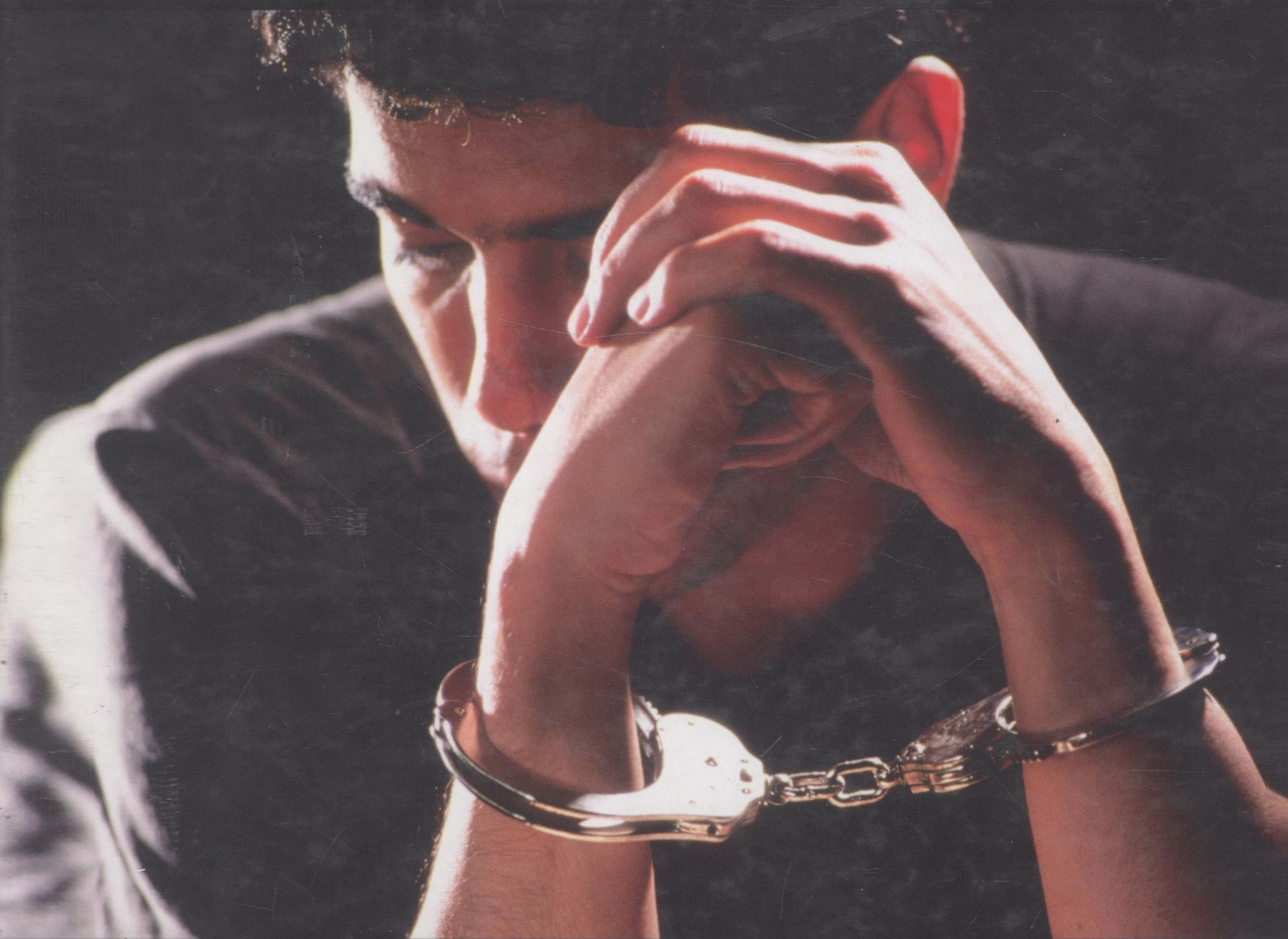


FOURTH EDITION

THE JUVENILE JUSTICE SYSTEM

DELINQUENCY, PROCESSING, AND THE LAW



Dean John Champion

The Juvenile Justice System

Delinquency, Processing, and the Law

Fourth Edition

Dean John Champion
Texas A & M International University



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Preface

The Juvenile Justice System: Delinquency, Processing and the Law, fourth edition, is a complete examination of the juvenile justice system. It examines how juvenile offenders are defined and classified and draws on current literature to depict significant stages of juvenile processing.

Current juvenile cases are used to illustrate the legal bases for decisions about juveniles. Landmark Supreme Court cases are included, although persuasive decisions from various state courts are presented to show juvenile justice trends. A legalistic perspective is used, therefore, to highlight the different rights juveniles have acquired and how different components of the juvenile justice system relate to them. An integral feature of this book is the distinction between status offenses and delinquent offenses. This difference has significant consequences for all juveniles affected.

The history of juvenile courts is described, including crucial events that have influenced the course of juvenile justice. Increasingly, juveniles are extended rights commensurate with the rights of adults. An indication of this trend is the growing use of waivers (certifications or transfers) to criminal court. This option is intended to expose more serious juvenile offenders to more severe punishment forms compared with the possible punishments that juvenile judges may impose. However, the spreading use of waivers has not always achieved the intended result of more severe penalties for juveniles, since many juveniles who are waived to criminal courts receive minimal punishments if punished at all.

One explanation is that most juveniles who are transferred to criminal courts are not necessarily the most serious, dangerous, or violent juvenile offenders. A majority of those transferred continue to be property offenders, drug users, public order and status offenders. Once juveniles are waived to the jurisdiction of criminal courts, their age becomes a mitigating factor. Quite often, this factor trivializes the seriousness of their offending and lessens the punishments imposed. Many cases against juveniles are dropped or reduced to less serious charges. Thus, many juveniles who are tried as adults receive sentences that are comparatively less severe than those that would otherwise be contemplated and imposed by juvenile judges. However, one potential penalty that receives increasing attention is the death penalty applied to juveniles. Current case law about imposing the death penalty as a punishment for juveniles is examined, and several juvenile death penalty cases are described.

Juveniles are not only classified according to type of offense, but they are also tracked according to the nature of offenses committed across years. Delinquency is defined and measured according to several popular indices, such as the *Uniform Crime Reports* and the *National Crime Victimization Survey*. The fact is that no single resource discloses the true amount of delinquency in the United States.

The major components of the juvenile justice system are featured, including law enforcement, prosecution and the courts, and corrections. Corrections is presented in a broad context, with each correctional component described. Correctional strategies ranging from diversion to full-fledged incarceration are

featured, together with a discussion of the favorable and unfavorable dimensions of such programs. One interesting feature is a section devoted to recidivism among juveniles, depending upon the nature of the treatment program described. Thus, community-based correctional programs are assessed, together with probation and parole alternatives for managing a growing juvenile offender aggregate. Electronic monitoring and home confinement are described as strategic and technological means of coping with growing numbers of juvenile offenders.

Every effort has been made to include the most up-to-date sources, references, and other materials. Thus, at the time this book went into production, the most currently available material was used as the bases for tables, figures, and juvenile justice statistics. The most current material is not always that current, however. For example, government documents about juvenile justice statistics are published from twelve to eighteen months from the time the information is actually collected and analyzed. Therefore, it is not unusual for a government document published in 2002 to report “recent” juvenile delinquency statistics for 2000. This situation is common, since governmental compilation and reporting of such information is a slow and tedious process. It is very unlikely, therefore, that the government will report 2002 information in 2002. However, the historical factual information about juveniles and the juvenile justice system does not change. Also, there are very few changes in juvenile laws from year to year. Of course, new information is constantly being generated by researchers and government agencies. As a textbook ages, therefore, those seeking more current information about juvenile delinquency trends and other statistical information can obtain additional data from several sites on the Internet. Several relevant Internet sites have been listed at chapter ends. I have sought to provide the reader with the best and most recent information available at the time this manuscript was prepared.

Features and Ancillaries

Several important features and ancillaries have been prepared for this book. First, there are *chapter objectives* that outline what each chapter is designed to accomplish. *Key terms* that are fundamental to understanding the juvenile justice system, the criminal justice system, and various programs and processes are highlighted in boldface. A complete *glossary* of these terms is provided in an *appendix*. Each chapter contains a *summary*, highlighting the chapter’s main points. At chapter ends, a *list of suggested readings* is provided. These are intended to supplement materials presented in each chapter. Thus, if students wish to learn more about any specific topic, these references may be consulted easily. Also included at chapter ends are *questions for review*. Students are encouraged to study these questions and learn to answer them based on chapter information provided. These questions may also be used in preparation for semester or quarter examinations.

For instructors, an Instructor’s Manual and Test Bank has been provided. This Instructor’s Manual and Test Bank includes chapter objectives and summary information. It also includes true/false, multiple choice, and short-answer essay questions that can be used for examination purposes. Any instructor who adopts this book may request an Instructor’s Manual and Test Bank on com-

puter diskette in one of several popular software formats. A diskette containing this information is furnished upon request by contacting the author directly at the addresses provided below.

Acknowledgments

A textbook is the result of the hard work of many persons. From the outset when this book was originally envisioned, I would like to thank Chris Cardone, the former criminal justice editor at Macmillan Publishing Company, for signing this project. Subsequently, Macmillan was acquired by Prentice Hall, and the editorship changed. Continuing strong support for subsequent editions of this work was provided successively by editors Robin Baliszewski, Neil Marquardt, Kim Davies, and most recently, Frank Mortimer. All of you have been instrumental in seeing to the perpetuation of this work in its various editions.

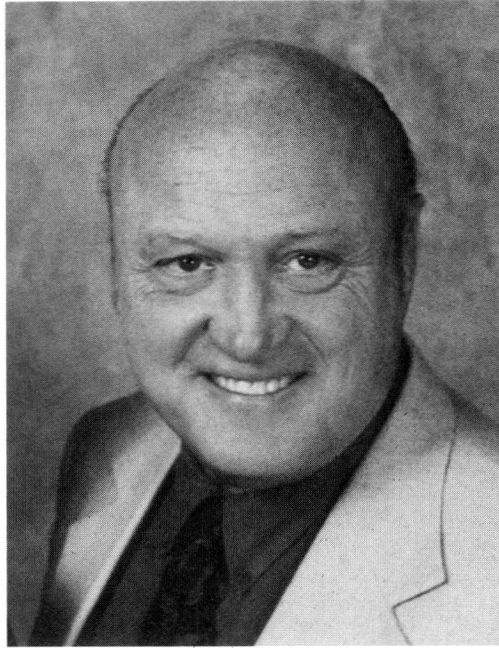
My thanks are also extended to Sarah Holle, who has always been supportive. She has provided valuable assistance in this project's completion by soliciting reviews from juvenile justice scholars and coordinating the review process. Synthesizing these reviews and furnishing me with critical feedback have contributed significantly to improving the book's contents, completeness, and accuracy. I am indebted to Sarah for doing such a wonderful job. Before Sarah assumed these important responsibilities, she was preceded by Rosemary Florio, who performed similar tasks. Although Rosemary retired from Prentice Hall, she can rest assured that Sarah Holle is continuing this work with equivalent rigor and quality.

Thanks are also extended to Linda Duarte and Pine Tree Composition, Inc., in Lewiston, Maine, for their exceptional work. Linda is the Director of Full Service Production, and she did a great job identifying manuscript problems and inconsistencies when they occurred. This is a tedious task, and anyone performing such a task should get a medal. Thanks, Linda, for your professional finishing touch to the format and content of what I have written.

Finally, I wish to thank the reviewers of my fourth edition. Reviewers are essential for new and improved editions. Their constructive criticisms have substantially affected the final result. Reviewers provide valuable feedback and commentary, both to the organization of the book and its contents. While I accept full responsibility for any errors of fact, I would like to acknowledge the significant contributions of the following reviewers: Alan K. Marston, Southern Maine Technical College, Portland, ME; Dawn B. Young, Bossier Parish Community College, Bossier City, LA; Kim Tobin, Westfield State College, Westfield, MA; and Stephen C. Richards, Northern Kentucky University, Highland Heights, KY.

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Dr. Champion has written over 30 texts and/or edited works and maintains memberships in eleven professional organizations. He is a lifetime member of the American Society of Criminology, Academy of Criminal Justice Sciences, and the American Sociological Association. He is a former editor of the Academy of Criminal Justice Sciences/Anderson Publishing Company Series on *Issues in Crime and Justice* and the *Journal of Crime and Justice*. He is a contributing author for the *Encarta Encyclopedia 2000* for Microsoft. He has been a Visiting Scholar for the National Center for Juvenile Justice and is a former president of the Midwestern Criminal Justice Association. He has also designed and/or offered numerous online courses for the University of Phoenix and University of Alaska-Fairbanks.

Among his published books for Prentice-Hall are *Administration of Criminal Justice: Structure, Function, and Process* (2003); *Basic Statistics for Social Research* (1970, 1981); *Research Methods for Criminal Justice and Criminology* (1993, 2000); *The Juvenile Justice System: Delinquency, Processing, and the Law* (1992, 1998, 2001, 2004 forthcoming); *Corrections in the United States: A Contemporary Perspective* (1990, 1998, 2001, 2005 forthcoming); *Probation, Parole, and Community Corrections* (1990, 1996, 1999, 2005 forthcoming); *Policing in the Community* (w/George Rush) (1996); and *The Administration of Justice Systems* (2001). Works from other publishers include *The Sociology of Organizations* (McGraw-Hill, 1975); *Research Methods in Social Relations* (John Wiley & Sons, Inc., 1976); *Sociology* (Holt, Rinehart, and Winston, 1984);

The U.S. Sentencing Guidelines (Praeger Publishers, 1989); *Juvenile Transfer Hearings* (w/G. Larry Mays) (Praeger Publishers, 1991); and *Measuring Offender Risk* (Greenwood Press, 1994); *The Roxbury Dictionary of Criminal Justice: Key Terms and Leading Supreme Court Cases* (Roxbury Press, 1997, 2001); and *Criminal Justice in the United States 2/e* (Wadsworth, 1998). Dr. Champion's specialty interests include juvenile justice, criminal justice administration, corrections, and statistics/methods.

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CHAPTER I

An Introduction to Juvenile Justice in the United States



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The History of Juvenile Courts
Who Are Juvenile Offenders?

Parens Patriae
Modern Interpretations of *Parens Patriae*
Juvenile and Criminal Courts:
Some Preliminary Distinctions
Summary

Questions for Review
Suggested Readings
Internet Connections

Key Terms

Act to Regulate the Control of
Dependent, Neglected, and
Delinquent Children
Actuarial justice
Addams, Jane
Adversarial proceedings
Banishment
Beccaria, Cesare
Beyond a reasonable doubt
Bridewell Workhouse
Chancellors
Chancery courts
Children's tribunals

Childsavers
Child-saving movement
Civil tribunals
Common law
Compulsory School Act
Convictions
Court of record
Court reporters
Courts of equity
Criminal justice
Criminal justice professional
Criminologists
Criminology

Defense attorneys
Gemeinschaft
Gesellschaft
Get-tough movement
Hospital of Saint Michael
Houses of refuge
Illinois Juvenile Court Act
Indentured servants
Indentured servant system
Infants
Jurisdiction
Juvenile courts
Juvenile delinquency