

Juvenile  
Delinquency and  
Justice in the United States



# Juvenile Delinquency and Justice in the United States

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*To Tiffany and Audrey*  
—Lee Michael Johnson

*To my students, who continue to teach me.*  
—Kimberly A. DeTardo-Bora

*To my family, friends and colleagues.*  
—France P. Reddington



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# Preface

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In writing this textbook, we want to give equal and proper attention to what may be considered two different, yet overlapping and interrelated, subjects: juvenile *delinquency* and juvenile *justice*. Like its “parent concept,” *crime*, delinquency refers to behavior prohibited by law, in this case, behavior by juveniles (typically, persons under the age of 18). Continuing, like its “parent system,” the *justice system*, juvenile justice refers to society’s governmental response to this behavior (delinquency)—in this case, the parts of the system which deal with juveniles either primarily (juvenile court and juvenile corrections) or differently (police). “Criminal justice” often refers to justice procedures experienced by adults, not juveniles; reasons for doing so are given in Chapter 1. Basically, delinquency (like crime) is “the problem” and juvenile justice (like criminal justice) is part of “the solution.” In this way, delinquency and juvenile justice are different but linked subjects.

However, there is no neat line between the two subjects. For example, how the justice system responds to crime/delinquency depends on its nature, extent, and causes (e.g., if we know what causes it, we may thus know how to prevent it) as well as if a behavior is politically defined as illegal in the first place. If we are not careful, we will be unsuccessful at reducing it or even make the problem worse. The justice system likely has a causal impact on crime, to some extent. Thus, if one were to study “juvenile justice,” one would necessarily also study some delinquency, and if one were to study “juvenile delinquency,” one would necessarily also study some juvenile justice.

Accordingly, we wrote a textbook with twelve chapters that recognizes both the distinction and overlap between the subjects of juvenile delinquency and juvenile justice. These subjects divide the book into two parts. Part I contains six chapters where overall we describe the problem: what delinquency is exactly, how much of it occurs (and its relative seriousness), why it happens, and why it does not happen (informal social control). Since there are many possible causes of delinquency, and these causes operate in complex ways, we wrote three chapters on them. In them, we focus on theories and factors which receive significant research support. Here, much attention is given to life course and developmental theories, given their prominent place in contemporary criminology and that child development has long been a focus in understanding delinquency.

Then, in Part II, six more chapters describe what the juvenile justice system is doing (formal social control) and possibly should do to solve the problem of delinquency. The book goes beyond formal justice system structure and processes (policing,

courts, and corrections) to address the major role that human/social service workers and non-profit agencies play in juvenile justice processes. This is important as most system-involved juveniles are not serious chronic offenders deeply entangled in the system; most are sanctioned in the community and may deal more with social service agents at a local level. Echoing the sentiments of early reformers, the goal is to do what is in the best interests of the child and ultimately what that means is treating the youthful offender instead of increasing punishment. Thus, much attention is given to diverting youth away from the formal system and linking juveniles to appropriate treatment and rehabilitation services. Further, we address broader issues of social justice and human rights. Unique to this book is a chapter devoted solely to juvenile justice reform (Chapter 11).

Chapter 1, "Introduction: What Is Delinquency?" asks the reader to think carefully and critically about the varying nature of juvenile delinquency. The chapter has two parts. The first part covers definitions of types of offenses. However, since specific legal definition of offenses varies across the country, the definitions covered in this chapter, many provided by official governmental agencies, are for research and understanding purposes. The second part places views on the nature of delinquency in a broader philosophical and social context. Definitions of illegal acts should not be taken for granted. Crime problems are "socially constructed." How "bad" certain acts are, or even whether they are considered bad at all, depends on the nature and extent of damage caused by them but also cultural norms, power, and conflicting interests in society. The chapter ends by entertaining the possibility that delinquency, to some extent, is "normal" adolescent behavior.

Chapter 2, "Extent of Delinquency: How Bad Is It?" asks the reader to think carefully and critically about the amount of delinquency that occurs and how many juveniles engage in it, especially the more serious forms. Without understating the problem of delinquency, the chapter provides information suggesting that delinquency has not increased and relatively few juveniles engage in the more serious forms of offending (e.g., violence). Incidence and prevalence rates from major sources of official, self-reported, and victim-reported data are presented. This chapter addresses "newer" forms of offending such as cybercrime and neglected problems that are now receiving much attention such as bullying and harassment, and it examines gender, race, and class differences in arrests and offending. The chapter ends with a possible explanation for why many people falsely believe that delinquency rates are greatly increasing.

Chapter 3, "Causes of Delinquency: Characteristics of Individuals and Their Environments," begins a series of three chapters on theories and proposed causes of delinquent behavior. (Theoretical perspectives on why certain behaviors are illegal in the first place are addressed in Chapter 1.) Here, emphasis is placed on variables that research has shown to be related to delinquency. After describing how social scientists use scientific methodology to identify causation, this chapter covers attributes that exist within individuals' psychological and biological make-up and conditions of the communities and society in which individuals live that may play a role in causing delinquent behavior.

Chapter 4, “Causes of Delinquency: Social Processes,” covers theories that do not just propose factors in individuals’ lives that may cause them to act illegally but also how experiences over time, including from birth/childhood, can lead to problem behavior by juveniles (and eventually adults). In addition to covering three major process perspectives in criminology—social learning, social control, and labeling or societal reaction theories, this chapter provides an introduction to a prominent general perspective: life course and developmental criminology. Additionally, the chapter provides a critical, perhaps unique, perspective on the role of gangs in social processes leading to delinquency as well as a brief discussion of the possibility that violent video games cause violent behavior.

Chapter 5, “‘Causes’ of Delinquency: Life Course Processes,” covers explanations of how risk factors in children’s lives from birth and beyond operate to produce delinquency. Included are pathways to different types of offending as well as desistance. Featured are Moffitt’s Developmental Typology, Sampson and Laub’s Life Course Theory of Crime, Thornberry and Krohn’s Interactional Theory of Delinquency, Farrington’s ICAP Theory, and Hagan’s Developmental Theory of Street Crime. The chapter also describes how life course processes leading to delinquency are affected by historical context and social change as well as how they differ according to individuals’ race or ethnicity and sex or gender. A brief discussion of the life courses of juvenile sex offenders is also included.

Part I ends with Chapter 6, “Informal Social Control.” Before moving into discussions of formal social control (e.g., the juvenile justice system) in Part II, this chapter describes the role that other social institutions have in preventing or causing juvenile offending. After describing what a social institution is and how social control is one of their functions, we cover three main institutions. First, *the family* is discussed, with an emphasis on socialization, punishment, and supervision of children. Second, *education* is discussed, with an emphasis on how problems at school can facilitate delinquent behavior and issues of school violence. Third, *religion* is discussed, with an emphasis on how religious beliefs, values, and practices discourage or interfere with juvenile offending. The chapter then ends with a brief discussion of how *peers* may be considered a social control institution.

Chapter 7, “A Brief History of Juvenile Justice in the United States,” provides an overview of the history of the juvenile justice system in the United States, which, you will note, is very much entwined with the U.S. history of juvenile institutionalization. It is very important to understand the history and philosophies of how the United States has reacted to youthful offenders, as well as how society viewed the cause of juvenile offending historically, to appreciate the juvenile justice system’s creation as a completely separate entity from the traditional criminal justice system. This chapter notes the cycles that have existed throughout the decades of American juvenile justice. We have tried, failed, and tried again to deal appropriately with our country’s troubled children, sometimes returning to a practice or philosophy that had been abandoned in the past. This has been caused, in part, by a re-questioning of what causes juvenile delinquency and what are the best ways to reduce juvenile crime.

Chapter 8, “Policing Juveniles,” includes a general overview of how members of law enforcement interact with juveniles and status offenders as well as neglected and abused youth in the community. We also describe the typical processes involved in policing youth, such as search and seizure, *Miranda* warnings, and taking youth into custody. The chapter also delves deeper into aspects of juvenile policing that are more troubling, such as using extra-legal factors in decision making when it comes to arrest, racial and gender bias, and discrimination. A central feature of this discussion hinges on police discretion and concepts introduced to the reader such as diversion and net widening. Special attention is given to how youth are developmentally and neurologically different from adults and how interrogating youth can lead to severe consequences (e.g., false confessions) that may ensue especially when coercive tactics are used. The last part of the chapter describes some of the ways in which members of law enforcement facilitate youth programming such as gang violence prevention programs and school-based programs.

Chapter 9, “Juvenile Court,” begins by framing juvenile court jurisdiction in terms of age and behavior, signaling the distinction that the court processes both youths who commit delinquent crimes (similar to adults) and youth who commit status offenses (crimes by which adults cannot be charged), in addition to youth who experience abuse and neglect. The chapter also unfolds with descriptions about the intake process and intake officer, screening and assessment procedures, as well as detention and preventative detention measures. There are many key courtroom personnel at work in the court, including the juvenile court judge, defense counsel or guardian ad litem, the juvenile probation officer, and potentially treatment staff. More formally, and depending on how far the youth’s case stretches into the system, the court is also described from the point of filing a petition to the various hearings (e.g., preliminary, adjudication, disposition). We also describe how some states allow juveniles to be transferred to adult court via legal, judicial, and prosecutorial waivers. The chapter concludes with a description of a few specialty courts, namely teen courts, drug courts, and mental health courts.

Chapter 10, “Juvenile Corrections,” begins with a review of the current philosophies that guide juvenile corrections with an emphasis on philosophies such as rehabilitation and reintegration. In this chapter, we outline the notion that juvenile corrections can be distinguished as being part of a state or local system. We explain to the reader that there are many correctional services carried out at the local level and among non-profit agencies. In addition, we present community-based alternatives, which are the more common way in which a juvenile’s needs are met. Such alternatives reduce stigma and aim to maintain the youth’s ties to the community. Moreover, the chapter features descriptions of day report treatment centers, foster care, and group homes. Other forms of less stigmatizing punishment are featured, including home confinement and electronic monitoring, probation, restitution, and community service. For juveniles who require more supervision, residential treatment centers and detention centers are discussed. Programming options are showcased in this chapter as well. Last, the chapter highlights the harms of placing youth into solitary confinement.

In Chapter 11, “Juvenile Justice Reform: A Human Rights Perspective,” we begin by describing the United Nations’ Convention on the Rights of the Child as a way to place juvenile justice reform in a social justice and human rights context. The chapter includes a more extensive discussion about some of the social justice and human rights issues that pertain to three key areas of the system, specifically, policing, the legal system and the courts, and corrections. First, we present a deeper discussion about policing juveniles and disproportionate minority contact and the importance of narrowing the net so that more youth are not unnecessarily caught up in or trapped in the system. The second reform area, the legal system and the courts, unveils the problems that ensue with adult court jurisdiction, the harms of criminalizing youth for minor misbehavior, and the problems with casting juveniles into the adult court system, which only worsens or deepens youth criminality. In terms of the correctional system, this third social justice area provides the reader with insights about labeling and exclusion and highlights institutional and professional misconduct. The chapter ends with a discussion about advocacy and showcases some of the most well-known, progressive, and active advocacy groups in the country, including the Annie E. Casey Foundation, the Juvenile Law Center, and the Campaign for Youth Justice, just to name a few.

Finally, Chapter 12, “Current Issues in Juvenile Justice,” presents an overview of some of the most prominent current issues facing the juvenile justice system. Within this chapter are discussions about the age of criminal responsibility, conditions of confinement in juvenile correctional facilities, the use of solitary confinement on juveniles, juvenile life without parole, and sexting. Within each area, discussions include background information and an overview of current trends. All of the issues extend beyond national concern. The age of criminal responsibility is a very pertinent current international topic of discussion. Conditions of confinement, in part, have to answer the question of what we should provide for children we place in locked, secure correctional facilities. The use of solitary confinement on juveniles is being addressed on a state-by-state basis after being banned at the federal level. The last of these issues has been recently addressed at the Supreme Court level. While examining Juvenile Life Without Parole (JLWOP) there are recent Supreme Court cases that are defining its practice. Intertwined in all of these issues are three underlining themes: (1) the current sentiment of moving away from punishment in the juvenile justice system, (2) recent discoveries about the adolescent brain and developmental model building, and (3) creating an effective, efficient juvenile justice system based on an understanding of and response to adolescent development.



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