scientific manner, developing effective prevention and control efforts will be difficult.

The study of delinquency also involves analysis of the law enforcement, court, and correctional agencies designed to treat youthful offenders who fall into the arms of the law—known collectively as the **juvenile justice system**. How should police deal with minors who violate the law? What are the legal rights of children? For example, should minors who commit murder receive the death penalty? What kind of correctional programs are most effective with delinquent youths? How useful are educational, community, counseling, and vocational development programs? Is it true, as some critics claim, that most efforts to rehabilitate young offenders are doomed to failure?⁴³ Should we adopt a punishment or a treatment orientation to combat delinquency, or something in between?

juvenile delinquency

Participation in illegal behavior by a minor who falls under a statutory age limit.

chronic delinquent offenders (also known as chronic juvenile offenders, chronic delinquents, or chronic recidivists)

Youths who have been arrested four or more times during their minority and perpetuate a striking majority of serious criminal acts. This small group, known as the “chronic 6 percent,” is believed to engage in a significant portion of all delinquent behavior; these youths do not age out of crime but continue their criminal behavior into adulthood.

aging-out process (also known as desistance or spontaneous remission)

The tendency for youths to reduce the frequency of their offending behavior as they age; aging-out is thought to occur among all groups of offenders.

persistence

The process by which juvenile offenders persist in their delinquent careers rather than aging out of crime.

juvenile justice system

The segment of the justice system, including law enforcement officers, the courts, and correctional agencies, designed to treat youthful offenders.

The study of juvenile delinquency involves a variety of social problems faced by adolescents. Sgt. Vincent Matranga, of the Sacramento City Unified School District, questions Lydia Ochoa, 15, and her boyfriend, Antonio, 17, about why the pair are not in school, in Sacramento, California. Police teamed up with school officials to start rounding up truants in an effort to cut crime as well as prevent kids from dropping out. After questioning the two juveniles, Matranga released Antonio to an adult who confirmed he was enrolled in a home study program. Lydia was taken to an attendance center at Luther Burbank High School where a social worker worked with her to prevent her from becoming one of the estimated 150,000 California students who leave school each year without a diploma. The study of delinquency involves such issues as devising programs to reduce the dropout rate and determining what effect dropping out of school has on delinquency.



AP Photo/Rich Pedroncelli

In sum, the scientific study of delinquency requires understanding the nature, extent, and cause of youthful law violations and the methods devised for their control. We also need to study important environmental and social issues associated with delinquent behavior, including substance abuse, child abuse and neglect, education, and peer relations. This text investigates these aspects of juvenile delinquency along with the efforts being made to treat problem youths and prevent the spread of delinquent behavior. Our study begins with a look back to the development of the concept of childhood and how children were first identified as a unique group with its own special needs and behaviors.

The Development of Childhood

The treatment of children as a distinct social group with special needs and behavior is, in historical terms, a relatively new concept. It is only for the past 350 years or so that any mechanism existed to care for even the most needy children, including those left orphaned and destitute. How did this concept of concern for children develop?

Childhood in the Middle Ages

In Europe, during the Middle Ages (roughly 500–1500 CE), the concept of childhood as we know it today did not exist. In the **paternalistic family** of the time, the father was the final authority on all family matters and exercised complete control over the social, economic, and physical well-being of his wife and children.⁴⁴ Children who did not obey were subject to severe physical punishment, even death.

The Lower Classes For peasant children, the passage into adulthood was abrupt. As soon as they were physically capable, children of all classes were expected to engage in adult roles. Among the working classes, males engaged in farming and/or

paternalistic family

A family style wherein the father is the final authority on all family matters and exercises complete control over his wife and children.

learning a skilled trade, such as masonry or metalworking; females aided in food preparation or household maintenance.⁴⁵ Some peasant youths went into domestic or agricultural service on the estate of a powerful landowner or into trades or crafts, perhaps as a blacksmith or farrier (horseshoer).

This view of medieval childhood was shaped by Philippe Aries, whose influential book *Centuries of Childhood* is considered a classic of historical scholarship. Aries argued that most young people were apprenticed, became agricultural or factory workers, and generally entered adult society at a very early age.⁴⁶ According to Aries, high infant mortality rates kept parents emotionally detached from their children. Paintings of the time depict children as mini-adults who were sent off to work as soon as they were capable. Western culture did not have a sense of childhood as a distinct period of life until the very late nineteenth and early twentieth centuries.

Though Aries's view that children in the Middle Ages were treated as "miniature adults" has become the standard view, in a more recent book, historian Nicholas Orme puts forth evidence that medieval children may have been valued by their parents and did experience a prolonged period of childhood. In his *Medieval Children*, Orme finds that the medieval mother began to care for her children even before their delivery. Royal ladies borrowed relics of the Virgin Mary from the church to protect their unborn children, while poorer women used jasper stones or drawings of the cross, which were placed across their stomachs to ensure a healthy and uneventful birth. Parents associated their children's birthdays with a saint's feast day. Medieval children devised songs, rhymes, and games. Some simple games made use of cherry pits or hazelnuts, but children also had toys, which included dolls and even mechanical toys made for royalty.⁴⁷



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As soon as they were physically capable, children of the Middle Ages were expected to engage in adult roles. Young girls worked as maids and housekeepers and at such tasks as food preparation, clothes washing, and household maintenance. Boys worked on farms and performed such tasks as blacksmith or farrier (horseshoer).

Children of the Nobility Though their lives were quite different, children of the affluent, landholding classes also assumed adult roles at an early age. Girls born into aristocratic families were educated at home and married in their early teens. A few were taught to read, write, and do sufficient mathematics to handle household accounts in addition to typical female duties such as supervising servants and ensuring the food supply of the manor.

At age 7 or 8, boys born to landholding families were either sent to a monastery or cathedral school to be trained for lives in the church or selected to be a member of the warrior class and sent to serve a term as a squire—an apprentice and assistant to an experienced knight. At age 21, young men of the knightly classes completed their term as squire, received their own knighthood, and returned home to live with their parents. Most remained single because it was widely believed there should be only one married couple residing in a manor or castle. To pass the time and maintain their fighting edge, many young knights entered the tournament circuit, engaging in melees and jousts to win fame and fortune. Upon the death of their fathers, young nobles assumed their inherited titles, married, and began their own families.

primogeniture

During the Middle Ages, the right of firstborn sons to inherit lands and titles, leaving their brothers the option of a military or religious career.

The customs and practices of the time helped shape the lives of children and, in some instances, greatly amplified their hardships and suffering. **Primogeniture** required that the oldest surviving male child inherit family lands and titles. He could then distribute them as he saw fit to younger siblings. There was no absolute requirement, however, that portions of the estate be distributed equally; many youths who received no lands were forced to enter religious orders, become soldiers, or seek wealthy patrons. Primogeniture often caused intense family rivalry that led to blood feuds and tragedy.

Dower The dower system mandated that a woman's family bestow money, land, or other wealth (called a dowry) on a potential husband or his family in exchange for his marriage to her. In return, the young woman received a promise of financial assistance, called a jointure, from the groom's family. Jointure provided a lifetime income if a wife outlived her mate. The dower system had a significant impact on the role of women in medieval society and consequently on the role of children. Within this system, a father or male guardian had the final say in his daughter's choice of marital partner, as he could threaten to withhold her dowry. Some women were denied access to marriage simply because of their position in the family.

A father with many daughters and few sons might find himself financially unable to obtain suitable marriages for them. Consequently, the youngest girls in many families were forced either to enter convents or stay at home, with few prospects for marriage and family.

The dower system had far-reaching effects on the position of women in society, forcing them into the role of second-class citizens dependent upon their fathers, brothers, and guardians. It established a pattern in which females who did not conform to what males considered to be acceptable standards of feminine behavior could receive harsh sanctions; it established a sexual double standard that in part still exists today.

Childrearing The harshness of medieval life influenced childrearing practices during the fifteenth and sixteenth centuries. For instance, newborns were almost immediately handed over to wet nurses, who fed and cared for them during the first two years of their life. These women often lived away from the family so that parents had little contact with their children. Even the wealthiest families employed wet nurses, because it was considered demeaning for a noblewoman to nurse. Wrapping a newborn entirely in bandages, or **swaddling**, was a common practice. The bandages prevented any movement and enabled the wet nurse to manage the child easily. This practice was thought to protect the child, but it most likely contributed to high infant mortality rates because the child could not be kept clean.

swaddling

The practice during the Middle Ages of completely wrapping newborns in long bandage-like cloths in order to restrict their movements and make them easier to manage.

Discipline was severe during this period. Young children of all classes, both peasant and wealthy, were subjected to stringent rules and regulations. They were beaten severely for any sign of disobedience or ill temper. Many children of this time would be considered abused by today's standards. The relationship between parent and child was remote. Children were expected to enter the world of adults and to undertake responsibilities early in their lives, sharing in the work of siblings and parents. Children thought to be suffering from disease or retardation were often abandoned to churches, orphanages, or foundling homes.⁴⁸

The roots of the impersonal relationship between parent and child can be traced to high mortality rates, which made sentimental and affectionate relationships risky. Parents were reluctant to invest emotional effort in relationships that could so easily be terminated by violence, accidents, or disease. Many believed that children must be toughened to ensure their survival in a hostile world. Close family relationships were viewed as detrimental to this process. Also, because the oldest male child was viewed as the essential player in a family's well-being, younger male and female siblings were considered economic and social liabilities.

Development of Concern for Children

Throughout the seventeenth and eighteenth centuries, a number of developments in England heralded the march toward the recognition of children's rights. Some of these events eventually affected the juvenile legal system as it emerged in America. They include (a) changes in family style and child care, (b) the English Poor Laws, (c) the apprenticeship movement, and (d) the role of the chancery court.⁴⁹

Changes in Family Structure Family structure and the role of children began to change after the Middle Ages. Extended families, which were created over centuries, gave way to the nuclear family structure with which we are familiar today. It became more common for marriage to be based on love and mutual attraction between men and women rather than on parental consent and paternal dominance. The changing concept of marriage—from an economic arrangement to an emotional commitment—also began to influence the way children were treated within the family structure. Though parents still rigidly disciplined their children, they formed closer parental ties and developed greater concern for their offspring's well-being.

To provide more control over children, grammar and boarding schools were established and began to flourish in many large cities during this time.⁵⁰ Children studied grammar, Latin, law, and logic, often beginning at a young age. Teachers in these institutions regularly ruled by fear, and flogging was their main method of discipline. Students were beaten for academic mistakes as well as moral lapses. Such brutal treatment fell on both the rich and the poor throughout all levels of educational life, including universities. This treatment abated in Europe with the rise of the Enlightenment, but it remained in full force in Great Britain until late in the nineteenth century. Although this brutal approach to children may be difficult to understand now, the child in that society was a second-class citizen.

Toward the close of the eighteenth century, the work of such philosophers as Voltaire, Rousseau, and Locke launched a new age for childhood and the family.⁵¹ Their vision produced a period known as the Enlightenment, which stressed a humanistic view of life, freedom, family, reason, and law. The ideal person was sympathetic to others and receptive to new ideas. These new beliefs influenced both the structure and lifestyle of the family. The father's authority was tempered, discipline in the home became more relaxed, and the expression of love and affection became more commonplace among family members. Upper- and middle-class families began to devote attention to childrearing, and the status of children was advanced.

As a result of these changes, in the nineteenth century children began to emerge as a readily distinguishable group with independent needs and interests. Parents often took greater interest in their upbringing. In addition, serious questions arose over the treatment of children in school. Public outcries led to a decrease in excessive physical discipline. Restrictions were placed on the use of the whip, and in some schools, the imposition of academic assignments or the loss of privileges replaced corporal punishment. Despite such reforms, many children still led harsh lives. Girls were still undereducated, punishment was still primarily physical, and schools continued to mistreat children.

Poor Laws Government action to care for needy children can be traced to the **Poor Laws** of Britain. As early as 1535, England passed statutes allowing for the appointment of overseers to place destitute or neglected children as servants in the homes of the affluent.⁵² The Poor Laws forced children to serve during their minority in the care of families who trained them in agricultural, trade, or domestic services. The Elizabethan Poor Laws of 1601 were a model for dealing with poor children for more than 200 years. These laws created a system of church wardens and overseers who, with the consent of justices of the peace, identified vagrant, delinquent, and neglected children and took measures to put them to work. Often this meant placing them in poorhouses or workhouses, or apprenticing them to masters.

Poor Laws

English statutes that allowed the courts to appoint overseers over destitute and neglected children, allowing placement of these children as servants in the homes of the affluent.

The Apprenticeship Movement Under the apprenticeship system, children were placed in the care of adults who trained them to discharge various duties and obtain skills. Voluntary apprentices were bound out by parents or guardians who wished to secure training for their children. Involuntary apprentices were compelled by the authorities to serve until they were 21 or older. The master-apprentice relationship was similar to the parent-child relationship in that the master had complete responsibility for and authority over the apprentice. If an apprentice was unruly, a complaint could be made and the apprentice could be punished. Incarcerated apprentices were often placed in rooms or workshops apart from other prisoners and were generally treated differently from those charged with a criminal offense. Even at this early stage, the conviction was growing that the criminal law and its enforcement should be applied differently to children.

chancery courts

Court proceedings created in fifteenth-century England to oversee the lives of highborn minors who were orphaned or otherwise could not care for themselves.

Chancery Court After the fifteenth century, a system of **chancery courts** became a significant arm of the British legal system. They were originally established as “courts of equity” to handle matters falling outside traditional legal actions. These early courts were based on the traditional English system in which a chancellor acted as the “king’s conscience” and had the ability to modify the application of legal rules and provide relief considering the circumstances of individual cases. The courts were not concerned with technical legal issues; rather, they focused on rendering decisions or orders that were fair or equitable. With respect to children, the chancery courts dealt with issues of guardianship of children who were orphaned, their property and inheritance rights, and the appointment of guardians to protect them until they reached the age of majority and could care for themselves. For example, if a wealthy father died before his heir’s majority, or if there were some dispute as to the identity (or legitimacy) of his heir, the crown might ask the case to be decided by the chancery court in an effort to ensure that inheritance rights were protected (and taxes collected!).

Chancery court decision making rested on the proposition that children and other incompetents were under the protective control of the king; thus, the Latin phrase *parens patriae* was used, referring to the role of the king as the father of his country. The concept was first used by English kings to establish their right to intervene in the lives of the children of their vassals—children whose position and property were of direct concern to the monarch.⁵³ The concept of *parens patriae* became the theoretical basis for the protective jurisdiction of the chancery courts acting as part of the crown’s power. As time passed, the monarchy used *parens patriae* more and more to justify its intervention in the lives of families and children by its interest in their general welfare.⁵⁴

The chancery courts dealt with the property and custody problems of the wealthier classes. They did not have jurisdiction over children charged with criminal conduct. Juveniles who violated the law were handled within the framework of the regular criminal court system. Nonetheless, the concept of *parens patriae* grew to refer primarily to the responsibility of the courts and the state to act in the best interests of the child.

Childhood in America

While England was using its chancery courts and Poor Laws to care for children in need, the American colonies were developing similar concepts. The colonies were a haven for poor and unfortunate people looking for religious and economic opportunities denied them in England and Europe. Along with early settlers, many children came not as citizens but as indentured servants, apprentices, or agricultural workers. They were recruited from the various English workhouses, orphanages, prisons, and asylums that housed vagrant and delinquent youths during the sixteenth and seventeenth centuries.⁵⁵

parens patriae

Power of the state to act on behalf of the child and provide care and protection equivalent to that of a parent.

At the same time, the colonies themselves produced illegitimate, neglected, abandoned, and delinquent children. The colonies' initial response to caring for such unfortunate children was to adopt court and Poor Laws systems similar to those in England. Involuntary apprenticeship, indenture, and binding out of children became integral parts of colonization in America. For example, Poor Law legislation requiring poor and dependent children to serve apprenticeships was passed in Virginia in 1646 and in Massachusetts and Connecticut in 1673.⁵⁶

The master in colonial America acted as a surrogate parent, and in certain instances, apprentices would actually become part of the nuclear family structure. If they disobeyed their masters, apprentices were punished by local tribunals. If masters abused apprentices, courts would make them pay damages, return the children to the parents, or find new guardians. Maryland and Virginia developed an orphan's court that supervised the treatment of youths placed with guardians and ensured that they were not mistreated or taken advantage of by their masters. These courts did not supervise children living with their natural parents, leaving intact the parents' right to care for their children.⁵⁷

By the beginning of the nineteenth century, as the agrarian economy began to be replaced by industry, the apprenticeship system gave way to the factory system. Yet the problems of how to deal effectively with growing numbers of dependent youths increased. Early American settlers believed that hard work, strict discipline, and rigorous education were the only reliable means to salvation. A child's life was marked by work alongside parents, some schooling, prayer, more work, and further study. Work in the factories, however, often taxed young laborers by placing demands on them that they were too young to endure. To alleviate a rapidly developing problem, the Factory Act of the early nineteenth century limited the hours children were permitted to work and the age at which they could begin to work. It also prescribed a minimum amount of schooling to be provided by factory owners.⁵⁸ This and related statutes were often violated, and conditions of work and school remained troublesome issues well into the twentieth century. Nevertheless, the statutes were a step in the direction of reform.

Controlling Children In America, as in England, moral discipline was rigidly enforced. "Stubborn child" laws were passed that required children to obey their parents.⁵⁹ It was not uncommon in the colonies for children who were disobedient or disrespectful to their families to be whipped or otherwise physically chastised. Children were often required to attend public whippings and executions because these events were thought to be important forms of moral instruction. Parents often referred their children to published works and writings on behavior and discipline and expected them to follow their precepts carefully. Because community and church leaders frowned on harsh punishments, child protection laws were passed as early as 1639 (in New Haven, Connecticut). Nonetheless, these laws were generally symbolic and rarely enforced. They expressed the community's commitment to God to oppose sin; offenders who abused their children usually received lenient sentences.⁶⁰

Although most colonies adopted a protectionist stance, few cases of child abuse were actually brought before the courts. There are several explanations for this neglect. The absence of child abuse cases may reflect the nature of life in what were extremely religious households. Children were productive laborers and respected as such by their parents. In addition, large families provided many siblings and kinfolk who could care for children and relieve stress-producing burdens on parents.⁶¹ Another view is that though many children were harshly punished in early American families, the acceptable limits of discipline were so high that few parents were charged with assault. Any punishment that fell short of maiming or permanently harming a child was considered within the sphere of parental rights.⁶²

Under the apprenticeship system, children were placed in the care of adults who trained them to discharge various duties and obtain different skills. The young boy shown in this illustration is serving as an apprentice to a blacksmith. The system was brought over to colonial America in the seventeenth century.



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The Concept of Delinquency

Considering the rough treatment handed out to children who misbehaved at home or at school, it should come as no surprise that children who actually broke the law and committed serious criminal acts were dealt with harshly. Before the twentieth century, little distinction was made between adult and juvenile offenders. Although judges considered the age of an offender when deciding punishments, both adults and children were often eligible for the same forms of punishment—prison, corporal punishment, and even the death penalty. In fact, children were treated with extreme cruelty at home, at school, and by the law.⁶³

Over the years, this treatment changed as society became sensitive to the special needs of children. Beginning in the mid-nineteenth century, as immigrant youth poured into America, there was official recognition that children formed a separate group with its own separate needs. Around the nation, in cities such as New York, Boston, and Chicago, groups known as **child savers** formed to assist children in need. They created community programs to serve needy children and lobbied for a separate legal status for children, which ultimately led to the development of a formal juvenile justice system. The child saving movement and the history of the development of the juvenile justice system will be discussed more fully in Chapter 13.

child savers

Nineteenth-century reformers who developed programs for troubled youth and influenced legislation creating the juvenile justice system; today some critics view them as being more concerned with control of the poor than with their welfare.

Delinquency and *Parens Patriae*

The current treatment of juvenile delinquents is a by-product of the developing national consciousness during the nineteenth century. The designation “delinquent” became popular at the onset of the twentieth century when the first separate juvenile courts were instituted. The child savers believed that treating minors and adults equivalently violated the humanitarian ideals of American society. Consequently, the newly emerging juvenile justice system operated under the *parens patriae* philosophy. Minors who engaged in illegal behavior were viewed as victims of improper care, custody, and treatment at home. Dishonest behavior was a sign that the state should step in and take control of the youths before they committed more serious crimes. The state, through its juvenile authorities, should act in the **best interests of the child**. This means that children should not be punished for their misdeeds but instead should be given the care and custody necessary to remedy and control wayward behavior. It makes no sense to find children guilty of specific crimes, such as

best interests of the child

A philosophical viewpoint that encourages the state to take control of wayward children and provide care, custody, and treatment to remedy delinquent behavior.

burglary or petty larceny, because that stigmatizes them and labels them as thieves or burglars. Instead, the catchall term *juvenile delinquency* should be used, as it indicates that the child needs the care, custody, and treatment of the state.

The Legal Status of Delinquency

Though the child savers fought hard for a separate legal status of “juvenile delinquent” early in the twentieth century, the concept that children could be treated differently before the law can actually be traced back much farther to its roots in the British legal tradition. Early English jurisprudence held that children under the age of 7 were legally incapable of committing crimes. Children between the ages of 7 and 14 were responsible for their actions, but their age might be used to excuse or lighten their punishment. Our legal system still recognizes that many young people are incapable of making mature judgments and that responsibility for their acts should be limited. Children can intentionally steal cars and know full well that the act is illegal, but they may be incapable of fully understanding the consequences of their behavior and the harm it may cause. Therefore, the law does not punish a youth as it would an adult, and it sees youthful misconduct as evidence of unreasoned or impaired judgment.

Today, the legal status of “juvenile delinquent” refers to a minor child who has been found to have violated the penal code. Most states define “minor child” as an individual who falls under a statutory age limit, most commonly 17 or 18 years of age. Because of their minority status, juveniles are usually kept separate from adults and receive different consideration and treatment under the law. For example, most large police departments employ officers whose sole responsibility is youth crime and delinquency. Every state has some form of separate juvenile court with its own judges, probation department, and other facilities. Terminology is also different: Adults are tried in court; children are adjudicated. Adults can be punished; children are treated. If treatment is mandated, children can be sent to secure detention facilities; they cannot normally be committed to adult prisons.

Children also have their own unique legal status. Minors apprehended for a criminal act are usually charged with being a juvenile delinquent regardless of the crime they commit. These charges are usually confidential, trial records are kept secret, and the name, behavior, and background of delinquent offenders are sealed. Eliminating specific crime categories and maintaining secrecy are efforts to shield children from the stigma of a criminal conviction and to prevent youthful misdeeds from becoming a lifelong burden. Each state defines juvenile delinquency differently, setting its own age limits and boundaries. The federal government also has a delinquency category for youngsters who violate federal laws, but typically allows the states to handle delinquency matters.

Legal Responsibility of Youth

In our society, the actions of adults are controlled by two types of law: criminal and civil. Criminal laws prohibit activities that are injurious to the well-being of society and threaten the social order, such as drug use, theft, and rape; they are legal actions brought by state authorities against private citizens. Civil laws, on the other hand, control interpersonal or private activities and are usually initiated by individual citizens. The ownership and transfer of property, contractual relationships, and personal conflicts (torts) are the subject of the civil law. Also covered under the civil law are provisions for the care and custody of those people who cannot care for themselves—the mentally ill, incompetent, or infirm.

Today, the juvenile delinquency concept occupies a legal status falling somewhere between criminal and civil law. Under *parens patriae*, delinquent acts are not considered criminal violations nor are delinquents considered criminals. Children cannot be found guilty of a crime and punished like adult criminals. The legal action against them is considered more similar (though not identical) to a civil action that

determines their “need for treatment.” This legal theory recognizes that children who violate the law are in need of the same care and treatment as law-abiding citizens who cannot care for themselves and require state intervention into their lives.

Delinquent behavior is sanctioned less heavily than criminality because the law considers juveniles as being less responsible for their behavior than adults. As a class, adolescents are believed to (a) have a stronger preference for risk and novelty, (b) assess the potentially negative consequences of risky conduct less unfavorably than adults, (c) have a tendency to be impulsive and more concerned with short-term than long-term consequences, (d) have a different appreciation of time and self-control, and (e) be more susceptible to peer pressure.⁶⁴ Although many adolescents may be more responsible and calculating than adults, under normal circumstances the law is willing to recognize age as a barrier to having full responsibility over one’s actions. The limited moral reasoning ability of very young offenders is taken into consideration when assessing their legal culpability. In *Timothy v. Superior Court*, a California appellate court made it clear that some juvenile defendants may simply be too young to stand trial. The case involved an 11-year-old defendant prosecuted for stealing candy bars. The court ruled that the child was so immature that he could not understand the legal proceedings or assist in his own defense. In doing so, the justices overruled prior case law that held that children must have either a mental disorder or a developmental disability to be deemed incompetent to stand trial. In the words of the court:

*As a matter of law and logic, an adult’s incompetence to stand trial must arise from a mental disorder or developmental disability that limits his or her ability to understand the nature of the proceedings and to assist counsel . . . The same may not be said of a young child whose developmental immaturity may result in trial incompetence despite the absence of any underlying mental or developmental abnormality.*⁶⁵

The upper age of jurisdiction is defined as the oldest age at which a juvenile court has original jurisdiction over an individual for law violating behavior. Today, 37 states and the District of Columbia set the upper limit of juvenile court jurisdiction at age 18; after his or her 18th birthday someone who commits crime is sent to adult court. In another 11 states, the cutoff is 17; New York and North Carolina set the juvenile age limit at 16.⁶⁶

Although youths share a lesser degree of legal responsibility than adults, they are subject to arrest, trial, and incarceration. Their legal predicament has prompted the courts to grant them many of the same legal protections granted to adults accused of criminal offenses. These legal protections include the right to consult an attorney, to be free from self-incrimination, and to be protected from illegal searches and seizures. In addition, state legislatures are toughening legal codes and making them more punitive in an effort to “get tough” on dangerous youth.

Although appreciation of the criminal nature of the delinquency concept has helped increase the legal rights of minors, it has also allowed state authorities to declare that some offenders are “beyond control” and cannot be treated as children. This recognition has prompted the policy of **waiver**, or transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal prosecution. To the dismay of reformers, waived youth may find themselves serving time in adult prisons.⁶⁷ And while punishment is no more certain or swift once they are tried as adults, kids transferred to adult courts are often punished more severely than they would have been if treated as the minors they really are.⁶⁸ It is possible that as many as 200,000 youths under age 18 have their cases processed in adult criminal court each year as a result of prosecutorial or judicial waiver, statutory exclusion, or because they reside in states with a lower age of criminal jurisdiction. (Waiver will be discussed in detail in Chapter 15.) On any given day, an estimated 7,000 youths under the age of 18 are inmates in adult jails; of these, 90 percent are being held “as adults.”⁶⁹

So though the *parens patriae* concept is still applied to children whose law violations are not considered serious, the more serious juvenile offenders can be declared “legal adults” and placed outside the jurisdiction of the juvenile court.

waiver (also known as bindover or removal)

Transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal prosecution.

Status Offenders

A child also becomes subject to state authority for committing **status offenses**—actions that would not be considered illegal if perpetrated by an adult; such conduct is illegal only because the child is underage. For example, more than 40 states now have some form of law prohibiting minors from purchasing, using, or possessing tobacco products. These statutes impose a variety of sanctions, including a monetary fine, suspension from school, and denial of a driver's license. In Florida, repeat offenders may lose their license or be prohibited from obtaining one, and in some communities teens must appear before the judge with their parent or guardian, view an antismoking video, and listen to a lecture from a throat cancer survivor.⁷⁰ Exhibit 1.3 describes some typical status offense statutes.

It is extremely difficult to evaluate the annual number of status offenses, as most cases escape police detection and those that do not are more often than not handled informally by social service agencies. Yet, according to data compiled by the Federal Bureau of Investigation, about 250,000 juveniles are arrested each year for such status-type offenses as disorderly conduct, breaking curfew, and violating liquor laws.⁷¹ At last count about 140,000 of these status offenders are petitioned to juvenile court each year.⁷²

The History of Status Offenses

A historical basis exists for status offense statutes. It was common practice early in the nation's history to place disobedient or runaway youths in orphan asylums, residential homes, or houses of refuge.⁷³ In 1646, the Massachusetts Stubborn Child Law was enacted, which provided, "If any man have a stubborne and rebellious sonne of sufficient years and understanding, which will not obey the voice of his father or the voice of his mother, and that when they have chastened him will not harken unto them" they could bring him before the court and testify that he would not obey. If the magistrate then found the child to be unrepentant and incapable of control, such a child could be put to death.⁷⁴

When the first juvenile courts were established in Illinois, the Chicago Bar Association described part of their purpose as follows:

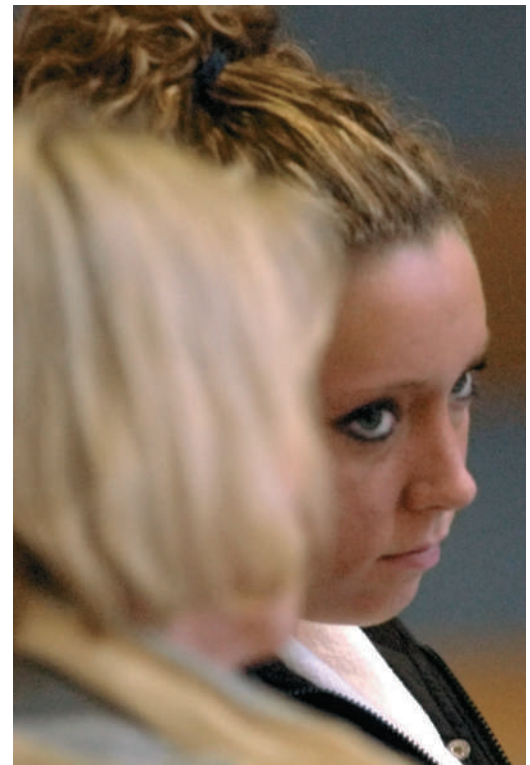
*The whole trend and spirit of the [1899 Juvenile Court Act] is that the State, acting through the Juvenile Court, exercises that tender solicitude and care over its neglected, dependent wards that a wise and loving parent would exercise with reference to his own children under similar circumstances.*⁷⁵

State control over a child's noncriminal behavior is believed to support and extend the *parens patriae* philosophy because it is assumed to be in the best interests of the child. Typically, status offenders are petitioned to the juvenile court when it is determined that their parents are unable or unwilling to care for or control them and that the offender's behavior is self-destructive or harmful to society. Young teenage girls are much more likely to engage in precocious sex while under the influence of alcohol if they are involved with older teens. Parents may petition their underage daughter to juvenile court if they feel her sexual behavior is getting out of control and they are powerless to stop its occurrence.⁷⁶ The case then falls within the jurisdiction of state legal authorities, and failure to heed a judicial command might result in detention in the juvenile correctional system.

At first, juvenile codes referred to status offenders as **wayward minors**, sometimes failing to distinguish them in any significant way from juvenile delinquents. Both classes of children could be detained in the same detention centers and placed

status offense

Conduct that is illegal only because the child is underage.



AP Photo/Salem News/Paul Eliodeau

Status offenses include running away, being disobedient, and engaging in behavior forbidden to minors, such as drinking. This cheerleader from Danvers High School in Massachusetts is shown at a court hearing after she was arrested after allegedly showing up drunk for a football playoff game with archrival Walpole High.

wayward minors

Early legal designation of youths who violate the law because of their minority status; now referred to as status offenders.

in the same youth correctional facilities. A trend begun in the 1960s has resulted in the creation of separate status offense categories—children, minors, persons, youths, or juveniles in need of supervision (CHINS, MINS, PINS, YINS, or JINS)—which vary from state to state. The purpose of creating separate status offender categories was to shield noncriminal youths from the stigma attached to the label “juvenile

exhibit 1.3

Status Offense Laws: Louisiana and Wisconsin

Louisiana

“Family in need of supervision” refers to families with children who require court involvement because:

1. Child is truant or has willfully and repeatedly violated lawful school rules.
2. Child is ungovernable.
3. Child is a runaway.
4. Child repeatedly possessed or consumed intoxicating beverages, or that he has misrepresented or deceived his age for the purpose of purchasing or receiving such beverages from any person, or has repeatedly loitered around any place where such beverages are the principal commodities sold or handled.
5. Child committed an offense applicable only to children. [Smoking/purchasing tobacco]
6. Child under 10 years of age committed any act which if committed by an adult would be a crime under any federal, state, or local law.
7. Caretaker has caused, encouraged, or contributed to the child's behavior under this Article or to the commission of delinquent acts by minor.
8. After notice, caretaker willfully failed to attend meeting with child's teacher, school principal, or other appropriate school employee to discuss child's truancy, the child's repeated violation of school rules, or other serious educational problems of the child.
9. Child found incompetent to proceed with a delinquency matter.
10. Child found in possession of handgun or semiautomatic handgun under circumstances that reasonably tend to exclude any lawful purpose.

Wisconsin

The court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court, and:

- (1) Who is without a parent or guardian;
- (2) Who has been abandoned;
- (2m) Whose parent has relinquished custody of the child;
- (3) Who has been the victim of abuse, including injury that is self-inflicted or inflicted by another;

(3m) Who is at substantial risk of becoming the victim of abuse, including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse;

(4) Whose parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to care for or provide necessary special treatment or care for the child;

(4m) Whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign the petition requesting jurisdiction under this subsection;

(5) Who has been placed for care or adoption in violation of law;

(8) Who is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized;

(9) Who is at least age 12, signs the petition requesting jurisdiction under this subsection and is in need of special treatment or care which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide;

(10) Whose parent, guardian or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child;

(10m) Whose parent, guardian or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of another child in the home;

(11) Who is suffering emotional damage for which the parent, guardian or legal custodian has neglected, refused or been unable and is neglecting, refusing or unable, for reasons other than poverty, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms;

(11m) Who is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment; or

(13) Who has not been immunized.

SOURCES: Louisiana Children's Code, Title VII: Families in Need of Services, http://www.lawserver.com/law/state/louisiana/la-laws/louisiana_childrens_code_title_vii; WI Stat. Ann. Children's Code § 48.13, <http://legis.wisconsin.gov/statutes/Stat0048.pdf> (both accessed May 2013).

delinquent” and to signify that they were troubled youths who had special needs and problems. Most states now have separate categories for juvenile conduct that would not be considered criminal if committed by an adult; these sometimes pertain to neglected or dependent children as well.

Legally, delinquents and status offenders are considered independent concepts, but the distinction between them has become blurred. Some noncriminal conduct may be included in the definition of delinquency, and some less serious criminal offenses occasionally may be included within the status offender definition.

Some states grant the juvenile court judge discretion to substitute a status offense for a delinquency charge. Replacing a juvenile delinquency charge with a status offense charge can be used as a bargaining chip to encourage youths to admit to the charges against them in return for a promise of being treated as a (less stigmatized) status offender receiving less punitive treatment. Concept Summary 1.1 summarizes the differences among delinquents, adult criminals, and status offenders.

CONCEPT SUMMARY 1.1

Treatment Differences among Juvenile Delinquents, Status Offenders, and Adults

	Juvenile Delinquent	Status Offender	Adult
Act	Delinquent	Behavior forbidden to minors	Criminal
Enforcement	Police	Police	Police
Detention	Secure detention	Nonsecure shelter care	Jail
Adjudication	Juvenile court	Juvenile court	Criminal court
Correctional Alternative	State training school	Community treatment facility	Prison

The Status Offender in the Juvenile Justice System

Separate status offense categories may avoid some of the stigma associated with the delinquency label, but they can have relatively little practical effect on the child’s treatment. Youths in either category can be picked up by the police and brought to a police station. They can be petitioned to the same juvenile court, where they have a hearing before the same judge and come under the supervision of the probation department, the court clinic, and the treatment staff. At a hearing, status offenders may see little difference between the treatment they receive and the treatment of the delinquent offenders sitting across the room. Although status offenders are usually not detained or incarcerated with delinquents, they can be transferred to secure facilities if they are repeatedly unruly and considered uncontrollable; about 7 percent of all status offenders are placed in pretrial detention of some sort. Some states are more likely to prosecute status offenses formally in the juvenile court, while others handle most cases informally. Within individual states, some courts make a habit of prosecuting status offenders, and others will divert most cases to treatment institutions.⁷⁷

Efforts have been ongoing to reduce the penalties and stigma borne by status offenders and help kids avoid becoming status offenders. The Case Profile entitled “Aaliyah’s Story” shows how one young status offender was able to overcome her problems.

The federal government’s **Office of Juvenile Justice and Delinquency Prevention (OJJDP)**, an agency created to identify the needs of youths and fund policy initiatives in the juvenile justice system, has made it a top priority to encourage the removal of status offenders from secure lockups, detention centers, and post-disposition treatment facilities that also house delinquent offenders. States in violation of the initiative are ineligible to receive part of the millions of dollars in direct grants for local juvenile justice annually awarded by the federal government.⁷⁸ This initiative has been responsible for significantly lowering the number of status offenders kept in secure confinement.

Despite this mandate, juvenile court judges in many states can still detain status offenders in secure lockups if the youths are found in contempt of court. The act that created the OJJDP was amended in 1987 to allow status offenders to be

Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Branch of the US Justice Department charged with shaping national juvenile justice policy through disbursement of federal aid and research funds.

case profile

Aaliyah's Story

AALIYAH PARKER ran away from home at the age of 17. She struggled with family issues and felt she could no longer live with her mother, stepfather, and younger siblings in their California home. Arriving in Colorado with no family support, no money, and no place to live, she joined other runaway adolescents, homeless on the streets. Aaliyah was using drugs and was eventually arrested and detained at a juvenile detention center for possession of methamphetamines and providing false information to a police officer. Five feet seven inches tall and weighing only 95 pounds, Aaliyah was an addict. Her health and quality of life were suffering greatly.

When Aaliyah entered the juvenile justice system she was a few months from turning 18. Due to issues of jurisdiction, budget concerns, and Aaliyah's age, system administrators encouraged the caseworker assigned to Aaliyah to make arrangements for her to return to her family in California. After interviewing her at length about her situation and need for treatment, the caseworker could see that Aaliyah had a strong desire to get her life back on track. She needed assistance, but the cost of her treatment would be more than \$3,000 per month, and the county agency's budget was already stretched. Despite objections from administrators, the caseworker remained a strong advocate for Aaliyah, convincing them of the harsh reality she would face back at home without first receiving drug treatment. The caseworker's advocacy on her behalf, combined with Aaliyah's motivation to get her life together, compelled the department to agree to pay for her treatment program, but only until she turned 18. She was transported from the juvenile detention center to a 90-day drug and alcohol treatment program where she was able to detoxify her body and engage in intensive counseling. The program also provided family therapy through phone counseling for Aaliyah's mother, allowing the family to reconnect. Despite this renewed contact, returning home was not an option for Aaliyah.

Nearing the end of the 90-day program, Aaliyah was again faced with being homeless, but she was determined not to return to the streets. She needed an environment where she could make new friends who did not use and be supported in her sobriety. Due to her age, the county department of human services had to close the case and could no longer assist her with housing or an aftercare program. The caseworker provided Aaliyah with some places to call, but she would have to be her own advocate.

Aaliyah contacted a group home run by a local church that takes runaway adolescents through county placements and

provides a variety of services for clients and their families. In Aaliyah's case, no funding was available, so she contacted the therapist at the group home and explained her situation. Initially, they indicated that they would not be able to assist her, but Aaliyah was persistent and determined to find a quality living environment for herself. She continued to contact professionals at the group home to plead her case and was eventually successful. Aaliyah entered the group home, was able to get her high school diploma, and eventually enrolled in an independent living program that helped her find a job and get her own apartment. Aaliyah has remained in contact with her juvenile caseworker. Though she has struggled with her sobriety on occasion, she has refrained from using methamphetamines and is now at a healthy weight. Her caseworker continues to encourage Aaliyah and has been an ongoing source of support, despite the fact that the client file was closed several years ago. Aaliyah's success can be credited to the initial advocacy of her caseworker, the effective interventions, and the strong determination demonstrated by this young woman.

CRITICAL THINKING

1. Housing is a major issue for many teens aging out of the justice system. Often, children placed in alternative care settings, such as foster homes or residential treatment centers, are not prepared to live on their own when they turn 18 or are released from juvenile custody. How can this issue be addressed?
2. Many juvenile delinquents commit crimes while under the influence of alcohol or drugs or because they are addicted and need to support their habit. If this is the case, should these juveniles be court-ordered into a treatment program? Why or why not? What can be done to prevent alcohol and drug abuse in the teen population?
3. Teens close to the age of 18, like Aaliyah, may be too old for the juvenile justice system, but too young for the adult system. What should be done with juveniles who are close to 18 when they receive a delinquency charge? Should something be done to bridge the gap between the juvenile justice system and the adult criminal justice system?
4. What should happen to teens who run away from home? This is considered a status offense, but many communities do not charge runaways or require them to be involved in the juvenile justice system. Do you agree with this? Should something more be done and, if so, what?

detained and incarcerated for violations of valid court orders.⁷⁹ Children have been detained for misbehaving in court or not dressing appropriately for their court appearance.⁸⁰ There is also some question whether the “valid court order” exception disproportionately affects girls, who are much more likely to be arrested for status offenses than boys and receive more severe punishment than boys. Because girls are more likely to be status offenders, criminalization of status offenses through the “violation of court order” exception may contribute to the increasing numbers of girls in the juvenile justice system.⁸¹

Several studies have found that as a result of deinstitutionalization, children who can no longer be detained are being recycled or relabeled as delinquent offenders so they can be housed in secure facilities. Juvenile court expert Barry Feld finds that juvenile court judges may “relabel” status offenders as delinquents in order to keep control over kids they feel are incorrigible. Evaluating data on assault charges leveled against adolescent girls, he found that increases in the number of girls being sent to juvenile institutions reflects policy changes rather than an actual increase in criminal activity. Policy changes in the juvenile justice system itself, especially the deinstitutionalization of status offenders, encouraged “relabeling” of female status offenders as delinquents to retain access to facilities in which to confine “incorrigible” girls. Ironically, a policy change designed to remove kids from secure confinement and protect them from stigma and labeling resulted in more negative labels and confinement in even more secure institutions.⁸²

Even more troubling is the charge that some minors no longer subject to detention as status offenders are being committed involuntarily and inappropriately to inpatient drug treatment facilities and psychiatric hospitals.⁸³

Change in the treatment of status offenders reflects the current attitude toward children who violate the law. On the one hand, there appears to be a national movement to severely sanction youths who commit serious, violent offenses. On the other hand, a great effort has been made to remove nonserious cases, such as those involving status offenders, from the official agencies of justice and place these youths in informal, community-based treatment programs. The quality of treatment on status offenders can be significant. A recent study by Wesley Jennings found that the effect of formal processing on status offenders can increase the likelihood that they will get involved in subsequent delinquency. Half of the status offenders he studied in Florida, both males and females, accumulated delinquent arrests in adolescence following their initial referral for a status offense.⁸⁴

Reforming Status Offense Laws

In 1976, the federal government’s National Advisory Commission on Criminal Justice Standards and Goals, a task force created to develop a national crime policy, opted for the nonjudicial treatment of status offenders: “The only conduct that should warrant family court intervention is conduct that is clearly self-destructive or otherwise harmful to the child.” To meet this standard, the commission suggested that the nation’s juvenile courts confine themselves to controlling five status offenses: habitual truancy, repeated disregard for parental authority, repeated running away, repeated use of intoxicating beverages, and delinquent acts by youths under the age of 10.⁸⁵ Since this call to reform, a number of other prestigious institutions have joined in the call for status offense reform. The American Bar Association’s National Juvenile Justice Standards Project, designed to promote significant improvements in the way children are treated by the police and the courts, called for the end of juvenile court jurisdiction over status offenders: “A juvenile’s acts of misbehavior, ungovernability, or unruliness which do not violate the criminal law should not constitute a ground for asserting juvenile court jurisdiction over the juvenile committing them.”⁸⁶ In 2006, the ABA issued this statement about reforming the juvenile status offender process:

Many teens come before the courts because of behavior that would not otherwise subject them to judicial involvement if they were adults. Lawyers should examine how law, prosecutorial