



FOURTH EDITION

JUVENILE JUSTICE

A SOCIAL,
HISTORICAL, AND
LEGAL PERSPECTIVE

PRESTON ELROD | R. SCOTT RYDER



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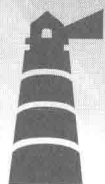
A SOCIAL,
HISTORICAL, AND
LEGAL PERSPECTIVE

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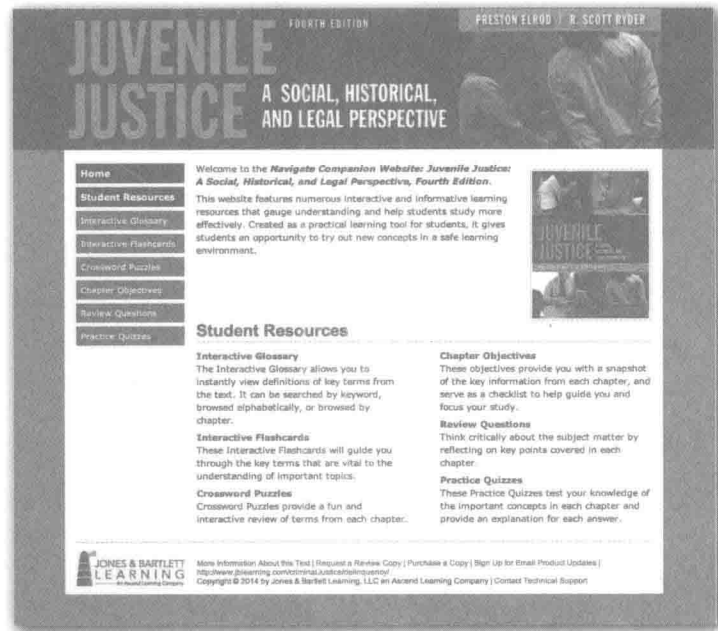
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To my parents, Herman and Catherine; to my wife, Carol; and to my children, Colin and Ryan; you make it all worthwhile.

P.E.

To my wife Denise, and my children, Joshua, Adam, Tim, and Kirby; thank you for your love and support.

R.S.R.

Preface

This book is intended to serve as a comprehensive introduction to the field of juvenile justice. It is designed to help readers understand the complexities of present juvenile justice practice by presenting a thorough examination of the social, historical, and legal context in which delinquency and juvenile justice practice occurs. We have included a broad range of information so that those without experience in the field will be able to understand the multiple decision-making stages that constitute juvenile justice, the interconnections among agencies involved in juvenile justice, and the factors that influence case processing. We examine the relevant literature on the effectiveness of various juvenile justice interventions, as well as a variety of practical, political, economic, philosophical, ethical, and legal issues that invariably arise when juvenile justice agencies become involved in the lives of youths and their families. We also examine common myths about juvenile offenders and juvenile justice practice and we include information on how juvenile justice is practiced in other cultures.

As it has been in previous editions, our mission in this edition is to make youths who are involved in the juvenile justice process, the institutions that make up juvenile justice, and juvenile justice decision-makers accessible to readers. We have, of course, relied heavily on the scholarly literature in developing the contents of this book. However, we have also relied on our own experiences as juvenile justice practitioners (our combined years as practitioners total 40), as well as our experiences as teachers and instructors of juvenile justice practitioners and both graduate and undergraduate university students (our combined years of experience total more than 50).

Despite the many hours of work that have gone into this project, we recognize that the final product is not perfect. Indeed, there are several aspects of juvenile justice that create difficulties for anyone attempting to develop a comprehensive introductory text in this area. One significant challenge has been to present the diversity of current approaches to juvenile justice. Juvenile justice is a complex undertaking, and there is considerable variation in juvenile justice practice across jurisdictions. Nevertheless, we are confident that we have produced a text that will help the reader understand the basic operation of juvenile justice regardless of where he or she lives, and will help him or her understand many of the nuances that define contemporary juvenile justice practice. Moreover, we have worked diligently to present a balanced view of juvenile justice. We want readers to recognize that juvenile justice continues to face a number of problems, and we encourage readers to critically examine past and present

juvenile justice operations. We believe that a critical examination of juvenile justice theory and practice is important for the future development of juvenile justice practice. However, we have also attempted to acknowledge the many positive things that are done for children and families in juvenile courts and other juvenile justice agencies each day. We hope that we have succeeded.

Acknowledgments

Many people have contributed in significant ways to the completion of this book. We would like to acknowledge Carol Elrod and Denise Ryder, and our children, Colin Elrod, Ryan Elrod, Joshua Ryder, Adam Ryder, Tim Ryder, and Kirby Jarzeboski, who supported our efforts in countless ways. Special thanks go to Carol Elrod for her assistance with editing the early versions of the manuscript. Her efforts have been a significant contribution to this project. Also, we thank the court staff and judges of the Family Division of the Ninth Circuit Court, Kalamazoo County, Michigan, and the many capable and caring individuals we have come across who are dedicated to serving the needs of children and families. Their work has been an inspiration to both of us. We particularly acknowledge the support of Stephen Gorsalitz, presiding judge of the Ninth Circuit Court, Kalamazoo County, Michigan, for his support of this project. We also thank the many individuals who were willing to spend time with us and share their experiences in juvenile justice. Without their help, this book would not have been possible. We give special thanks to Hon. Carolyn Williams, Doug Slade, Brenda Foley, Stephanie Sims, Janet Snow, Jennifer Fielder, Janice Marcum, Steve Parson, Jeff Cantrell, Amber Wells, Mavis Poe, Brandon Griffith, Alyson Kershaw, and Polina Karpova, who provided various types of support for this project. Finally, we would like to thank a number of individuals at Jones & Bartlett Learning who have assisted us with this project, particularly Chambers Moore, Carolyn Rogers, Megan Turner, Jill Morton, and Maria Townsley, who provided invaluable assistance with the previous editions. Also, we would like to thank the following individuals who have made this most recent edition possible: Kevin Sullivan, Caitlin Murphy, Audrey Schwinn, Alyssa Lawrence, Tracey McCrea, Lindsay White, and Ashley Dos Santos. Thank you all! Special thanks also go to several reviewers who provided helpful critiques of our work:

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About the Authors

Preston Elrod received his BA in History from Presbyterian College and his MA (Honors) and PhD in Sociology from Western Michigan University. He has taught at Texas Christian University and UNC–Charlotte. He currently serves as Professor and Division Chair, Undergraduate Studies, in the School of Justice Studies at Eastern Kentucky University, where he teaches graduate and undergraduate courses on juvenile justice, and undergraduate courses on criminological theory. Among his published works are studies on citizens' attitudes toward the death penalty, juvenile justice policy development, public attitudes toward electronic monitoring, the effectiveness of interventions for juvenile probationers, and the experiences of adolescent jail inmates. He is the former co-director of a model school-based delinquency reduction program, and he has worked in juvenile justice as a court intake officer and as the supervisor of a juvenile probation department. He served as the first chairperson of the Madison County Delinquency Prevention Council, and he continues to be actively involved in a variety of community activities designed to assist at-risk youths and their families. When not at work, he likes spending time with his family, and he enjoys a variety of outdoor activities.

R. Scott Ryder graduated magna cum laude from Wittenberg University, Springfield, Ohio, in 1971 with a BA in History. He attended Indiana University School of Law in Bloomington, Indiana, where he received his Juris Doctor degree in 1974. He was admitted to practice law in Michigan on January 17, 1975, and continues in the practice of law to the present day. He began his involvement in juvenile justice in 1975 while working as an assistant prosecuting attorney in Shiawassee County, Michigan, with primary responsibility for all proceedings in the juvenile court. His involvement in the juvenile justice system continued after leaving Shiawassee County. He served as chief hearing referee and then research referee for 25 years at the Kalamazoo County, Michigan, juvenile court and later at the family court. After retiring from his referee position in May 2004, he became the juvenile court director for St. Joseph County, Michigan, a position he held until 2007, when he went to work for the Nottawaseppi Huron Band of the Potawatomi as their tribal court administrator, and he also represented the tribe in state courts as their Indian child welfare attorney from 2008 to 2012. In addition to working in the courts, he has extensive training and teaching experience. He was an instructor/trainer for the Michigan Judicial Institute, the Michigan Department of Human Services, and the Michigan Supreme Court Administrator's Office. He has taught at the college level as an

adjunct assistant professor at Western Michigan University, as an instructor at Glenn Oaks Community College, and as adjunct faculty at Spring Arbor University. He also has a limited private legal practice. When he is not working, teaching, or writing, his hobbies include officiating soccer, playing golf, and reading. He is married to Denise and has three adult sons and an adult stepdaughter.

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The Context of Juvenile Justice

CHAPTER 1

Defining Basic Concepts and Examining Public Perceptions of Juvenile Crime

CHAPTER OBJECTIVES

After studying this chapter, you should be able to

- Define basic concepts necessary for understanding the juvenile justice process
- Present a legal definition of delinquency
- Describe the shortcomings of legal definitions of delinquency
- Explain why it is important to understand diversity in the population of juvenile offenders
- Explain why age is the primary criterion for defining a juvenile from a legal perspective
- Describe the problems associated with using age to define the clients of the juvenile justice process
- Describe those factors that contribute to variation and conflict in juvenile justice practice
- Explain why “juvenile justice system” may be a misleading term
- Describe the role that public perception plays in responding to the “delinquency problem”
- Assess the potential for harm that is associated with institutions of social control

CHAPTER OUTLINE

Introduction

Defining Delinquency

Defining Juveniles: The Legal Perspective

The Juvenile Justice System

Public Perceptions of Delinquency and the Politics of Juvenile Justice

Juvenile Justice as an Institution of Social Control

Chapter Summary

Key Concepts

Review Questions

Additional Readings

Notes