



sixth edition

JUVENILE DELINQUENCY

Larry J. Siegel | Brandon C. Welsh

THE CORE

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Australia • Brazil • Mexico • Singapore • United Kingdom • United States

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Larry J. Siegel and Brandon C. Welsh

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This book is dedicated to my children, Eric, Andrew, Julie, and Rachel, and to my grandchildren, Jack, Kayla, and Brooke. It is also dedicated to Jason Macy (thanks for marrying Rachel) and Therese J. Libby (thanks for marrying me). —LJS

To my wife, Jennifer, and our son, Ryan. —BCW

ABOUT THE AUTHORS



The author with his wife
Therese Libby

Larry J. Siegel

Larry J. Siegel was born in the Bronx, New York. While living on Jerome Avenue and attending City College (CCNY) 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 from CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his M.A. and Ph.D. degrees. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for nine years. After leaving Northeastern, he held teaching positions at the University of Nebraska–Omaha, Saint Anselm College in New Hampshire, and the School of Criminology and Justice Studies at the University of Massachusetts–Lowell, where he taught for 27 years. He is now a professor emeritus, still teaching online courses in criminology and criminal justice. 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 is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry Siegel now resides in Naples, Florida, with his wife, Terry, and their two dogs, Watson and Cody.

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PREFACE

Ashley Reynolds was a happy 14-year-old who loved sports, did well in school academically and socially, and enjoyed keeping a journal she intended her “future self” to read. Her life was turned upside down when she became the victim of an online predator who took advantage of her youth and vulnerability to terrorize her by demanding that she send him sexually explicit images. It started innocently when she corresponded online with someone she thought was a teenage boy but escalated when he demanded she send ever more explicit photos. When her parents discovered her predicament and contacted authorities, an investigation led to the arrest of 26-year-old Lucas Michael Chansler, who victimized 350 teenage girls just like Ashley.

To conduct his sextortion, Chansler used multiple personas and dozens of fake screen names—such as “HELLOthere” and “goodlookingguy313”—to dupe girls aged 13 to 15 in 26 U.S. states, Canada, and the United Kingdom. Pretending to be a 15-year-old boy, he trolled popular online social media sites in order to strike up relationships with teenage girls. He convinced hundreds of them to send revealing photos, and then used the photos to threaten them with exposure, demanding they send more sexually explicit photos.

Once a complaint was filed by Ashley’s parents, Chansler was tracked down and his computer seized. A law enforcement task force was formed to identify and locate his other victims. One victim was located through a picture of her and her friends standing in front of a plate glass window at their school. Reflected in the glass was the name of the school, which led to her identification. Another victim was found through a radio station banner seen hanging on her bedroom wall. The station’s call letters led to a city and, eventually, to the victim. More than 250 investigators, analysts, victim specialists, child forensic interviewers, and community child advocacy centers were involved in locating and interviewing the known victims, but many still remain unidentified and still living in fear.

When law enforcement agents interviewed Chansler, they asked why he selected that age group; he told them “older girls wouldn’t fall for his ploy.” He eventually pleaded guilty to multiple counts of child pornography production and was sent to prison for 105 years.¹

Ashley’s plight and Chansler’s crimes aptly show the difficult road adolescents must now navigate in a rapidly changing society. They must cope with technology that allows adult predators to victimize children in their own homes via the Internet. Unlike their parents’ generation, today’s youth must be on the lookout for these chat room predators who want to lure kids into sexual encounters or involve them in the commercial sex trade itself. The U.S. Department of Justice estimates that as many as 100,000 children are currently involved in prostitution, child pornography, and trafficking, but the true number may be in the millions. In addition, adolescents face a variety of serious social problems, ranging from educational deficiencies to income inequality. They routinely experience family breakup and substance abuse, and many are forced to live in communities where crime and violence are daily occurrences. It is not surprising considering these challenges that some kids fall prey to the lure of juvenile delinquency, getting involved in theft, violence, and substance abuse.

¹Source: FBI, “Sextortion,” July 7, 2015, www.fbi.gov/news/stories/2015/july/sextortion/sextortion.

We have written *Juvenile Delinquency: The Core* to help students understand the nature of juvenile delinquency, its cause, and correlates, as well as the current strategies being used in its prevention and control. Our text also reviews the legal rules that have been set down to either protect innocent minors or control adolescent misconduct: Can children be required to submit to drug testing in school? Can teachers 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? Can the death penalty be used on juveniles who kill? Can a child go to prison for life?

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 revised *Juvenile Delinquency: The Core* to include changes, events, and conditions that have taken place during the past few years. This new edition includes a review of recent legal cases, research studies, and policy initiatives. We analyze and describe the nature and extent of delinquency, the suspected causes of delinquent behavior, and the environmental influences on youthful misbehavior. We also cover what most experts believe are the most crucial policy issues in the treatment of juveniles who come before the law, including the use of pretrial detention, waiver to adult court, and sentencing as an adult.

Goals and Objectives

Our primary goals in writing this 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 text on delinquency not solely be 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. 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 reader interest in the study of delinquency so that they will pursue it on an undergraduate or graduate level.

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

Organization of the Text

The sixth edition of *Juvenile Delinquency: The Core* has 14 chapters:

Chapter 1 Childhood and Delinquency contains extensive material on the history of childhood and the development of the juvenile justice system. We examine the legal concepts of delinquency and status offending. This material enables students 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 also discusses the correlates of delinquency, including race, gender, class, and age and chronic offending.

Chapter 3 Individual Views of Delinquency: Choice and Trait covers individual level views of the cause of delinquency, which include choice, biological, and psychological theories.

Chapter 4 Sociological Views of Delinquency looks at theories that hold that economic, cultural, and environmental influences control delinquent behavior. These include structure, process, reaction, and conflict theories.

Chapter 5 Developmental Views of Delinquency covers developmental theories of delinquency, including such issues as the onset, continuity, and termination of a delinquent career.

Chapter 6 Gender and Delinquency explores the sex-based differences that are thought to account for the gender patterns in the delinquency rate.

Chapter 7 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 8 Peers and Delinquency: Juvenile Gangs and Groups reviews the effect peers have on delinquency and the topic of teen gangs.

Chapter 9 Schools and Delinquency looks at the influence of schools and the education process as well as delinquency within the school setting.

Chapter 10 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 11 Delinquency Prevention and Juvenile Justice Today examines the role of prevention programs and juvenile justice in contemporary American society. It overviews key features of delinquency prevention and reviews the effectiveness of delinquency prevention programs for children and adolescents. It also covers the major stages in the juvenile justice process, the differences between the adult and juvenile justice systems, and a comprehensive juvenile justice strategy.

Chapter 12 Police Work with Juveniles discusses the role of police in delinquency prevention. It covers legal issues such as major court decisions on searches and the *Miranda* rights of juveniles. It also contains material on race and gender effects on police discretion as well as efforts by police departments to control delinquent behavior.

Chapter 13 Juvenile Court Process: Pretrial, Trial, and Sentencing contains information on plea bargaining in juvenile court, the use of detention, transfer to adult court. It contains analysis of the critical factors that influence the waiver decision, the juvenile trial, and sentencing.

Chapter 14 Juvenile Corrections: Probation, Community Treatment, and Institutionalization covers material on probation and other community dispositions, including restorative justice and secure treatment. There is an emphasis on legal issues such as the right to treatment, juvenile aftercare, and reentry.

What's New in this Edition

Chapter 1 now includes data on the foster care system, which has expanded rapidly as families undergo divorce, separation, and breakup. The Focus on Delinquency feature “Teen Risk Taking” has been updated with recent data collected by the Centers for Disease Control and Prevention (CDC) annual Youth Risk Behavior Survey (YRBS), which monitors health-risk behaviors among youth and young adults. Simon Singer’s analysis of teen behavior in America’s safest city is discussed. There is new information on the U.S. educational system that, according to the Children’s Defense Fund, is in trouble because nearly 60 percent of all fourth and

eighth grade public school students cannot read or compute at grade level. We have a new section on cyberbullies, who navigate the Net and utilize technology in a way that allows them to harass people by sending emails or instant messages or posting slanderous messages on social networking sites. There is information on DNA collection from juveniles following a delinquency adjudication in juvenile court. A new section entitled “Is There a Bright Line Between Juveniles and Adults?” looks at the issue of whether adolescents who commit serious crimes should be treated equally as adults. A new exhibit sets out some current status offense laws. A new Juvenile Delinquency: Prevention/Intervention/Treatment feature looks at the Southwest Key Programs, a national organization that provides a variety of programs that serve over 200,000 youth and their families annually. Finally, we cover recent research on the incarceration of status offenders and policy measures to improve their treatment.

Chapter 2 updates all the key data on the nature and extent of juvenile delinquency. The sections on race and gender trends have also been updated.

Chapter 3 now includes a section on parental monitoring, a concept that holds that effective monitoring by parents reduces the likelihood that kids will commit crime. A new section on limited opportunity shows that the greater opportunity kids have to commit delinquency the more likely they are to engage in illegal acts. We look at the issue of social concern, a view put forth by sociologist Robert Agnew that suggests that most people are naturally socially concerned and are taught from an early age to respect the rights of others. The theoretical association between delinquency and genes is updated and discussed in greater detail.

Chapter 4 covers the fact that the wealth gap has now reached record high levels. A new feature on restorative justice for juveniles examines one of the numerous restorative justice initiatives that target juvenile offenders.

Chapter 5 updates a Focus on Delinquency feature covering the Cambridge Study in Delinquent Development and includes the newest research. Another Focus on Delinquency feature, “Maturation and Delinquency,” discusses the development of impulse control and future orientation.

Chapter 6 now covers emotional differences between boys and girls and how they regulate their emotions and feelings; research shows that in many situations gender differences in emotionality are narrow. A Prevention/Intervention/Treatment feature covers the Friendly PEERsuasion program, which helps girls deal with emotional and social pressures that contribute to substance abuse. A new section called “Why Is the Gender Gap Narrowing?” looks at recent trends in the juvenile delinquency rate and why boys and girls are now committing the same type of offenses. A new section on peer interaction examines how physical attractiveness and sociability—traits that should otherwise be valued—may actually harm young girls. Another new section looks at how the onset of deviance is likely to occur when young women are prematurely thrust into adult roles and responsibilities. A new exhibit looks into the lives of sex trafficking victims. Another new section on girls in the juvenile justice system shows how girls are still disadvantaged if their behavior is viewed as morally incorrect by government officials or if they are considered beyond parental control.

Chapter 7 looks at the newest data on the changing and evolving American family. New data on the association between family functioning and crime are presented, including changes and trends in the divorce rate and how children are being cared for today. There is an analysis of the Homebuilders program, an in-home, intensive family preservation service (IFPS) and reunification program for families with children newborn to 17 years old.

Chapter 8 presents the latest data on gangs, including the fact that there has been a 15 percent increase in gang membership since 2006 and that 850,000 youths

now belong to gangs. There is a new section on prison gangs and street gangs that confronts the close association between these groups. The Focus on Delinquency feature “Gangs on the Net: Internet Banging” shows how gang members use the Internet and social networking sites and are now involved in online crime and deviance. There is information on newly emerging types of gang activity that now includes falsified tax returns and the attempt to funnel tax refunds through family members. There is a new section on the life course view of gang formation. A Prevention/Intervention/Treatment feature looks at the Cure Violence program, an effective community approach to preventing and reducing gang violence.

Chapter 9 provides new data on school success and delinquency. Information on the current status of the American educational system has been updated. The latest on gangs in schools and school violence is provided. A number of new school-based delinquency prevention programs are featured.

Chapter 10 updates recent trends and patterns in juvenile drug use based on three national surveys, including the large-scale Monitoring the Future (MTF) survey. The chapter covers the latest research on the effects of medical marijuana laws on juvenile drug use. It updates research on the major explanations for why youths take drugs, including peer pressure and rational choice, and updates research on why juveniles sell drugs. The chapter also includes new material on effective programs for reducing juvenile drug use.

Chapter 11 includes the latest evaluation findings on delinquency prevention programs for children, families, and teens, and updates material on public support for delinquency prevention programs. We expanded coverage of the comprehensive juvenile justice strategy and highlight the new Department of Justice findings on teen drug courts.

Chapter 12 presents new research on juveniles’ attitudes toward the police and updates statistics on the handling of juvenile offenders by the police, which show that two-thirds of all juveniles who are arrested are referred to juvenile court. The chapter includes new research on training police in procedural justice and reviews the latest developments following Ferguson, including the President’s Task Force on 21st Century Policing. The chapter also reports on the latest findings on what works in police efforts to prevent juvenile crime.

Chapter 13 includes the latest statistics on the juvenile court case flow, from the decision to release or detain, to waivers to adult court, to juvenile court dispositions, and presents new research on plea bargaining. It updates material on the effectiveness of transfers to adult court. The chapter also includes new studies on the latest Supreme Court ruling on life without parole for juvenile offenders.

Chapter 14 reports on the latest trends in juvenile probation and incarceration. It examines new research on restorative justice and economic sanctions for juvenile offenders. It revisits the gender gap in correctional treatment for juvenile offenders. The chapter also reports on the latest research findings on what works for treating juvenile offenders in the community and in correctional settings.

Learning Tools

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. There is a list of key learning objectives, which appear again in the appropriate sections within the chapter.

Success Story (“Real Cases/Real People”)

Each chapter opens with a vignette describing a real-life situation in which an at-risk youth worked his or her way out of delinquency. These real-life stories are then tied to the material in the chapter with thought-provoking critical thinking boxes (“Looking Back to ___’s Story”).

Concept Summary

This feature is used throughout the text to help students review material in an organized fashion.

Checkpoints

Summaries of key points from preceding sections appear in each chapter.

What Does This Mean to Me?

These are short yet provocative discussions designed to provoke student interest, interaction, and analysis.

Focus on Delinquency

As in previous editions, these boxed inserts focus attention on topics of special importance and concern. For example, in Chapter 4, a Focus on Delinquency feature entitled “The Code of the Street” reviews Elijah Anderson’s widely cited view of the interrelationship of culture and behavior.

Professional Spotlight

These boxes focus on the careers of people working in the field of juvenile delinquency so that students can get a here-and-now glimpse of what professional opportunities are available in the area of delinquency treatment, prevention, and intervention. Featured in Chapter 14, for example, is Kristi Swanson, a teacher in the Idaho prison juvenile unit.

Juvenile Delinquency: Prevention/Intervention/Treatment

These boxes discuss major initiatives and programs. For example, the evidence-based program of multisystemic therapy is profiled in Chapter 10.

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 within the text.

Chapter Summary

Each chapter ends with a summary of key concepts from the chapter.

Key Terms

Key terms are defined throughout the text when they appear in a chapter.

Questions for Review

Each chapter now has review questions that determine whether students have retained key concepts from the chapter and help them prepare for tests.

Questions for Discussion

Each chapter ends with thought-provoking discussion questions.

Applying What You Have Learned

This feature provides students with an intriguing hypothetical dilemma and asks them to write an essay solving the problem or addressing the issue using the knowledge they acquired in the chapter.

Running Glossary

A glossary is included which 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.

Ancillaries

An extensive package of supplemental aids accompanies this edition of *Juvenile Delinquency: The Core*. They are available to qualified adopters. Please consult your local sales representative for details.

For the Instructor

Online Instructor's Manual The manual includes learning objectives, key terms, a detailed chapter outline, student activities, and media tools. The learning objectives are correlated with the discussion topics, student activities, and media tools. The manual is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative.

Online Test Bank Each chapter of the test bank contains questions in multiple-choice, true/false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, references to the section in the main text where the answers can be found, and Bloom's taxonomy. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage. The Test Bank is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative.

Cengage Learning Testing, Powered by Cognero This assessment software is a flexible, online system that allows you to import, edit, and manipulate test bank content from the *Juvenile Delinquency: The Core, 6th Edition* test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

Online PowerPoint® Lectures 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. The PowerPoint slides are updated to 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 companion website, the presentations can also be obtained by e-mailing your local Cengage Learning representative.

For the Student

MindTap™ for Juvenile Delinquency With MindTap Criminal Justice for *Juvenile Delinquency: The Core*, you have the tools you need to better manage your limited time, with the ability to complete assignments whenever and wherever you are ready to learn. Course material that is specially customized for you by your instructor in a proven, easy-to-use interface keeps you engaged and active in the course. MindTap helps you achieve better grades today by cultivating a true understanding of course concepts, with a mobile app to keep you on track. With a wide array of course-specific tools and apps—from note taking to flashcards—you can feel confident that MindTap is a worthwhile and valuable investment in your education.

You will stay engaged with MindTap's video cases and career scenarios and remain motivated by information that shows where you stand at all times—both individually and compared to the highest performers in class. MindTap eliminates the guesswork, focusing on what's most important with a learning path designed specifically by your instructor and for your Juvenile Delinquency course. Master the most important information with built-in study tools such as visual chapter summaries and integrated learning objectives that will help you stay organized and use your time efficiently.

Acknowledgements

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Larry Siegel

Brandon Welsh

Childhood and Delinquency

Spencer Platt/Getty Images News/Getty Images

CHAPTER OUTLINE

The Risks and Rewards of Adolescence

The Problems of Youth

Focus on Delinquency / Teen Risk Taking

Child Poverty
Health Problems
Parental Separation and Divorce
Foster Care System
Inadequate Education
Child Abuse and Neglect
Social Media and the Internet
Is There Reason for Hope?

Juvenile Delinquency

The Development of Childhood

Custom and Practice in the Middle Ages
The Development of Concern for Children
Childhood in America
Controlling Children

Developing Juvenile Justice

Juvenile Justice in the Nineteenth Century
Urbanization
The Child-Saving Movement

Development of Juvenile Institutions
Society for the Prevention of Cruelty to Children (SPCC)

The Illinois Juvenile Court Act and Its Legacy
Reforming the System
Delinquency and *Parens Patriae*
The Current Legal Status of Delinquency
Legal Responsibility of Youths
Is There a Bright Line Between Juveniles and Adults?

Status Offenders

Origins of the Status Offense Concept
The Status Offender in the Juvenile Justice System
Reforming the Treatment of Status Offenders

Juvenile Delinquency / Intervention:

Southwest Key Program
The Future of the Status Offense Concept
Curfews
Disciplining Parents

LEARNING OBJECTIVES

1. Analyze the risks faced by youth in American culture.
2. List the major events in the history of childhood.
3. Trace the history and purpose of the juvenile justice system.
4. Evaluate the effectiveness of the early juvenile court.
5. Contrast the treatment of juvenile delinquents and status offenders.

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 began 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.

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 case worker assigned to Aaliyah to make arrangements for her to return to her family in California. The case worker 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 over \$3,000 per month, and the county agency's budget was already stretched. 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.

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. Aaliyah entered the group home, was able to get her high school diploma, and eventually enrolled in an independent living program that assisted her in finding a job and getting her own apartment. Aaliyah has remained in contact with her juvenile case worker. Although she has struggled with her sobriety on occasion, she has been able to refrain from using methamphetamines. Her case worker 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 case worker, the effective interventions, and to the strong determination demonstrated by this young woman.

There are now about 75 million children in the United States under age 17—about 24 percent of the population—many of whom share some of the same problems as Aaliyah.¹ Thousands become runaways and wind up on the streets where their safety is compromised, and they may turn to drugs, alcohol, and crime as street survival strategies. Simply spending time on the streets increases their likelihood for violence.²

The present generation of adolescents faces many risks. They have been described as cynical, preoccupied with material acquisitions, and uninterested in creative expression.³ By age 18, the average American adolescent has spent more time in front of a television set than in the classroom. In the 1950s, teenagers were reading comic books, but today they watch TV shows, play video games, and attend films that rely on graphic scenes of violence as their main theme; each year they may see up to 1,000 rapes, murders, and assaults. When they are not texting and tweeting, teens are listening to rap songs that espouse violence, even by such mainstream artists as Eminem, who warns fellow singer Iggy Azalea in the song “Vegas” (2014):

So swallow my pride you're lucky just to follow my ride.

If I let you run alongside the Humvee.

Unless you're Nicki, grab you by the wrist, let's ski.

*So what's it gon' be? Put that s*** away Iggy.*

You don't wanna blow that rape whistle on me.

Squee! I love it. 'Fore I get lost with the gettin' off.

Such explicit lyrics routinely describe substance abuse and promiscuity and glorify the gangsta lifestyle. How does exposure to this music affect young listeners? Should we be concerned? Maybe we should. Research has found 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 Chris Tomlin or Carrie Underwood.⁴

The Risks and Rewards of Adolescence

The problems of American society have had a significant effect on our nation's youth. Adolescence is a time of trial and uncertainty, a time when youths experience anxiety, humiliation, and mood swings. During this period, the personality is still developing and is vulnerable to a host of external factors. Adolescents also undergo a period of rapid biological development. During just a few years' time, their height, weight, and sexual characteristics change dramatically. Two hundred years ago girls matured sexually at age 16, but today they do so at 12.5 years of age. Although they may be capable of having children as early as 14, many youngsters remain emotionally immature long after reaching biological maturity. At age 15, a significant number of teenagers are unable to meet the responsibilities of the workplace, the family, and the neighborhood. Many suffer from health problems, are underachievers in school, and are skeptical about their ability to enter the workforce and become productive members of society.

In later adolescence (ages 16 to 18), youths may experience a crisis that psychologist Erik Erikson described as a struggle between ego identity and role diffusion. **Ego identity** is formed when youths develop a firm sense of who they are and what they stand for; **role diffusion** occurs when youths experience uncertainty and place themselves at the mercy of leaders who promise to give them a sense of identity they cannot mold for themselves.⁵ Psychologists also find that late adolescence is dominated by a yearning for independence from parental control.⁶ Given this mixture of biological change and desire for autonomy, it isn't surprising that the teenage years are a time of conflict with authority at home, at school, and in the community.

The teen years bring many new risks—including some that are life-threatening. Each year about 11,000 teens lose their lives from illness but also from such unexpected and preventable events as motor vehicle accidents, homicide, and suicide. It is estimated that three-quarters of teen deaths are due to preventable causes, yet little is being done to reduce the death rate.⁷ Youths considered at risk to these damaging social, emotional, and physical outcomes are those who engage in dangerous conduct, such as drug abuse, alcohol use, and precocious sexuality. Although it is impossible to determine precisely the number of **at-risk youths** in the United States, at least 10 million American teens fall in this category. The risks facing young people in contemporary society and the factors that cause them to take risks are the subject of the accompanying Focus on Delinquency feature.

The Problems of Youth

While the United States may be one of the world's wealthiest nations, teens today face a myriad of social, personal, educational, and financial problems that impede their development. Typically the most pressing problems facing American youth include:

- Child poverty
- Inadequate health care
- Parental separation and divorce
- Foster care system
- Inadequate educational attainment
- Abuse and neglect
- Coping with the modern world⁸

LO1 Analyze the risks faced by youth in American culture.

EGO IDENTITY According to Erik Erikson, ego identity is formed when persons develop a firm sense of who they are and what they stand for.

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

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

TEEN RISK TAKING

Teens are risk takers. The Centers for Disease Control and Prevention (CDC) sponsors an annual Youth Risk Behavior Surveillance (YRBS) that monitors health-risk behaviors among youth and young adults. Among the risky behaviors measured include dangerous driving habits, tobacco, alcohol and other drug use, and sexual behaviors that contribute to unintended pregnancy. Results from the most recent (2013) YRBS show mixed results have been accrued over the past two decades. On the plus side, the smoking rate among high school students has dropped to the lowest recorded level since 1991; about 16 percent of students now smoke on a regular basis. There was a significant decline from 2007 to 2013 in the percentage of high school students drinking soda (or pop) one or more times per day—from 34 percent to 27 percent.

Significant progress also has been made in reducing physical fighting among adolescents. Since 1991, the percentage of high school students

who had been in a physical fight at least once during the past 12 months decreased from 42 percent to 25 percent. Fights on school property have been cut in half during the past 20 years, with 16 percent of high school students having been in a fight on school property in 1993 compared to 8 percent in 2013. Fewer kids are contemplating suicide, down to 17 percent from 29 percent in 1991; however, more kids are physically harming themselves in suicide attempts (about 2.7 percent).

While these trends are positive, adolescents are still engaging in risky behaviors. Among high school students who had driven a car or other vehicle during the past 30 days, 41 percent of students text or email while driving. There were also mixed results regarding youth sexual risk behaviors. The percentage of high school students who are currently sexually active (had sexual intercourse during the past three months) has declined from 38 percent in 1991 to 34 percent in 2013. However,

among the high school students who are currently sexually active, condom use also has declined from 63 percent in 2003 to 59 percent in 2013. This decline follows a period of increased condom use throughout the 1990s and early 2000s.

Kids are more distracted than ever before, one reason educational success has been muted. On a positive note, the percentage of high school students who watch three or more hours of TV on an average school day decreased from 43 percent in 1999 to 32 percent in 2013. Taking up the slack has been computer use: during the past 10 years, the percentage of high school students using a computer three or more hours per day (for non-school related work) nearly doubled—from 22 percent in 2003 to 41 percent in 2013.

Most teens are risk takers even if they live in upper-class suburban towns that on the surface appear safe and crime free. Criminologist Simon Singer's recent analysis of delinquency in Amherst, New York—considered a very safe enclave—shows that while

Child Poverty

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. Today somewhere between 14 and 16 million children in America are considered poor, living in families with incomes below the federal poverty level—about \$24,000 per year for a family of four. Of these, 7 million children live in extreme poverty, which today means living on less than \$11,800 for a family of four; the younger the child, the more likely they are to live in extreme poverty.⁹ But the federal poverty level is unrealistic, and a family of four needs more than \$24,000 per year to meet basic needs; as a result, about 45 percent of all American children can be considered living in low-income families.¹⁰

the violence and gangs present in the inner cities may not be a problem in the suburbs, adolescents there are still struggling to make their way in a complex and technologically advanced world. While violent crime is rare here, risky behaviors such as petty delinquency and drug use are commonplace; self-destructive behaviors, including suicides, are also not uncommon. Those youths who can find support from caring adults at home, school, and the athletic field are the ones most likely to avoid unwarranted risks—a concept Singer calls *relational modernity*.

Research has shown that many adolescents may be too immature to understand how dangerous risk taking can be and are unable to properly assess potential danger. Consequently, many crave behaviors considered emotionally edgy, dangerous, exciting, challenging, volatile, and potentially emotionally, socially, and financially costly—even life threatening seems quite appealing to youth who are testing their limits. Youths commonly become involved in risky behavior as they negotiate the hurdles of adolescent life, learning to drive, date, drink, work, relate, and live. They find that

planning a future is problematic in a society where job elimination and corporate downsizing are accepted business practices, and divorce and family restructuring are epidemic. In some elements of society, kids believe they have no future, leaving them to experiment with risky alternatives, such as drug dealing or theft. Feeding risk taking is our culture of consumerism. Even in high school, peer respect is bought through the accumulation of material goods. For those kids whose families cannot afford to keep up, delinquent behavior may be a shortcut to getting coveted name-brand clothes and athletic shoes.

As children mature into adults, the uncertainty of modern society may prolong their risk-taking behavior. Jobs have become unpredictable, and many undereducated and undertrained youths find themselves competing for the same low-paying job as hundreds of other applicants; they are a “surplus product.” They may find their only alternative for survival is to return to their childhood bedroom and live off their parents. Under these circumstances, risk taking may be a plausible alternative for fitting in in our consumer-oriented society.

CRITICAL THINKING

1. Should there be a major national effort to restore these troubled youths using a holistic, nonpunitive approach that recognizes the special needs of children. How would you convince kids to stop taking risks?
2. Do you agree that elements of contemporary society cause kids to take risks, or is it possible that teens are natural risk takers and their risky behavior is a biological reaction to “raging hormones”?

Writing Assignment Everyone has taken risks in their life and some of us have had to face the consequences. Write an essay detailing one of your riskiest behaviors and what you learned from the experience.

Sources: Simon Singer, *America's Safest City: Delinquency and Modernity in Suburbia* (New York: NYU Press, 2014); Centers for Disease Control and Prevention (CDC), *Youth Risk Behavior Surveillance—United States, 2013*, www.cdc.gov/mmwr/pdf/ss/ss6304.pdf (accessed August 2015); Nanette Davis, *Youth Crisis: Growing Up in the High-Risk Society* (New York: Praeger/Greenwood, 1998).

Which kids live in poverty? Minority kids are much more likely than white, non-Hispanic children to experience poverty, though because of their numerical representation, there are actually a larger number of poor white children in the population. Nonetheless, proportionately, Hispanic and black children are about three times as likely to be poor than their white peers.¹¹

Child poverty can exact a terrible lifelong burden and have long-lasting negative effects on the child's cognitive achievement, educational attainment, nutrition, physical and mental health, and social behavior. Poor children often lag behind their peers: they are less healthy, can trail in emotional and intellectual development, and are less likely to graduate from high school.¹² 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

Poverty hits kids especially hard, making it difficult for them to be part of the American Dream. Here Jalin Vasquez holds her sister Jayshel Barthelemy in the FEMA Diamond trailer park in Port Sulphur, Louisiana, where they still live with five other children and four adults four years after Hurricane Katrina destroyed their home. They are still awaiting money from the federal Road Home program to purchase a new home. Approximately 2,000 families in the New Orleans metropolitan area live in FEMA trailers, and 80 percent of those still in trailers were homeowners who are unable to return to their storm-damaged houses.



Mario Tama/Getty Images News/Getty Images

family with weak academic skills obtaining a bachelor's degree by their mid-20s is now close to zero.¹³

Health Problems

Receiving adequate health care is another significant concern for American youth. Only one in three children is physically active every day. One reason may be that children now spend more than seven and a half hours a day in front of a screen (e.g., TV, video games, computer). Another reason is lack of opportunity for

On February 18, 2015, Celeste Cottage, 8, joined dozens of other children, their parents, and supporters calling for increased child care subsidies for low-income families at a rally in Sacramento, California. One way to help reduce child poverty is to expand access to affordable child care so that parents can afford to find jobs without being concerned for the health and safety of their children.



ASSOCIATED PRESS

exercise: only about 20 percent of homes have parks within a half-mile, and about the same number have a fitness or recreation center within that distance.¹⁴

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.¹⁵ 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. The infant mortality rate is now 6 per 1,000 births.¹⁶ However, there are substantial racial and ethnic disparities in infant mortality. Black, non-Hispanic Native American, and Alaskan Native infants have consistently higher infant mortality rates than those of other racial or ethnic groups. Black, non-Hispanic infant mortality rates were more than double that of white infant rates.

Parental Separation and Divorce

All too often children in the United States spend their early lives in homes racked by tension and conflict, absentee parents, separation, and divorce. Family dissolution has become a common occurrence in the United States. According to the American Psychological Association, healthy marriages are good for couples' mental and physical health. They are also good for children; growing up in a happy home protects children from mental, physical, educational, and social problems. However, about 40 to 50 percent of married couples in the United States divorce. The divorce rate for subsequent marriages is even higher; second marriages fail at a rate of 60 to 67 percent, and third marriages fail at a rate of 73 to 74 percent.¹⁷

Foster Care System

As families undergo divorce, separation, and breakup, kids are often placed in foster care. Among the 3 million children (4 percent of all U.S. children) not living with either parent, 54 percent (1.7 million) live with grandparents, 21 percent live with other relatives only, and 24 percent live with nonrelatives.¹⁸ While the number of kids in foster care has declined substantially in the past decade, there are still about 400,000 kids in foster care, many of them entered care before age 6.¹⁹ Each year, on their 18th birthday, more than 25,000 kids leave foster care without family support; these young adults share an elevated risk of becoming homeless, unemployed, and incarcerated. They are also at great risk of developing physical, developmental, and mental health challenges across their lifespan.²⁰

Inadequate Education

The U.S. educational system seems to be failing many young people. According to the Children's Defense Fund:

- Nearly 60 percent of all fourth and eighth grade public school students cannot read or compute at grade level.
- Only 78 percent of public school students graduated from high school in four years.
- Over half a million public school students drop out of grades 9–12 each year.²¹

What Does

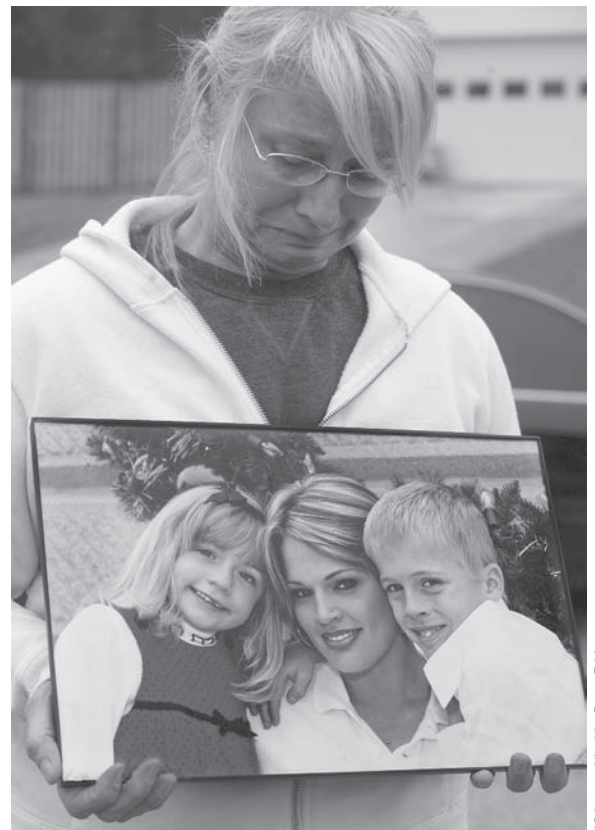
This Mean to

Me?

Older, but Wiser

"When I was a boy of fourteen, my father was so ignorant I could hardly stand to have the old man around. But when I got to be twenty-one, I was astonished at how much he had learned in seven years." (Mark Twain, "Old Times on the Mississippi," *Atlantic Monthly*, 1874)

Do you agree with Mark Twain? When you look back at your adolescence, are you surprised at how much you thought you knew then and how little you know now? Did you do anything that you now consider silly and immature? Of course, as they say, "Hindsight is always 20/20." Maybe there is a benefit to teenage rebellion. For example, would it make you a better parent knowing firsthand about all the trouble your kids get into and why they do?



AP Images/Kim Foster-Tobin

Kids are often caught in the crossfire of marital strife and all too often become its innocent victims. Family friend Margaret Fischer holds up a picture of Amanda Peake and her two children in front of the family's home in Red Bank, South Carolina. Peake's estranged boyfriend, Chancey Smith, shot her, then her 9-year-old son Cameron, then her 6-year-old daughter Sarah inside the family's home in the community of Red Bank. Smith then turned the gun on himself.

Foster care is a trying time for some youth. Here, a 17-year-old girl in handcuffs is questioned by a vice squad policeman in Los Angeles about committing prostitution. While the charge of soliciting or loitering with the intent to commit prostitution is a misdemeanor, the young woman will be held for 2 to 4 days. As a minor, she was formally charged with loitering with the intent to engage in acts of prostitution. The majority of juveniles arrested for prostitution in Los Angeles come from the city's foster care program. In South Central Los Angeles, prostitution flourishes and is often controlled by pimps who are former Bloods or Crips gang members.



Robert Nickelsberg/Getty Images

These issues are interrelated and self-sustaining. Because reading proficiency is an essential element for educational success, students who are problem readers are at high risk of grade repetition and dropping out of school.

Educational problems are likely to hit the poor and minority kids the hardest:

- Almost three-quarters or more of fourth and eighth grade black and Hispanic public school students cannot read or compute at grade level.
- One in 3 black students and 3 in 10 Hispanic and Native American/Alaska Native students did not graduate from high school in the past four years.
- More than 1 in 6 black students received at least one out-of-school suspension compared to 1 in 50 Asian/Pacific Islander students and 1 in 20 white students.²²

Why the discrepancy? Poor minority-group children attend the most underfunded schools, receive inadequate educational opportunities, and have the fewest opportunities to achieve conventional success.²³ Racial and ethnic differences in education continue on past high school: among young adults (ages 25 to 29), the percentage of European Americans who had attained at least a bachelor's degree (40 percent) was two-and-a-half times that of Hispanics (16 percent), and twice that of African Americans (20 percent).

The problems faced by kids who do poorly in school do not end in adolescence.²⁴ Adults 25 years of age and older with less than a high school diploma earn 30 percent less than those who have earned a high school diploma. High school graduation is the single most effective preventive strategy against adult poverty. Today about 13 percent of American adults age 25 to 34 are not high school graduates; about 31 percent have a college degree or more.

Child Abuse and Neglect

Millions of cases of child abuse and neglect are reported to state authorities each year and caseworkers find that up to 700,000 children are legally abused; according to most state and federal laws, child abuse is defined as any act (or failure to act) by

Looking Back to Aaliyah's Story

Housing is a major issue for many teens "aging out" of the 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.

CRITICAL THINKING Discuss what can be done to help kids in foster care be better prepared for adult life. Make a list of life skills that must be mastered.

WWW

Formed in 1985, the **Children's Rights Council (CRC)** is a national nonprofit organization based in Washington, D.C., that works to ensure children meaningful and continuing contact with both their parents and extended family, regardless of the parents' marital status. www.crckids.org.

a parent or caregiver who is responsible for the child's welfare that results in imminent risk or serious harm to a child's health and welfare due to physical, emotional, or sexual abuse.²⁵

There are enormous social and economic costs associated with child abuse and neglect. Some costs are financial and directly related to maltreatment, such as hospitalization and medical treatment for injuries. Others are emotional, such as when state authorities are forced to remove children from their home and place them in foster care. Other costs are not immediate and may develop when the abused child enters the teenage years: lower academic achievement, substance abuse, mental health issues, and criminality.

Social Media and the Internet

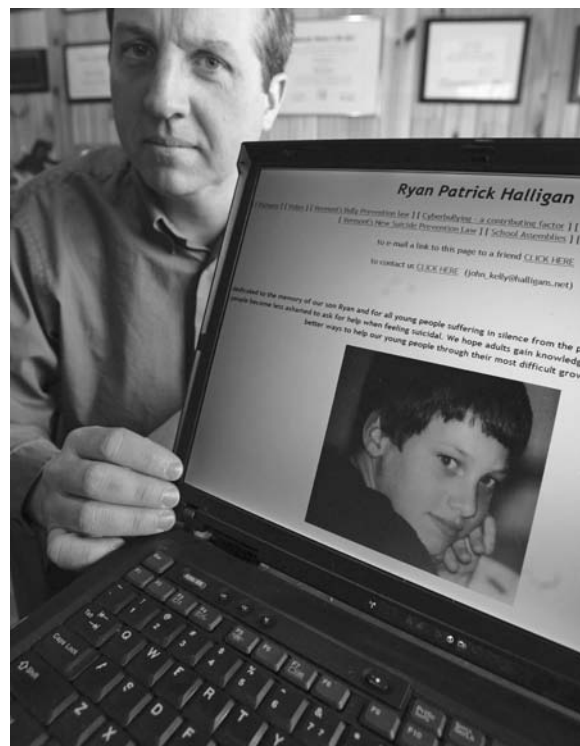
Phoebe Prince, a 15-year-old Massachusetts girl, hanged herself in a stairwell at her home after enduring months of torment by her fellow students at South Hadley High School. Prince, who had immigrated from Ireland, was taunted in the school's hallways and bombarded with vulgar insults by a pack of 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 of violating Prince's civil rights and criminal harassment. Most of these students were still in school, and some continued to post nasty remarks on Prince's memorial Facebook page after her death.²⁶

Adolescents like Phoebe Prince must deal with numerous problems related to emerging technologies and social media. Phoebe was a victim of **cyberbullying**: willful and repeated harm inflicted through the medium of electronic text. Cyberbullies who are able to navigate the Net and utilize technology in a way that allows them to harass others are in a position of power relative to a victim. A bully can send harassing emails or instant messages; post obscene, insulting, and slanderous messages on social networking sites; develop websites to promote and disseminate defamatory content; or send harassing text messages via cell phone.²⁷

It is difficult to get an accurate count of the number of teens who have experienced cyberbullying. Researchers Justin Patchin and Sameer Hinduja have, over the last decade, surveyed nearly 15,000 middle and high school students in 10 different studies from nearly 100 different schools throughout the United States. They have found that overall, about 25 percent of the students have been cyberbullied at some point in their lifetimes; about 9 percent said they were cyberbullied in the 30 days preceding the survey. About 16 percent admitted that they had cyberbullied others at some point in their lifetimes (about 6 percent in the most recent 30 days).²⁸

Cyberbullying is not the only threat that today's teens must be able to navigate. Some are now stalked via the Internet. **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 develop relationships with at-risk adolescents and beguile underage teenagers, rather than use coercion and violence.²⁹

Sometimes social media risks are self-imposed. 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



AP Images/Toby Talbot

Not only are kids at risk of real-time bullying, but they may be bullied in cyberspace by people they hardly know and whose identity is hard to discover. Here, John Halligan shows the web page devoted to his son. Ryan was bullied for months online. Classmates sent the 13-year-old Essex Junction, Vermont, boy instant messages calling him gay. He was threatened, taunted, and insulted incessantly by cyberbullies. Finally, Ryan killed himself. His father says he couldn't take it anymore.

CYBERBULLYING Willful and repeated harm inflicted through the medium of electronic text.

CYBERSTALKING Use of the Internet, email, or other electronic communications devices to stalk another person. Some cyberstalkers pursue minors through online chat rooms; others harass their victims electronically.

SEXTING Sending sexually explicit photos, images, text messages, or emails via a cell phone or other mobile device.

The mission of the **Children's Defense Fund** is to "leave no child behind" and ensure every child a healthy start, a head start, a fair start, a safe start, and a moral start in life and 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. www.childrensdefense.org

CHECKPOINTS

- ✓ The problems of American youth have become a national concern and an important subject of academic study.
- ✓ There are more than 75 million youths in the United States, and the number is expected to rise.
- ✓ American youth are under a great deal of stress. They face poverty, family problems, urban decay, inadequate education, teen pregnancy, and social conflict.
- ✓ Kids take risks that get them in trouble.
- ✓ Adolescents must deal with family, educational, and health issues. They must learn to cope with technological age problems such as cyberbullying and sexting.

JUVENILE DELINQUENCY

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

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.³⁰

While the sexting phenomenon has garnered national attention, there is some question of how often teens actually engage in the distribution of sexually compromising material. One 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.³¹ 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.

Is There Reason for Hope?

These social conditions have a significant impact on kids. Children are being polarized into two distinct economic groups: those in affluent, two-earner, married-couple households and those in poor, single-parent households.³² Kids whose parents divorce may increase their involvement in delinquency, especially if they have a close bond with the parent who is forced to leave.³³ They may turn to risky behavior instead of traveling down a conventional life path.

Yet despite the many hazards faced by teens, 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. The teen abortion rate has also dropped significantly. These data indicate that more young girls are using birth control and practicing safe sex. Fewer children with health risks are being born 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, the number of children immunized against disease has increased during the past two decades.

Education is still a problem area, but 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 students, an increase of almost 6 million since 2000.³⁴ Women now make up a majority of college students. While European Americans are more likely than black and Hispanic young adults to have completed high school, the gap is rapidly closing. Increasing numbers and percentages of black and Hispanic students are attending college. Between 2000 and 2012, the percentage of college students who were African American rose from about 12 to 15 percent, and the percentage of students who were Hispanic rose from about 10 to 15 percent. Almost 30 percent of the adult population in the United States now have college degrees.

There are also indications that youngsters may be rejecting alcohol, cigarettes, and hard drugs in ever-increasing numbers. While teen smoking and drinking rates remain high, they are significantly lower than 30 years ago.³⁵ Although these are encouraging signs, many problem areas remain, and the improvement of adolescent life continues to be a national goal. **CHECKPOINTS**

Juvenile Delinquency

The problems of youth in modern society have long been associated with **juvenile delinquency**, criminal behavior engaged in by minors. The study of juvenile delinquency is important both because of the damage suffered by its victims and the problems faced by its perpetrators. About 1.7 million youths under age 18 are arrested each year for crimes ranging from loitering to murder.³⁶ Though most juvenile law

violations are minor, some young offenders are extremely dangerous and violent. More than 800,000 youths belong to street gangs. Youths involved in multiple serious criminal acts, referred to as repeat or **chronic juvenile offenders**, are considered a serious social problem. State juvenile authorities must deal with these offenders while 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. The “worst of the worst” offenders, ones who have committed more than 50 crimes, cost society an estimated \$1.7 million by the time they reached their mid-20s.³⁷

Clearly, there is an urgent need for strategies to combat juvenile delinquency. But formulating effective strategies demands a solid understanding of the causes of delinquency. Is it a function of psychological abnormality? A reaction against destructive social conditions? The product of a disturbed home life? Does serious delinquent behavior occur only in urban areas among lower-class youths? Or is it spread throughout the social structure? What are the effects of family life, substance abuse, school experiences, and peer relations?

The study of delinquency also involves the analysis of the **juvenile justice system**—the law enforcement, court, and correctional agencies designed to treat youthful offenders. How should police deal with minors who violate the law? What are the legal rights of children? What kinds 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? The reaction to juvenile delinquency frequently divides the public. While some people favor policies that provide rehabilitation of violent offenders, other Americans are wary of teenage hoodlums and gangs, and believe that young offenders should be treated no differently than mature felons.³⁸ Should the juvenile justice system be more concerned about the long-term effects of punishment? Can even the most violent teenager one day be rehabilitated?

In summary, 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 environmental and social issues, including substance abuse, child abuse and neglect, education, and peer relations. All of these aspects of juvenile delinquency will be discussed in this text. We begin, however, with a look back to the development of the concept of childhood, how children were first identified as a unique group with their own special needs and behaviors, and how a system of justice developed to treat and care for needy, at-risk youth.

The Development of Childhood

Treating children as a distinct social group with special needs and behavior is a relatively new concept. Only for the past 350 years has any formal mechanism existed to care for even the neediest children. In Europe during the Middle Ages (c.E. 700–1500), the concept of childhood as we know it today did not exist. In the **pater-
nalistic family** of the time, the father exercised complete control over his wife and children.³⁹ Children who did not obey were subject to severe physical punishment, even death.

Custom and Practice in the Middle Ages

During the Middle Ages, as soon as they were physically capable, children of all classes were expected to take on adult roles. Boys learned farming or a skilled trade such as masonry or metalworking; girls aided in food preparation or household

Looking Back to Aaliyah's Story

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?

CRITICAL THINKING Draw up a statement of activities that can be used to prevent alcohol and drug abuse in the teen population.

LO2 List the major events in the history of childhood.

CHRONIC JUVENILE OFFENDERS (ALSO KNOWN AS CHRONIC DELINQUENT 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.

JUVENILE JUSTICE SYSTEM

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

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.

During the Middle Ages, children like those shown in this sixteenth-century woodcut were expected to be obedient and compliant or face the wrath of their parents, who would not hesitate to use corporal punishment.



The Granger Collection, NYC

maintenance.⁴⁰ Some peasant youths went into domestic or agricultural service on the estates of powerful landowners or became apprenticed in trades or crafts.⁴¹ Children of the landholding classes also assumed adult roles at an early age. At age 7 or 8, boys born to landholding families were either sent to a monastery or cathedral school or were sent to serve as squires, or assistants, to experienced knights. At age 21, young men of the knightly classes received their own knighthood and returned home to live with their parents. Girls 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.

Some experts, most notably Philippe Aries, have described the medieval child as a “miniature adult” who began to work and accept adult roles at an early age and was treated with great cruelty.⁴² In many families, especially the highborn, newborns were handed over to *wet nurses* who fed and cared for them during the first two years of life; parents had little contact with their children. Discipline was severe. Young children of all classes were subjected to stringent rules and regulations. Children were beaten for any sign of disobedience or ill temper, and many would be considered abused by today’s standards. Children were expected to undertake responsibilities early in their lives, sharing in the work of siblings and parents. Those thought to be suffering from disease or impaired were often abandoned to churches, orphanages, or foundling homes.⁴³

The 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. Among them were changes in family style and childcare, the English Poor Laws, the apprenticeship movement, and the role of the chancery court.⁴⁴

Changes in Family Structure. Family structure 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 rather than parental consent and paternal dominance. This changing concept of marriage from an economic arrangement to an emotional

commitment also began to influence the way children were treated. Although parents still rigidly disciplined their children, they formed closer ties and had greater concern for the well-being of their offspring.

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.⁴⁵ Their vision produced a period known as the Enlightenment, which stressed a humanistic view of life, freedom, family, reason, and law. These new beliefs influenced the family. The father's authority was tempered, discipline became more relaxed, and the expression of affection became more commonplace. Upper- and middle-class families began to devote attention to childrearing, and the status of children was advanced.

As a result of these changes, children began to emerge as a distinct group with independent needs and interests. Serious questions arose over the treatment of children in school. Restrictions were placed on the use of the whip, and in some schools academic assignments or the loss of privileges replaced corporal punishment. Despite such reforms, punishment was still primarily physical, and schools continued to mistreat children.

Poor Laws. As early as 1535, the English passed statutes known as **Poor Laws**.⁴⁶ These laws allowed for the appointment of overseers to place destitute or neglected children as servants in the homes of the affluent, where they were trained in agricultural, trade, or domestic services. The Elizabethan Poor Laws of 1601 created a system of church wardens and overseers who, with the consent of justices of the peace, identified vagrant, delinquent, and neglected children and put them to work. Often this meant placing them in poorhouses or workhouses or apprenticing them to masters.

The Apprenticeship Movement. Apprenticeship existed throughout almost the entire history of Great Britain.⁴⁷ Under this practice, children were placed in the care of adults who trained them in specific skills, such as being a blacksmith or a farrier (a shoer of horses). *Voluntary apprentices* were bound out by parents or guardians in exchange for a fee. Legal authority over the child was then transferred to the apprentice's master. The system helped parents avoid the costs and responsibilities of childrearing. *Involuntary apprentices* were compelled by the legal authorities to serve a master until they were 21 or older. The master-apprentice relationship was similar to the parent-child relationship in that the master had complete authority over the apprentice and could have agreements enforced by local magistrates.

Chancery Court. Throughout Great Britain in the Middle Ages, **chancery courts** were established to protect property rights and seek equitable solutions to disputes and conflicts. Eventually, their authority was extended to the welfare of children in cases involving the guardianship of orphans. This included safeguarding their property and inheritance rights and appointing a guardian to protect them until they reached the age of majority.

The courts operated on the proposition that children were under the protective control of the king; thus, the Latin phrase *parens patriae* was used, which refers 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.⁴⁸ As time passed, the monarchy used *parens patriae* more and more to justify its intervention in the lives of families and children.⁴⁹

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 people looking for opportunities denied them in England and Europe.

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

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.

PARENS PATRIAE The power of the state to act on behalf of the child and provide care and protection equivalent to that of a parent.

For more information on the early history of childhood and the development of education, read “**Factors Influencing the Development of the Idea of Childhood in Europe and America,**” by Jim Vandergriff. web.grinnell.edu/courses/mitc/vandergr/201%20Web%20site/History%20of%20Childhood.htm

CHECKPOINTS

- ✓ The concept of a separate status of childhood has developed slowly over the centuries. Early family life was controlled by parents. Punishment was severe and children were expected to take on adult roles early in their lives.
- ✓ With the start of the seventeenth century came greater recognition of the needs of children. In Great Britain, the chancery court movement, the Poor Laws, and apprenticeship programs greatly affected the lives of children.
- ✓ In colonial America, many of the characteristics of English family living were adopted.
- ✓ In the nineteenth century, neglected, delinquent, and dependent or runaway children were treated no differently than criminal defendants. Children were often charged and convicted of crimes.

LO3 Trace the history and purpose of the juvenile justice system.

Along with the adult early settlers, many children came not as citizens but as indentured servants, apprentices, or agricultural workers. They were recruited from workhouses, orphanages, prisons, and asylums that housed vagrant and delinquent youths.⁵⁰

At the same time, the colonists themselves produced illegitimate, neglected, and delinquent children. The initial response to caring for such children was to adopt court and Poor Law systems similar to those in England. Poor Law legislation requiring poor and dependent children to serve apprenticeships was passed in Virginia in 1646 and in Massachusetts and Connecticut in 1673.⁵¹

It was also possible, as in England, for parents to voluntarily apprentice their children to a master for care and training. The master in colonial America acted as a surrogate parent, and in certain instances apprentices would actually become part of the family. If they disobeyed their masters, they 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 for them. Maryland and Virginia developed an orphans’ court that supervised the treatment of youths placed with guardians. These courts did not supervise children living with their natural parents, leaving intact parents’ rights to care for their children.⁵²

Controlling Children

In the United States, as in England, moral discipline was rigidly enforced. Stubborn-child laws were passed that required children to obey their parents.⁵³ It was not uncommon for children to be whipped if they were disobedient or disrespectful to their families. Children were often required to attend public whippings and executions, because these events were thought to be important forms of moral instruction. Parents referred their children to published writings on behavior and expected them to follow their precepts carefully. The early colonists, however, viewed family violence as a sin, and child protection laws were passed as early as 1639 (in New Haven, Connecticut). These laws expressed the community’s commitment to God to oppose sin, but offenders usually received lenient sentences.⁵⁴ Although most colonies adopted a protectionist stance, few cases of child abuse were actually brought before the courts. **CHECKPOINTS**

Developing Juvenile Justice

Though the personal rights of children slowly developed, until the twentieth century little distinction was made between adult and juvenile offenders who were brought before the law. Although judges considered the age of an offender when deciding on punishment, both adults and children were eligible for prison, corporal punishment, and even the death penalty. In fact, children were treated with extreme cruelty at home, at school, and by the law.⁵⁵

Over the years this treatment changed as society became sensitive to the special needs of children. Beginning in the mid-nineteenth century, there was official recognition that children formed a separate group with their own special needs. In New York, Boston, and Chicago, groups known as *child savers* were formed to assist children. They created community programs to service needy children and lobbied for a separate legal status for children, which ultimately led to development of a formal juvenile justice system.

Juvenile Justice in the Nineteenth Century

At the beginning of the nineteenth century, delinquent, neglected, and runaway children in the United States were treated in the same way as adult criminal offenders.⁵⁶ Like children in England, when convicted of crimes they received harsh sentences

similar to those imposed on adults. The adult criminal code applied to children, and no juvenile court existed.

During the early nineteenth century, various pieces of legislation were introduced to humanize criminal procedures for children. The concept of probation, introduced in Massachusetts in 1841, was geared toward helping young people avoid imprisonment. Many books and reports written during this time heightened public interest in juvenile care.

Despite this interest, no special facilities existed for the care of youths in trouble with the law, nor were there separate laws or courts to control their behavior. Youths who committed petty crimes, such as stealing or vandalism, were viewed as wayward children or victims of neglect and were placed in community asylums or homes. Youths who were involved in more serious crimes were subject to the same punishments as adults—imprisonment, whipping, or death.

Several events led to reforms and nourished the eventual development of the juvenile justice system: urbanization, the child-saving movement and growing interest in the concept of *parens patriae*, and development of institutions for the care of delinquent and neglected children.

Urbanization

Especially during the first half of the nineteenth century, the United States experienced rapid population growth due to an increased birthrate and expanding immigration. The rural poor and immigrant groups were attracted to urban commercial centers that promised jobs in manufacturing.

Urbanization gave rise to increased numbers of young people at risk, who overwhelmed the existing system of work and training. To accommodate destitute youths, local jurisdictions developed poorhouses (almshouses) and workhouses. The poor, the insane, the diseased, and vagrant and destitute children were all housed there in crowded and unhealthy conditions.

Urbanization and industrialization also generated the belief that certain segments of the population (youths in urban areas, immigrants) were susceptible to the influences of their decaying environment. The children of these classes were considered a group that might be “saved” by a combination of state and community intervention.⁵⁷ Intervention in the lives of these so-called dangerous classes became acceptable for wealthy, civic-minded citizens. Such efforts included *settlement houses*, a term used around the turn of the twentieth century to describe shelters, and nonsecure residential facilities for vagrant children.

The Child-Saving Movement

The problems generated by urban growth sparked interest in the welfare of the “new” Americans, whose arrival fueled this expansion. In 1817, prominent New Yorkers formed the Society for the Prevention of Pauperism. Although they concerned themselves with attacking taverns, brothels, and gambling parlors, they also were concerned that the moral training of children of the dangerous classes was inadequate. Soon other groups concerned with the plight of poor children began to form. Their focus was on extending government control over youthful activities (drinking, vagrancy, and delinquency) that had previously been left to private or family control.

These activists became known as **child savers**. Prominent among them were penologist Enoch Wines; Judge Richard Tuthill; Lucy Flowers, of the Chicago Women’s Association; Sara Cooper, of the National Conference of Charities and Corrections; and Sophia Minton, of the New York Committee on Children.⁵⁸ Poor children could become a financial burden, and the child savers believed these children presented a threat to the moral fabric of society. Child-saving organizations influenced state legislatures to enact laws giving courts the power to commit children who were run-aways or criminal offenders to specialized institutions.

WWW

To learn more about this era, go to the **Library of Congress** website devoted to American history. memory.loc.gov/ammem/

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.

The most prominent of the care facilities developed by child savers was the **House of Refuge**, which opened in New York in 1825.⁵⁹ It was founded on the concept of protecting potential criminal youths by taking them off the streets and reforming them in a family-like environment. When the House of Refuge opened, the majority of children admitted were status offenders placed there because of vagrancy or neglect. Children were placed in the institution by court order, sometimes over their parents' objections. Their length of stay depended on need, age, and skill. Once there, youths were required to do piecework provided by local manufacturers or to work part of the day in the community. The institution was run like a prison, with strict discipline and absolute separation of the sexes. Such a harsh program drove many children to run away, and the House of Refuge was forced to take a more lenient approach.

Despite criticism, the concept enjoyed expanding popularity. In 1826, the Boston City Council founded the House of Reformation for juvenile offenders. Similar institutions were opened elsewhere in Massachusetts and in New York in 1847.⁶⁰ The courts committed children found guilty of criminal violations, or found to be beyond the control of their parents, to these schools. Because the child savers considered parents of delinquent children to be as guilty as convicted offenders, they sought to have the reform schools establish control over the children. Refuge managers believed they were preventing poverty and crime by separating destitute and delinquent children from their parents and placing them in an institution.⁶¹

WWW

Read more about the **child savers and the creation of the Houses of Refuge and other early juvenile institutions**.

www.cjcj.org/education1/juvenile-justice-history.html

Were They Really Child Savers? Debate continues over the true objectives of the early child savers. Some historians conclude that they were what they seemed—concerned citizens motivated by humanitarian ideals.⁶² Modern scholars, however, have reappraised the child-saving movement. In *The Child Savers*, Anthony Platt paints a picture of representatives of the ruling class who were galvanized by immigrants and the urban poor to take action to preserve their own way of life.⁶³

Contemporary scholars believe that the reformers applied the concept of *parens patriae* for their own purposes, including the continuance of middle- and upper-class values and the furtherance of a child labor system consisting of marginal and lower-class skilled workers. In the course of “saving children” by turning them over to houses of refuge, the basic legal rights of children were violated: children were simply not granted the same constitutional protections as adults.

WWW

Find out what the **Children's Aid Society** is doing today.
www.childrensaidsociety.org

Development of Juvenile Institutions

State intervention in the lives of children continued well into the twentieth century. The child savers influenced state and local governments to create institutions, called *reform schools*, devoted to the care of vagrant and delinquent youths. State institutions opened in Westboro, Massachusetts, in 1848, and in Rochester, New York, in 1849.⁶⁴ Institutional programs began in Ohio in 1850, and in Maine, Rhode Island, and Michigan in 1906. Children spent their days working in the institution, learning a trade where possible, and receiving some basic education. They were racially and sexually segregated, discipline was harsh, and their physical care was poor. Most of these institutions received state support, unlike the privately funded houses of refuge and settlement houses.

Although some viewed reform schools as humanitarian answers to poor-houses and prisons, many were opposed to such programs. As an alternative, New York philanthropist Charles Loring Brace helped develop the **Children's Aid Society** in 1853.⁶⁵ Brace's formula for dealing with delinquent youths was to rescue them from the harsh environment of the city and provide them with temporary shelter.

Deciding there were simply too many needy children to care for in New York City, and believing the urban environment was injurious to children, Brace devised

HOUSE OF REFUGE A care facility developed by the child savers to protect potential criminal youths by taking them off the street and providing a family-like environment.

CHILDREN'S AID SOCIETY Child-saving organization that took children from the streets of large cities and placed them with farm families on the prairie.



ullstein bild/Getty Images

At the turn of the 19th century, the plight of home children such as these sleeping in a basement boiler room prompted wealthy individuals to join child save groups such as the Children's Aid Society. Their efforts led to the development of the juvenile court and its emphasis on care and treatment rather than control and punishment.

what he called his *placing-out plan* to send these children to western farms where they could be cared for and find a home. They were placed on what became known as **orphan trains**, which made preannounced stops in western farming communities. Families wishing to take in children would meet the train, be briefly introduced to the passengers, and leave with one of the children. Brace's plan was activated in 1854 and very soon copied by other child-care organizations. Though the majority of the children benefited from the plan and did find a new life, others were less successful and some were exploited and harmed by the experience. By 1930, political opposition to Brace's plan, coupled with the negative effects of the Great Depression, spelled the end of the orphan trains, but not before 150,000 children were placed in rural homesteads. **CHECKPOINTS**

Society for the Prevention of Cruelty to Children (SPCC)

In 1874, the first Society for the Prevention of Cruelty to Children (SPCC) was established in New York; by 1900, there were 300 such societies in the United States.⁶⁶ Leaders of the SPCCs were concerned that abused boys would become lower-class criminals and that mistreated young girls might become sexually promiscuous women. A growing crime rate and concern about a rapidly changing population served to swell SPCC membership. In addition, these organizations protected children who had been subjected to cruelty and neglect at home and at school.

SPCC groups influenced state legislatures to pass statutes protecting children from parents who did not provide them with adequate food and clothing or made them beg or work in places where liquor was sold.⁶⁷ Criminal penalties were created for negligent parents, and provisions were established for removing children from the home. In some states, agents of the SPCC could actually arrest abusive parents;

CHECKPOINTS

- ✓ The movement to treat children in trouble with the law as a separate category began in the nineteenth century.
- ✓ Urbanization created a growing number of at-risk youth in the nation's cities.
- ✓ The child savers sought to control children of the lower classes.
- ✓ The House of Refuge was developed to care for unwanted or abandoned youth.
- ✓ Some critics now believe the child savers were motivated by self-interest and not benevolence.
- ✓ Charles Loring Brace created the Children's Aid Society to place urban kids with farm families.

ORPHAN TRAINS A practice of the Children's Aid Society in which urban youths were sent west for adoption with local farm couples.

in others, they would inform the police about suspected abuse cases and accompany officers when they made an arrest.⁶⁸

LO4 Evaluate the effectiveness of the early juvenile court.

The Illinois Juvenile Court Act and Its Legacy

Although reform groups continued to lobby for government control over children, the committing of children under the doctrine of *parens patriae* without due process of law began to be questioned by members of the child-saving movement. This concern and consequent political activity culminated in passage of the Illinois Juvenile Court Act of 1899. The principles motivating the Illinois reformers were these:

1. Children should not be held as accountable as adult transgressors.
2. The objective of the juvenile justice system is to treat and rehabilitate rather than punish.
3. Disposition should be predicated on analysis of the youth's special circumstances and needs.
4. The system should avoid the trappings of the adult criminal process with all its confusing rules and procedures.

The Illinois Juvenile Court Act was a major event in the juvenile justice movement. Just what were the ramifications of passage of this act? The traditional interpretation is that the reformers were genuinely motivated to pass legislation that would serve the best interests of the child. Critics such as Platt viewed the court as another effort for the ruling class to control the behavior of the poor, immigrants, and minorities.

While not all critics agree on its intent, there is little question that the Illinois Juvenile Court Act established juvenile delinquency as a legal concept. For the first time the distinction was made between children who were neglected and those who were delinquent. Most important, the act established a court and a probation program specifically for children. In addition, the legislation allowed children to be committed to institutions and reform programs under the control of the state. The key provisions of the act were these:

- A separate court was established for delinquent and neglected children.
- Special procedures were developed to govern the adjudication of juvenile matters.
- Children were to be separated from adults in courts and in institutional programs.
- Probation programs were to be developed to assist the court in making decisions in the best interests of the state and the child.

Following passage of the Illinois Juvenile Court Act, similar legislation was enacted throughout the nation; by 1917, juvenile courts had been established in all but three states. Attorneys were not required, and hearsay evidence, inadmissible in criminal trials, was admissible in the adjudication of juvenile offenders. The major functions of the juvenile justice system were to prevent juvenile crime and to rehabilitate juvenile offenders. The roles of the judge and the probation staff were to diagnose the child's condition and prescribe programs to alleviate it. Until 1967, judgments about children's actions and consideration for their constitutional rights were secondary.

By the 1920s, noncriminal behavior, in the form of incorrigibility and truancy from school, was added to the jurisdiction of many juvenile court systems. Of particular interest was the sexual behavior of young girls, and the juvenile court enforced a strict moral code on working-class girls, not hesitating to incarcerate those who were sexually active.⁶⁹ Programs of all kinds, including individualized counseling and institutional care, were used to *cure* juvenile criminality.

Great diversity also marked juvenile institutions. Some maintained a lenient orientation, but others relied on harsh punishments, including beatings, straitjacket restraints, immersion in cold water, and solitary confinement with a diet of bread and water.

Reforming the System

Reform of this system was slow in coming. In 1912, the U.S. Children's Bureau was formed as the first federal child welfare agency. By the 1930s, the bureau began to investigate the state of juvenile institutions and tried to expose some of their more repressive aspects.⁷⁰

From its origin, the juvenile court system denied children procedural rights normally available to adult offenders. Due process rights, such as representation by counsel, a jury trial, freedom from self-incrimination, and freedom from unreasonable search and seizure, were not considered essential for the juvenile court system, because its primary purpose was not punishment but rehabilitation. However, the dream of trying to rehabilitate children was not achieved. Individual treatment approaches failed, and delinquency rates soared.

Reform efforts, begun in earnest in the 1960s, changed the face of the juvenile justice system. In 1962, New York passed legislation creating a family court system.⁷¹ The new court assumed responsibility for all matters involving family life, with emphasis on delinquent and neglected children. In addition, the legislation established the PINS classification (person in need of supervision). This category included individuals involved in such actions as truancy and incorrigibility. By using labels like PINS and CHINS (children in need of supervision) to establish jurisdiction over children, juvenile courts expanded their role as social agencies. Because noncriminal children were now involved in the juvenile court system to a greater degree, many juvenile courts had to improve their social services. Efforts were made to personalize the system of justice for children. These reforms were soon followed by a due process revolution, which ushered in an era of procedural rights for court-adjudicated youth.

In the 1960s and 1970s, the U.S. Supreme Court radically altered the juvenile justice system when it issued a series of decisions that established the right of juveniles to receive due process of law.⁷² The Court established that juveniles had the same rights as adults in important areas of trial process, including the right to confront witnesses, notice of charges, and the right to counsel.

Federal Commissions. In addition to the legal revolution brought about by the Supreme Court, a series of national commissions sponsored by the federal government helped change the shape of juvenile justice. In 1967, the President's Commission on Law Enforcement and the Administration of Justice, organized by President Lyndon Johnson, suggested that the juvenile justice system must provide underprivileged youths with opportunities for success, including jobs and education. The commission also recognized the need to develop effective law enforcement procedures to control hard-core offenders while also granting them due process. The commission's report acted as a catalyst for passage of the federal Juvenile Delinquency Prevention and Control (JDP) Act of 1968. This law created a Youth Development and Delinquency Prevention Administration, which concentrated on helping states develop new juvenile justice programs, particularly programs involving diversion of youth, decriminalization, and decarceration. In 1968, Congress also passed the Omnibus Safe Streets and Crime Control Act.⁷³ Title I of this law established the **Law Enforcement Assistance Administration (LEAA)** to provide federal funds for improving the adult and juvenile justice systems. In 1972, Congress amended the JDP to allow the LEAA to focus its funding on juvenile justice and delinquency-prevention programs. State and local governments were required to develop and adopt comprehensive plans to obtain federal assistance.

Because crime continued to receive much publicity, a second effort called the National Advisory Commission on Criminal Justice Standards and Goals was established in 1973 by the Nixon administration.⁷⁴ Its report identified such strategies as preventing delinquent behavior, developing diversion activities, establishing dispositional alternatives, providing due process for all juveniles, and controlling violent and chronic delinquents. This commission's recommendations formed the

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA) Unit in the U.S. Department of Justice established by the Omnibus Crime Control and Safe Streets Act of 1968 to administer grants and provide guidance for crime prevention policy and programs.

CHECKPOINTS

- ✓ The juvenile court movement spread rapidly around the nation.
- ✓ Separate courts and correctional systems were created for youths. However, children were not given the same legal rights as adults.
- ✓ Reformers helped bring due process rights to minors and create specialized family courts.
- ✓ Federal commissions focused attention on juvenile justice and helped revise the system.

WWW

Read about the **Juvenile Justice and Delinquency Prevention Act of 1974**. www.juvjustice.org/federal-policy/juvenile-justice-and-delinquency-prevention-act

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) Branch of the U.S. Justice Department charged with shaping national juvenile justice policy through disbursement of federal aid and research funds.

DELINQUENT Juvenile who has been adjudicated by a judicial officer of a juvenile court as having committed a delinquent act.

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.

basis for the Juvenile Justice and Delinquency Prevention Act of 1974.⁷⁵ This act eliminated the Youth Development and Delinquency Prevention Administration and replaced it with the **Office of Juvenile Justice and Delinquency Prevention (OJJDP)** within the LEAA. In 1980, the LEAA was phased out, and the OJJDP became an independent agency in the Department of Justice. Throughout the 1970s, its two most important goals were removing juveniles from detention in adult jails, and eliminating the incarceration together of delinquents and status offenders. During this period, the OJJDP stressed the creation of formal diversion and restitution programs. **CHECKPOINTS**

Delinquency and Parens Patriae

The current treatment of juvenile delinquents is a by-product of this developing national consciousness of children's needs. 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 equally violated the humanitarian ideals of American society. Consequently, the emerging juvenile justice system operated under the *parens patriae* philosophy. Minors who engaged in illegal behavior were viewed as victims of improper care at home. Illegal behavior was a sign that the state should step in and take control of the youths before they committed more serious crimes. The state should act in the **best interests of the child**. Children should not be punished for their misdeeds, but instead should be given the care necessary to control wayward behavior. It makes no sense to find children guilty of specific crimes, such as burglary or petty larceny, because that stigmatizes them as thieves or burglars. Instead, the catchall term *juvenile delinquency* should be used, because it indicates that the child needs the care and custody of the state.

The Current Legal Status of Delinquency

The child savers fought hard for a legal status of juvenile delinquent, but the concept that children could be treated differently before the law can actually be traced to the British legal tradition. Early British 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 that the act is illegal, but they may be incapable of fully understanding the consequences of their behavior. Therefore, the law does not punish a youth as it would an adult, and it sees youthful misconduct as evidence of 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 until their 18 birthday. Some, such as Massachusetts, Missouri, Wisconsin, and Michigan, define juveniles as those 17 and under. New York and North Carolina retain jurisdiction of teens until their 16th birthday, after which those who commit crime are treated as adults.

Juveniles are usually kept separate from adults and receive different treatment under the law. Most large police departments employ officers whose sole responsibility is delinquency. Every state has some form of 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, but they cannot normally be committed to adult prisons.

Children also have a unique legal status. A minor apprehended for a criminal act is usually charged with being a juvenile delinquent, regardless of the offense. These charges are confidential, and trial records are kept secret. The purpose of these

safeguards is 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 Youths

In our society the actions of adults are controlled by two types of law: criminal law and civil law. Criminal laws prohibit activities that are injurious to the well-being of society, such as drug use, theft, and rape; criminal legal actions are brought by state authorities against private citizens. In contrast, civil laws control interpersonal or private activities, and legal actions are usually initiated by individual citizens. Contractual relationships and personal conflicts (torts) are subjects of civil law. Also covered under civil law are provisions for the care of people who cannot care for themselves—for example, the mentally ill, the incompetent, and the infirm.

Juvenile delinquency falls somewhere between criminal and civil law. Under *parens patriae*, delinquent acts are not considered criminal violations. The legal action against them is similar (though not identical) to a civil action that, in an ideal situation, is based on their **need for treatment**. This legal theory recognizes that children who violate the law are in need of the same treatment as are law-abiding citizens who cannot care for themselves.

Delinquent behavior is treated more leniently than adult misbehavior, because the law considers juveniles to be less responsible for their behavior than adults. Compared with adults, adolescents are believed to:

- Have a stronger preference for risk and novelty
- Be less accurate in assessing the potential consequences of risky conduct
- Be more impulsive and more concerned with short-term consequences
- Have a different appreciation of time and self-control
- Be more susceptible to peer pressure⁷⁶

Even though youths have a lesser degree of legal responsibility, like adults they are subject to arrest, trial, and incarceration. Even DNA collection, a tool that has become common in the adult justice system, is now routinely applied to juvenile offenders. Today, 29 states mandate DNA collection from juveniles following a delinquency adjudication in juvenile court; some of these states collect DNA from juveniles for misdemeanor delinquency adjudications. In 19 states, neither a conviction nor an adjudication of delinquency is necessary to compel a juvenile to provide a DNA sample; a mere arrest will suffice. Because the legal status of juveniles and adults overlaps in so many ways, the Supreme Court has prompted the courts to grant children many, but not all, of the same legal protections conferred on adults accused of criminal offenses. These include the right to consult an attorney, to be free from self-incrimination, and to be protected from illegal searches and seizures.

Is There a Bright Line Between Juveniles and Adults?

Whether adolescents who commit serious crimes should be treated equally as adults remains a topic of some debate. The more liberal members of the Supreme Court have suggested that juveniles can be salvaged, no matter how serious the crimes they commit, and that teenage brains have not fully developed enough to make totally rational decisions. Two cases stand out: In *Roper v. Simmons*, the Court held that it was cruel and unusual punishment to execute a person who was under

Looking Back to Aaliyah's Story

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.

CRITICAL THINKING What should be done with juveniles who are close to 18 years when they receive a delinquency charge? Come up with a proposal to help them bridge the gap between the juvenile justice system and the adult criminal justice system.

NEED FOR TREATMENT

The criteria on which juvenile sentencing is based. Ideally, juveniles are treated according to their need for treatment and not for the seriousness of the delinquent act they committed.

the age of 18, basing their decision in part on scientific research showing that juveniles lack maturity and responsibility compared to adults and are more susceptible to peer pressure.⁷⁷ In the case of *Miller v. Alabama*, which struck down the use of mandatory life sentences for juveniles convicted of murder, Justice Elena Kagan wrote, “Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences. ... It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional.”⁷⁸ We will revisit these cases later in the book.

Despite the fact that the Court has acknowledged these cognitive differences, some legal scholars believe that violent juvenile offenders are well aware of the seriousness of their actions and their behavior requires a firm response, even if it means treating them as adults and sending them to secure adult correctional facilities. Legal scholar Craig Lerner argues that kids must be evaluated on a case-by-case basis and that there are violent juvenile offenders—fortunately rare—who are at least as mature and culpable as the typical adult violent offender. Hence, the Supreme Court’s general theory of juvenile immaturity is misinformed.⁷⁹ Youths who are aware of the seriousness of their acts deserve to be punished as an adult would be under the same circumstances.

Reflecting this argument, the policy of **waiver**—also known as **bindover** or **removal**—involves transferring legal jurisdiction over the most serious juvenile offenders to the adult court for criminal prosecution. 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.⁸⁰ To the chagrin of reformers, waived youth may find themselves serving time in adult prisons.⁸¹ So although the *parens patriae* concept is still applied to children whose law violations are considered not to be serious, and the Supreme Court has noted the immaturity of juvenile offenders, the more serious juvenile offenders can be treated in a manner similar to adults.

LO5 Contrast the treatment of juvenile delinquents and status offenders.

Status Offenders

The Juvenile Court Act recognized a second classification of youthful offender, the wayward minor or **status offender**, a child who is subject to state authority by reason of having committed an act forbidden to youth and illegal solely because the child is underage (e.g., underage drinking, underage smoking, truancy, running away, being disobedient, etc.).

Exhibit 1.1 describes typical status offenses in a sample of states. Eleven states classify these youths using the term *child in need of supervision*, whereas the remainder use terms such as *unruly child*, *incorrigible child*, or *minor in need of supervision*. The court can also exercise control over dependent children who are not being properly cared for by their parents or guardians.

State control over a child’s noncriminal behavior supports the *parens patriae* philosophy, because it is assumed to be in the best interests of the child. Usually, a status offender is directed to the juvenile court when it is determined that his parents are unable or unwilling to care for or control him and that the adolescent’s behavior is self-destructive or harmful to society. Juveniles can be petitioned by police, parents, school officials, and welfare professionals, among others; in some states, children as young as 4 can be petitioned to court.

According to the latest data, more than 115,000 youths are petitioned to juvenile court each year on status offense charges, a number that has declined about 7 percent since 1995. One reason for the decline is that the number of petitioned runaway, liquor law, and ungovernability cases decreased significantly during this period; in contrast, curfew violations and truancy cases increased over the past decades.⁸²

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 OFFENDER A child who is subject to state authority by reason of having committed an act forbidden to youth and illegal solely because the child is underage.

Exhibit 1.1 Status Offense Laws

Alabama

In Alabama, truancy, being a runaway, being beyond the control of parents or guardians, driving under the influence, consumption or possession of alcohol and tobacco products, committing an offense established by law but not classified as criminal, and violation of municipal ordinances are status offense behaviors which are applicable only to children. The upper age for delinquency jurisdiction and status offenses in Alabama is 17. The lower age for delinquency jurisdiction and for status offense jurisdiction is not specified.

Status offense cases are classified as children in need of services or status offenders. The district and circuit courts have jurisdiction over status offenders and delinquents. A court may extend jurisdiction until a juvenile reaches 21.

Maryland

In Maryland, truancy, habitual disobedience, ungovernability, behaving in a way as to injure or endanger self or others, and offenses applicable only to children are status offense behaviors. The upper age for delinquency jurisdiction and status offender jurisdiction is 17. The lower age for delinquency jurisdiction is 7, while the lower age for status offense jurisdiction is not specified.

Status offense cases are classified as children in need of supervision. The circuit court has jurisdiction over status offenders and delinquents. A court may extend jurisdiction until a juvenile reaches 21.

Oregon

In Oregon, being beyond the control of the person's parents, guardian, or other person having custody of the person, engaging in behavior such as to endanger the welfare of the person or of others, having conditions or circumstances such as to endanger the welfare of the person or of others, and being a runaway are status offense behaviors. The upper age for delinquency jurisdiction and status offense jurisdiction is 17. The lower age for delinquency jurisdiction and status offense jurisdiction is not specified.

Status offense cases are classified as wards. Circuit and county courts have jurisdiction over status offenders and delinquent youth; four counties (Gilliam, Sherman, Wheeler, and Morrow) have county courts which have jurisdiction over status offenders and delinquents. A court may extend jurisdiction until a juvenile reaches 25.

Source: Office of Juvenile Justice and Delinquency Prevention, www.ojjdp.gov/ojstatbb/structure_process/qa04121.asp (accessed August 2015).



nina berman / NCOOR / Redux

School programs have been designed to keep kids away from the lure of the streets and status offending. Here, medals are presented to successful students at the Oakland Military Institute, a public school funded by the Pentagon and the National Guard and administered by the California State Board of Education. Its mission is to tame unruly youngsters through discipline and military-style conformity. Parents see the school as a way out of a crumbling public education system that, in Oakland and other urban centers, is woefully underfunded and understaffed.

Origins of the Status Offense Concept

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.⁸³ 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 [1889 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.*⁸⁴

When the juvenile court was first created, status offenders and juvenile delinquents were treated in a similar fashion. Both could be arrested, taken into custody, tried in the same courts, and placed in the same institutions. There is now a separate status offense category in every state jurisdiction, known respectively as children, minors, persons, youths, or juveniles in need of supervision (CHINS, MINS, PINS, YINS, or JINS). The purpose is to shield noncriminal youths from the stigma attached to the juvenile delinquent label and to signify that they have special needs and problems (see Concept Summary 1.1). But even where there are separate legal categories for delinquents and status offenders, the distinction between them can sometimes become blurred. Some noncriminal conduct may be included in the definition of delinquency, and some less serious criminal offenses occasionally may be labeled as status offenses. In some states, the juvenile court judge may substitute a status offense for a delinquency charge.⁸⁵ This possibility can be used to encourage youths to admit to the charges against them in return for less punitive treatment, a form of juvenile plea bargaining.

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 have little effect on 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 considered uncontrollable or repeatedly run away or flee. The toll this treatment takes on status offenders can be significant. Wesley Jennings found that the effect of formal processing on status offenders can actually increase the likelihood that they will get involved in subsequent delinquency. Half of the status offenders he studied in

Concept Summary 1.1 Treatment of Juveniles

	Juvenile Delinquents	Status Offenders
Act	Burglary, shoplifting, robbery	Truancy, running away, disobedient
Injured party	Crime victim	Themselves, their family
Philosophy	<i>Parens patriae</i>	Best interests of the child
Legal status	Can be detained in secure confinement	Must be kept in nonsecure shelter
Is there resulting stigma?	Yes	Yes

Florida, both males and females, accumulated delinquent arrests following their initial referral for a status offense.⁸⁶

Reforming the Treatment of Status Offenders

For more than 40 years, national crime commissions have called for limiting control over status offenders.⁸⁷ In 1974, the U.S. Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA), which provides the major source of federal funding to improve states' juvenile justice systems. Under the JJDPA and its subsequent reauthorizations, in order to receive federal funds, states were and are required to remove status offenders from secure detention and lockups in order to insulate them from more serious delinquent offenders. The act created the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which was authorized to distribute grants and provide support to those states that developed alternate procedural methods.⁸⁸ Title III of the JJDPA, referred to as the Runaway and Homeless Youth Act (RHYA) of 1974, provided funds for nonsecure facilities where status offenders who need protection can receive safe shelter, counseling, and education until an effective family reunion can be realized.⁸⁹

This has been a highly successful policy, and the number of status offenders kept in secure pretrial detention has dropped significantly during the past four decades. The act that created the OJJDP was amended in 1987 to allow status offenders to be detained for violations of valid court orders.⁹⁰

The Effects of Reform. What has been the effect of this reform effort? It has become routine for treatment dispensing agencies other than juvenile courts to be given responsibility for processing status offense cases. In some communities, for example, family crisis units and social service agencies have assumed this responsibility. When a juvenile charged with a status offense is referred to juvenile court, the court may divert the juvenile away from the formal justice system to other agencies for service rather than include them in the formal juvenile justice process.

A number of states have changed or amended their status offense laws in order to eliminate vague terms and language such as “beyond control.”⁹¹ A few states have attempted to eliminate status offense laws and treat these youths as neglected

Looking Back to Aaliyah's Story

What should happen with 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.

CRITICAL THINKING Can you propose a program that would effectively help runaways adjust to society?

WAW

To read a recent editorial on the harsh treatment of status offenders, go to Jean Trounstein, “Keep Kids Out of Handcuffs,” Justice Policy Institute. www.justicepolicy.org/news/9219.



AP Images/KDRW-FOX 4

How should status be treated? In a famous 2013 case, 16-year-old Ethan Couch was charged as a “minor in consumption of alcohol” and “minor in possession of alcohol” after killing four people in a drunken wreck. He was placed in a court-ordered treatment facility as part of his probation sentence. Should status offenders ever be sent to a correctional facility or does this negate the true purpose of the concept?

JUVENILE DELINQUENCY



Southwest Key Programs

Southwest Key Programs is a national organization that provides a variety of programs that serve over 200,000 youth and their families annually. Their goal is to work with youth and parents who are seeking the American dream: equality, education, and a higher quality of life. To achieve this goal they have sponsored culturally relevant education programs in alternative schools throughout Texas, which have prevented youth from dropping out of school. They also operate a number of small number of social enterprise businesses that not only create jobs for low income residents but also bring in funds to support the nonprofit mission.

Because of Southwest Key's work, thousands of youth have been diverted from prisons, jails, and institutions, enabling them to stay at home with their families and out of trouble. Their program model has been successfully adopted in court jurisdictions around the United States. One of their better known programs, Family Keys, is an early prevention and intervention model designed to keep status offenders from becoming formally involved with the juvenile justice system. Family Keys focuses on behaviors like running away, curfew violations, and truancy by combining principles of wraparound case management and crisis intervention to create a comprehensive approach to guiding

youth and families. Case managers make face-to-face contact within 24 to 72 hours of receiving a referral and are available 24/7 for crisis intervention and conflict resolution. All services meet families where they are in their homes or communities, and staff provide discharge and aftercare support to ensure families have a natural support network (neighbors, teachers, extended family, community centers) to thrive after exiting the program. Southwest Key operates four Family Keys program in Texas and two in New York and is being replicated by an outside agency in Delaware. Evaluations find that 95 percent of the youthful participants remained in the community and/or in their home and that 95 percent committed no new offenses after completing the program.

Critical Thinking

How would you answer a critic who argues that all social programs should be cut and that social programs are a waste of time? Does the Southwest Key success story influence your thinking about intervening with troubled youth?

Source: Southwest Key Programs, Youth Justice, www.swkey.org/programs/youth_justice/ (accessed August 2015).

or dependent children, giving child protective services the primary responsibility for their care. Addressing the special needs of status offenders, several states now require that they and their families receive precourt diversion services in an effort to prevent them from being placed out-of-home by strengthening family relations and reducing parent-teen conflicts. They also identify which agency must respond to status offenses, how they are to respond, who will pay, and/or who will evaluate the process to assure positive and cost-effective outcomes. Some states have created specialized agencies that refer status offense cases to precourt prevention services; only if these services fail will court intervention be contemplated. Some status offense statutes now prohibit family courts from considering a status offense petition unless the adolescent has already participated in diversion services. A status offense petition can *only* be filed only if pretrial services prove inadequate.⁹² The Juvenile Delinquency Prevention/Intervention/Treatment feature describes one program designed to maintain control over at risk status offenders.

The Future of the Status Offense Concept

Changes in the treatment of status offenders reflect the current attitude toward children who violate the law. On the one hand, there appears to be a movement to severely sanction youths who commit serious offenses and transfer them to the adult court. On the other hand, a great effort has been made to remove nonserious cases from the official agencies of justice and place these youths in community-based treatment programs.

This movement is not without its critics. Some juvenile court judges believe that reducing judicial authority over children will limit juvenile court jurisdiction to hardcore offenders and constrain its ability to help youths before they commit serious antisocial acts.⁹³ Their concerns are fueled by research that shows that many status offenders, especially those who are runaways living on the streets, often have serious emotional problems and engage in self-destructive behaviors ranging from substance abuse to self-mutilation; they have high rates of suicide.⁹⁴ There is evidence that kids who engage in status offending are significantly more likely to later engage in more serious delinquent behaviors than kids who never engage in status type offenses such as cutting school or running away from home.⁹⁵ Consequently, some jurisdictions have resisted weakening status offense laws and gone in the opposite direction by mandating that habitual truants and runaways be placed in secure detention facilities, and if found to be in need of supervision, placed in secure treatment facilities.

In contrast, other experts find status offense laws are still too draconian, resulting in nearly 10,000 youth being confined annually for status offenses. One reason is that many violate court orders, such as mandating that they attend treatment; their absence is considered contempt of court that makes them eligible for detention in a secure placement. As Marc Levin and Derek Cohen point out, putting that many status offenders behind bars is unacceptable given the relatively minor harm caused by their offenses.⁹⁶ They suggest four policy measures to improve the treatment of status offenders:

- Family services should be the first option for addressing status offenses when possible. This requires the involvement of educational, mental health, child welfare, and other community services that can strengthen a family's ability to address a youth's problem behaviors.
- States that allow the secure detention of status offenders under valid court orders should restrict this judicial authority beyond a 24- to 72-hour grace period in instances where the youth has a prior violent nonstatus offense or another prior nonstatus offense accompanied by an assessment of a high risk for violence.
- States and counties should redirect some of the savings from the reduced confinement of status offenders to the support of proven approaches for treating such youth.
- States should reexamine the scope of status offenses in order to ensure that they are not criminalizing conduct that does not warrant criminal sanctions or can be better addressed through other means. **CHECKPOINTS**

Curfews

One way jurisdictions have attempted to maintain greater control over wayward youth has been the implementation of curfew laws. The thought is that the opportunity to commit crimes will be reduced if troubled kids are given a curfew.

The first curfew law was created in Omaha, Nebraska, in 1880, and today about 500 U.S. cities have curfews for teenage youth. Curfews typically prohibit children under 18 from being on the streets after 11:00 P.M. during the week and after midnight on weekends. About 100 cities also have daytime curfews designed to keep children off the streets and in school.⁹⁷

The evidence that curfews have a significant impact on youth crime rates is mixed. Some studies find that neither juvenile arrests nor juvenile crimes decrease

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Do curfew laws work in reducing the rate of youth crime? To find out, visit the website of the **Justice Policy Institute**.
www.justicepolicy.org

CHECKPOINTS

- ✓ The separate status of juvenile delinquency is based on the *parens patriae* philosophy, which holds that children have the right to care and custody and that if parents are not capable of providing that care, the state must step in to take control.
- ✓ Delinquents are given greater legal protection than adult criminals and are shielded from stigma and labels.
- ✓ More serious juvenile cases may be waived to the adult court.
- ✓ Juvenile courts also have jurisdiction over noncriminal status offenders.
- ✓ Status offenses are illegal only because of the minority status of the offender.

Philadelphia Mayor Michael Nutter walks with community leaders and several teens in the Center City neighborhood in an effort to combat marauding groups of teenagers and preteens known as “flash mobs.” The mayor ordered a curfew requiring anyone under 18 to be off the streets by 9 P.M. on Friday and Saturday nights in problem-plagued areas of the city.



Joseph Kazmarek/MCT / iStockphoto

significantly during curfew hours.⁹⁸ Other research efforts have even found that after curfews were implemented victimizations increased significantly during the hours that curfews are not in effect, a finding that indicates that, rather than suppressing delinquency, curfews merely shift the time of occurrence of the offenses. Some studies have found that strict enforcement of curfew laws actually increases juvenile crime rates.⁹⁹

In contrast to these negative findings, Patrick Kline’s analysis of FBI data files from 1980 to 2004 for 54 larger U.S. cities that enacted youth curfews between 1985 and 2002 found that arrests of youths were directly impacted by curfew restrictions. Arrests of youths under age 18 dropped by almost 15 percent in the first year and approximately 10 percent in the following years. Arrests of young adults in their late teens or early twenties were not directly impacted by curfew restrictions. The implication is that parents, rather than police, appear to be the primary curfew enforcers.¹⁰⁰

The failure of curfews to show a clear-cut impact on delinquent behaviors, coupled with their infringement on civil rights, prompted the American Civil Liberties Union to condemn the practice.¹⁰¹ Other civil libertarians maintain that curfews are an overreaction to juvenile crime, are ineffective, and give the police too much power to control citizens who being punished merely because of their age.¹⁰²

There are a number of ongoing legal challenges to curfew laws, arguing that they are violations of the constitutional right to assemble, and some have been successful. A challenge to the Rochester, New York, law (*Anonymous v. City of Rochester*) found that the ordinance enabled police to arrest and interrogate a disproportionate percentage of minority youth; 94 percent of youths picked up on curfew violations were black or Hispanic. New York’s State Court of Appeals invalidated Rochester’s curfew, finding that the ordinance gives parents too little flexibility and autonomy in supervising their children, while violating children’s rights to freedom of movement, freedom of expression and association, and equal protection under the law. Influencing the court were data showing that young people in Rochester were more likely to be involved in a crime—either as a victim or offender—when the curfew was in effect.¹⁰³ Similarly, the Massachusetts Supreme Judicial Court struck down provisions of a local curfew law that made it a crime for youth under 17 to be on the streets after 11 P.M. unless accompanied by a parent or a guardian. While they left in place civil penalties that allowed individuals convicted of violating the curfew to be fined up to \$300, it is no longer permissible to charge curfew violators with a crime.¹⁰⁴

Disciplining Parents

So what happens if kids repeatedly break curfew and get into trouble and their parents refuse to do anything about it (or are incapable of doing so)? Since the early twentieth century, there have been laws aimed at disciplining parents for *contributing to the delinquency of a minor*. The first of these was enacted in Colorado in 1903, and today all states have some form of statute requiring parents to take some responsibility for their children's misbehavior.¹⁰⁵ All states make it either mandatory or discretionary for the juvenile court to require a parent or guardian to pay at least part of the support costs for a child who is adjudicated delinquent and placed out of the home. Even when the payment is required, however, payment is based on the parent's financial ability to make such payments. During the past decade, approximately one-half of the states enacted or strengthened existing parental liability statutes that make parents criminally liable for the actions of their delinquent children. These laws can generally fall into one of three categories:

- *Civil liability.* An injured party may bring a case against the parents for property damage or personal injury caused by their child.
- *Criminal liability.* The guardian or other adult may be held criminally responsible for contributing to the delinquency of a minor. These laws apply when an adult does some action that encourages delinquent behavior by a child.
- *General involvement.* These statutes are based upon legislative efforts to make parents more involved in the juvenile court process and include such things as requiring the parents to pay for court costs, restitution, and treatment, and to participate in the juvenile's case. Failure to comply with the parental involvement requirements can lead to more punitive sanctions.¹⁰⁶

Within this general framework, there is a great deal of variation in responsibility laws. Some states (Florida, Idaho, Virginia) require parents to reimburse the government for the costs of detention or care of their children. Others (Maryland, Missouri, Oklahoma) demand that parents make restitution payments—for example, paying for damage caused by their children who vandalized a school. All states have incorporated parental liability laws in their statutes, although most recent legislation places limits on recovery; in some states, such as Texas, the upward boundary can be as much as \$25,000.

Parents may also be held civilly liable, under the concept of *vicarious liability*, for the damages caused by their child. In some states, parents are responsible for up to \$300,000 in damages; in others the liability cap is \$3,500 (sometimes homeowner's insurance covers at least some of liability). Parents can also be charged with civil negligence if they should have known of the damage a child was about to inflict but did nothing to stop them—for example, when they give a weapon to an emotionally unstable youth. Juries have levied awards of up to \$500,000 in such cases. During the past two decades, parents have been ordered to serve time in jail because their children have been truant from school.

Some critics charge that these laws contravene the right to due process, because they are unfairly used only against lower-class and minority parents. As legal scholar Elena Laskin points out, imposing penalties on these parents may actually be detrimental.¹⁰⁷ Forcing a delinquent's mother to pay a fine removes money from someone who is already among society's poorest people. If a single mother is sent to jail, it leaves her children, including those who are not delinquent, with no parent to raise them; the kids may become depressed, and lose concentration and sleep. Even if punishment encourages the parent to take action, it may be too late, because by the time a parent is charged with violating the statute, the child has already committed a crime, indicating that any damaging socialization by the parent has already occurred. Finally, responsibility laws may not take the age of the child into account,¹⁰⁸ leaving an important question unanswered: are parents of older offenders equally responsible as those whose much younger children violate the law? Does an adolescent's personal share of responsibility increase with age? Despite these problems, surveys indicate that the public favors parental responsibility laws.¹⁰⁹

Summary

The study of delinquency is concerned with the nature and extent of the criminal behavior of youths, the causes of youthful law violations, the legal rights of juveniles, and prevention and treatment.

The problems of American youths have become an important subject of academic study. Many children live in poverty, have inadequate health care, and suffer family problems. Kids today are also at risk from threats that are on the Internet, ranging from cyberbullying to sexting. Adolescence is a time of taking risks, which can get kids into trouble with the law.

Our modern concept of a separate status for children is quite different than in the past. In earlier times, relationships between children and parents were remote. Punishment was severe, and children were expected to take on adult roles early in their lives. With the start of the seventeenth century came greater recognition of the needs of children. In Great Britain, the chancery court movement, Poor Laws, and apprenticeship programs helped reinforce the idea of children as a distinct social group. In colonial America, many of the characteristics of English family living were adopted. In the nineteenth century, delinquent and runaway children were treated no differently than criminal defendants. During this time, however, increased support for the *parens patriae* concept resulted in steps to reduce the responsibility of children under the criminal law.

The concept of delinquency was developed in the early twentieth century. Before that time, criminal youths and

adults were treated in almost the same fashion. A group of reformers, referred to as child savers, helped create a separate delinquency category to insulate juvenile offenders from the influence of adult criminals. The status of juvenile delinquency is still based on the *parens patriae* philosophy, which holds that children have the right to care and custody and that if parents are not capable of providing that care, the state must step in to take control. Juvenile courts also have jurisdiction over noncriminal status offenders, whose offenses (truancy, running away, sexual misconduct) are illegal only because of their minority status.

Some experts have called for an end to juvenile court control over status offenders, charging that it further stigmatizes already troubled youths. Some research indicates that status offenders are harmed by juvenile court processing. Other research indicates that status offenders and delinquents are quite similar. There has been a successful effort to separate status offenders from delinquents and to maintain separate facilities for those who need to be placed in a shelter care program. Some jurisdictions have implemented curfew and parental laws, but so far there is little evidence that they work as intended. Research indicates that neither attempt at controlling youthful misbehavior works as planned. Consequently, the treatment of juveniles is an ongoing dilemma. Still uncertain is whether young law violators respond better to harsh punishments or to benevolent treatment.

Key Terms

ego identity, p. 3	Poor Laws, p. 13	Office of Juvenile Justice and Delinquency Prevention (OJJDP), p. 20
role diffusion, p. 3	chancery courts, p. 13	delinquent, p. 20
at-risk youths, p. 3	<i>parens patriae</i> , p. 13	best interests of the child, p. 20
cyberbullying, p. 9	child savers, p. 15	need for treatment, p. 21
cyberstalking, p. 9	House of Refuge, p. 16	waiver (bindover, removal), p. 22
sexting, p. 9	Children's Aid Society, p. 16	status offender, p. 22
juvenile delinquency, p. 10	orphan trains, p. 17	
chronic juvenile offenders, p. 11	Law Enforcement Assistance Administration (LEAA), p. 19	
juvenile justice system, p. 11		
paternalistic family, p. 11		

Questions for Review

1. What are the effects of poverty, family problems, urban decay, inadequate education, teen pregnancy, and social conflict on American youth?
2. Compare early and contemporary family life. What are the differences in such issues as parental controls, punishment, and role taking?
3. What is meant by the term "*parens patriae* philosophy"? How is this manifested in modern society?
4. In what ways are delinquents given greater legal protection than adult criminals, and how they are shielded from stigma and labels?
5. What is meant by the concept of waiver? How is it being used today?
6. What are examples of status offenses?
7. What are the pros and cons of parental responsibility laws?
8. Discuss the trends in juvenile curfews.

Questions for Discussion

1. Is it fair to have a separate legal category for youths? Considering how dangerous young people can be, does it make more sense to group offenders on the basis of what they have done rather than on their age?
2. At what age are juveniles truly capable of understanding the seriousness of their actions? Should juvenile court jurisdiction be raised or lowered?
3. Is it fair to institutionalize a minor simply for being truant or running away from home? Should the jurisdiction of status offenders be removed from juvenile court and placed with the state's department of social services or some other welfare organization?
4. Should delinquency proceedings be secret? Does the public have a right to know who juvenile criminals are?
5. Can a "get tough" policy help control juvenile misbehavior, or should *parens patriae* remain the standard?
6. Should juveniles who commit felonies such as rape or robbery be treated as adults?

Applying What You Have Learned

You have just been appointed by the governor as chairperson of a newly formed group charged with overhauling the state's juvenile justice system. One primary concern is the treatment of status offenders—kids who have been picked up and charged with being runaways, sexually active, truant from school, or unmanageable at home. Under existing status offense statutes, these youth can be sent to juvenile court and stand trial for their misbehaviors. If the allegations against them are proven valid, they may be removed from the home and placed in foster care or even in a state or private custodial institution.

Recently, a great deal of media attention has been given to the plight of runaway children who live on the streets, take drugs, and engage in prostitution. At an open hearing, advocates of the current system argue that many families cannot provide the care and control needed to keep kids out of trouble and that the state must maintain control of at-risk youth. They contend that many status offenders have histories of drug and delinquency problems and are little different from kids arrested on criminal charges; control by the juvenile court is necessary if the youths are ever to get needed treatment.

Another vocal group argues that it is a mistake for a system that deals with criminal youth to also handle troubled adolescents, whose problems usually are the result of child abuse and neglect. They believe that the current statute should be amended to give the state's department of social welfare jurisdiction over all noncriminal youths who are in need of assistance. These opponents of the current law point out that, even though status offenders and delinquents are held in separate facilities, those who run away or are unmanageable can be transferred to more secure correctional facilities that house criminal youths. Furthermore, the current court-based process, where troubled youths are involved with lawyers, trials, and court proceedings, helps convince them that they are "bad kids" and social outcasts.

Writing Assignment Write a policy statement setting out the recommendations you would make to the governor. In your statement, address the issues raised by those who believe that status offenders and delinquents have similar issues, and those who maintain they are two separate categories of youth and should be dealt with by different state agencies. Finally, give your assessment of the issue and what course of treatment you would choose.

Groupwork

Divide the class into equal-number groups and have each group identify an aspect of childhood that is still controlled by the court system and governed by the *parens patriae* philosophy. Each group should choose a single behavior pattern such as

sex, substance use, running away, truancy, and so on. Have them gather laws that govern these activities in the "best interests of the child."



Joel Gordon Photography

The Nature and Extent of Delinquency

LEARNING OBJECTIVES

1. Compare and contrast the most important methods used to gather data on delinquency.
2. Identify trends in the delinquency rate and the factors that influence and shape its direction.
3. List and discuss the social and personal correlates of delinquency.
4. Analyze the concept of the chronic offender.
5. Categorize the factors that predict teen victimization.

CHAPTER OUTLINE

Measuring Delinquency

- Uniform Crime Report
- Measuring Delinquency with Survey Research
- National Crime Victimization Survey (NCVS)
- Self-Report Surveys
- Evaluating the Primary Data Sources

Crime Trends in the United States

Delinquency Arrest Trends

- Victimization Trends
- Self-Reported Patterns and Trends
- What the Future Holds

Correlates of Delinquency

- The Time and Place of Delinquency
- Gender and Delinquency

Race and Delinquency

Focus on Delinquency / Shaping Teen Crime Trends

- Social Class and Delinquency
- Age and Delinquency

Chronic Offending: Careers in Delinquency

- Delinquency in a Birth Cohort
- Stability in Crime: From Delinquent to Criminal
- What Causes Chronic Offending?
- Policy Implications

Juvenile Victimization

- The Victims and Their Criminals

Jamesetta was born in a poor, urban neighborhood. As her parents struggled with substance abuse, poverty, and unemployment, Jamesetta suffered both physical and sexual abuse before being placed in foster care at the age of 5. By the age of 9, Jamesetta was shoplifting, skipping school, and violating curfew. At age 13, she physically assaulted her foster mother and entered the juvenile justice system with charges of disorderly conduct and being a habitual delinquent. Her foster home placement was terminated, and Jamesetta was sent to live with her aunt, uncle, and six cousins. It wasn't long before her relatives began to have additional concerns that Jamesetta was exhibiting sexualized behavior, "sneaking around" with her 17-year-old boyfriend, staying out all night, and being disrespectful. They felt she was out of control.

Jamesetta had been ordered by the juvenile court to cooperate with her family's household rules, attend school on a regular basis, have no further law violations, complete 25 hours of community service, and pay restitution for the shoplifting, but she refused to cooperate with any of the programs or services, continuing to come and go as she pleased. The family was receiving support from Jamesetta's intensive supervision program counselor, as well as a family therapist, but during the second month of placement with her relatives, at the age of 14, Jamesetta disclosed that she was pregnant and

planning to keep her baby. The program counselor and other professionals involved in Jamesetta's case had to work with her and her family to reevaluate their plan.

Jamesetta was enrolled in a school specifically designed to support teens who were pregnant or already parenting, where in addition to her academic studies to complete high school, she would receive help from parenting classes, independent living courses, and relationship counseling. Even with these additional supports and interventions, Jamesetta continued to have status offenses. She skipped school, didn't come home on time, and would not follow household rules; however, she did not have any further law violations.

After the baby was born, Jamesetta began to understand the consequences of her actions. With continued services and support from her counselors, she started following the rules and expectations of her family. Upon taking responsibility to find the necessary medical and child care for her daughter, Jamesetta found employment, a position in retail, and started planning for her future. Despite being at high risk for dropping out of school, Jamesetta was able to complete her high school education and have a positive view of her future. The team of involved professionals continued to provide needed support and encouraged Jamesetta to make good decisions for herself and her baby. She still struggles at times, but has remained free of further law violations.

High-risk kids such as Jamesetta get involved in more than 1 million serious illegal acts each year. Who commits delinquent acts, and where are they most likely to occur? Is the juvenile crime rate increasing or decreasing? Are juveniles more likely than adults to become the victims of crime? To understand the causes of delinquent behavior and to devise effective means to reduce its occurrence, we must seek answers to these questions.

Measuring Delinquency

Delinquency experts have devised a variety of methods to measure the nature and extent of delinquency. We begin with a description of the most widely used sources of data on crime and delinquency. We also examine the information these resources furnish on juvenile crime rates and trends. These data sources will then be used to provide information on the characteristics of adolescent law violators.

Uniform Crime Report

Each year, the U.S. Justice Department's **Federal Bureau of Investigation (FBI)** compiles information gathered by police departments on the number of criminal acts reported by citizens and the number of persons arrested.¹ This information is published in the annual **Uniform Crime Report (UCR)**, which is the most widely used source of national crime and delinquency statistics.

LO1 Compare and contrast the most important methods used to gather data on delinquency.

FEDERAL BUREAU OF INVESTIGATION (FBI) Arm of the U.S. Department of Justice that investigates violations of federal law, gathers crime statistics, runs a comprehensive crime laboratory, and helps train local law enforcement officers.

UNIFORM CRIME REPORT (UCR) Compiled by the FBI, the UCR is the most widely used source of national crime and delinquency statistics.