

Chapter 15

The Juvenile Justice System

Learning Objective 1

- Describe the child- saving movement and its relationship to the doctrine of *parens patriae*.



Peter Andrew Bosch/Miami Herald/MCT via Getty Images

The Evolution of American Juvenile Justice

- *Parens patriae* holds that the state has not only a right, but also a duty to care for children who are neglected, delinquent, or in some other way disadvantaged.
- Child savers:
 - Wealthy, civic minded citizens who were concerned with the welfare of disadvantaged children
 - Argued that the state has a responsibility to take control of children who exhibit criminal tendencies or had been neglected by their parents
 - Instrumental in opening the House of Refuge in 1825

Learning Objective 2

- List the four major differences between juvenile courts and adult courts.



AP Photo/Keith Srakocic, Pool

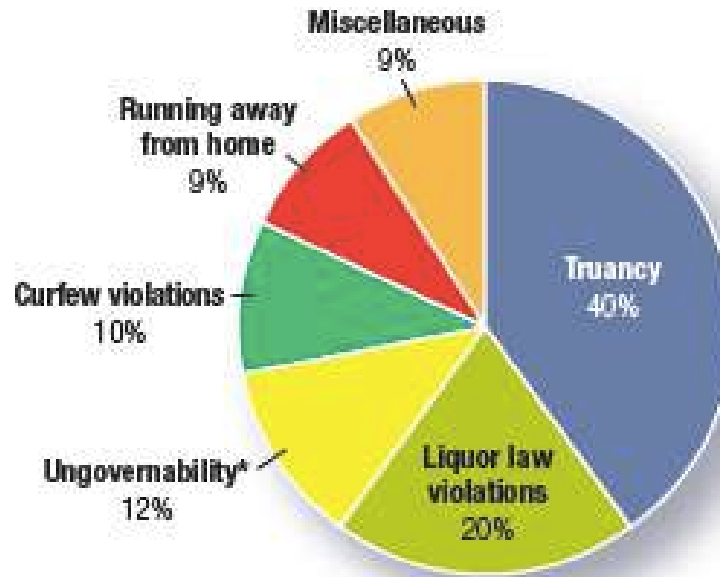
The Evolution of American Juvenile Justice

- The Illinois Juvenile Court:
 - Established in 1899
 - Different from adult court
 - No juries
 - Different terminology
 - No adversarial relationship
 - Confidentiality
 - All states had juvenile courts by 1945.

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FIGURE 15.1 Status Offenses

About 117,000 status offenses are processed by juvenile courts in the United States each year. The most common, as this graph shows, are truancy (skipping school) and liquor-related offenses.

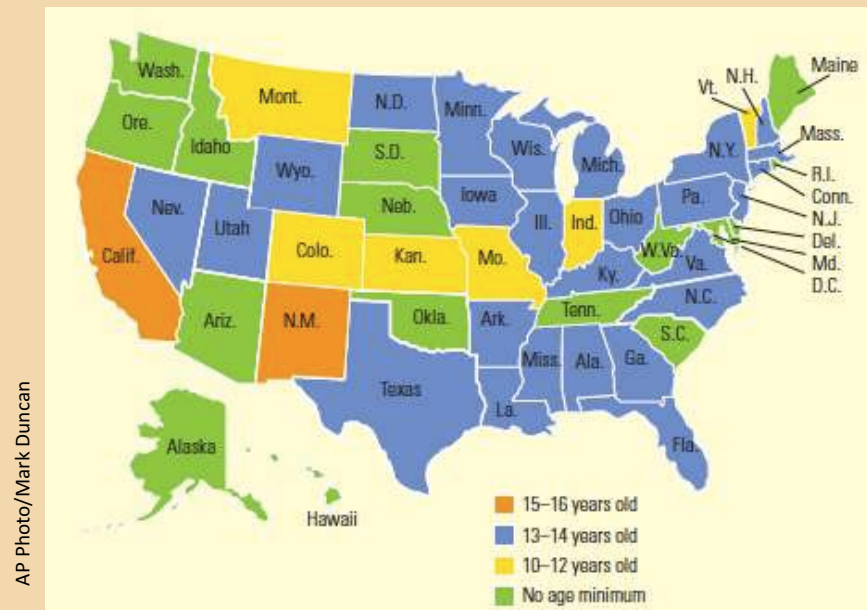


* Being beyond the control of parents, teachers, or other adult authority figures.

Source: Sarah Hockenberry and Charles Puzanichera, *Juvenile Court Statistics, 2011* (Pittsburgh, Pa.: National Center for Juvenile Justice, July 2014), 68.

Learning Objective 3

- Identify and briefly describe the single most important U.S. Supreme Court case with respect to juvenile justice.



AP Photo/Mark Duncan

Source: Patrick Griffin, et al., *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, September 2011).

The Evolution of American Juvenile Justice

- *In re Gault* (1967)
 - The Supreme Court held that juveniles are entitled to many of the same due process rights granted to adult offenders.
 - The right to advance notice of charges
 - The right to counsel
 - The right to confront and cross-examine witnesses
 - The privilege against self-incrimination

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- Other important Supreme Court decisions affecting juveniles
 - *In re Winship* (1970): “beyond a reasonable doubt” standard
 - *Breed v. Jones* (1975): double jeopardy applied concerning adult court
 - *McKeiver v. Pennsylvania* (1971): no right to jury trial

Learning Objective 4

- Describe the reasoning behind recent U.S. Supreme Court decisions that have lessened the harshness of sentencing outcomes for violent juvenile offenders.

Determining Delinquency Today

- The culpability question
 - Juvenile behavior
 - Diminished guilt
 - *Roper v. Simmons* (2005): diminished culpability; forbids those offenders who committed their crime while under the age of 18 from being put to death
 - *Graham v. Florida* (2010): juveniles who commit crimes that do not involve murder may not be sentenced to life
 - *Miller v. Alabama* (2012): banned life without parole mandatory sentences for juveniles
 - Sentencing issues

Learning Objective 5

- Explain how law enforcement's emphasis on domestic violence has influenced female juvenile arrest patterns.



Photo by Scott Olson/Getty Images

Trends in Juvenile Delinquency

- Delinquency by the numbers
 - 2013 statistics show juvenile were responsible for:
 - 7 percent of all murder arrests
 - 9 percent of all aggravated assault arrests
 - 15 percent of all rapes
 - 15 percent of all weapons arrests
 - 20 percent of all robbery arrests
 - 16 percent of all Part I property crimes
 - 8 percent of all drug offenses

Trends in Juvenile Delinquency

- Rising arrests for females
 - Family-based delinquency
 - Research shows that police are much more likely to make arrests in situations involving domestic violence now than a decade ago.
 - A large percentage of female juvenile arrests for assault arise out of family disputes, and those are arrests that until relatively recently would not have been made.
- School violence and bullying
 - Safety in schools
 - Bullied students

Learning Objective 6

- Describe the one variable that always correlates highly with juvenile crime rates.



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Factors in Juvenile Delinquency

- Age-crime relationship
 - The older a person is, the less likely he or she will exhibit criminal behavior.
 - Aging out
- Substance abuse
- Child abuse and neglect
- Gangs

Factors in Juvenile Delinquency

FIGURE 15.4 Risk Factors for Juvenile Delinquency

The characteristics listed here are generally accepted as "risk factors" for juvenile delinquency. In other words, if one or more of these factors are present in a juvenile's life, he or she has a greater chance of exhibiting delinquent behavior—though such behavior is by no means a certainty.

Family	<ul style="list-style-type: none">• Single parent/lack of parental role model• Parental or sibling drug/alcohol abuse• Extreme economic deprivation• Family members in a gang or in prison
School	<ul style="list-style-type: none">• Academic frustration/failure• Learning disability• Negative labeling by teachers• Disciplinary problems
Community	<ul style="list-style-type: none">• Social disorganization (refer to Chapter 2)• Presence of gangs and obvious drug use in the community• Availability of firearms• High crime/constant feeling of danger• Lack of social and economic opportunities
Peers	<ul style="list-style-type: none">• Delinquent friends• Friends who use drugs or who are members of gangs• Lack of "positive" peer pressure
Individual	<ul style="list-style-type: none">• Mental illness• Tendency toward aggressive behavior• Inability to concentrate or focus/easily bored/hyperactive• Alcohol or drug use• Fatalistic/pessimistic viewpoint

Factors in Juvenile Delinquency

- Youth gang—a group of three or more persons who:
 - Self-identify as an entity separate from the community by clothing, vocabulary, hand-signals, and names
 - Engage in criminal activity
- Reasons for joining gangs:
 - Identity
 - Protection
 - Fellowship
 - Criminal activity
 - Intimidation

Factors in Juvenile Delinquency

FIGURE 15.5 Comparison of Gang and Nongang Delinquent Behavior

Taking self-reported surveys of subjects aged thirteen to eighteen in the Seattle area, researchers for the Office of Juvenile Justice and Delinquency Prevention found that gang members were much more likely to exhibit delinquent behavior than nongang members.



Source: Karl G. Hill, Christina Lui, and J. David Hawkins, *Early Precursors of Gang Membership: A Study of Seattle Youth* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, December 2001), Figure 1, page 2.

Learning Objective 7

- List the factors that normally determine what police do with juvenile offenders.



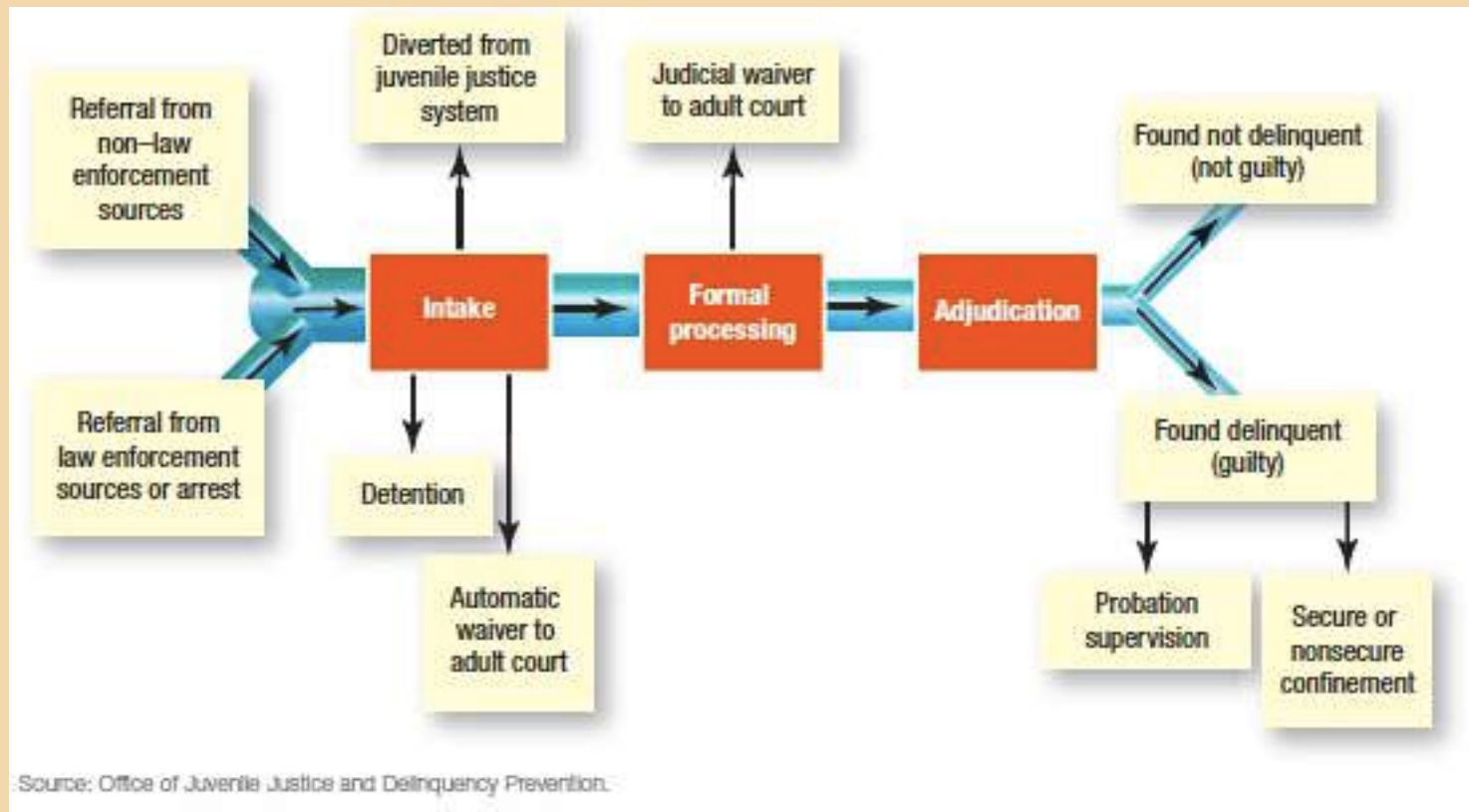
Kevork Djansezian/Getty Images

First Contact: The Police and Pretrial Procedures

- Police exercise low-visibility decision making when working with juveniles.
 - Factors that impact discretion
 - Nature of the offense; past criminal history
 - Attitude of the offender
 - Willingness of parents to take disciplinary action
 - Race and gender of offender; setting of offense
- Arrests and minority youth
- Failing the “attitude test”
 - Those who are polite and apologetic generally have a better chance for release.

Learning Objective 8

- Describe the four primary stages of pretrial juvenile justice procedure.



First Contact: The Police and Pretrial Procedures

- The four primary pretrial stages:
 - Intake: court decides to file a petition, release, or put juvenile under supervision
 - Pretrial diversion: probation, treatment and aid, or restitution
 - Transfer: automatic waiver; prosecutorial waiver to adult criminal court
 - Detention: temporary custody; detention hearing within 24 hours

Learning Objective 9

- Explain the distinction between an adjudicatory hearing and a disposition hearing.



AP Photo/Columbus Dispatch, James D. DeCamp

Trying & Punishing Juveniles

- Adjudication hearing
 - The process by which the court determines whether there is sufficient evidence to support the petition
- Detention hearing
 - The hearing in which the appropriate sanctions for the delinquent or status offender is determined
 - Predisposition report

Trying & Punishing Juveniles

- Juvenile corrections is based on graduated sanctions.
 - Probation
 - Residential treatment programs
 - Foster care programs, group homes, family group homes, rural programs
 - Secure confinement
 - Aftercare programs