



EIGHTH EDITION

THE JUVENILE JUSTICE SYSTEM

DELINQUENCY, PROCESSING, AND THE LAW

Alida V. Merlo Peter J. Benekos Dean John Champion

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THE LAW

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To Kevin and Alexandra

To Pat

To Gerri

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Preface

The Juvenile Justice System: Delinquency, Processing, and the Law, Eighth Edition, is a comprehensive study of the juvenile justice system. The book examines how juvenile offenders are defined and classified, and it utilizes the current literature to illustrate the significant stages of juvenile processing and recent changes and developments in juvenile justice. This book distinguishes between status offenses and delinquent offenses. This difference has consequences for juveniles and can affect their processing in the system.

This edition also describes evidence-based programs that are effective in preventing delinquency and treating youthful offenders. In addition to policies and practices in the United States, examples of comparative juvenile justice are also presented. Developments and policies in juvenile justice reinforce the importance of a separate system of justice for youthful offenders and of providing opportunities for reform and treatment. Information presented in this edition indicates that elements of restorative justice are evident in several policies, including those from countries throughout the world.

The U.S. Supreme Court cases that address youth exemplify the legal framework for understanding how juveniles are handled. Historical landmark Supreme Court cases are included, along with decisions from various state courts that show juvenile justice trends. A legalistic perspective highlights the constitutional rights afforded juveniles and how various components of the juvenile justice system relate to them.

The history of juvenile courts is described, including significant events that have influenced the evolution of juvenile justice. The review of the juvenile court indicates that it adopted a more punitive approach to juvenile offenders during the 1990s and early 2000s. One indication of this trend was the expansion of waiver (certification or transfer) provisions that were enacted by state legislatures. These policies were intended to prevent serious juvenile offending and to authorize more severe (adult) punishment when compared with the sanctions that juvenile judges could impose. However, juvenile crime was declining before most of these laws were enacted. Nonetheless, the number of youth in adult prisons and jails increased in the 1990s, but it has decreased subsequently. In the 2000s, state legislatures began reevaluating some of the punitive policies enacted during the 1990s when juvenile crime rates peaked. Along with Supreme Court decisions on capital punishment and life without parole for juveniles, there are more rehabilitative and preventive strategies to deal with youth and a revision of juvenile justice policies. There is also a greater awareness of the victimization of children and youth and its effects.

Juveniles who are transferred to criminal courts are not necessarily the most serious, dangerous, or violent offenders. Transferred youth include property offenders, drug offenders, or public order offenders. Once juveniles are waived to the jurisdiction of criminal courts, their age can be considered a mitigating factor. However, juveniles in adult court can receive the same sanctions as adults but juveniles who are convicted of murder in criminal court cannot be sentenced to mandatory life without parole sentences. In 2005, the U.S. Supreme Court determined that the death penalty for youth under the age of 18 violates the Eighth Amendment ban on cruel and unusual punishment. In this edition, case law prohibiting the death penalty and the Supreme Court decisions on life without parole sentences for youth are discussed.

Juveniles are classified not only according to the type of offense but also according to the nature of offenses committed. Delinquency is defined and measured according to several indices, such as the *Uniform Crime Reports*, the *National Crime Victimization Survey*, *Juvenile Court Statistics*, and the *National Youth Survey*. There is no single resource that discloses the true amount of crime and delinquency in the United States.



► Organization of the Book

The major components of the juvenile justice system, including law enforcement, prosecution and the courts, and corrections, are featured. Police deal with youth informally every day, and they use discretion in deciding whether to initiate a referral to court or another agency or take the youth into custody. The roles of the prosecutor and defense attorney and their participation in the critical stages of the process are discussed. The juvenile correctional process is presented in a broad context, and correctional strategies ranging from probation to incarceration are featured, along with a discussion of the strengths and limitations of various policies and programs. Probation remains the dominant sanction for juvenile offenders. Community-based correctional programs for juvenile offenders are assessed, and innovative strategies are discussed. Electronic monitoring and home confinement are described along with residential placements and aftercare. Particular attention is devoted to evidence-based practice and to Balanced and Restorative Justice initiatives.

Chapters present career snapshots of professionals who work with juvenile offenders in different capacities. These include law enforcement officers, juvenile probation officers, researchers, students, detention center administrators, treatment specialists, professors, and counselors. The profiles are intended to share perspectives on why they have chosen their careers and what they find rewarding about working with youth. In addition, the professionals identify what they believe are the requirements, characteristics, and skills to be successful. To work with juvenile offenders effectively, special training, preparation, commitment, and education are required. The professionals describe on-the-job experiences with juveniles, and their narratives help students understand some of the situational difficulties they address in the course of their careers. In addition to seeing a client succeed, their work can be stimulating and inspiring in various ways. The career snapshots illustrate diverse aspects of the juvenile justice system and related areas in which future criminal justice scholars and practitioners might pursue their goals.

Every effort has been made to include current references. At the time this book went into production, the most recent material available was the basis for tables, figures, and juvenile justice statistics. The most contemporary material, however, is not always that current. For instance, government documents that include juvenile justice statistics are published a year or more after the information is actually collected and analyzed. Therefore, it is not unusual for a government document published in 2013 to report “recent” juvenile delinquency statistics for 2010 or earlier. This situation is common because governmental compilation and reporting of such information are complex processes. It is not possible, therefore, for the government to regularly report 2014 information in 2014. The historical and factual information about juveniles and the juvenile justice system does not change, but there are revisions in laws affecting youth each year. In addition, new data are collected, analyzed, and interpreted regularly by researchers and government agencies, and some of the most current information about trends in juvenile delinquency and other statistical information can be accessed from Internet sites. We have endeavored to provide the reader with the most recent policies and data available at the time this manuscript was written.

► Features

Several important features are incorporated in this book. First, there are learning 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. A complete glossary of these terms is provided. Each chapter also contains a summary, highlighting a review of the learning objectives and the chapter’s main points. Boxed features throughout the chapters include Focus on Delinquency, Career Snapshots, and now Evidence-Based Practice in Action and Comparative Practice and Policy, which are new to the Eighth Edition.



Critical Thinking Application Exercises are included at the end of the chapter, and students are encouraged to read and complete the exercises and answer the questions based on the chapter information. These exercises and questions may also be used in preparation for examinations.

► New to This Edition

New materials in this edition include:

- Learning Objectives listed at the beginning of each chapter
- New boxed feature entitled Evidence-Based Practice in Action describes relevant research studies and their implications for juvenile justice practice
- New boxed feature entitled Comparative Practice and Policy Around the World describes juvenile justice practices in various countries and relates them to U.S. practices
- New end-of-chapter Critical Thinking Application Exercises focus on policy and practice
- Updated Career Snapshots include juvenile probation officers, law enforcement officers, youth treatment providers, and students
- Updated information from the Uniform Crime Reports (UCR), Bureau of Justice Statistics (BJS), and the Office of Juvenile Justice & Delinquency Prevention (OJJDP)
- Policy information from the National Center for Juvenile Justice (NCJJ)
- Updated review of U.S. Supreme Court cases, including *Miller v. Alabama* (2012)
- Review of recent research on adolescent brain development
- Developments in disproportionate minority contact in the juvenile justice system
- Examination of emergent policy in juvenile justice
- Recent legislative changes
- Updated Focus on Delinquency narratives and inclusion of reflective questions
- Incorporation of comparative policies in other countries in the text
- Summaries at the end of each chapter are organized according to the learning objectives

► Instructor Supplements

Instructor's Manual with Test Bank Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

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Any questions about the text, presentation, or factual information, as well as any inadvertent inaccuracies, may be sent directly to the authors through the contact information below:

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Marmaduke St. John/Alamy

1 An Overview of Juvenile Justice in the United States

LEARNING OBJECTIVES

After reading this chapter, the student will be able to:

- 1 Explain the concept of *parens patriae*.
- 2 Differentiate between the types of juvenile offenders, including delinquents and status offenders.
- 3 Explain the structure of the juvenile justice system and the roles and functions of various juvenile justice agencies.
- 4 Summarize how juvenile offenders are processed through the criminal justice system.
- 5 Understand the meaning of the deinstitutionalization of status offenders.
- 6 Explain the various kinds of dispositions that judges can make.



► Introduction

The juvenile justice system is unique. This book explains the system and how it has evolved. The organization of this chapter is as follows: First, the juvenile justice system is described. Certain features of juvenile justice are similar in all states. Various professionals work with youth, and they represent both public and private agencies and organizations. From police officers to counselors, professionals endeavor to improve the lives of youth.

Every jurisdiction has its own criteria for determining who juveniles are and whether they are under the jurisdiction of the juvenile court. A majority of states classify juveniles as youth who range in age from 7 to 17 years, and juvenile courts in these states have jurisdiction over these youth. Some states have no minimum-age provisions and consider each case on its own merits, regardless of the age of the juvenile.

Because juveniles are not considered adults and, therefore, fully responsible for some of their actions, special laws have been established that pertain only to them. Thus, violations specific to juveniles are referred to as *status offenses*. Juveniles who commit such infractions are categorized as status offenders. Juveniles who engage in acts that are categorized as crimes are juvenile delinquents, and their actions are labeled juvenile delinquency. In brief, delinquent acts for youth would be crimes if committed by adults. By contrast, status offenses are not considered crimes if adults engage in them. Examples of status offenses include runaway behavior, truancy, unruly behavior, and curfew violation. The characteristics of youth involved in such behaviors will also be described.

In 1974, the U.S. Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA). One provision of this Act, although not binding on the states, encouraged states to remove their status offenders from secure institutions—namely secure juvenile residential or custodial facilities—where they were being held. States subsequently removed status offenders from institutions and placed these youth with community, social service, or welfare agencies. This process is called the deinstitutionalization of status offenses and will be described in some detail.

Next, a general overview of the juvenile justice system is presented. While later chapters will focus upon each of these components in greater detail, the juvenile justice system consists of the processes involved whenever juveniles come in contact with law enforcement. Several parallels exist between the criminal and juvenile justice systems. For those juveniles who advance further into the system, prosecutors make decisions about which cases to pursue. The prosecutors' decisions are often preceded by petitions from different parties requesting a formal juvenile court proceeding. These youth have their cases adjudicated. Compared with criminal court judges, however, juvenile court judges have a more limited range of sanctions. Juvenile court judges may impose nominal, conditional, or custodial dispositions. These dispositions will be described more fully in the following sections.

► The Juvenile Justice System

The **juvenile justice system**, similar to **criminal justice**, consists of a network of agencies, institutions, organizations, and personnel that processes juvenile offenders. This network is made up of **law enforcement agencies**, also known as **law enforcement**; **prosecution and the courts**; corrections, probation, and parole services; and public and private programs that provide youth with diverse services.

The concept of juvenile justice has different meanings for individual states and for the federal government. No single, nationwide juvenile court system exists. Instead, there are 51 systems, including the District of Columbia, and most are divided into local systems delivered through either juvenile or family courts at the county level, local probation offices, state correctional agencies, and private service providers. Historically, however, these systems have a common set of core principles that distinguish them from criminal courts for adult offenders, including (1) limited jurisdiction (up to age 18 in most states); (2) informal proceedings; (3) focus on offenders, not their offenses; (4) indeterminate sentences; and (5) confidentiality (Feld, 2007).

juvenile justice system

Stages through which juveniles are processed, sanctioned, and treated after referrals for juvenile delinquency.

criminal justice An interdisciplinary field studying the nature and operations of organizations providing justice services to society; consists of lawmaking bodies, including state legislatures and Congress, as well as local, state, and federal agencies that try to enforce the law.

law enforcement agencies, law enforcement

Any organization whose purpose is to enforce criminal laws; the activities of various public and private agencies at local, state, and federal levels that are designed to ensure compliance with formal rules of society that regulate social conduct.

prosecution and the courts

Organizations that pursue cases against juvenile offenders and determine whether they are involved in offenses alleged.

When referring to juvenile justice, the terms *process* and *system* are used. The “system” connotation refers to a condition of homeostasis, equilibrium, or balance among the various components of the system. By contrast, “process” focuses on the different actions and contributions of each component in dealing with juvenile offenders at various stages of the processing through the juvenile justice system. A “system” also suggests coordination among elements in an efficient production process; however, communication and coordination among juvenile agencies, organizations, and personnel in the juvenile justice system may be inadequate or limited (Congressional Research Service, 2007).

In addition, different criteria are used to define juveniles in states and the federal jurisdiction. Within each of these jurisdictions, certain mechanisms exist for categorizing particular juveniles as adults so that they may be legally processed by the adult counterpart to juvenile justice, the criminal justice system. During the 1990s, a number of state legislatures enacted procedures to make it easier to transfer jurisdiction to the adult system (Snyder and Sickmund, 2006). These changes signaled a shift in the perception of youth, who were now being viewed as adults and subject to the same processes and most of the same sanctions.

► Who Are Juvenile Offenders?

Juvenile Offenders Defined

Juvenile offenders are classified and defined according to several different criteria. According to the 1899 Illinois Act that created juvenile courts, the **jurisdiction** of such courts would extend to all juveniles under the age of 16 who were found in violation of any state or local law or ordinance (Ferzan, 2008). In most states, the upper age limit for juveniles is under 18 years. Ordinarily, the jurisdiction of juvenile courts includes all juveniles between the ages of 7 and 18. Federal law defines juveniles as any persons who have not attained their 18th birthday (18 U.S.C., Sec. 5031, 2009).

juvenile offenders

Children or youth who have violated laws or engaged in behaviors that are known as status offenses.

jurisdiction

Power of a court to hear and determine a particular type of case; also, the territory within which a court may exercise authority, such as a city, county, or state.

The Age Jurisdiction of Juvenile Courts

The age jurisdiction of juvenile courts is determined through established legislative definitions among the states. The federal government has no juvenile court. Although upper and lower age limits are prescribed, these age requirements are not uniform among jurisdictions. Common law has been applied in many jurisdictions where the minimum age of accountability for juveniles is seven years. Youth under the age of seven are presumed to be incapable of formulating criminal intent and are thus not responsible under the law. While this presumption may be refuted, the issue is rarely raised. Thus, if a six-year-old child kills someone, deliberately or accidentally, he or she likely will be treated rather than punished. In some states, no lower age limits exist to restrict juvenile court jurisdiction. Table 1.1 ■ shows the upper age limits for most U.S. jurisdictions.

TABLE 1.1 Age at Which Criminal Courts Gain Jurisdiction over Youthful Offenders, 2011

Age (years)	States
16	New York and North Carolina
17	Georgia, Illinois, Louisiana, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin
18	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and Federal Districts

Source: Upper Age of Original Juvenile Court Jurisdiction, 2013. *OJJDP Statistical Briefing Book*. Retrieved December 17, 2013, from http://www.ojjdp.gov/ojstatbb/structure_process/qa04102.asp?qaDate=2013&text=. Updated 2014 by authors.

The states with the lowest maximum age for juvenile court jurisdiction include New York and North Carolina. In these states, the lowest maximum age for juvenile court jurisdiction is 15. The states with the lowest maximum age of 16 for juvenile court jurisdiction are Georgia, Illinois, Louisiana, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin (OJJDP Statistical Briefing Book, 2013). All other states and the federal government use 18 years as the minimum age for criminal court jurisdiction. Under the JJDP, juveniles are individuals who have not reached their 18th birthday (18 U.S.C., Sec. 5031, 2009).

Juvenile offenders who are especially young (under age seven in most jurisdictions) are often placed in the care or custody of community agencies, such as departments of human services or social welfare. For example, in North Carolina children who are six can be referred to juvenile court. Instead of punishing children under the age of seven, various kinds of treatment, including psychological counseling, may be required. States may have further age-accountability provisions. In 11 states, a child must be at least 10 years of age for juvenile court jurisdiction (Szymanski, 2011).

Some states have no minimum age limit for juveniles. Technically, these states can decide matters involving children of any age. This control can result in the placement of children or infants in foster homes or under the supervision of community service or human welfare agencies. Neglected, unmanageable, abused, or other children in need of supervision can be placed in the custody of these various agencies at the discretion of juvenile court judges. Thus, juvenile courts generally have broad discretionary power over most persons under the age of 18. Under certain circumstances, some juveniles, particularly 11- and 12-year-olds, may be treated as adults in order to prosecute them in criminal court for alleged serious crimes.

► *Parens Patriae*

parens patriae

Literally “parent of the country”; doctrine where the state oversees the welfare of youth; originally established by the King of England and administered through chancellors.

Parens patriae is a concept that originated with the King of England during the 12th century. It literally means “the father of the country.” Applied to juvenile matters, *parens patriae* means that the king is in charge of, makes decisions about, and has the responsibility for all matters involving juveniles. Within the scope of early English common law, parents had primary responsibility in rearing children. However, as children advanced beyond the age of seven, they acquired some measure of responsibility for their own actions. Accountability to parents was shifted gradually to the state whenever youth seven years of age or older violated the law. In the name of the king, chancellors in various districts adjudicated matters involving juveniles and the offenses they committed. Juveniles had no legal rights or standing in any court; they were the sole responsibility of the king or his agents. Their future depended largely upon chancellor decisions. In effect, children were wards of the court, and the court was vested with the responsibility of safeguarding their welfare (McGhee and Waterhouse, 2007).

Chancery courts of 12th- and 13th-century England (and in later years) performed various tasks, including the management of children and their affairs as well as care for the mentally ill and incompetent. Therefore, an early division of labor was created, involving a three-way relationship among the child, the parent, and the state. The underlying thesis of *parens patriae* was that the parents were merely the agents of society in the area of child-rearing, and that the state had the primary and legitimate interest in the upbringing of children. Thus, *parens patriae* established a type of fiduciary or trust-like parent-child relationship, with the state able to exercise the right of intervention to limit parental rights (Friday and Ren, 2006).

Since children could become wards of the court and subject to its control, the chancellors were concerned about the future welfare of these children. The welfare interests of chancellors and their actions led to numerous rehabilitative and/or treatment measures, including placement of children in foster homes or assigning them to perform various tasks or work for local merchants (Rockhill, Green, and Furrer, 2007). Parents had minimal influence on these child placement decisions.

In the context of *parens patriae*, it is easy to trace this early philosophy of child management and its influence on subsequent events in the United States, such as the child savers



movement, houses of refuge, and reform schools. These latter developments were both private and public attempts to rescue children from their environments and meet some or all of their needs through various forms of institutionalization.

► Modern Interpretations of *Parens Patriae*

Parens patriae continues in all juvenile court jurisdictions in the United States. The persistence of this doctrine is evidenced by the range of dispositional options available to juvenile court judges and others involved with the early stages of offender processing in the juvenile justice system. Typically, these dispositional options are either nominal or conditional, meaning that the confinement of any juvenile for most offenses is regarded as a last resort. Nominal or conditional options involve various sanctions (e.g., verbal warnings or reprimands, diversion, probation, making financial restitution to victims, performance of community service, participation in individual or group therapy, or involvement in educational programs), and they are intended to reflect the rehabilitative ideal that has been a major philosophical underpinning of *parens patriae*.

Another factor is the gradual transformation of the role of prosecutors in juvenile courts. As more prosecutors actively pursue cases against juvenile defendants, the entire juvenile justice process may weaken the delinquency prevention role of juvenile courts (Sungi, 2008). Thus, more aggressive prosecution of juvenile cases is perceived as moving away from delinquency prevention for the purpose of deterring youth from future adult criminality. At least 15 states, according to Snyder and Sickmund (2006), now authorize prosecutors to decide whether to try a case in adult criminal court or juvenile court. The intentions of prosecutors are to ensure that youth are entitled to due process, but the social costs may be to label these youth in ways that will propel them toward, rather than away from, adult criminality (Mears et al., 2007).

The Get-Tough Movement

The treatment or rehabilitative orientation reflected by *parens patriae*, however, is somewhat in conflict with the themes of accountability and due process. Contemporary juvenile court jurisprudence stresses individual accountability for one's actions. The **get-tough movement** emphasizes swifter, harsher, and more certain justice and punishment than the previously dominant, rehabilitative philosophy of American courts (Mears et al., 2007). Overall, youth are viewed as “mini-adults” who make rational choices that include the deliberate decision to engage in crime (Merlo and Benekos, 2000). In the last 25 years, states have modified their statutes to allow the release of the names of juveniles to the media, to allow prosecutors to decide which youth should be transferred to adult court, and to open juvenile court proceedings to the public. These actions are consistent with a more punitive attitude toward youth (Merlo, 2000).

For juveniles, this includes the use of nonsecure and secure custody and sanctions that involve placement in group homes or juvenile facilities. For juveniles charged with violent offenses, this means transfer to the criminal courts, where more severe punishments, such as long prison sentences or even life imprisonment, can be imposed. Although legislatures have enacted laws making it possible to transfer youth to adult court, it is not clear that these policies reflect the public's opinion regarding how best to address juvenile offending (Applegate, Davis, and Cullen, 2009). The public may favor a juvenile justice system separate from the adult criminal justice system, and evidence suggests a strong preference for a system that disposes most juveniles to treatment or counseling programs in lieu of incarceration, even for repeat offenders (Applegate et al., 2009; Piquero et al., 2010).

Strategies can be implemented to prevent youth from engaging in disruptive behavior in class that can result in their suspension or expulsion from school. These efforts are important because suspension and expulsion in elementary school can result in students dropping out of school later, becoming involved in delinquent behavior, and/or engaging in more serious acts with similarly situated peers. By working with youth in elementary

get-tough movement View toward criminals and delinquents favoring maximum penalties and punishments for crimes or delinquent acts.



EVIDENCE-BASED PRACTICE IN ACTION

The Good Behavior Game (GBG) is designed for younger children who have been exposed to violence. The program is intended for boys and girls between the ages of 6 and 10 in elementary school. It involves a classroom management strategy in which teachers work with students to address aggressive or disruptive behaviors. The program has three phases, and the students work in teams. The teacher explains the expectations regarding behavior in the classroom. Each student understands that his or her behavior can affect the entire team and that rewards are available for those teams that succeed. Students support each other, and learn to work collaboratively with each other. Students monitor their behavior and learn prosocial skills and techniques, which can help them if they encounter problems and difficult experiences later in life.

Subsequent evaluations of the Good Behavior Game (GBG) found that it was more effective with boys than girls. Also, follow-up studies indicate that boys who displayed external aggressive behaviors in first grade were less likely to do so in sixth grade compared to those children in the control group. A subsequent study also found a reduction in boys' behavior who participated in the program compared to the control group. In addition, the GBG group participants had more friends and were more accepted by peers than the control group.

Source: National Institute of Justice: Program Profile: Good Behavior Game (retrieved from <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=188>).

schools, teachers can assist in the development of prosocial skills that will enhance the child's academic experience and reduce problematic classroom behavior that can lead to more serious consequences.

Parens patriae has been subject to the U.S. Supreme Court's interpretation of the constitutional rights of juveniles. Since the mid-1960s, the Supreme Court has afforded youth constitutional rights, and some of these are commensurate with the rights enjoyed by adults in criminal courts. The Court's decisions to apply constitutional rights to juvenile delinquency proceedings have resulted in a gradual transformation of the juvenile court toward greater formalization. As juvenile cases become more like adult cases, they may be less susceptible to the influence of *parens patriae*.

▶ Juvenile Delinquents and Delinquency

Juvenile Delinquents

Legally, a **juvenile delinquent** is any youth under a specified age who has violated a criminal law or engages in disobedient, indecent, or immoral conduct and is in need of treatment, rehabilitation, or supervision. A juvenile delinquent is a **delinquent child** (Champion, 2009). These definitions can be ambiguous. What is "indecent" or "immoral conduct?" Who needs treatment, rehabilitation, or supervision? And what sort of treatment, rehabilitation, or supervision is needed?

Juvenile Delinquency

Federal law says that **juvenile delinquency** is the violation of any law of the United States by a person before his or her 18th birthday that would be a crime if committed by an adult (18 U.S.C., Sec. 5031, 2009). A broader, legally applicable definition of juvenile delinquency is a violation of any state or local law or ordinance by anyone who has not yet achieved the age of majority. These definitions are qualitatively more precise than the previously cited ones.

juvenile delinquent, delinquent child

Anyone who, under the age of majority, has committed one or more acts that would be crimes if committed by an adult.

juvenile delinquency

Violation of the law by any youth which is handled by juvenile courts; violation of any law or ordinance by anyone who has not achieved the age of majority.

Definitions of Delinquents and Delinquency

Juvenile courts often define juveniles and juvenile delinquency according to their own standards. In some jurisdictions, a delinquent act can be explained in various ways. To illustrate the implications of such a definition for any juvenile, consider the following scenarios:

Scenario 1 It is 10:15 P.M. on a Thursday night in Detroit. A curfew is in effect for youth under age 18 prohibiting them from being on city streets after 10:00 P.M. A police

CAREER SNAPSHOT



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Background

As an undergraduate at Mercyhurst College, I was a double major in Criminal Justice and Marriage and Family Studies. I graduated with a B.A. in each field. I worked hard in classes and maintained a high GPA, which was very important when it came time to apply to law schools. In my first two years at college, I took very broad classes so that I could explore many career options; and in my final two years, I began choosing classes that were tailored to my interests and the career path I wanted to pursue. I was able to take many prelaw and juvenile justice courses, which have greatly benefited me already. Through a constitutional law course, I was able to participate in a mock trial. I took on the role of the defense attorney, and it was an incredibly rewarding experience.

In a class of my sophomore year, I was asked to create a program that served people in some way. After doing extensive research and discovering how ineffective juvenile defense is in many areas of our country, I created a program meant to aid public defenders in educating their juvenile clients about the system and their rights. That spring, I applied for a summer internship at Pine Tree Legal Assistance in Maine, and I was offered the position because of the work I had done on my program. At Pine Tree, I obtained some experience in the legal field by handling a number of public interest cases. My summer at Pine Tree proved to me that my interest in the law was not fleeting. In the spring of my junior year, I began interning in the Juvenile Division of the Erie County Public Defender's Office. I showed one of the defense attorneys the program I had created, and she was excited to adapt and use it because she wanted to improve her client outreach. Every Friday, we went to the local detention

centers and met with her clients to discuss their cases and their due process rights. Her relationship with her clients improved quickly and significantly, and I left the internship confident that I wanted to be a juvenile defense attorney.

I also worked for a professor on campus as a research assistant. For two years, I assisted him with a research project tracking juvenile offenders processed in the adult system. In addition to this work, I wrote papers on juvenile defense and potential policy changes, and I presented them at three conferences over two years. These experiences allowed me to gain some expertise in juvenile defense as well as make connections with professors and criminal justice professionals around the country.

I took the LSAT the summer before my senior year, and in the fall, I applied to a number of law schools. I chose Maine Law for a number of reasons, including their juvenile defender's clinic, their location, and their scholarship offer. I graduated feeling I had spent my time as an undergraduate well and was ready to take on the challenges of law school.

Advice to Students

My advice to undergraduate students is to make the most of the resources your school and community have to offer. Academic success is important, but it is not the only piece of the undergraduate experience that matters. There are many ways to explore careers and determine your strengths, such as through volunteer programs, school clubs, research opportunities with professors, and internships. Pick internships and activities related to the field in which you see yourself working: Not only will these activities "pad" your resume, they will also help you explore your interests. If you are interested in a particular office that does not do internships, ask if there is anything you can do to get involved with their work—my internship position at the public defender's office was created for me because I asked. Create opportunities for yourself, and make the most of your college experience: Not only will you get what you want, you will also show future employers and graduate schools that you are driven and resourceful.



officer in a cruiser notices four juveniles standing at a street corner, holding gym bags, and conversing. One youth walks toward a nearby jewelry store, looks in the window, and returns to the group. Shortly thereafter, another boy walks up to the same jewelry store window and looks in it. The officer pulls up beside the boys, exits the vehicle, and asks them for IDs. Each of the boys has a high school identity card. The boys are 16 and 17 years of age. When asked about their interest in the jewelry store, one boy says that he plans to get his girlfriend a necklace like one in the store window, and he wanted his friends to see it. The boys then explain that they are waiting for a ride, because they are members of a team and have just finished a basketball game at a local gymnasium. One boy says, “I don’t see why you’re hassling us. We’re not doing anything wrong.” “You just did,” says the officer. He makes a call on his radio for assistance from other officers and makes all the boys sit on the curb with their hands behind their heads. Two other cruisers arrive shortly, and the boys are transported to the police station, where they are searched. The search turns up two small pocket knives and a bottle opener. The four boys are charged with “carrying concealed weapons” and “conspiracy to commit burglary.” Juvenile authorities are notified.

Scenario 2 A highway patrol officer spots two young girls with backpacks attempting to hitch a ride on a major highway in Florida. He stops his vehicle and asks the girls for IDs. They do not have any but claim they are over 18 and are trying to get to Georgia to visit some friends. The officer takes both the girls into custody and to a local jail, where a subsequent identification discloses that they are, respectively, 13- and 14-year-old runaways from a Miami suburb. Their parents are looking for them. The girls are detained at the jail until their parents can retrieve them. In the meantime, a nearby convenience store reports that two young girls from off the street came in an hour earlier and shoplifted several items. Jail deputies search the backpacks of the girls and find the shoplifted items. They are charged with “theft.” Juvenile authorities are notified.

Are these scenarios the same? No. Can each of these scenarios result in a finding of delinquency by a juvenile court judge? Yes. Whether youth are “hanging out” on a street corner late at night or have shoplifted, it is possible in a juvenile court in the United States that they could be defined collectively as delinquents or delinquency cases.

Of course, some juvenile offending is more troublesome than other types. Breaking windows or violating curfew is certainly less serious than armed robbery, rape, or murder. Many jurisdictions divert minor cases away from juvenile courts and toward various community agencies, where the juveniles involved can receive assistance rather than the formal sanctions of the court.

Should one’s age, socioeconomic status, ethnicity or race, attitude, and other situational circumstances influence the police response? The reality is that juveniles experience subjective appraisals and judgments from the police, prosecutors, and juvenile court judges on the basis of both legal and extralegal factors. Because of their status as juveniles, youth may also be charged with various noncriminal acts. Such acts are broadly categorized as status offenses.

► Status Offenders

status offenses Any act committed by a minor that would not be a crime if committed by an adult (e.g., truancy, runaway, or unruly behavior).

Status offenders are of interest to both the juvenile justice system and the criminal justice system. **Status offenses** are acts committed by juveniles that can bring the juveniles to the attention of juvenile courts but would not be crimes if committed by adults. Typical status offenses include running away from home, truancy, underage liquor law violations, and curfew violations. Adults would not be arrested for running away from home, truancy, or walking the streets after some established curfew for juveniles. However, juveniles who engage in these behaviors in particular cities may be grouped together with more serious juvenile offenders who are charged with armed robbery, aggravated assault, burglary, larceny, auto theft, or illicit drug sales. Overall, there has been an increase in the number of youth being processed for status offenses. From 1995 to 2010, the number of status offense





One type of status offense is underage drinking.

Source: Monkey Business Images/Shutterstock

cases processed by juvenile courts increased by six percent. In 2010, there were approximately 137,000 formally petitioned status offense cases that were disposed of by juvenile courts (Puzzanchera and Hockenberry, 2013).

Runaways

It is difficult to determine exactly how many youth are runaways in the United States. Some youth actually do run away from their parents or caretakers, while others are “thrown out.” It was estimated that in 1999, more than 1.6 million youth were either runaway or thrown-away (Snyder and Sickmund, 2006). In terms of juvenile court involvement with youth who runaway, the number has decreased since 1995. In 2010, there were fewer than 15,000 cases (classified as runaways) which were formally petitioned and processed by the juvenile court (Puzzanchera and Hockenberry, 2013).

Runaways are those youth who leave their homes, without permission or their parents’ knowledge, and who remain away from home for periods ranging from a couple of days to several years. Many runaways are apprehended eventually by police in different jurisdictions and returned to their homes. Others return because they choose to go back. Some runaways remain permanently missing, although they likely are part of a growing number of homeless youth who roam city streets throughout the United States (Slesnick et al., 2007). Information about runaways and other types of status offenders is compiled annually through various state-wide clearinghouses and the federally funded National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children (NISMAART) (Sedlak, Finkelhor, and Hammer, 2005).

Runaway behavior is complex. Some research suggests that runaways can have serious mental health needs (Chen, Thrane, and Whitbeck, 2007). In addition, these youth may seek others like themselves for companionship and emotional support (Kempf-Leonard and Johansson, 2007). Runaways view similarly situated youth as role models and peers, and they may engage in delinquency with other youth. Studies of runaways indicate that boys and girls often have familial problems (e.g., neglect and parental drug use) and have been physically and sexually abused by their parents or caregivers (McNamara, 2008). Evidence suggests that youth who run away may engage in theft or prostitution to finance their independence away from home. In addition, these youth may be exploited by peers or adults who befriend them (Armour and Haynie, 2007).

Some research confirms that runaways tend to have low self-esteem as well as an increased risk of being victimized on the streets (McNamara, 2008). Although all runaways are not alike, there have been attempts to profile them. Depending upon how authorities and parents react to children who have been apprehended after running away, there may be either positive or negative consequences.

runaways Juveniles who leave their home for long-term periods without parental consent or supervision.

