



JUVENILE DELINQUENCY

Third Edition



 Pearson

**Clemens Bartollas
Frank Schmallegger**

JUVENILE DELINQUENCY

third edition

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Dedication

To our beautiful children and grandchildren

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Preface

Introducing the Justice Series

**When
best-selling
authors**

and instructional designers come together focused on one goal—to improve student performance across the criminal justice (CJ) curriculum—they come away with a groundbreaking new series of print and digital content: the *Justice Series*.

Several years ago, we embarked on a journey to create affordable texts that engage students without sacrificing academic rigor. We tested this new format with Fagin’s *CJ 2010* and Schmalleger’s *Criminology* and received overwhelming support from students and instructors.

The Justice Series expands this format and philosophy to more core CJ and criminology courses, providing affordable, engaging instructor and student resources across the curriculum. As you flip through the pages, you’ll notice that this book doesn’t rely on distracting, overly used photos to add visual appeal. Every piece of art serves a purpose—to help students learn. Our authors and instructional designers worked tirelessly to build engaging infographics, flowcharts, pull-out statistics, and other visuals that flow with the body of the text, provide context and engagement, and promote recall and understanding.

We organized our content around key learning objectives for each chapter and tied everything together in a new objective-driven end-of-chapter layout. The content not only is engaging to students, but also is easy to follow and focuses students on the key learning objectives.

Although brief, affordable, and visually engaging, the Justice Series is no quick, cheap way to appeal to the lowest common denominator. It’s a series of texts and support tools that are instructionally sound and student-approved.

Additional Highlights to the Authors’ Approach

- The lavish use of figures, charts, and line art visually attracts readers to the subject matter of criminology, making for ease of learning.
- This book moves beyond the confusing terminology found in other juvenile delinquency texts to provide students with straightforward explanations of the field’s important concepts and most fascinating ideas. Content is readily accessible through the use of plain language and commonsense definitions of key terms.
- A continuing story, “The Lifecourse of Amy Watters,” concludes each chapter, and builds throughout the book to reveal the complexities of the issues facing delinquency scholars.

What’s New to This Edition

Chapter 1

- A new “Voices of Delinquency” story opens the chapter.
- The “Think About It” feature, citing the Children’s Defense Fund, has been updated.
- Most figures in the chapter have been updated.

Chapter 2

- A new “Voices of Delinquency” story opens the chapter.
- A new section on cohort studies has been placed after victimization studies.
- A new Table 2–1 compares various cohort studies.

Chapter 3

- A new “Voices of Delinquency” story opens the chapter.

Chapter 4

- A new “Voices of Delinquency” story opens the chapter.

Chapter 5

- A new “Voices of Delinquency” story opens the chapter.

Chapter 6

- A new “Voices of Delinquency” story opens the chapter.
- Material on reducing the institutional victimization of girls has been added.
- Added a new study on female delinquents.
- Revised the Gender Bias section.

Chapter 7

- A new “Voices of Delinquency” story opens the chapter.
- Tables have been updated throughout.

Chapter 8

- A new “Voices of Delinquency” story opens the chapter.

Chapter 9

- A new “Voices of Delinquency” story opens the chapter.
- Most of the figures in this chapter have been updated.

Chapter 10

This chapter has been retitled and is now called Special Juvenile Offender Populations.

- The types of drugs section has been dropped.
- Delinquency and solutions to the drug problem have been dropped.
- Juvenile Sex Offenders section is new.
- The Gang Delinquent section is new.
- The Violent Juvenile section is new.
- The Special Needs Youthful Offenders title for the section is new.
- Mentally Ill Juveniles/Emotionally Disturbed Delinquents’ section is new.
- The Homeless Youth section is new.

Chapter 11

- A new “Voices of Delinquency” story opens the chapter.
- “Risk Assessment” has been made into an Exhibit.
- A new discussion of Evidence-Based Practice is included.
- Figure 11–5 has been updated.

Chapter 12

- A new “Voices of Delinquency” story opens the chapter.
- Baltimore Police youth programs are now discussed.
- A new section on Police Attitudes Toward Juveniles is included.
- Tables 12–4 and 12–6 have been updated.

Chapter 13

- A new “Voices of Delinquency” story opens the chapter.
- A new exhibit on federal sentencing recommendations for juvenile justice has been added.
- Figure 13–4 has been updated.

Chapter 14

- A new “Voices of Delinquency” story opens the chapter.

► 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.

TestGen.

This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.

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► **REVEL for Juvenile Delinquency, 3e by Bartollas and Schmallegger**

Designed for the way today's Criminal Justice students read, think and learn

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Visit www.pearsonhighered.com/revel/

► Acknowledgments

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► About the Authors



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Dr. Schmallegger has taught in the online graduate program of the New School for Social Research, helping to build the world's first electronic classrooms in support of distance learning through computer telecommunications. As an adjunct professor with Webster University in St. Louis, Missouri, Dr. Schmallegger helped develop the university's graduate programs in administration of justice as well as security administration and loss prevention and taught courses in those curricula for more than a decade. A strong advocate of Web-based instruction, Dr. Schmallegger is also the creator of numerous award-winning websites.

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“The future promise of any nation can be directly measured by the present prospects of its youth.”

—President John F. Kennedy, February 14, 1963

1

Adolescence and Delinquency

- 1 Compare how society treats adolescents today with how it handled them in the past.
- 2 Give examples of high-risk behaviors that characterize contemporary adolescence.
- 3 Explain what the term *delinquency* means in contemporary context.
- 4 Discuss status offenses, legal decisions about status offenders, and the characteristics of crossover youth.
- 5 Summarize the contemporary treatment of delinquents.
- 6 Summarize the three themes of this text.

VOICES OF DELINQUENCY: Jacob's Story

My father came down with multiple sclerosis when I was two or three years old. He was confined to his wheelchair until I was about six or seven years old, then his affliction gradually progressed and he was hospitalized permanently. He had lost all use of his limbs and he could not feed himself or take care of himself in any way. I was very sad when our mother would take us to visit him, because we had to see him in this condition. I felt so sorry for him and my mother. My father died when I was 15 years old. He was 46 years old when he died, and my mother was only 40. I attended his funeral, and it was my first experience dealing with the death of anyone. It left me feeling empty and cheated.

I was probably about six or seven years old when I began shoplifting candy from the local grocery store where my mother had a running account with the store's owner. I started smoking probably at the age of around 9 or 10 years. I started shoplifting clothes from various department stores. I was jealous of some of the other kids' clothes, clothes that I did not have and could not afford to buy. I got caught only one time and that was for stealing a bracelet. I was given a scare speech,

after a ride in the police car, and a threat to call my parents. . . .

One night when I was 16 or 17 years old, I was with this guy who was a year older than I was. We were on his motorcycle and went to a home secluded in the country. To my surprise, he broke into this home. I went in with him and he stole some items. I had never done anything this gutsy before. This is the same fellow who got me stoned on marijuana; I about freaked out and became very paranoid.

I believe a lot of my juvenile delinquency was the result of not having a father to discipline me or to provide a positive role model. I had too much time on my hands when there wasn't an adult around to provide discipline. I felt cheated that I didn't have a real—healthy—father who could spend time with me. I did not have someone to take me fishing, camping, and swimming, or play baseball with, like other kids do. I think I was angry that he had multiple sclerosis and had to suffer and struggle to even speak; it just wasn't fair. His death and seeing him in a casket just left me feeling abandoned and hollow.

*"Voices of Delinquency" stories are based on independent research by Clemens Bartollas.

► Introduction

Recent studies in the fields of developmental psychology and neuroscience support the notion that the typical teenage brain is not mature, and that young people are routinely characterized by poor judgment and impulsivity. The latest findings on human development, which come from careful studies of human neurology, show that the frontal cortex—the part of the brain that is responsible for self-control, effective judgment, and sensible planning—matures very slowly throughout childhood and into early adulthood. Moreover, such studies show that the development of “adult” thought patterns and self-control is perilously out of sync with the early development of the emotional brain. As a result, there is a gap between early thrill-seeking and risk-taking on the one hand, and self-discipline on the other. In short, as one writer puts it, “teenagers are attracted to novel and risky activities, especially with peers, at a time when they lack judgment and the ability to weigh future consequences.”¹

In 2010, in recognition of the fundamental differences between the brains of juveniles and adults, the U.S. Supreme Court abolished life imprisonment without the possibility of parole for persons who commit serious crimes (other than homicide) as teenagers. In that case, *Graham v. Florida*, the justices held that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence. . . . Juveniles are more capable of change than are adults,

and their actions are less likely to be evidence of ‘irretrievably depraved character’ than are the actions of adults.”² Two years later, in 2012, the Court reinforced that view by holding, in the case of *Miller v. Alabama*, that “mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences.” Finally, in 2016, in *Montgomery v. Louisiana*, the Court made retroactive the end of life without parole for those sentenced as juveniles. It ruled that prisoners currently serving mandatory life sentences for murders committed while they were juveniles could ask to be resentenced or paroled. The ruling affected more than 2,300 men and women.³

Anyone with an interest in juveniles and juvenile misbehavior could expand their examination beyond neuroscience to include the social conditions that surround children through their developmental years. One recent study funded by the U.S. Department of Justice (DOJ),⁴ for example, focused on childhood exposure to violence. It found that a majority of children in the United States have been exposed to violence, crime, or abuse in their homes, schools, and communities. The study also demonstrated that children's exposure to violence, whether as victims or witnesses, is frequently associated with long-term physical, psychological, and emotional harm. Finally, the study found that children exposed to violence are more likely to abuse drugs and alcohol; suffer from depression, anxiety, and post-traumatic disorders; fail or have difficulty in school; and become delinquent and engage in criminal behavior. According to researchers, a child's exposure to one type of violence

increases the likelihood that the child will be exposed to other types of violence and exposed multiple times. Children exposed to violence are at a higher risk of engaging in criminal behavior later in life and of becoming participants in a cycle of violence.⁵

DISCUSS How do the brains of children and adults differ? What implications do such differences hold for behavior?

► Juvenile Delinquency

LEARNING OUTCOMES

1

Compare how society treats adolescents today with how it handled them in the past.

The primary subject matter of this text is **juvenile delinquency**. A recent federal government report notes that “Most people would say that a juvenile delinquent is a badly behaved teenager under age 18 who gets into trouble frequently—or, more precisely, one who gets into trouble with police frequently. The image that comes to mind is an adolescent who skips school, drinks alcohol, uses illegal drugs, steals, is often belligerent, and may be prone to violence. This popular notion of delinquency, however, is not an adequate definition for a discussion of juvenile justice practice and policy. It is far too broad.”⁶

Because juvenile delinquency is the focus of this text, it is important to develop a concise definition of the term at the start of our discussion. Consequently, this text uses the following definition for the term “juvenile delinquency”: An act committed by a minor that violates the penal code of the government with authority over the area in which the act occurs. Likewise, “[i]t is important to understand, however, that a law violation by a young person is considered an act of juvenile delinquency only if the behavior meets all three of the following criteria: (1) the act involved would be a criminal offense if it were committed by an adult; (2) the young person charged with committing the act is below the age at which the criminal court traditionally assumes jurisdiction; and (3) the juvenile is charged with an offense that must be adjudicated in the juvenile court (or some other court with jurisdiction over noncriminal but illegal acts of juveniles) or the prosecution and the juvenile court judge exercise their discretion to lodge and retain jurisdiction in the juvenile court.”

To bring the subject of delinquency into clearer focus, this chapter places it in the broader context of adolescence and the narrow context of those adolescents who are youths at risk. High-risk children can be further divided into delinquents and status offenders, which is what is discussed next. The chapter then examines how child delinquents have been handled from the past to the present and concludes with presenting three themes that will be examined throughout the text.

Adolescence is a term that refers to the life interval between childhood and adulthood. A 2014 publication by the National Academy of Science Press says that “[a]dolescence is a distinct, yet transient, period of development between childhood and adulthood characterized by increased experimentation and risk-taking, a tendency to discount long-term consequences, and heightened sensitivity to peers and other social influences.”⁷

Prior to the 1930s, the concept of adolescence did not hold the meaning that it does today. Prior to the middle of the twentieth century, adolescents were seen as small versions of unempowered adults, lacking in social and economic status. Except for children younger than the age of seven, little consideration was given to what we now see as the special needs of children, and most children were expected to possess self-control and abide by adult standards of behavior. Since at least the 1950s, however, the term *adolescence* has come to be seen as marking an identifiable and important stage of human growth and development. Still, there is no agreed-on way to pinpoint this period chronologically or to restrict it within physiological boundaries. For purposes of discussion in this chapter, however, adolescence is considered to be the years between ages 12 and 18. Within this transitional period, youngsters experience many biological changes and develop new attitudes, values, and skills that they will carry into their young adult years.

Delinquency and other problem behaviors increase during the adolescent years for several reasons. These years bring increasing freedom from parental scrutiny, and with this freedom come more opportunities to be involved in socially unacceptable behavior. Teenagers develop new, often expensive tastes for such things as sound systems, clothing, automobiles, and alcohol, yet legitimate means for satisfying these desires are often not available. The lengthening of adolescence in U.S. culture has further expanded the crises and struggles of this life period, thereby increasing the chance of problems with the law, at school, and in the home. In addition, there is often a mismatch between adolescents’ needs and the opportunities provided to them by their social environment.⁸ Finally, in some cases, the unmet needs and frustrations of early childhood fester into socially unacceptable behavior in later years.

Adolescence, as a term describing a particular stage of human growth and development, evolved out of the modern notion of childhood. The concept of childhood, as reflected in today’s child-centered culture, is a relatively recent phenomenon.⁹ Much of recorded history reveals tales of horrific child labor, abuse, and indifference to be the fate of many children. Lloyd de Mause, an American social thinker known for his work in the field of psychohistory, described “[t]he history of childhood [as] a nightmare from which we have only recently begun to awaken.”¹⁰

The end of child labor was one of the watersheds in the development of modern adolescence. Throughout history, children have worked, but until the Industrial Revolution their

TABLE 1–1**THE CHANGING TREATMENT OF ADOLESCENTS OVER TIME**

Historical Treatment	Present Treatment
Treated as small adults	Adolescence is seen as preparation for adulthood
Expected to work in the home or outside the home at a young age	Employment takes place after school or on weekends and usually is seen as making extra money
Education was seen as of minor significance and usually lasted only a few years	Compulsory education and increased emphasis is placed on attending college
Adolescent girls were expected to marry and raise a family	Growing equality for female adolescents
Minimal emotional attachment to children because of high infant death rates	Emotional investment in children from birth
Children were punished like adults	Children, especially those who commit minor crimes, are protected by the state and are placed in a separate system and are separated from adults
Children were seen as having few rights	Special legal protections were granted to juveniles beginning in the final decades of the late nineteenth century, continuing throughout the twentieth century and into today
Personal characteristics developed in childhood were expected to carry over into adulthood	Developmental psychology and advances in neuroscience show that children are able to change significantly as they mature

work was usually done within or around the house, often outdoors. As work moved from the home to the factory, children were considered a source of cheap labor. Until the child labor laws were actually enforced, children as young as ages four and five worked in mines, mills, and factories. But with advancing technology and mechanization, children and adolescents were no longer needed in the labor market, and by 1914, every state but one had passed laws prohibiting the employment in industries of children under a certain age, generally 14.¹¹

Another important stage in the development of modern adolescence was compulsory public schooling. As Chapter 8 discusses, nineteenth-century U.S. schools were violent and chaotic places where teachers attempted to maintain control over unmotivated and unruly children, sometimes using brutal disciplinary methods. The Progressive education movement arose partly because of the dissatisfaction of some elements of society with the schools. The influence of John Dewey and other Progressive educators encouraged individualism and personal growth in the classroom. Compulsory education laws also evolved from early-twentieth-century social and religious views, which held that adolescents should be kept in school because they needed guidance and control.

A further stage in the development of modern adolescence was the development in the twentieth century of the belief that raising children had less to do with conquering their spirits than with training and socializing them. Parents in the United States, especially since the 1940s, have emphasized a helping relationship, attempting to meet their children's expanding needs in a democratic and supportive environment. An additional stage in this development took place in the 1960s and 1970s when special legal protections for juveniles were granted, highlighting the perception of adolescents as

needing special attention, guidance, and support. Psychologist Erik H. Erikson has observed, "Childhood is the model of all oppression and enslavement, a kind of inner colonization, which forces grown-ups to accept inner repression and self-restriction." A chief reason for the repression of childhood, according to Erikson and others, is the lack of rights given to young people. The children's rights movement, which encompasses a spectrum of approaches, became popular in the 1970s as a means to compensate for young people's lack of rights. Consensus also increased on what components are thought necessary for an adolescent to achieve responsible adulthood.¹²

In sum, the concept of adolescence centers on a set of beliefs that emerged during the late nineteenth and early twentieth centuries. These beliefs have had the result of removing young people from the world of employment and from the mainstream of adult society. This process of lengthening childhood and delaying adult responsibilities was strongly influenced not only by humanitarian considerations but also by major economic, social, and political forces in society. See Table 1–1 for a visual presentation regarding the treatment of adolescents in the past and in the present.

----- Youth Culture

A youth culture, which has emerged in recent decades in the United States and other nations, consists of the unique beliefs, behaviors, and symbols that represent young people in society. How, when, where, and with what and whom they interact is part of this culture. A primary feature of youth culture is the incorporation of trends or fads.¹³ Youth culture has distinctive clothing styles, hairstyles, behaviors, footwear, electronic devices, and interests. Vehicles such as cars, motor scooters,

motorcycles, skateboards, and surfboards—as well as personal electronic devices and video games—have played central roles in the development of today’s youth culture. As will be discussed in next chapters, there are various youth cultures, and the features of youth cultures vary by class, gender, race, and ethnicity.

Body piercing—often multiple piercings for both males and females in literally every part of the body, including the tongue, eyebrows, lips, cheeks, navel, genitals, and breasts—and tattooing are widely found among some youth cultures today. Ritual scarification and 3D-art implants are popular, and so are stretching and cutting of the genitals, scrotal implants, transdermal implants, tooth art, and facial sculpture.¹⁴

Adolescents have always been connected to their peers, but many are now connected at all times of the day, texting in class or messaging throughout the night. In addition to constant communication, adolescents are joining online groups or communities, posting numerous self-portraits (or *selfies*), and creating their own Facebook pages, Snapchat stories, or InstaGram messages.

Some people use the term *Selfie-Generation* to refer to people born after the turn of the twenty-first century, and the word can be applied to teenagers and young adults today. Whatever term we use to describe today’s young people, it is clear that most American youths have been strongly influenced by the media—especially social media; and that they are relatively adept at interacting with others through the use

of ever-improving personal technologies. In 2014, the Pew Research Center, which notes that “generations, like people, have personalities,”¹⁵ released a report showing that young adults are confident and open to change, but largely “detached from institutions and networked with friends.”¹⁶ Other researchers have found that today’s young people are less interested in protection of the environment or developing a philosophy of life than their predecessors, and are significantly more narcissistic than earlier generations. Husband–wife author team William A. Draves and Julie Coates suggest that the behavior and values of young people today who are living in first-world nations are significantly impacted by the economic and technological implications of the Internet and personal connectivity.¹⁷

► Youth at Risk

The population of children in the United States is increasing and becoming more racially and ethnically diverse. There are approximately 75.6 million

LEARNING OUTCOMES
2
Give examples of high-risk behaviors that characterize contemporary adolescence.

children, ages newborn to 17 years, in the United States. Although it may come as a surprise, there are approximately equal numbers of children in each age group: 0–5 (25 million), 6–11 (24 million), and 12–17 (25 million) years of age.¹⁸ Children represent 25 percent of the American population, which is down from a peak of 36 percent at the end of the post-World War II baby boom in 1964.¹⁹ The population of **juveniles**, according to a U.S. Census Bureau estimate, will increase 14 percent between 2000 and 2025; by 2050, the juvenile population will be 36 percent larger than it was in 2000.²⁰

As noted, diversity is increasing. In 2003, 60 percent of our nation’s children were Caucasian, 16 percent were African American, and 4 percent were Asian. Since then, the proportion of Hispanic children has increased faster than those of the other racial and ethnic groups; it grew from 9 percent of all children in 1980 to 24 percent in 2015.²¹

Think About It...

Today's youths are much more connected through the use of electronic social networking than members of any previous generation. What are the implications of such connectivity both for delinquency and for delinquency prevention?



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Purestock/Getty Images

Teenagers riding a roller coaster. Thrill-seeking and risk-taking are common behaviors among young people, and scientific studies of mental development show that there are fundamental differences between the brains of adults and children in their ability to assess situations and to plan effectively.

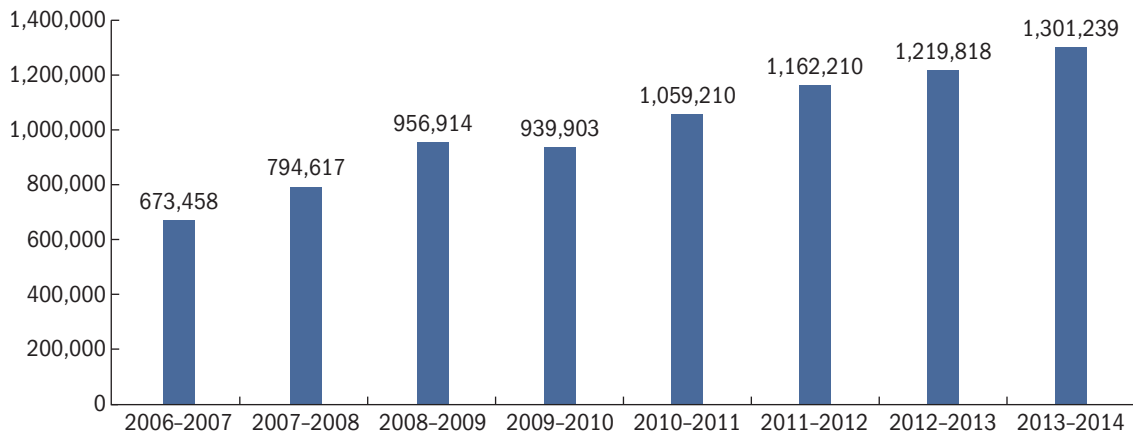


FIGURE 1-1 Number of Homeless Children Enrolled in Public Schools, 2006–2014.
Source: National Center for Homeless Education, 2015.

The Federal Interagency Forum on Child and Family Statistics estimates that of the 25 million adolescents (ages 12 through 17 years) living in the United States, approximately one in four is at high risk of engaging in multiple problem behaviors. These behaviors, particularly committing delinquent acts and abusing drugs and alcohol, quickly bring adolescents to the attention of the juvenile justice system. Another 6 million youngsters, making up 25 percent, engage in risky behavior, but to a lesser degree and, consequently, are less likely to experience negative consequences.²²

The Economic Costs of Youth Disadvantage and High-Return Opportunities for Change report notes that “Millions of American youth face persistent opportunity gaps and barriers that prevent them from reaching their full potential.” (See Figure 1–1.) “Young people who grow up in disadvantaged settings, such as living in poverty, often face barriers from the start of life that compound over time and may be exacerbated by unequal treatment in the juvenile and criminal justice systems. By the time youth who have experienced these challenges reach adulthood, they are less likely to have the educational attainment and labor market skills critical to success in today’s economy.”

This publication goes on to say that “In launching the My Brother’s Keeper initiative, President Obama called on both the private and public sectors to identify evidence-based approaches to ensuring that all of America’s young people can reach their full potential, regardless of who they are, where they live, or the circumstances in which they were born.”²³

High-Risk Behaviors and Adolescence

Researchers have made a number of important advances in understanding adolescence and problem behaviors. Those adolescents who have the most negative or problem-oriented factors in their lives are defined as “high risk.” First, high-risk youths often experience multiple difficulties: They are frequently socialized in economically stressed families and communities, more often than not have histories of physical abuse and sexual victimization, typically have educational and vocational skill deficits, and are prone to become involved in

alcohol and other drug abuse and forms of delinquency.²⁴ The more of these problem behaviors that are present, the more likely it is that a youth will become involved in socially undesirable behaviors (see Figure 1–2).²⁵

Second, adolescent problem behaviors—especially delinquent acts such as being involved in drug and alcohol abuse, failing in or dropping out of school, and having unprotected sex—are interrelated, or linked; that is, an involvement in one problem behavior is generally indicative of some participation in other socially undesirable behaviors.²⁶

Third, high-risk youths tend to become involved in behaviors that contribute to unintentional injury and violence; some of these behaviors include carrying a weapon, driving when they have been drinking, riding with someone else who has been drinking, and rarely or never wearing a seat belt when driving or riding with someone else.²⁷

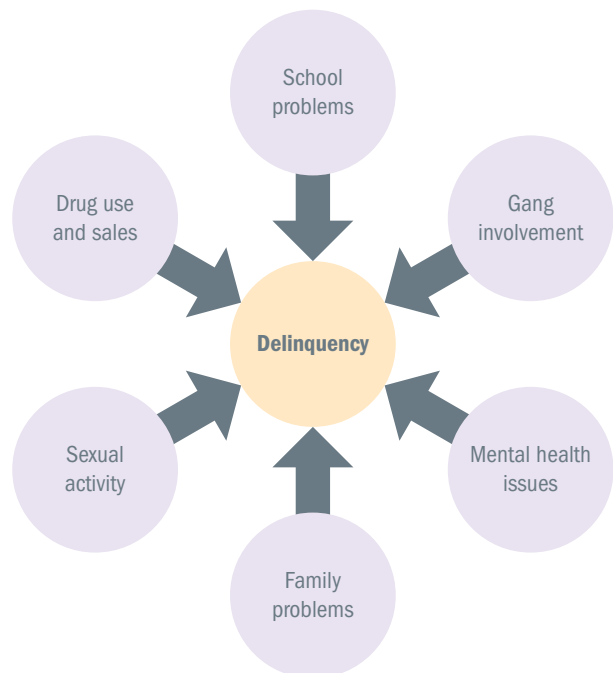


FIGURE 1-2 Youths at Risk and Delinquency.

The federally funded Program of Research on the Causes and Correlates of Delinquency (also known as the Causes and Correlates Program, which is described in more detail in Chapter 2) comprises the three coordinate longitudinal projects: Denver Youth Survey, the Pittsburgh Youth Survey, and the Rochester Youth Development Study. These three projects examined the co-occurrence or overlap of delinquent behavior with drug use, problems in school, and mental health issues. Findings show that a large portion of serious delinquents are not involved in persistent drug use, nor do they have persistent school or mental health problems. However, as the problems that co-occur most frequently with serious delinquency increase, so does the likelihood that an individual will become a serious delinquent. Study authors note that these findings mean that policymakers should focus on the importance of identifying and addressing the unique needs of an individual youth, rather than proceeding under the assumption that all offenders require similar treatment.²⁸

Another study analyzed the prevalence and overlap of substance abuse-related behaviors among youths. The study found that given one substance abuse-related behavior, other substance behaviors became much more likely. For example, among youths who reported drinking alcohol (23 percent of all youths ages 12–17), the level of marijuana use was 32 percent and the level of drug selling was 23 percent—much higher than that in youths who did not drink.²⁹

Some researchers argue that the anticipation of an early death, which gives high-risk youths a sense of fearfulness, is a contributing factor to youth crime. The contention is made that adolescents who perceive a high likelihood of an early death, which is particularly true of youths who belong to gangs, have little reason to delay gratification for future benefits and, as a result, they pursue high-risk behaviors associated with immediate rewards, including crime and violence.³⁰

Think About It...

The Children's Defense Fund's (CDF's) research publication, *Ending Child Poverty Now*, tells us that there are "14.7 million poor children and 6.5 million extremely poor children in the United States of America." According to the CDF, "It is the greatest threat to our future national economy and military security. The younger children are the poorer they are during their years of brain development. Every other baby is non White and 1 in 2 Black babies is poor 150 years after slavery was legally abolished."



Sascha Burkard/Shutterstock

Delinquency is one of the problem behaviors with which all but low-risk adolescents become involved from time to time (see Chapter 2). Although we use the word *delinquent* rather freely in day-to-day conversation, *delinquency* is a legal term initially used in law in 1899 when Illinois passed the first statute pertaining to delinquent behavior among juveniles. The age at which an individual is subject to the jurisdiction of juvenile court varies among states, but it is generally 16 or 17 years of age.

Some evidence indicates that delinquency in U.S. society is changing. Beginning in the late 1980s and extending throughout the 1990s, adolescents participated widely in street gangs, some of which provided a base for trafficking narcotics; had rising rates of murder; were more likely to own and use firearms than ever before; and were becoming increasingly involved in various forms of hate crimes. Many of these trends continued throughout the first two decades of the twenty-first century.

Yet the average American delinquent is far more likely to shoplift, commit petty theft, use minor illegal drugs, violate liquor laws, or destroy property than to commit a violent or serious crime. In 2014, 1,024,000 juveniles between the ages of 10 and 17 years were arrested for 234,200 property crimes, compared with 53,500 arrests for violent crimes.³¹ In other words, juveniles were arrested for committing four and one-half times more property crimes than violent crimes.

Besides committing the same crimes as adults, juveniles are also arrested for truancy, incorrigibility, curfew violations, and runaway behavior. Such offenses are called **status offenses** because they would not be defined as criminal if adults committed them. (Status offenses are defined and discussed in more detail next.) The legal separation between status offenders and delinquents is important because of the large number of arrests each year for acts such as being truant, disobeying parents, and running away from home. The Federal Bureau of Investigation (FBI) *Crime in the United States 2014 (CUS 2015)* data (see Chapter 2) reveal that three times as many youths are arrested for status offenses as for violent crimes. This ratio between status offenses and violent crimes would be even greater if truancy and incorrigibility—two of the most common status offenses—were included.

► Delinquency Defined

Juvenile court codes, which exist in every state, specify the conditions under which states can legitimately intervene in a juvenile's life. State juvenile codes, as part of the **parens patriae** philosophy of the juvenile court, were enacted to eliminate the arbitrary nature of juvenile justice beyond the rights afforded to juveniles by the U.S. Constitution and to deal with youths more leniently because they were seen as not fully responsible for their behavior. The *In re Poff* (1955) decision aptly expresses the logic of this argument:

The original Juvenile Court Act enacted in the District of Columbia was devised to afford the juvenile protections

LEARNING OUTCOMES
3 Explain what the term *delinquency* means in contemporary context.

in addition to those he already possessed under the Federal Constitution. Before this legislative enactment, the juvenile was subject to the same punishment for an offense as an adult. It follows logically that in the absence of such legislation the juvenile would be entitled to the same constitutional guarantees and safeguards as an adult. If this is true, then the only possible reason for the Juvenile Court Act was to afford the juvenile safeguards in addition to those he already possessed. The legislative intent was to enlarge and not diminish those protections.³²

Juvenile court codes usually specify that the court has jurisdiction in relation to three categories of conditions: delinquency, dependency, and neglect. First, the courts may intervene when a youth has been accused of committing an act that would be a misdemeanor or felony if committed by an adult. Second, the courts may intervene when a juvenile commits certain status offenses. Third, the courts may intervene in cases involving dependency and neglect; for example, if a court determines that a child is being deprived of needed support and supervision, it

may decide to remove the child from the home for his or her own protection.

An examination of the various juvenile court codes, or statutes, shows the diverse definitions of delinquent behavior that have developed. Some statutes define a **delinquent youth** as a young person who has committed a crime or violated probation; others define a “delinquent child” in terms of such behaviors as “associating with immoral or vicious persons” (West Virginia) or “engaging in indecent or immoral conduct” (Connecticut).³³ A particular adolescent, then, could be considered a delinquent under some juvenile codes and not under others. Some controversy surrounds the issue of how long juveniles should remain under the jurisdiction of the juvenile court. The age at which a youthful offender is no longer treated as a juvenile ranges from 16 to 18 years. In 41 states and the District of Columbia, persons under 18 years of age charged with a law violation are considered juveniles. In seven states, the upper limit of juvenile court jurisdiction is 16 years, and in two states, the upper limit is 15 years. (See Figure 1–3 for the upper age of juvenile court jurisdiction.)³⁴

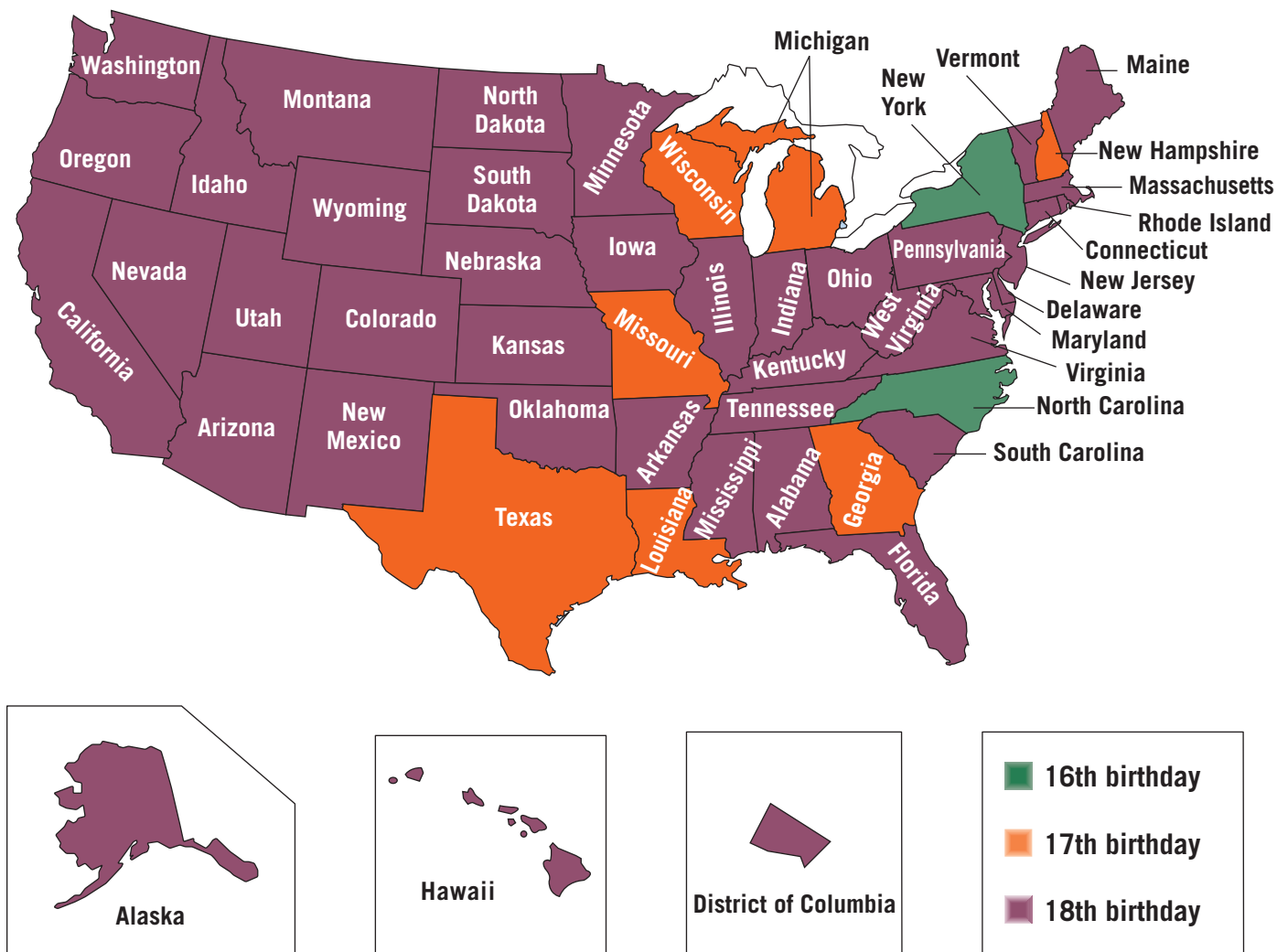


FIGURE 1–3 Upper Age of Juvenile Court Jurisdiction by State.

Note: Wisconsin places 17-year-olds in juvenile court for misdemeanor charges, but in adult criminal courts for felony charges.

Source: OJJDP Statistical Briefing Book. Online, accessed January 5, 2016, at <http://www.ojjdp.gov/ojstatbb/default.asp>.

► Status Offenders and Status Offenses

LEARNING OUTCOMES
4 Discuss status offenses, legal decisions about status offenders, and the characteristics of crossover youth.

As alluded to earlier, a status offense is behavior that is an offense only because the person involved is a juvenile. In various jurisdictions, **status offenders** are known as minors in need of supervision (MINS), children in need of supervision (CHINS), juveniles in need of supervision (JINS), children in need of assistance (CHINA), persons in need of supervision (PINS), children in need of protection and services (CHIPS), or members of families in need of supervision (FINS). They may also be termed *predelinquent*, *incorrigible*, *beyond control*, *ungovernable*, or *wayward*. What these terms and acronyms have in common is that they view the status offender as being in need of supervision or assistance.

There are three important questions about status offenders: Why do some children become status offenders? How do status offenders differ in offense behavior from delinquents? Should the juvenile court retain control over status offenders?

Explanations for Status Offense Behavior

Generally speaking, status offenders, many of whom come from single-parent homes, place the blame for their problems on parental figures in the home and believe that fulfilling their need for a warm, accepting, and loving relationship with their parents is not possible. They become resentful and angry with their parents, who may have problems in expressing physical affection, setting reasonable and consistent limits, and showing acceptance to their children.³⁵

The parents, in turn, often view status offenders as defiant, demanding, and obnoxious. Parents usually believe that they have no control over their children, who will not accept restrictions or limitations on their behavior, and a power struggle results. As a result, parents may call the police to intervene with their abusive or unmanageable children. School officials and teachers tend to view status offenders, some of whom have had conflicts with teachers since kindergarten, as resistant to authority. Besides refusing to accept the limits placed on their behavior, status offenders also tend to be disruptive, disrespectful, belligerent, emotionally withdrawn or explosive, and unfocused or unconcerned. Many are psychologically tested and are found to be hyperactive or to have attention deficit disorder. They are then prescribed varying doses of medication, typically imipramine or Ritalin™, to help them focus and control their emotional difficulties.

While acknowledging these psychological explanations, some theorists argue that society's response to status offenders, especially female status offenders, is a major contributing factor in defining who has this legal status. Society believes that young males should behave in a certain way, typically granting leniency for the right of "boys to be boys." Society's expectations for young females, however, are still based on the notion that "Sugar and spice and everything

nice, that's what little girls are made of."³⁶ University of Hawaii women's studies professor Meda Chesney-Lind and University of Denver professor Lisa J. Pasko found during their examination of the judicial handling of female status offenders that the juvenile justice system discriminates against girls because of the fear of sexual activity.³⁷

Deinstitutionalization of Status Offenders (DSO)

The **deinstitutionalization of status offenders (DSO)**, which refers to the removal of status offenders from secure detention facilities, has received considerable acceptance in the past few decades. The **Juvenile Justice and Delinquency Prevention (JJDA) Act of 1974** and its various modifications have served as the most significant impetus for the nationwide deinstitutionalization of status offenders.³⁸ The JJDA Act continued a DSO provision that requires status offenders to be kept separate from delinquents in secure detention facilities as a condition for states to continue receiving federal funding for their adult jail facilities.³⁹

The DSO provision has been successful in encouraging states to amend laws, policies, and practices that had previously led to the confinement of juveniles who committed no criminal act. The DSO core protection of the JJDA Act is premised on the belief that juveniles who exhibit problematic behavior, but who have not violated criminal law, are more properly served by social service, mental health, and other community initiatives, and may be behaviorally damaged by placement in secure detention facilities or correctional institutions.⁴⁰ Soon after the adoption of the JJDA Act and its DSO requirement, the **Office of Juvenile Justice and Delinquency Prevention (OJJDP)** recorded approximately 171,581 violations of the federal DSO requirement. A 2013 OJJDP compliance monitoring report found that the number of annual DSO violations had recently dropped to only 6,334.⁴¹

The Juvenile Court's Jurisdiction over Status Offenders

Some experts have gone so far as to question the juvenile court's long-standing jurisdiction over status offenders. Critics present at least six arguments for the removal of status offenders from the jurisdiction of the juvenile court:

- The lack of clarity of many status offender statutes makes them unconstitutionally vague in their construction.
- Such laws, critics claim, are often discriminatory, especially with regard to gender.
- Although status offenders have not committed a criminal act, they are frequently confined with chronic or hard-core offenders, in defiance of the federal DSO mandate.
- The procedure of processing and confining status offenders is not in the child's best interest, and therefore violates the *parens patriae* principle that underlies the juvenile court system.