



JUVENILE JUSTICE

THE ESSENTIALS

RICHARD LAWRENCE & MARIO HESSE



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RICHARD LAWRENCE AND MARIO HESSE

St. Cloud State University



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JUVENILE JUSTICE



Preface

This textbook is intended to cover the essential topics in juvenile justice in a more brief and concise manner than the larger comprehensive texts on the subject. *Juvenile Justice: The Essentials* presents an overview of the major subject areas in juvenile justice and summarizes the latest research available. The book includes special features to engage the reader in thinking critically about the subjects, with practical examples of cases, juvenile justice in action, laws, policies, and programs in juvenile justice.

The focus of this book is juvenile *justice*, not juvenile *delinquency*. The two topics are integrally related but are not identical. “Delinquency” is a subject of criminology and sociology with a focus on theories and causes of juvenile offending. “Juvenile justice” is a subtopic of criminal justice with a focus on the responses of juvenile justice officials—police, courts, and corrections—to juvenile delinquency. Delinquency and justice are clearly related and overlap in coverage of topics. A study of juvenile justice must begin with an overview of the definitions, extent, and explanations of the causes of juvenile delinquency—topics that are covered in more depth in juvenile delinquency texts. Delinquency prevention and juvenile justice policies and programs are based on beliefs about what causes delinquency. Students and justice professionals must therefore have some understanding of the causes and “correlates” of delinquency. Writing a textbook on the “essentials” of juvenile justice requires some compromises, deciding how much to cover and what topics to cover. This text will *not* provide in-depth coverage and discussion of the theories and explanations of juvenile delinquency. We encourage instructors and students seeking more information on juvenile delinquency to turn to the numerous other textbooks devoted to that topic. Four of the first five chapters in this text do, however, provide an overview of delinquency, criminological theories, and “correlates” of delinquency. The remaining 10 chapters focus on the juvenile justice process. We have worked as practitioners and have done research in the juvenile justice field. We welcome you to join us as we explore the interesting and changing world of juvenile justice.

Organization of the Text

Chapter 1: Defining and Measuring Juvenile Delinquency presents information on how delinquency is defined and viewed according to public perceptions and definitions, criminological research and self-reported delinquent behavior, and judicial definitions of formally adjudicated juveniles. The chapter also provides an overview of the

measures of delinquency, the strengths of each measure, and the resulting differences in estimating the extent and seriousness of juvenile offending.

Chapter 2: The History of Juvenile Justice is an overview of the history and development of juvenile justice in America, from the “child-saving” movement to the first juvenile court, federal and state legislative changes, and the changes and trends to adopt more features common to the adult criminal court and hold juvenile offenders more accountable for crimes.

Chapter 3: Causes of Delinquency: Rational Choice and Individual Explanations summarizes the causes of delinquency, ranging from classical and rational choice theories, to those that focus on individual explanations, including biogenetic, biochemical, and psychological explanations. In addition to an overview of the explanations, we provide examples, policies, and practices that are based on the “individual explanations,” and conclude the chapter with implications for juvenile justice, laws, and policies.

Chapter 4: Sociological Explanations of Delinquency summarizes the most prominent criminological explanations for juvenile delinquency developed by sociologists, including social structure, subcultures, and social process; labeling and conflict theories; and the developmental, life-course, and integrated theories. In addition to an overview of the explanations, we discuss the relative strengths of each theory, and conclude the chapter with a discussion of how the theories apply to policies and practices in juvenile justice.

Chapter 5: Correlates and Causes of Delinquency discusses the factors that are associated with delinquency; how they are associated; and under what circumstances they may be a cause, a consequence, or simply “go along with” youths’ involvement in delinquency. The chapter concludes with a discussion of prevention and intervention programs developed to reduce delinquency and the problems associated with juvenile offending.

Chapter 6: Police and Juveniles highlights the roles of police in preventing delinquency and responding to juvenile offending. We discuss police roles and responsibilities with juvenile offenders, with an emphasis on the community policing function, preventive efforts such as D.A.R.E. and School Resource Officers, issues relating to police discretion, and alternatives to police arrest and custody.

Chapter 7: Due Process and Juveniles’ Rights summarizes the similarities and differences between juvenile offenders and adults facing criminal court prosecution. The chapter summarizes U.S. Supreme Court cases involving juveniles’ due process rights, including police interrogation, legal counsel, use of preventive detention, standard of evidence for determining guilt, the process for waiver and transfer to criminal court, and statutory changes in juvenile laws.

Chapter 8: Juvenile Detention and Court Intake introduces the post-arrest court intake process for juvenile offenders, the detention decision for youth who pose a risk to the

community; assessment of youth risks and needs; and the prosecutorial decision-making process that may result in a petition alleging delinquency, waiver to criminal court, or other nonadjudicatory alternatives.

Chapter 9: Transfer to Criminal Court examines developments in waiver and transfer, legislative changes resulting in statutory exclusion and prosecutorial discretion in many states, and the effects of the widespread practice of juvenile waiver decisions.

Chapter 10: The Juvenile Court Process examines changes in the juvenile court process and the developments that have brought juvenile offenders most of the same due process rights as adults in criminal court. We discuss juvenile court officials and their roles and responsibilities, the adjudication process, dispositional alternatives available to the juvenile court, and juvenile court trends and reforms.

Chapter 11: Juvenile Corrections: Institutional and Residential examines the history and developments of institutional and residential corrections programs for juveniles, the development of boot camps and similar “challenge incarceration” programs, alternative residential programs such as “wilderness camps,” research on effectiveness of correctional programs, issues regarding disproportionate minority confinement (DMC), and trends in institutional and residential corrections for juveniles.

Chapter 12: Juvenile Probation and Community Corrections examines the history and development of probation and community corrections programs for juveniles, probation officer roles and responsibilities, correctional counseling and treatment versus control and accountability, probation alternatives and intermediate sanctions, after-care supervision, the effectiveness of community corrections, and trends in community corrections programs for juveniles.

Chapter 13: Restorative Justice discusses the movement referred to as “balanced and restorative justice” that endeavors to place equal emphasis on the offender, the community, and the victim. The differences between traditional retributive justice and restorative justice are highlighted along with examples and applications of restorative justice, challenges in its implementation, and its effectiveness in meeting goals and objectives.

Chapter 14: The Future of Juvenile Justice summarizes the developments and changes in juvenile justice, factors affecting the future of juvenile justice, evidence that the “get-tough” approach may be waning, and offers perspectives for public health and comprehensive approaches to delinquency prevention that are intended to improve justice for juveniles in the 21st century.

Each chapter includes features that serve as pedagogical and teaching aids:

- Chapter Highlights
- “Case in Point”: Scenarios and cases with discussion questions
- “Policy and Practice”: Applications and examples with discussion questions

- Bulleted summary points at the end of each chapter
- Key Terms at the end of each chapter
- Discussion questions at the end of each chapter
- Web links and sources at the end of each chapter

Acknowledgments

I have studied and written about juvenile justice for the past 40 years. Nearly 10 of those years were as a juvenile probation officer and a research and training director in a metropolitan juvenile court. During these four decades I have had the privilege of working with and learning from many dedicated juvenile justice professionals, researchers, mentors, and colleagues. I am greatly indebted to many persons, including the late Richard Moreno, Chief Juvenile Probation Officer, and my friends and former colleagues in the Bexar County Juvenile Court in San Antonio. Rolando del Carmen and other professors at the Criminal Justice Center of Sam Houston State University taught me the law, theories, and research that helped me put into perspective and better understand what I experienced in juvenile court, in detention, and in the challenges of supervising juveniles on probation. My former professors at “Sam” and numerous alumni and colleagues continue to provide the kind of intellectual stimulation and continuing desire to “know the truth” and to express it in written, scholarly work. I am indebted to many criminology and criminal justice colleagues I have come to know through annual meetings of the American Society of Criminology and the Academy of Criminal Justice Sciences over the past 30 years. At the risk of omitting some, I want to acknowledge Craig Hemmens, Barry Feld, Peter Benekos, Alida Merlo, Joe Sanborn, Steve Lab, John Whitehead, Donna Bishop, and Frank Zimring among those scholars and writers in juvenile justice who have made exceptional contributions to expanding my own knowledge and insights. I am also grateful to Howard Snyder, Melissa Sickmund, and Charles Puzzanchera for their accessibility and willingness to answer questions about the measures and statistics on juvenile arrests, court cases, and juveniles in corrections.

Administrators and colleagues at St. Cloud State University have provided the kind of academic environment and support that have allowed me to engage in the countless extra hours over the past several years that have enabled me to put in writing what I have shared with students in the classroom. I am especially grateful to my colleague Mario Hesse for his contribution to this book. He provided cases, policies, and practices for many of the chapters, and helped bring to life many of the concepts and issues in juvenile justice.

Several reviewers read the initial chapter manuscripts and offered comments for improving the book. Their suggestions were invaluable in bringing attention to topics that had been inadvertently omitted or not sufficiently emphasized; topics that needed further definition and development; and related suggestions to help get student readers engaged, interested, and involved in the issues and challenges of juvenile justice. I acknowledge and appreciate the time and helpful comments of the reviewers noted below.

I am especially grateful to Jerry Westby, Executive Editor at Sage Publications, who initiated the idea for an “essential text” in Juvenile Justice and offered his encouragement and support during the project and enabled its completion. My thanks also to the excellent editorial staff at Sage Publications, including Eve Oettinger, Karen Ehrmann, Brittany Bauhaus, and Kristin Bergstad. To become an author who produces work that is worth reading requires some personal experience and observations in the field coupled with years of reading and research. Without the assistance of an excellent editorial staff, however, our work would never get into print. Throughout this project, the editorial staff of Sage Publications balanced their “demands for excellence” with excellent editorial support.

My wife Dorothy provides the kind of companionship, support, and balance that makes her the most important person in my life. Despite the interruptions to our relationship and time together that a project like this requires, she understands and supports my passion for reading and writing. No doubt her 34 years as an eighth-grade English teacher accounts for much of that patience. She had a role in molding and encouraging the intellectual and personal development of many young people. I have written this book in the hope that those who read it will some day, in some way, contribute to better justice and a brighter future for all juveniles.

—Richard Lawrence

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Brief Contents

Preface	xiii
About the Authors	xviii
1. Defining and Measuring Juvenile Delinquency	I
2. The History of Juvenile Justice	II
3. Causes of Delinquency: Rational Choice and Individual Explanations	27
4. Sociological Explanations of Delinquency	46
5. Correlates and Causes of Delinquency	69
6. Police and Juveniles	101
7. Due Process and Juveniles' Rights	125
8. Juvenile Detention and Court Intake	142
9. Transfer to Criminal Court	161
10. The Juvenile Court Process	179
11. Juvenile Corrections: Institutional and Residential	201
12. Juvenile Probation and Community Corrections	225
13. Restorative Justice	244
14. The Future of Juvenile Justice	261
References	286
Index	306

Detailed Contents



Preface	xiii
Organization of the Text	xiii
Acknowledgments	xvi
About the Authors	xviii
1. Defining and Measuring Juvenile Delinquency	I
Chapter Highlights	1
The Extent and Seriousness of Juvenile Delinquency and Victimization	2
Measures of Juvenile Offending and Victimization	4
Official Statistics on Juvenile Offending	5
Self-Report Measures	7
SUMMARY	9
KEY TERMS	9
DISCUSSION QUESTIONS	9
WEB RESOURCES	9
2. The History of Juvenile Justice	II
Chapter Highlights	11
Historical Overview of Juvenile Justice	12
The Origins of American Juvenile Justice	13
Houses of Refuge and Legal Doctrines	14
The “Child-Saving” Movement	16
The First Juvenile Court	16
Federal and State Legislative Changes	18
Changes and Trends in Juvenile Justice	20
Questioning the Child Savers	20
Cycles of Juvenile Justice	20
Legislative Changes and “Getting Tough”	21
The End of the Death Penalty for Juveniles	23
SUMMARY	25
KEY TERMS	25
DISCUSSION QUESTIONS	26
WEB RESOURCES	26

3. Causes of Delinquency: Rational Choice and Individual Explanations	27
Chapter Highlights	27
Rational Choice Explanations	29
Rational Choice and Punishment	30
Individual Explanations	31
Biological and Genetic Explanations	32
IQ and Delinquency	32
Learning Disabilities and Delinquency	34
Psychological Explanations of Delinquency	37
Biochemical Explanations of Delinquency	41
Individual Explanations and Justice Responses	43
SUMMARY	44
KEY TERMS	45
DISCUSSION QUESTIONS	45
WEB RESOURCES	45
4. Sociological Explanations of Delinquency	46
Chapter Highlights	46
Social Structure Theories	47
Social Process Theories	51
Societal Reaction Theories: Labeling and Conflict	56
Labeling Theory	57
Conflict Theory	58
Life-Course Development and General Integrated Theories	61
General and Integrated Theory	62
Explanations of Female Delinquency	64
Application of Sociological Explanations of Delinquency	67
SUMMARY	67
KEY TERMS	68
DISCUSSION QUESTIONS	68
WEB RESOURCES	68
5. Correlates and Causes of Delinquency	69
Chapter Highlights	69
The Family and Delinquency	70
Child Abuse and Neglect	73
Parents and Delinquency Prevention	78
Peers and Delinquency	82
Schools and Delinquency	83
Truancy, Dropout, and Delinquency	85
Crime in Schools	87
School Safety and Violence Prevention	89

Gangs and Delinquency	90
Alcohol, Drugs, and Delinquency	94
SUMMARY	98
KEY TERMS	99
DISCUSSION QUESTIONS	99
WEB RESOURCES	100
6. Police and Juveniles	101
Chapter Highlights	101
The Police and Juvenile Crime	101
Police Roles and Responsibilities	102
Law Enforcement	103
Order Maintenance	104
Service Function	104
Police–Juvenile Relations	106
Police Discretion	114
Race as a Factor in Juvenile Arrests	119
Alternatives to Police Arrest and Custody	122
SUMMARY	123
KEY TERMS	124
DISCUSSION QUESTIONS	124
WEB RESOURCES	124
7. Due Process and Juveniles' Rights	125
Chapter Highlights	125
The U.S. Supreme Court on Juvenile Justice	125
<i>Kent v. United States</i> (1966)	126
<i>In re Gault</i> (1967)	126
<i>In re Winship</i> (1970)	126
<i>McKiever v. Pennsylvania</i> (1971)	127
<i>Breed v. Jones</i> (1975)	127
Due Process Rights of Juveniles	128
Arrest, Interrogation, and Counsel (<i>Fare v. Michael C.</i>)	128
Students' Rights in School	130
Freedom of Speech and Expression	132
Constitutional Due Process	134
Search and Seizure	135
Juvenile Versus Criminal Court: Legal and Procedural Distinctions	137
Purpose Clauses of Juvenile Courts	139
SUMMARY	140
KEY TERMS	141
DISCUSSION QUESTIONS	141
WEB RESOURCES	141

8. Juvenile Detention and Court Intake	142
Chapter Highlights	142
Juvenile Court Intake	142
Diversion and Alternatives to Juvenile Court Referral	144
Prosecutor Role in Intake and Court Referral	145
Juvenile Detention	146
Trends and Variations in Detention	148
Conditions of Confinement in Detention	151
Consequences of Being Detained	152
Preventive Detention and Predicting Dangerousness	155
Assessment of Juvenile Risks and Needs	158
SUMMARY	159
KEY TERMS	160
DISCUSSION QUESTIONS	160
WEB RESOURCES	160
9. Transfer to Criminal Court	161
Chapter Highlights	161
Overview of Waiver and Transfer	161
Judicial and Legislative Developments in Juvenile Transfer	164
Judicial Waiver	164
Mandatory Waiver	164
Presumptive Waiver	165
Prosecutorial Discretion	165
Statutory Exclusion	166
Additional Transfer Laws	167
Reverse Waiver	167
“Once an Adult, Always an Adult”	167
The Law, Science, and Juvenile Transfer	167
Research on the Effects of Transfer	171
Types of Juvenile Cases Transferred	172
Crime Reduction Through Transfer	172
Racial Disparity in Transfer	173
Transfer: Solid Policy or Symbolic?	173
Lessons Learned	174
Future Trends in Juvenile Transfer	176
SUMMARY	177
KEY TERMS	177
DISCUSSION QUESTIONS	177
WEB RESOURCES	178
10. The Juvenile Court Process	179
Chapter Highlights	179
Juvenile Court Cases: Numbers and Trends	180
Gender	180

Age	180
Race	180
Juvenile Court Officials and Their Roles	182
The Juvenile Court Judge	182
Juvenile Court Prosecutors	185
Defense Attorneys	185
Juvenile Probation Officer	188
The Juvenile Court Process	189
Adjudication Hearing	189
Disposition Hearing	189
Dispositional Alternatives	190
“Blended Sentencing”	191
Juvenile Court Trends and Reforms	192
Juvenile Court Changes	195
Abolish or Rehabilitate the Juvenile Court?	196
SUMMARY	198
KEY TERMS	199
DISCUSSION QUESTIONS	199
WEB RESOURCES	200
11. Juvenile Corrections: Institutional and Residential	201
Chapter Highlights	201
History and Development of Juvenile Corrections	202
Institutional and Residential Programs	203
Juvenile Training Schools	204
Other Residential Programs	209
Boot Camps	210
Wilderness Camps	212
Effectiveness of Juvenile Corrections	215
Current Issues and Future Trends in Juvenile Corrections	216
Disproportionate Minority Confinement	216
Changes and Future Trends	220
SUMMARY	223
KEY TERMS	223
DISCUSSION QUESTIONS	223
WEB RESOURCES	224
12. Juvenile Probation and Community Corrections	225
Chapter Highlights	225
Juvenile Probation	225
Probation Goals and Objectives	226
The Practice of Probation	227

Probation Officer Responsibilities	228
Probation Officer Roles	230
Probation Officer Role Conflict	233
Intermediate Sanctions	235
Intensive Supervision Probation (ISP)	235
Day Reporting Centers	236
Electronic Monitoring and House Arrest	236
Restitution Programs	237
Aftercare or Parole Supervision	237
Effectiveness of Juvenile Corrections	240
SUMMARY	242
KEY TERMS	242
DISCUSSION QUESTIONS	242
WEB RESOURCES	243
13. Restorative Justice	244
Chapter Highlights	244
History and Development of Restorative Justice	245
Applications and Forms of Restorative Justice	248
Problems and Challenges Faced by Restorative Justice	254
SUMMARY	259
KEY TERMS	260
DISCUSSION QUESTIONS	260
WEB RESOURCES	260
14. The Future of Juvenile Justice	261
Chapter Highlights	261
The Past as Prologue to the Future	261
The Federal Government and Juvenile Justice	262
The Shift to “Law-and-Order” and “Get-Tough” Policies	263
Factors Affecting the Future of Juvenile Justice	267
Social Factors Versus Individual Responsibility	267
Poverty and Juvenile Crime	268
Social Factors and the Future of Juvenile Justice	269
Policy Issues for Juvenile Justice in the 21st Century	271
The Future of Juvenile Court	271
Juveniles and the Age of Responsibility	272
The Role of Juvenile Justice Personnel	275
Responding to More Demands With Fewer Resources	277
Delinquency Prevention and Juvenile Justice	
for the 21st Century	277
A Public Health Approach to Delinquency Prevention	279