

# **Early Childhood Intervention and Juvenile Delinquency**

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# Early Childhood Intervention and Juvenile Delinquency

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**Early Childhood  
Intervention  
and Juvenile  
Delinquency**

*To my children, Dan and Patty Dutille*  
F.N.D.

*To my mother, Lela Grace Foust*  
C.H.F.

*To my mother and father, Afra L. and  
Dolphus F. Webster*  
D.R.W.

## Foreword

Unlike Congress, state legislatures, or governors, a foundation does not have yardsticks or competitors or even last year's sales figures or earnings per share to evaluate its performance and guide its objectives. It faces no deadlines, and it need not achieve measurable success in a two-year or four-year period. Most problems are not solved, sometimes not even analyzed, in a biennium or a four-year term. The problems this book addresses are in that frustrating group not solved by biennial budgets, special regulations, or executive edicts. We who have been in Indiana government and foundation work know how long it takes to accomplish anything worthwhile in the field of criminal justice.

But thanks in large part to the Indiana Lawyers Commission, we have made major progress in these eight years in Indiana; we are no longer close to the bottom. We do have new criminal, juvenile, and corrections codes and other programs as well.

We all long for simple answers to complex personal problems. The same is true for social ills, particularly for crime. I believe people do not want to think about crime but merely to emote about it. How do we determine whether what we have been prescribing for crime brings value received? Take ten years of confinement at \$100,000; is it better or worse than the lash or the ducking stool or the punishments in Saudi Arabia? What did we really expect to achieve through the Law Enforcement Assistance Administration? How much crime is a community willing to tolerate?

How much is a state willing to pay to reduce crime? Criminal-justice expenditures—particularly those for corrections—are almost always near the bottom of legislative budgetary priorities. Money spent for criminal justice is in reality defense spending, and if it actually produces little defense it is analogous to buying five million bows and a billion arrows to deter military threats from the Soviet Union. The real truth is we do not know how effective our crime defense is; reports are conflicting. The one thing we do know is that we spend literally billions, and crime increases.

Each year we learn more about the range of our ignorance. We do not know, for example, how much prevention and deterrence to crime we are buying. We do not know what effect long imprisonment has on the crime rate (probably some, but we tend to forget that sooner or later that violent person will be freed). We do not know how to predict violence or how to handle it if we could predict it. We do not know what rehabilitates. We only know that we are not getting the job done.

Purposely, I have stated a rather bleak picture without much exaggeration. I have taken this approach to emphasize that we are not really getting

anywhere with an emotional approach to crime. We must *think* about crime for a change.

The objectives of this book include trying to find out things we do not know about early intervention. We do know that in a free society we cannot eliminate the risk of crime, but then what are *acceptable* risks? We judge some risks calmly everyday—for example, walking against the light at a busy intersection, increasing the deductible on our house-theft policy, taking more than two social drinks or 3,000 calories of food daily, checking ten years certain as an option on a pension plan, or assuming smog, air-pollutant health risks that accompany city living.

Another “strange” risk relevant to the topic of this book is that we treat junior-high youngsters from 8 A.M. to 4 P.M. as they were irresponsible children, but from 4 P.M. to midnight we give them, as baby sitters, total responsibility for the well-being of our children and grandchildren and expect them to act like adults (preferably *better* than adults).

Consider the risks we take at day-care centers: We drop off our children and place them for most of their waking hours with (usually) untrained, underpaid people who, nevertheless, *care*.

What specific risks have we taken in the way we treat status offenders? Is their population in public and private juvenile facilities declining? And, if so, for the wrong reasons? To what risks do we expose our children with present child-labor laws, and how could those risks evolve with thoughtful changes in those laws? Whom do those laws really protect? Do they help build self-respect?

Should there be a research project done among migrant families in order to secure a sophisticated analysis of people of all ages needing people of all ages? Or is there an innate or gradually developing basic understanding of people of all ages needing people of all ages as well as a strong sense of mutual need and mutual worth?

How much crime is caused by a bad self-image? By bad example? By idleness? How old must a child be to want to be an individual? To be treated with respect? At what age and in what way is basic self-respect—not ego-building or egocentric self-respect—determined? At what point can one detect the child who lacks that basic self-respect? Who has that bad self-image? When and how do we know what he lacks? And who decides?

Are we willing to admit that almost everyone can be more objective about someone else’s children and grandchildren? What can we learn from cottage industries and migrant families and communal living? How do we examine our need for each other and recognize how natural it is to take the best from each other? Do we need an advanced degree to analyze that concept, or can we just practice and feel and live with certain risks—whatever we determine they are?

There are even risks in statistics. Forty percent of foster parents remain

foster parents for less than a year; only six states have compulsory training for foster parents; some judges callously refer to public costs as the “hay, oats, and water” questions of juvenile delinquency. It now costs an average of \$12,000 a year to maintain a child in a public correctional facility.

Consider another thought. The first penitentiary in this country was built by the Quakers in Philadelphia as a rehabilitation technique. As such, it has not been successful and now, years later, as a prison, it has become the dominating factor in our whole criminal structure. We put more people per capita in it than any country in the Western world except South Africa. Few people would favor wholly abolishing prisons; we must tolerate prisons for the violent and incorrigible. But must prisons *dominate* our criminal-justice system? What further public consideration is needed?

Applying some original thought to the problem of crime could lead to new approaches and cost-effective analyses that would pay off in a reduction of offenses. In a sense, that is what this book aims for: not only to discuss early childhood intervention but to formulate new techniques and strategies to foreclose developing criminality. Let us examine what risks we have the courage or the imagination to take.

*Richard O. Ristine*  
Lilly Endowment, Inc.



## Preface

This book brings together a unique cast of experts from the fields of early childhood and juvenile justice and from legal and judicial areas, as well as administrative and social services.

Neither early childhood intervention nor the postulate that such interventions might, in fact, alleviate juvenile delinquency and crime has ever been addressed in this manner. Given the importance of this topic, it was especially gratifying to see so many interested leaders and professionals participating.

Several very important things must come from this book. If we are to begin making changes, recommendations must be developed that *can* be implemented, and a model plan must be agreed on. The following facts will guide us in our work.

*We are accountable* for our children.

*We must be responsible* for their development.

*We are molders* of their futures.

*We are models* after which they pattern their lives.

The Book of Proverbs (22:6) observes: “train up a child in the way he should go and when he is old he will not depart from it.” In this Old Testament verse, Solomon was speaking to parents. We too need to help parents with their very important roles. Juveniles are responsible for 23 percent of all offenses that would be crimes if committed by adults, according to the U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics* 1980 (p. 338). Fifteen-hundred teachers a month are being attacked by students, with resultant injuries serious enough to need medical attention, as reported by D. Biless, *National Safe School Study* (Research Triangle Institute, 1977). We are responsible for making the changes that will significantly improve these situations.

Since most of a child’s learning ability and patterns are set in the first four or five years of life, we must recognize the importance of early love, nurturing, example, training, and discipline in setting later standards and values. We must also approach intervention, however, in a way that is consistent with our nation’s beliefs and with protection of the family, even as we allow for necessary help to reach the child and family at the time of need. The time and contributions of the concerned professionals represented in this book are truly valuable.

*Barbara J. Anderson*  
Indiana Department of Mental Health

## Acknowledgments

This book is the product of the Juvenile Delinquency and Early Childhood Intervention Conference held in Indianapolis, Indiana, on May 7, 8, and 9, 1981. This book and that conference resulted from the substantial effort of many people.

The editors are especially grateful to the Indiana Criminal Justice Agency, whose generous grant made the conference and this book possible. Essential also was the support, through John Ransberg, of the Indiana Juvenile Justice and Delinquency Prevention Advisory Board. Sincere thanks are also due the Indiana Lawyers Commission for organizing the conference. To thank the commission is to thank the Lilly Endowment, whose support has nurtured the commission.

The staff of the Indiana Lawyers Commission—including Timothy Clark, Catherine O'Connor, and Michael Reed—and Barbara Anderson of the Indiana Department of Mental Health were indispensable to the success of the conference and therefore to the completion of this book.

We extend as well our gratitude to Jane Conley, a Notre Dame Law School student, for her help in drafting the introduction, to Diana Smith, who cheerfully and tirelessly typed through several drafts of the manuscript, and to several others of the Notre Dame Law School staff for their cooperation.

The heart of this book, of course, is the contribution of the conference participants, who came together to pool their ideas and test those of others while exploring issues of critical importance. Although the papers, reactions, and discussion have been significantly edited for this book, every effort was made to preserve their substance and flavor. The editors regret any errors and are solely responsible for them.

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# 1

## Introduction

*Fernand N. Dutile  
and Jane Conley*

Juvenile crime in America is widespread, growing, and often violent. No one knows how much juvenile crime is actually committed, but juvenile arrest and court records are staggering.<sup>1</sup> In 1979—the most recent year for which complete figures are available—fourteen children aged ten or younger were arrested for murder or nonnegligent manslaughter, six for forcible rape, and eight for embezzlement.<sup>2</sup> For children over the age of ten the figures are, of course, much higher.

### **History of the Juvenile Court System**

The first juvenile-court case in the United States occurred in 1899 in Cook County, Illinois. A father brought his son to the court with the complaint: “I am unable to keep him at home. Associates with bad boys. Steals newspapers, etc.”<sup>3</sup> The court committed the boy, age eleven, to the Illinois Manual Training School Farm (where the quality of his associates may not have improved). At that time—1899—the United States already had sixty-five institutions for children convicted of criminal offenses.<sup>4</sup> By 1922, when Sheldon and Eleanor Glueck were beginning their now-classic search for the roots of juvenile delinquency with a study of cases in the Boston Juvenile Court records, one-thousand case histories had accumulated there.<sup>5</sup>

The legal basis of the juvenile-court system was the common-law doctrine of *parens patriae*, the view that the state, as the ultimate parent, has responsibility and therefore power over minors. The Court of Chancery in England asserted its jurisdiction over children on the basis of its interest in the child’s welfare. The crown may have invoked this power most frequently as a means of getting control over the estates of wealthy orphans: It was a form of civil jurisdiction, as the English courts of equity did not presume to control children who had violated the criminal law. In America, the Gluecks in the 1934 study note that the juvenile court arose on the criminal side of the courts because of a revolt at the idea of trying children over age seven as criminals.<sup>6</sup>

The first juvenile court (Cook County’s) was instituted to help and protect children: Roscoe Pound called it “the most significant advance in the administration of justice since the Magna Carta.”<sup>7</sup> By 1966, the system was described by Justice Fortas, writing for the Supreme Court, as one in which

a child would get "the worst of both worlds: neither the protection given an adult nor the solicitous care postulated for children."<sup>8</sup> By the 1980s the system was being called "one of our children's most vicious enemies."<sup>9</sup>

Recognition of the present problem and a desire to find a better solution brought together the participants in the May 1981 Conference on Juvenile Delinquency and Early Childhood Intervention in Indianapolis, organized by the Indiana Lawyers Commission. The conference had a threefold purpose: first, to examine the roots of juvenile delinquency to ascertain whether there is any reliable way to predict it; second, to debate whether any kind of early intervention in children's lives could be shaped so as to prevent it; and third, to assess the lawfulness and appropriateness of any such intervention.

### Concerns for the Present

The Gluecks pioneered the studies in whether juvenile delinquency is predictable, and if so, what factors can be used to predict it and with what weight. They explored causes widely and thoroughly.<sup>10</sup> The contributors, as this book shows, have travelled all the avenues the Gluecks indicated, and sometimes others, in their search for general causes as follows: the influences of family, home, school, and society; physical factors ranging from slight learning disabilities to brain damage; and the interactions among these areas. Predictability of juvenile delinquency remains too uncertain to be called a science, despite all these efforts.

Brandt F. Steele (chapter 6) puts concern with juvenile delinquency into a perspective of six-thousand years. Such a perspective has its comforting aspects (that is, our society is not the result of a final degeneration of all values) but suggests that the best we can hope for is improvement, not solution. Even if prediction will not work, the causes of juvenile delinquency uncovered in the search for prediction can suggest ways to attack the problem.

Another early caution about predictability comes from Jay Lindgren (chapter 3): Not all childhood correlates of adult criminal behavior are necessarily causes of it, and if this is true of the "simpler" factors such as conflict in the home, it is truer of such complex factors as I.Q., sex, or race.

Family influences are generally agreed to be a strong factor in either disposing a child toward later delinquency or keeping him from it. As Dr. Steele puts it (see chapter 6), early mistreatment of children is an important matrix providing a fertile ground for all the other deleterious influences to take root and flourish. One of the few certainties in this otherwise uncertain field is that a strong bond with a loving parent is a factor in producing a child who will not become a delinquent. Whether the converse is true—that



lack of such a bond is sure to produce delinquency—probably cannot be proved. There is always what David Gilman (chapter 6) calls an “X” factor—either God or magic. We know that child abuse tends to produce delinquency. Neglect may be worse: the child is rejected by neglect for reasons he cannot understand, while abuse is a form of acceptance, however painful. (A recent *Time* article suggests that dating couples may provoke each other to violence to “break through indifference.”<sup>11</sup>) Dr. Steele (see chapter 6) noted that neglect of an infant prevents its cognitive development, because the child is left with no way of connecting “A” with “B,” an essential step toward full humanity. As E.M. Forster said, “Only connect . . .”<sup>12</sup>

Beyond the obvious harm done a child who is abused, family influences have an effect on physical condition. Improved nutrition may prevent birth defects, as Mary Hughes of the March of Dimes attests (chapter 4). Other physical conditions that may be related to delinquency are eye and speech disorders. A study in San Bernardino County, California, showed that rebellion, defiance, low self-esteem, and hyperactivity may result from as simple a cause as poor eyesight. The county’s delinquency-prevention coordinator claimed that a project to improve eyesight “reduced the rate of recidivism among juvenile participants by nearly eighty percent during its first six months.”<sup>13</sup> Speech therapy might yield like results: Debilitating communicative disorders affect 84 percent of juvenile offenders, as compared with about 5 percent of the population as a whole.<sup>14</sup>

Environment, or society, is blamed for causing juvenile delinquency. Society is subjected to the general charge that it is in a state of normlessness, termed “anomie . . . a social condition in which traditional norms and rules lose their authority over behavior,”<sup>15</sup> and to such particular charges as Joseph Scott’s description of environments in which antisocial behavior is a normal adaptation (chapter 3). Irving Lazar (chapter 5) agrees that delinquent behavior can be a reasonable response to an unreasonable life situation. Dr. Steele’s six-thousand-year perspective lessens the weight one would give to social conditions as a cause of delinquency (see chapter 6). As David Gilman (see chapter 3) asserts, family and social conditions that produce criminals produce artists as well. Moreover, children from middle-class families as well as those from poorer backgrounds become delinquents, too. Compared with influences from family and school, the influence of “society” is too general.

As for the schools, Lawrence J. Schweinhart (chapter 8) reminds us that scholastic failure has always been demonstrated to be related to delinquency. Any program that improves a child’s performance in school, therefore, will probably help him avoid delinquency. John Monahan (chapter 3) points out that if staying in school predicts less crime, perhaps we use that factor in terms of some prevention programs because we want to increase a child’s performance at school for reasons having nothing to do