
Juvenile Delinquency

SOW307



University of Ibadan Distance Learning Centre
Open and Distance Learning Course Series Development

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Vice-Chancellor's Message

The Distance Learning Centre is building on a solid tradition of over two decades of service in the provision of External Studies Programme and now Distance Learning Education in Nigeria and beyond. The Distance Learning mode to which we are committed is providing access to many deserving Nigerians in having access to higher education especially those who by the nature of their engagement do not have the luxury of full time education. Recently, it is contributing in no small measure to providing places for teeming Nigerian youths who for one reason or the other could not get admission into the conventional universities.

These course materials have been written by writers specially trained in ODL course delivery. The writers have made great efforts to provide up to date information, knowledge and skills in the different disciplines and ensure that the materials are user-friendly.

In addition to provision of course materials in print and e-format, a lot of Information Technology input has also gone into the deployment of course materials. Most of them can be downloaded from the DLC website and are available in audio format which you can also download into your mobile phones, IPod, MP3 among other devices to allow you listen to the audio study sessions. Some of the study session materials have been scripted and are being broadcast on the university's Diamond Radio FM 101.1, while others have been delivered and captured in audio-visual format in a classroom environment for use by our students. Detailed information on availability and access is available on the website. We will continue in our efforts to provide and review course materials for our courses.

However, for you to take advantage of these formats, you will need to improve on your I.T. skills and develop requisite distance learning Culture. It is well known that, for efficient and effective provision of Distance learning education, availability of appropriate and relevant course materials is a *sine qua non*. So also, is the availability of multiple plat form for the convenience of our students. It is in fulfilment of this, that series of course materials are being written to enable our students study at their own pace and convenience.

It is our hope that you will put these course materials to the best use.



Prof. Abel Idowu Olayinka

Vice-Chancellor

Foreword

As part of its vision of providing education for “Liberty and Development” for Nigerians and the International Community, the University of Ibadan, Distance Learning Centre has recently embarked on a vigorous repositioning agenda which aimed at embracing a holistic and all encompassing approach to the delivery of its Open Distance Learning (ODL) programmes. Thus we are committed to global best practices in distance learning provision. Apart from providing an efficient administrative and academic support for our students, we are committed to providing educational resource materials for the use of our students. We are convinced that, without an up-to-date, learner-friendly and distance learning compliant course materials, there cannot be any basis to lay claim to being a provider of distance learning education. Indeed, availability of appropriate course materials in multiple formats is the hub of any distance learning provision worldwide.

In view of the above, we are vigorously pursuing as a matter of priority, the provision of credible, learner-friendly and interactive course materials for all our courses. We commissioned the authoring of, and review of course materials to teams of experts and their outputs were subjected to rigorous peer review to ensure standard. The approach not only emphasizes cognitive knowledge, but also skills and humane values which are at the core of education, even in an ICT age.

The development of the materials which is on-going also had input from experienced editors and illustrators who have ensured that they are accurate, current and learner-friendly. They are specially written with distance learners in mind. This is very important because, distance learning involves non-residential students who can often feel isolated from the community of learners.

It is important to note that, for a distance learner to excel there is the need to source and read relevant materials apart from this course material. Therefore, adequate supplementary reading materials as well as other information sources are suggested in the course materials.

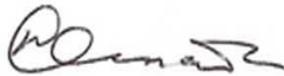
Apart from the responsibility for you to read this course material with others, you are also advised to seek assistance from your course facilitators especially academic advisors during your study even before the interactive session which is by design for revision. Your academic advisors will assist you using convenient technology including Google Hang Out, You Tube, Talk Fusion, etc. but you have to take advantage of these. It is also going to be of immense advantage if you complete assignments as at when due so as to have necessary feedbacks as a guide.

The implication of the above is that, a distance learner has a responsibility to develop requisite distance learning culture which includes diligent and disciplined self-study, seeking available administrative and academic support and acquisition of basic information technology skills. This is why you are encouraged to develop your computer skills by availing yourself the opportunity of training that the Centre’s provide and put these into use.

In conclusion, it is envisaged that the course materials would also be useful for the regular students of tertiary institutions in Nigeria who are faced with a dearth of high quality textbooks. We are therefore, delighted to present these titles to both our distance learning students and the university's regular students. We are confident that the materials will be an invaluable resource to all.

We would like to thank all our authors, reviewers and production staff for the high quality of work.

Best wishes.

A handwritten signature in black ink, appearing to read 'Bayo Okunade', with a stylized flourish at the end.

Professor Bayo Okunade

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About this course manual

Juvenile Delinquency SOW307 has been produced by University of Ibadan Distance Learning Centre. All course manuals produced by University of Ibadan Distance Learning Centre are structured in the same way, as outlined below.

How this course manual is structured

The course overview

The course overview gives you a general introduction to the course. Information contained in the course overview will help you determine:

- If the course is suitable for you.
- What you will already need to know.
- What you can expect from the course.
- How much time you will need to invest to complete the course.

The overview also provides guidance on:

- Study skills.
- Where to get help.
- Course assignments and assessments.
- Activity icons.
- Study Sessions.

We strongly recommend that you read the overview *carefully* before starting your study.

The course content

The course is broken down into Study Sessions. Each Study Session comprises:

- An introduction to the Study Session content.
- Study Session outcomes.

- Core content of the Study Session with a variety of learning activities.
- A Study Session summary.
- Assignments and/or assessments, as applicable.
- Bibliography

For those interested in learning more on this subject, we provide you with a list of additional resources at the end of each study session; these may be books, articles or websites.

Your comments

After completing Juvenile Delinquency we would appreciate it if you would take a few moments to give us your feedback on any aspect of this course. Your feedback might include comments on:

- Course content and structure.
- Course reading materials and resources.
- Course assignments.
- Course assessments.
- Course duration.
- Course support (assigned tutors, technical help, etc.)

Your constructive feedback will help us to improve and enhance this course.

Course Overview

Welcome to Juvenile DelinquencySOW307

The field of juvenile delinquency has been an important area of study since the turn of the twentieth century. This manual covers the origin of society's concern for children and the development of the concept of delinquency. It examines juvenile delinquency, juvenile justice systems, corrections and prevention of delinquency in the teenage years.

Course outcomes



Outcomes

Upon completion of Juvenile DelinquencySOW307you will be able to:

- review the history and development of juvenile justice.
- present an overview of the major components, processes, goals, and institutions of juvenile justice.
- outline the juvenile court process and trial.
- examine the similarity and differences between the juvenile and adult justice systems, while Study Session nine explains the family's influence on delinquency.

Timeframe



How long?

This is a 15 week course. It requires a formal study time of 45 hours. The formal study times are scheduled around online discussions / chats with your course facilitator / academic advisor to facilitate your learning. Kindly see course calendar on your course website for scheduled dates. You will still require independent/personal study time particularly in studying your course materials.

How to be successful in this course



As an open and distance learner your approach to learning will be different to that from your school days, where you had onsite education. You will now choose what you want to study, you will have professional and/or personal motivation for doing so and you will most likely be fitting your study activities around other professional or domestic responsibilities.

Essentially you will be taking control of your learning environment. As a consequence, you will need to consider performance issues related to time management, goal setting, stress management, etc. Perhaps you will also need to reacquaint yourself in areas such as essay planning, coping with exams and using the web as a learning resource.

We recommend that you take time now—before starting your self-study—to familiarize yourself with these issues. There are a number of excellent resources on the web. A few suggested links are:

- <http://www.dlc.ui.edu.ng/resources/studyskill.pdf>
This is a resource of the UIDLC pilot course module. You will find sections on building study skills, time scheduling, basic concentration techniques, control of the study environment, note taking, how to read essays for analysis and memory skills (“remembering”).
- http://www.ivywise.com/newsletter_march13_how_to_self_study.html
This site provides how to master self-studying, with bias to emerging technologies.
- <http://www.howtostudy.org/resources.php>
Another “How to study” web site with useful links to time management, efficient reading, questioning/listening/observing skills, getting the most out of doing (“hands-on” learning), memory building, tips for staying motivated, developing a learning plan.

The above links are our suggestions to start you on your way. At the time of writing these web links were active. If you want to look for more, go to www.google.com and type “self-study basics”, “self-study tips”, “self-study skills” or similar phrases.

Need help?



Help

As earlier noted, this course manual complements and supplements SOW307 at UI Mobile Class as an online course.

You may contact any of the following units which spread across the country for information, learning resources and library services.

Distance Learning Centre Head Office (DLC)
 University of Ibadan, Nigeria
 Tel: (+234) 08077593551 – 55
 (Student Support Officers)
 Email: ssu@dlc.ui.edu.ng
 Morohundiya Complex,
 Ibadan-Ilorin Expressway,
 Idi-Ose, Ibadan.

Information Centre
 20 Awolowo Road, Bodija,
 Ibadan.

For technical issues (computer problems, web access, and etcetera), please send mail to webmaster@dlc.ui.edu.ng.

Activities and Assignments



Assignments

This manual features “Activities,” which may present material that is NOT extensively covered in the Study Sessions. When completing these activities, you will demonstrate your understanding of basic material (by answering questions) before you learn more advanced concepts. You will be provided with answers to every activity question. Therefore, your emphasis when working the activities should be on understanding your answers. It is more important that you understand why every answer is correct.

There are also Study Session Assignments. The assignments are to be submitted on course website, for evaluation by your course academic advisor. See course calendar on course website for scheduled dates of turning in your assignments. It is highly recommended that you to submit your assignments within due dates.

Assessments



Assessments

There are three basic forms of assessment in this course: in-text questions (ITQs) and self assessment questions (SAQs), and tutor marked assessment (TMAs). This manual is essentially filled with ITQs and SAQs. Feedbacks to the ITQs are placed immediately after the questions, while the feedbacks to SAQs are at the back of manual. You will receive your TMAs as part of online class activities at the UI Mobile Class. Feedbacks to TMAs will be provided by your tutor in not more than 2 weeks expected duration.

Schedule dates for submitting assignments and engaging in course/class activities is available on the course website. Kindly visit your course website often for updates.

Getting around this course manual

Margin icons

While working through this course manual you will notice the frequent use of margin icons. These icons serve to “signpost” a particular piece of text, a new task or change in activity; they have been included to help you to find your way around this course manual.

A complete icon set is shown below. We suggest that you familiarize yourself with the icons and their meaning before starting your study.

			
Activity	Assessment	Assignment	Case study
			
Discussion	Group Activity	Help	Outcomes
			
Note	Reflection	Reading	Study skills
			
Summary	Terminology	Time	Tip

Study Session 1

The Concept of Delinquency

Introduction



The field of juvenile delinquency has been an important area of study since the turn of the twentieth century. While society has chosen to treat adult and juvenile law violators separately, it has also expanded the definition of youthful misbehaviours eligible for social control. In this Study Session, we will examine the concept of people who violate the law but are not legally adults, defined as those below the age of eighteen in many societies. These are adjudged “delinquents

Learning Outcomes



When you have studied this session, you should be able to:

1.1 *define* and use correctly the following terms in bold:

- **juvenile delinquency**
- **delinquent**
- **Juvenile court system**
- **Juvenile officers**
- **Juvenile court**
- **Status offences**

1.2 *discuss* the concept of delinquency.

Terminologies

Key Terms

<p>Juvenile Delinquency</p>	<p>People who violate the law but are not legally adults – defined as those below the age of eighteen in many states or countries – can be adjudged “delinquent” rather than convicted of a crime in juvenile court. These “delinquents” might have committed an act that would be a crime if done by an adult. In other words, Juvenile delinquency is the participation in illegal behaviour by a minor who falls under a statutory age limit.</p>
<p>Delinquent</p>	<p>A juvenile who has been adjudicated by a judicial officer of a juvenile court as having committed a delinquent act.</p>
<p>Juvenile Court System</p>	<p>The segment of the justice system including law enforcement officers, the courts, and correctional agencies, designed to treat youthful offenders. The juvenile courts were first established in Cook County Illinois, in 1899. The philosophy of the juvenile court is that it should act in the best interests of the child, as parents should act. Juvenile courts have a treatment and rehabilitation</p>

	orientation.
Juvenile Officers	Police officers who specialise in dealing with juvenile offenders; they may operate alone or as part of a juvenile police unit within the department.
Juvenile Court	Court that has original jurisdiction over persons defined by statute as juveniles and alleged to be delinquents, status offenders, or dependents.
Status Offences	Conduct that is illegal only because the child is under age.
Juvenile Probation Officer	Officer of the court involved in all four stages of the court process—intake, predisposition, post-adjudication, and post-disposition—who assists the court and supervises juveniles placed on probation.
Status offences	Acts that are considered criminal only when committed by a juvenile. This includes such behaviours as truancy, running away, and incorrigibility.

1.1 The Concept of Delinquency

The concept of delinquency was developed in the early twentieth century. Before that, criminal youths and adults were treated in almost the same fashion. A group of reformers, referred to as *child savers*, helped create a separate delinquency category to insulate juvenile offenders from the influence of adult criminals (Hutzler, 1982).

The separate status of juvenile delinquency is still based on the *parens patriae*, which holds that children have the right to care and custody and that if parent are not capable of providing that care, the state must step in to take control. Juvenile courts also have jurisdiction over non-criminal status offenders. Status offences are illegal only because of the

minority status of the offender. They include such misbehaviour as truancy, running away, and sexual misconduct (Hutzler, 1982; Siegel, Welsh and Senna, 2003).

1.2.1 Delinquency and Parens Patriae

With *parens patriae* philosophy, minors who engaged in extralegal behaviour were viewed as victims of improper care, custody, and treatment at home. Illegal behaviour was a sign that the state should step in and take control of the youths before they committed more serious crimes. The state, through its juvenile authorities, should act in the “best interests of the child”. This means that children should not be punished for their misdeeds but instead should be given the care and custody necessary to remedy and control wayward behaviour. It makes no sense to find children guilty of specific crimes, such as burglary or petty larceny, because that stigmatises them and labels them as thieves or burglars. Instead, the catchall term *juvenile delinquency* should be used since it indicates that the child needs the care, custody, and treatment of the state.

1.2.2 The Legal Status of Delinquency

Today, the legal status of “juvenile delinquent” refers to a minor child who has been found to have violated the penal code. Most states or countries define the term *minor child* as an individual who falls under a statutory age limit, most commonly 17 or 18 years of age. Due to minority status, juveniles are usually kept separate from adults and receive different consideration and treatment under the law. For example, most large police departments employ officers whose sole responsibility is youth crime and delinquency.

Every state or country has some form of separate juvenile court with its judges, probation department, and other facilities. The terminologies are also different: adults are tried in court; children are adjudicated; adults can be punished; children are treated. If treatment is mandated, children can be sent to secure detention facilities; they cannot normally be committed to adult prisons.

Children also have their own unique legal status. Minors apprehended for a criminal act are usually charged with being a *juvenile delinquent* regardless of the crime they commit. These charges are usually confidential, trial records are kept

secret, and the name, behaviour, and background of delinquent offenders are sealed. Eliminating specific crime categories and maintaining secrecy are efforts to shield children from the stigma of a criminal conviction and to prevent youthful misdeeds from becoming a lifelong burden (Morse, 1997).

1.2.3 Legal Responsibility of Youth

In our society the actions of adults are controlled by two types of law: criminal and civil. Criminal laws prohibit activities that are injurious to the well-being of society and threaten the social order, for example, drug use, theft, and rape; they are legal actions brought by state authorities against private citizens. Civil laws, on the other hand, control interpersonal or private activities and are usually initiated by individual citizens. Covered under the civil law are provisions for the care and custody of those people who cannot care for themselves – the mentally ill, incompetent, or infirm (Morse, 1997).

Today, the juvenile delinquency concept occupies a legal status falling somewhere between the criminal and civil law. Under *parens patriae*, delinquent acts are not considered criminal violations, nor are delinquents considered *criminals*. Children cannot be found *guilty* of a crime and punished like adult criminals; the legal action against them is considered more similar to a civil action that determines their *need for treatment*. This legal theory recognises that children who violate the law are in need of the same care and treatment as are law-abiding citizens who cannot care for themselves and require state intervention into their lives (Morse, 1997; Siegel, Welsh and Senna, 2003).

Delinquent behaviour is sanctioned less heavily than criminality because the law considers juveniles as being less responsible for their behaviour than adults. As a class, adolescents are believed to:

- 1) have a stronger preference for risk and novelty;
- 2) assess the potentially negative consequences of risky conduct less unfavourably than adults;
- 3) have a tendency to be impulsive and more concerned with short-term than long-term consequences;

- 4) have a different appreciation of time and self control;
and
- 5) be more susceptible to peer pressure (Morse, 1997).

Although many adolescents may be more responsible and calculating than adults, under normal circumstances the law is willing to recognise age as a barrier to having full responsibility over one's actions.

Study Session Summary



Summary

In this Study Session, we defined the concepts of delinquency. These include juvenile, delinquency, delinquent, juvenile court system, juvenile officers, juvenile court, status offences, and juvenile probation officer. The Study Session also explained the three concepts of delinquency in relation to the juvenile delinquency. Such concepts include, *parens patriae*, the legal status of delinquency, and legal responsibility of youths.

Assessment



Assignment

1. Who are those described as “delinquents”?
2. What is a juvenile court?
3. What is the main objective of juvenile court?

Bibliography



Textbooks

Morse, S.J. (1997). Immaturity and Irresponsibility. *Journal of Criminal Law and Criminology* 88: 15-17.

Siegel, L.J, Welsh, B.C. and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th Edition). Belmont: Wadsworth/ Thomson Learning.

Web resources

<http://www.courts.ca.gov/selfhelp-delinquency.htm> retrieved August 2013

Study Session 2

The Status Offenders in the Juvenile Justice System

Introduction

Until recently, almost every state or country treated status offenders and juvenile delinquents alike, referring to them as either *wayward minors* or *delinquent children*. Early legal designation of youths who violate the law because of their minority status, are now referred to as status offenders. This Study Session will therefore examine the characteristics, reforming status offence laws, and increasing social control of status offender.

Learning Outcomes



When you have studied this session, you should be able to:

- 2.1 *point out* the characteristics of status offenders.
- 2.2 *highlight* the juvenile justice reforms.
- 2.3 *discuss* the increasing social control over juveniles.

2.1 What is Status Offender?

A youth who violates the law because of their minority status or commits any delinquent acts such as truancy, running away, theft, incorrigibility, etc, can be described as a **status offender**.

2.1.1 Characteristics of Status Offender

Status offenders are characterised by the following features (Kobrin and Klein, 1982):

- i. Status offenders are usually not detained or incarcerated with delinquents; they can be transferred to secure

facilities if they are repeatedly unruly and considered uncontrollable.

- ii. Status offenders can be picked up by the police and brought to a police station. They can be petitioned to the juvenile court, where they have a hearing before a judge and come under the supervision of the probation department, the court clinic, and the treatment staff. At a hearing, status offenders may see little difference between the treatment they receive and the treatment of the delinquent offenders sitting across the room.
- iii. Status offenders are directed to the juvenile court when it is determined that their parents are unable or unwilling to care for or control them and that the offender's behaviour is self-destructive or harmful to society.

2.2 Juvenile Justice Reforms

The National Council on Crime and Delinquency and the U.S federal government's National Advisory Commission on Criminal Justice Standards and Goals have called for reform of status offence laws (National Council on Crime and Delinquency, 1972). That is, it recommended removing status offenders from the juvenile court.

The following recommendations to reform juvenile justice were made:

- i. That the **due process reforms**, whereby the constitutional rights enjoyed by adult defendants in criminal courts should apply also in juvenile court.
- ii. That **Treatment Without Trial** should be avoided, pointing that children were being sent to custodial institutions for treatment without the safeguards of formal due process, including a lawyer to represent them and the right to cross-examine witnesses. And that the juveniles could also be transferred to adult courts without a formal hearing.
- iii. That the juvenile court must provide the *essentials of due process* when transferring juveniles to adult court. This is so because juveniles are entitled to the same basic constitutional rights enjoyed by adults in any hearing that might result in their commitment to an institution.

- iv. That the court preserved the confidentiality of juvenile court records, although it is agreed that information about a case that is lawfully obtained from an independent source could be published.
- v. That a juvenile's acts of misbehaviour, ungovernability or unruliness which do not violate the criminal law should not constitute a ground for asserting juvenile court jurisdiction over the juvenile committing them.
- vi. That status offenders should be removed from the jurisdiction of the courts altogether, and that status offenders would best be served not by juvenile courts but by dispute resolution and mediation programmes designed to strengthen family ties, since *status offence cases are rooted in family problems*.
- vii. That more serious and violent juvenile offenders are being removed from the juvenile justice system in favour of criminal court prosecution. A majority of states have added new crimes to the list of offences for which juveniles may be transferred to criminal court.
- viii. Traditional confidentiality provisions are being revised in favour of more open proceedings and records. For instance, publicising the names as well as crimes for public scrutiny, releases of past records to appropriate law enforcement officials, and fingerprinting for future identification are all necessary procedures in the war on flagrant violators, regardless of age. Local police and citizens have a right to know the identities of the potential threats to public order within their communities.
- ix. That state correctional administrators are faced with increasing pressures to develop new programmes for juveniles. This is so because, since nearly all states now send juveniles sentenced as adults to the department of corrections, this means that there are more young inmates whose needs and vulnerabilities require special attention.
- x. However, a special category of **youthful offenders** has been identified to distinguish more serious offenders from their delinquent peers. Although they have committed serious crimes and are housed in secure facilities, they are offered more extensive programmes and services than their adult counterparts (Bureau of Justice statistics, 1997d).

2.3 Increasing Social Control over Juveniles

Those in favour of retaining the status offence category point to society's responsibility to care for troubled youths. Others maintain that the status offence should remain a legal category so that juvenile courts can force a youth to receive treatment. Many state jurisdictions, prompted by concern over serious delinquency, have enacted laws that actually expand social control over juveniles (McDowall and Loftin, 2000). These enacted laws that expand social control over juveniles are

- 1) Curfew laws, and
- 2) Parental responsibility laws.

2.3.1 Curfew Laws

Curfew laws were imposed on children for getting in trouble. Beginning in 1990 there has been an explosion in the passage of curfew laws aimed at restricting the opportunity kids have for getting into trouble. A survey of 77 large U.S. cities found that 59 of them have curfew laws (McDowall and Loftin, 2000).

As a general rule, the courts have upheld the use of juvenile curfew laws as long as (a) the language of the statute shows a compelling government interest for use of the curfew, and (b) the language of the curfew law is consistent with this narrowly defined interest. Curfew ordinances must also allow youth to be out during curfew hours under certain circumstance – for example, in the company of their parents, coming or going to work/school, in the event of an emergency.

Evaluations of the benefits of curfews yield mixed results. A survey of more than 400 police agencies by Andra Bannister and her associates found that, most had curfew ordinances in effect for several years. In the majority cases, police felt that curfew was an effective tool to control vandalism, nighttime burglary, and auto theft. Those jurisdictions that did not have curfew laws reported that their absence was a result of political objections rather than perceived ineffectiveness.

Contrary to these findings, some research efforts have found that after curfews were implemented, victimisation levels increased significantly during non-curfew hours, an indication

that rather than suppressing delinquency, curfews merely shift the time of occurrence of the offences. Moreover, both juvenile victimisation and juvenile arrest rates do not seem to decrease significantly during curfew hours.

2.3.2 Parental Responsibility Laws

Since the early twentieth century, there have been laws aimed at disciplining parents for contributing to the delinquency of a minor. The first of those was enacted in Colorado in 1903, and today 42 states and the District of Columbia maintain similar laws (Siegel, Welsh and Senna, 2003). The laws of parental responsibility over juvenile delinquency allow:

1. Parents to be sanctioned in juvenile courts for behaviours associated with their child's misbehaviours.
2. Parents to reimburse the government for the costs of detention or care of their children.
3. Parents make restitution payments, for example, paying for damage caused by their children who vandalised a school.
4. Parents as well as children to participate in counselling and community service activities.

The parental responsibility laws further stipulate that:

- a. Parents may also be held civilly liable, under the concept of vicarious liability, for the damages caused by a child.
- b. Parents can also be charged with civil negligence if they should have known of the damage a child was about to inflict, but did nothing to stop the child for example, when they give a weapon to an emotionally unstable youth.
- c. Parents should be held responsible for the illegal acts of their children. For instance, since 1990 there have been more than 18 cases in which parents have been ordered to serve time in jail because their children have been truant from school.

However, civil libertarians charge that these laws violate the constitutional right to due process and seem to be used only against lower-class parents. They find little evidence that punishing parents can deter delinquency.

Study Session Summary



Summary

In this Study Session, we examined the characteristics of status offender and what the status offender is all about. We also discussed the varying recommendations of juvenile justice reforms in which status offenders can be removed from the juvenile court. We further looked at the increasing social control over juvenile in which parents were held responsible for their children's misbehaviours. These were discussed under: (a) curfew laws and (b) parental responsibility laws.

Assessment



Assignment

1. Define the following concepts:
 - a. Juvenile delinquency
 - b. Delinquent
 - c. Status offences
 - d. Juvenile probation officer
 - e. Juvenile court system
2. Briefly differentiate between status offenders and delinquents.
3. Briefly describe *parens patriae* philosophy in juvenile justice system.

Bibliography



Textbooks

Bureau of Justice and Statistics (1997d). *Privacy and Juvenile Justice Records: A Mid-Decade Status Report*. Washington, D.C.: U.S. Department of Justice.

McDowall, D. and Loftin, C. (2000). The Impact of Youth Curfew laws and Juvenile Crime Rates. *Crime and Delinquency* 46:76-92.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th edition).

Web resources

Belmont: Wadsworth/ Thomson Learning.

https://en.wikipedia.org/wiki/Juvenile_delinquency retrieved August 2013

<http://www.hg.org/juvenile-crime-law.html> retrieved August 2013

Study Session 3

The History and Development of Juvenile Justice

Introduction

Until recently, delinquent, neglected, and runaway children were treated the same as adult criminal offenders (Mennel, 1972). They were convicted of crimes; they received harsh sentences similar to those imposed on adults. The adult criminal code applied to children, and no juvenile court existed. We will therefore attempt to explore how juvenile justice system developed in this Study Session.

Learning Outcomes



When you have studied this session, you should be able to:

3.1 discuss the events that led to the development of juvenile justice system.

3.1 Development of the Juvenile Justice System

Several events led to reforms and nourished the eventual development of the juvenile justice system in the nineteenth century. These events include urbanisation, child saving movement, house of refuge, development of juvenile institution, children's aid society, and society for the prevention of cruelty to children. They are briefly discussed as follows:

3.1.1 Urbanisation

Urbanisation gave rise to increased numbers of young people at risk, who overwhelmed the existing system of work and training. To accommodate destitute youths, local jurisdictions developed poor houses (alms houses) and workhouses. The

poor, the insane, the diseased, and vagrant and destitute children were housed there in crowded and unhealthy conditions.

By the late eighteenth century, the family's ability to exert control over children began to be questioned. Villages developed into urban commercial centres, and work began to centre around factories, not the home. Children of destitute families left home or were cast loose to make out as best as they could; wealthy families could no longer absorb vagrant youth as apprentices or servants. The affluent began to voice concern over the increase in the number of people in what they considered the *dangerous classes*, that is, the poor, single, criminal, mentally ill, and unemployed (Mennel, 1983).

Urbanisation and industrialisation also generated the belief that certain segments of the population (youths in urban areas, immigrants) were susceptible to influences of their decaying environment. The children of these classes were considered a group that might be *saved* by a combination of state and community intervention (Platt, 1969). Intervention in the lives of these so-called dangerous classes became acceptable for wealthy, civic-minded citizens. Such efforts include *settlement houses*, a term used around the turn of the twentieth century to describe shelters, or non-secure residential facilities for vagrant children.

3.1.2 Child Saving Movement

The problems generated by urban growth sparked interest in the welfare of the *new* Americans, whose arrival fuelled this expansion. In 1816, prominent New Yorkers formed the society for the prevention of pauperism. Although they concerned themselves with attacking taverns, brothels, and gambling parlours, they were concerned that the moral training of children of the dangerous classes was inadequate. Some other groups with the plight of poor children began to form. Their focus was on extending government control over youthful activities (drinking, vagrancy, and delinquency) that had previously been left to private or family control.

These activists became known as *child savers*. Prominent among them were penologist Enoch Wines; Judge Richard Tuthill; Sara Cooper, of the National Conference of Charities

and corrections; and Sophia Minton, of New York committee on children. Poor children could become a financial burden, and the child savers believed these children presented a threat to the moral fabric of society. Child saving organisations influenced state legislatures to enact laws giving courts the power to commit children who were runaways or criminal offenders to specialised institutions (Knupfer, 2001).

3.1.3 House of Refuge

This is a care facility developed by the child savers to protect potential criminal youths by taking them off the street and providing a family-like environment.

The first House of Refuge, constructed in New York City, was the product of their reform efforts. The reformatory opened January 1, 1825 with only six boys and three girls, but within the first decade of its operation 1,678 inmates were admitted. Most kids were sent there because of vagrancy and petty crimes and were sentenced or committed indefinitely until they reached adulthood.

When the House of Refuge opened, the majority of children admitted were status offenders placed there because of vagrancy or neglect. Children were placed in the institution by court order, sometimes over parents' objections. Their length of stay depended on need, age, and skill. Critics complained that the institution was run like a prison, with strict discipline and absolute separation of the sexes. Such a harsh programme drove many children to run away, and the House of Refuge was forced to take a more lenient approach.

In 1826, the Boston City Council founded the House of Reformation for juvenile offenders. The courts committed children found guilty of criminal violations or found to be beyond the control of their parents, to these schools (Pickett, 1969). Since the child savers considered parents of delinquent children to be as guilty as convicted offenders, they sought to have the reform schools establish control over the children. Refuge managers believed they were preventing poverty and crime by separating destitute and delinquent children from their parents and placing them in an institution (Mennel, 1972). Despite ongoing criticism and scandal, the Houses of Refuge hung on for more than 100 years.

3.1.4 Development of Juvenile Institutions

State intervention in the lives of children continued well into the twentieth century. The child savers influenced state and local governments to create special institutions, called *reform schools*, which would house delinquent youths who would have otherwise been sent to adult prisons. The first institutions were opened in Westboro, Massachusetts, in 1848 and in Rochester, New York, in 1949 (U.S. Department of Justice, Juvenile Justice and Delinquency Prevention, 1976).

However, institutional programmes began in Ohio in 1850 and in Maine, Rhode Island, and Michigan in 1906. In New York, for example, the legislature authorised a state training for boys at Warwick for inmates under 16, and the state vocational school at Coxsackee for those 16 to 19 (New York State law, 1932).

Children spent their days working in the institution, learning a trade where possible, and receiving some basic education. They were radically and sexually segregated, discipline was harsh, and their physical care was poor. Some were labelled as criminal, but were in reality abused and neglected. They too were subject to harsh working conditions, strict discipline, and intensive labour (Smith, 1989). Although some people viewed reform schools as humanitarian answers to poorhouses and prisons, many were opposed to such programmes.

3.1.5 Children's Aid Society

This is an alternative to secure correctional facilities, which New York philanthropist Charles Loring Brace helped develop in 1853. Brace's formula for dealing with delinquent youths was to rescue them from the harsh environment of the city and provide them with temporary shelter (Fox, 1996).

Deciding there were simply too many needy children to care for in New York City, and believing the urban environment was injurious to children, Brace devised what he called his *placing-out plan* to send these children to western farms where they could be cared for and find a home. They were placed on what became known as *Orphan trains*, which made pre-announced stops in western farming communities. Brace's plan was activated in 1854 and was very soon copied by other childcare organisations.

Though the majority of the children benefited from the plan and did find a new life, others were less successful, and some were exploited and harmed by the experience. By 1930, political opposition to Brace's plan, coupled with the negative effects of the economic depression, spelled the end of the orphan train, but not before 150,000 children were placed in rural homesteads.

3.1.6 Society for the Prevention of Cruelty to Children (SPCC)

First established in 1874 in New York, these organisations protected children subjected to cruelty and neglect at home or at school. Agents of the society were granted power to remove children from their homes and arrest anyone who interfered with their work; they also assisted the court in making placement decisions. By 1890, the society controlled the intake and disposition of an average of 15,000 poor and neglected children. By 1900 there were 300 such societies in the United States (Pleck, 1987).

Leader of the SPCCs were concerned that abused boys would become lower class criminals and that mistreated young girls might become sexually promiscuous women. In addition, these organisations protected children who had been subjected to cruelty and neglect at home and at school.

SPCC groups influenced state legislatures to pass statutes protecting children from parents who did not provide them with adequate food and clothing or made them beg or work in places where liquor was sold. Criminal penalties were created for negligent parents. SPCC groups would also inform the police about suspected abuse cases and accompany officers when they made an arrest (Gordon, 1988).

Study Session Summary



Summary

In this Study Session, we described the history and development of the juvenile justice system. Several events that led to reforms and nourished the eventual development of the juvenile justice system in the nineteenth century are also explained. These events include urbanisation, child saving movement, House of refuge, development of juvenile

institutions, children's Aid society, and society for the prevention of cruelty to children.

Assessment



Assignment

1. What is *parens patriae* in juvenile justice system?
2. Briefly describe the following:
 - i. Delinquency and ParensPatriae
 - ii. The legal status of delinquency
 - iii. Legal responsibility of youth
3. Explain reasons why parental responsibility laws affect the parents over juvenile delinquency.

Bibliography



Textbooks

- Fox, S. (1996). "The Early History of the Court" from the Future of children. Los Altos, CA: David and Lucille Packard Foundation.
- Knupfer, A.M. (2001). *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court*. London: Routledge.
- Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont: Wadsworth/Thomson Learning.

Study Session 4

Theories of Delinquency

Introduction

Some experts believe that delinquent behaviour is a function of individual traits: selfish temperament; impulsive personality; abnormal hormones; genetic characteristics, etc. They reject the notion that delinquents are a product of their environment. We will therefore examine the theories that have been propounded to explain delinquency.

Learning Outcomes



When you have studied this session, you should be able to:

4.1 discuss at least two theories of delinquency.

4.1 Types of Theories of Delinquency



Reflection

If social and economic factors alone determine behaviour, how is it that many youths residing in the most dangerous and deteriorated neighbourhoods live law-abiding lives? Conversely, why are so many middle-class youths involved in delinquency?

In a bid to proffer answers to the questions in the above reflection, let us examine the following theories of delinquency:

- 1) Choice theory of delinquency
- 2) Trait theories of delinquency
- 3) Psychological theories of delinquency

4.1.1 Choice Theory of Delinquency

This theory involves classical criminology. Classical criminology holds that decisions to violate the law are weighed against possible punishments, and to defer crime, the pain of punishment must outweigh the benefit of illegal gain.

This led to graduated punishments based on seriousness of the crime (let the punishment fit the crime).

The first formal explanation of crime and delinquency held that human behaviour was a matter of choice. Since it was assumed that people had “free will” to choose their behaviour, those who violated the law were motivated by personal needs: greed, revenge, survival, hedonism. Over 200 years ago, “utilitarian” philosophers Cesare Beccaria and Jeremy Bentham argued that people weigh the benefits and consequences of their future actions before deciding on a course of behaviour – this, they described as “Hedonistic calculation of crime and delinquency” (Bentham, 1967). Beccaria and Bentham’s writings formed the core of what is referred to today as “classical criminology”.

The classical view of crime and delinquency holds that the decision to violate the law comes after a careful weighing of the benefits and costs of criminal behaviours. Most potential law violators would cease their actions if the potential pain associated with a behaviour outweighed its anticipated gain; conversely, law-violating behaviour seems alternative if the future rewards seem far greater than the potential punishment. This decision is referred to as *Hedonistic Calculation of Crime and delinquency* (Van den Haag, 1975).

According to classical view, youths who decide to become drug dealers weigh and compare the possible benefits, such as cash to buy cars, clothes, and other luxury items, with the potential penalties, such as arrest followed by a long stay in a juvenile facility. If they believe that drug dealers are rarely caught and even then usually avoid severe punishments, the youths will more likely choose to become dealers than if they believe that dealers are almost always caught and punished by lengthy prison terms. They may know or hear about criminals who make a significant income from their illegal activities and want to follow in their footsteps (Tremblay and Morselli, 2000). Put simply, in order to deter or prevent crime, the pain of punishment must outweigh the benefit of illegal gains (Wilson, 1975).

Concepts of Choice Theory

Free Will

This is the view that youths are in charge of their own destinies and are free to make personal behaviour choices unencumbered by environmental factors.

Utilitarians

These are those who believe that people weigh the benefits and consequences of their future actions before deciding on a course of behaviour.

Classical Criminology

This holds that decisions to violate the law are weighed against possible punishments, and to deter crime the pain of punishment must outweigh the benefit of illegal gain. This has led to graduated punishments based on seriousness of the crime.

4.1.2 Trait Theories of Delinquency

These theories hold that personal and environment factors dictate behaviour choices – that delinquents do not choose to commit crimes freely but are influenced by forces beyond their control. The trait theory is also referred to as *biosocial* theory. Biosocial theory is the view that both thought and behaviour have biological and social bases (Siegel, Welsh and Senna, 2003).

A number of delinquency experts believe it is wrong to infer that all youths choose crime simply because they believe its advantages outweigh its risks. If that were the case, how could senseless and profitless crimes such as vandalism and random violence be explained? These experts argue that human behavioural choices are a function of an individual's mental and/or physical makeup. Most law-abiding youths have personal traits that keep them within the mainstream of conventional society. In contrast, youths who choose to engage in repeated aggressive, antisocial, or conflict-oriented behaviour manifest abnormal traits that influence those behaviour choices (Shantz, 1986). Uncontrollable, impulsive behaviour patterns place some youths at odds with society, and they soon find themselves in trouble with the law. Although delinquents may choose their actions, the decision is a product of all but uncontrollable mental and physical properties and traits.

However, biosocial theorists believe that it is the interaction between predisposition and environment that produces delinquency. For example, children born into a disadvantaged environment often do not get the social and familial support they need to overcome their handicaps. Lack of family support can have long-term physical consequences. For example, a child's neural pathways may be damaged by repeated child neglect or abuse. Once experiences are ingrained, the brain *remembers*, and a pattern of electrochemical activation is established, which remains present across the lifespan of that person (Walsh and Ellis, 1997). The relatively small number of youths who suffer both physical and social handicaps, and who also lack social supports, are the ones who become early onset offenders and persist in a life of crime (Moffit, 1993).

Today, those who embrace trait theory reject the traditional assumptions that all humans are born with equal potential to learn and achieve, and that thereafter their behaviour is controlled by external or social forces (Kovandzic, Vieraitis and Yeisley, 1998). While traditional criminologists suggest that all people are born equal and that parents, schools, neighbourhood, and friends control subsequent development, trait theorists argue that no two people are alike and therefore, each will react to environmental stimuli in a distinct way. They assume that a combination of personal traits and the environment produces individual behaviour patterns.

People with pathological traits such as brain damage, an abnormal personality, or a low IQ may have a heightened risk for crime; this risk is elevated by environmental stresses such as poor family life, educational failure, substance abuse, and exposure to delinquent peers. For example, low-birth-weight babies have been found to suffer poor educational achievement later in life; academic deficiency has been linked to delinquency and drug abuse (Conley and Bennett, 2000).

4.1.3 Psychological Theories of Delinquency

These theories include psychodynamic theory, behavioural theory and cognitive theory. In this Study Session, both psychodynamic and behavioural theories of delinquency will be discussed.

Psychodynamic Theory of delinquency

According to psychodynamic theory, which originated with the pioneering work of Sigmund Freud (1856-1939), law violations are a product of an abnormal personality structure formed early in life and which thereafter controls human behaviour choices (Freud, 1963). In extreme cases, mental torment drives people into violence and aggression. The basis of psychodynamic theory is the assumption that human behaviour is controlled by unconscious mental processes developed early in childhood.

Psychodynamic theory argues that human personality contains three major components. The *id* is the unrestrained, primitive, pleasure-seeking component with which each child is born. The *ego* develops through the reality of living in the world and helps manage and restrain the *id*'s need for immediate gratification. The *superego* develops through interactions with parents and other significant people and represents the development of conscience and the moral rules shared by most adults.

All three suggest that of personality operates simultaneously. The *id* dictates needs and desires, the *superego* counteracts the *id* by fostering feelings of morality and righteousness, and the *ego* evaluates the reality of a position between these two extremes.

id ↔ ego ↔ superego

If these components are properly balanced, the individual can lead a normal life. If one aspect of the personality becomes dominant at the expense of the others, the individual exhibits abnormal personality traits.

Furthermore, the theory suggests that an imbalance in personality traits caused by a traumatic early childhood can result in long-term psychological difficulties. For example, if neglectful parents fail to develop a child's *superego* adequately, the child's *id* may become the predominant personality force; the absence of a strong *superego* results in an inability to distinguish clearly between right and wrong. Later, the youth may demand immediate gratification, lack compassion and sensitivity for the needs of others, disassociate feelings, act aggressively and impulsively, and demonstrate other psychotic symptoms. Antisocial behaviour then may be the result of conflict or trauma occurring early in

a child's development, and delinquent activity may become an outlet for violent and antisocial feelings (Freud, 1963; Siegel, Welsh, and Senna, 2003).

Behavioural Theory of Delinquency

Not all psychologists agree that behaviour is controlled by unconscious mental processes determined by parental relationships developed early in childhood. Behavioural psychologists argue that a person's personality is learned throughout life during interaction with others. Based primarily on the works of J.B. Watson (1878-1958) and B.F. Skinner (1904 and 1990), behaviourism concerns itself solely with measurable events and not the unobservable psychic phenomena described by psychoanalysts.

Behaviourists suggest that individuals learn by observing how people react to their behaviour. Behaviour is triggered initially by a stimulus, a change in the environment. If a particular behaviour is reinforced by some positive reaction or event, that behaviour will be continued and eventually learned. However, behaviours that are not reinforced or are punished will be extinguished or become extinct. For example, if children are given a reward for eating their dinner, eventually they will learn to eat properly as a matter of habit. Conversely, if children are punished for some misbehaviour, they will eventually learn to associate disapproval with that act and avoid it.

Another aspect of behavioural theory is *social learning theory*. Not all behaviourist follow the teaching of Watson and Skinner strictly. Some hold that a person's learning and social experiences, coupled with his or her values and expectations, determine behaviour. This is known as the *social learning* approach. The most widely read social learning theorists are Albert Bandura, Walter Mischel, and Richard Walters (Bandura and Menlove, 1965). Social learning theory therefore, holds the view that behaviour is modelled through observation, either directly through intimate contact with others, or indirectly through media; interactions that are rewarded are copied, whereas those that are punished are avoided.

In general, social learning theorists hold that children will model their behaviour according to the reactions they receive from others, either positive or negative; the behaviour of those

adults they are in close contact with, especially parents, and the behaviour they view on television and in movies. If children observe aggression and see that aggressive behaviour, such as an adult slapping or punching someone during an argument, is approved or rewarded, they will likely react violently during a similar incident. Eventually, the children will master the techniques of aggression and become more confident that their behaviour will bring tangible rewards (Perry, Perry and Rasmussen, 1986).

By implication, social learning suggests that children who grow up in a home where violence is a way of life may learn to believe that such behaviour is acceptable and rewarding. Even if parents tell children not to be violent and punish them if they are, the children will still model their behaviour on the observed parental violence. By mid-childhood, some children have already acquired an association between their use of aggression against others and the physical punishment they receive at home. Often their aggressive responses are directed at other family members and siblings. The family may serve as a training ground for violence since the children perceive physical punishment as the norm during conflict situations with others (Carlson, 1986; Siegel, Welsh and Senna, 2003).

Adolescent aggression is a result of disrupted dependency relations with parents, this refers to the frustration and anger a child feels when parents provide poor role models and hold back affection and nurturing. Children who lack close dependent ties to their parents have little opportunity or desire to model themselves after them or to internalise their standards of behaviour. In the absence of such internalised controls, the child's aggression is likely to be expressed in an immediate, direct, and socially unacceptable fashion such as violence and aggression (Bandura and Walters, 1953).

Study Session Summary



Summary

In this Study Session, we looked into the three theories of delinquency such as: choice theory, trait theories, and psychological theories of delinquency. The Study Session also compares behavioural theory and social learning theory as they relate to delinquent behaviours. The Study Session also briefly describes the concepts of choice theory. These

include free will, utilitarians, and classical criminology. We also discussed the view of biosocial theorists on delinquency.

Assessment



Assignment

1. Briefly explain the following:
 - a. Urbanisation
 - b. Child saving movement
 - c. House of Refuge
 - d. Children's Aid Society
2. a. When was the first "society for the prevention of cruelty to children (SPCC)" established?
 - b. Give reasons why SPCC was established?

Bibliography



Textbooks

Conley, D. and Bennett, N. (2000). Is Biology Destiny? Birth Weight and Life Chances. *American Sociological Review* 654: 458-467.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2008). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont: Wadsworth/Thomson Learning.

Tremblay, P. and Morselli, C. (2000). Patterns in Criminal Achievement: Wilson and Abrahamsen Revisited. *Criminology* 38: 633-660.

Walsh, A. and Ellis, L. (1997). Showing up the Big Three: Improving Criminological Theories with Biosocial Concepts. Papers presented at an annual Society of Criminology Meeting. San Diego. Pg. 15.

Web resources

http://www.monroecollege.edu/AcademicResources/ebooks/0495809861_lores_p01_ch03.pdf retrieved August, 2013

<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6670&context=jclc> retrieved August, 2013

<http://psychology.about.com/od/theoriesofpersonality/a/personalityelem.htm> retrieved August 2013

Study Session 5

Juvenile Court Process

Introduction

This Study Session will expose you to the procedures that shape the contours of juvenile justice – the pre-trial process, and in the next two Study Sessions the juvenile trial and disposition will also be discussed. Many critical decisions are made at this stage in the juvenile system: whether to detain a youth or release the youth to the community; whether to waive youths to the adult court or retain them in the juvenile justice system; whether to treat them in the community or send them to a secure treatment centre. Each of these can have a profound influence on the child, with effects lasting throughout the life course (Siegel, Welsh, and Senna, 2003).

Learning Outcomes



When you have studied this session, you should be able to:

5.1 outline the specific forms of pre-trial processes in juvenile justice system.

5.1 Processes of Juvenile Justice

The juvenile justice process takes the following forms:

1. Release or detain
2. Bail for children
3. The Intake process
4. Diversion
5. The Petition
6. The Plea and Plea Bargaining

5.1.1 Release or Detain

This is considered after a child has been taken into custody and a decision is made to treat the case formally (that is, with a juvenile court hearing), a decision must be made either to

release the child into the custody of parents, or detain the child in the temporary care of the state, in physically restrictive facilities pending court disposition or transfer to another agency (American Correctional Association, 1991).

Detention can be a traumatic experience because many facilities are prison-like, with locked doors and barred windows. Consequently, most experts in juvenile justice advocate that detention be limited to alleged offenders who require secure custody for the protection of themselves and others. However, children who are neglected, dependent, runaways, and those who are homeless may under some circumstances be placed in secure detention facilities along with violent and dangerous youths until more suitable placements can be found (Wordes and Jorves, 1998).

However, other children who have had a trial but have not been sentenced, or are awaiting the imposition of their sentence are also placed in safe facilities. Some may have violated probation and are awaiting a hearing while being kept alongside a severely mentally ill adolescent for whom no appropriate placement can be found. Another group is adjudicated delinquents awaiting admittance to a correctional training school (Shepard, 1997). Consequently, it is possible for non-violent status offenders to be housed in the same facility with delinquents who have committed felony-type offences.

To remedy this situation

An ongoing effort is being made to remove status offenders and neglected or abuse children from detention facilities that also house juvenile delinquents. In addition, alternatives to detention centres like temporary foster homes, detention boarding homes, and programmes of neighbourhood supervision have been developed. These alternatives, referred to as *shelter care* enable youths to live in a more homelike setting while the courts dispose of their cases.

New Approaches to Detention

Efforts have been made to improve the process and conditions of detention. Experts maintain that detention facilities should provide youth with education, visitation, private communications, counselling, continuous supervision, medical and health care, nutrition, recreation, and reading.

Detention should also include, or provide, a system for clinical observation and diagnosis that complements this with range of helpful services (Dunlap and Roush, 1995).

Alternatives to secure detention include:

- i. in-home monitoring,
- ii. home detention,
- iii. day-centre electronic monitoring,
- iv. high-intensity community supervision, and
- v. comprehensive case management programmes.

Undoubtedly, juveniles pose special detention problems, but some efforts are being made to improve programmes and to reduce pretrial detention use, especially in secure settings. Of all the problems associated with detention, however, none is as critical as the issue of placing youths in adult jail.

5.1.2 Bail for children

Bail is the amount of money that must be paid as a condition of pretrial release to ensure that the accused will return for subsequent proceedings; bail is normally set by the judge at the initial appearance, and if unable to make bail, the accused is detained in jail.

One critical pretrial issue is whether juveniles can be released on *bail*. Adults retain the right, via the English Amendment to the constitution, to reasonable bail in non-capital cases. Most states, however, refuse juveniles the right to bail because of the following arguments that:

- i. juvenile proceedings are civil, not criminal;
- ii. detention is rehabilitative, not punitive; and
- iii. juveniles do not need a constitutional right to bail because statutory provisions allow children to be released into parental custody.

However, state juvenile bail statutes fall into three categories. These include:

1. those guaranteeing the right to bail,
2. those that grant the court discretion to give bail, and
3. those that deny a juvenile the right to bail (Soler et al, 1989).

This disparity may be a function of the lack of legal guidance on the matter. Some courts have stated that bail provisions do not apply to juveniles.

5.1.3 The Intake Process

Intake is the process during which a juvenile referral is received and a decision is made to file a petition in juvenile court to release the juvenile, to place the juvenile under supervision, or to refer the juvenile elsewhere. In other words, the term *intake* refers to the screening of cases by the juvenile court system.

The child and their family are screened by intake officers to determine whether the services of the juvenile courts are needed. Intake officers may:

- i. send the youth home with no further action,
- ii. divert the youth to a social agency
- iii. petition the youth to the juvenile court, or
- iv. file a petition and hold the youth in detention.

The intake process reduces demands on court resources, screens out cases that are not within the court's jurisdiction, and enables assistance to be obtained from community agencies without court intervention.

After reviewing the case, justice system authorities decide whether to dismiss, informally handle, or formally process the case by taking the matter before a judge. Juvenile court intake is provided for by statute in almost all the states in America. Intake screening allows juvenile courts to enter into consent decrees with juveniles without filing petitions and without formal adjudication. The consent decree is a court order authorising disposition of the case without a formal label of delinquency. This is based on an agreement between the intake department of the court and the juvenile who is the subject of the complaint (Lee, 1995).

Problems of Intake Process

There are legal problems associated with the intake process. Among these problems are:

- i. whether the child has a right to a counsel,
- ii. whether the child is protected against self-incrimination,

- iii. to what degree the child needs to consent to non-judicial disposition as recommended by the intake officer, and
- iv. intake dispositions are often determined by the prior record rather than by the seriousness of the offence or the social background of the child.

This practice departs from the philosophy of *parens patriae* (Lee, 1995). The shift from rehabilitation has led to changes in the intake process. One trend has been the increased influence of prosecutors. Traditionally, the intake process has been controlled by probation personnel whose decisions influenced the judge's view of which cases to handle formally and which should be settled without court action.

5.1.4 Diversion

This is an official halting or suspending of a formal criminal or juvenile justice proceeding at any legally prescribed processing point after a recorded justice system entry, and referral of that person to a treatment or care programme or a recommendation that the person be released.

Juvenile diversion is the process of placing youths suspected of law-violating behaviour into treatment-oriented programmes prior to formal trial and disposition in order to minimise their penetration into the justice system and thereby avoid stigma and labelling.

Diversion implies more than simply screening out cases for which no additional treatment is needed. Screening involves efforts to apply coercive measures to a defendant. In contrast, diversion encourages an individual to participate in some specific programme or activity to avoid further prosecution.

Most court-based diversion programmes employ a particular formula for choosing youths for diversion. Criteria such as being a first offender, a non-violent offender, or a status offender, or being drug or alcohol dependent, are used to select clients. In some programmes, youths will be asked to partake of services voluntarily in lieu of a court appearance. In other programmes, prosecutors will agree to defer, and then dismiss a case once a youth has completed a treatment programme. Finally, some programmes can be initiated by the juvenile court judge after an initial hearing (Ezell, 1992; Siegel, Welsh, and Senna, 2003).

However, diversion programmes have been created to remove non-serious offenders from the justice system, provide them with non-punitive treatment services, and help them avoid the stigma of a delinquent label.

5.1.5 The Petition

This is a document filed in juvenile court alleging that a juvenile is a delinquent, a status offender, or a dependent and asking that the court assume jurisdiction over the juvenile. A *complaint* is therefore, the report made by the police or some other agency to the court to initiate the intake process. Once the agency makes a decision that judicial disposition is required, a petition is filed. The petition is the formal complaint that initiates judicial action against a juvenile charged with delinquency or status offence (Siegel, Welsh and Senna, 2003).

Characteristics and Procedures of the Petition

The petition includes basic information such as the name, age, and residence of the child; the parents' names; and the facts alleging the child's delinquency. The police officer, a family member, or a social service agency can file a petition. If, after being given the right to counsel, the child admits the allegation in the petition, an initial hearing is scheduled for the child to make the admission before the court, and information is gathered to develop a treatment plan. If the child does not admit to any of the facts in the petition, a date is set for a hearing on the petition. This hearing, whose purpose is to determine the merit of the petition, is similar to the adult trial.

Once a hearing date has been set, the probation department is normally asked to prepare a social study report. This predisposition report contains relevant information about the child, along with recommendations for treatment and service. When a date has been set for the hearing on the petition, parents or guardians and other persons associated with the petition such as the witnesses, the arresting police officer, and victims, are notified. On occasion, the court may issue a summons – a court order requiring the juvenile or others involved in the case to appear for the hearing.

The statutes however, in a given jurisdiction govern the contents of the petition. Some jurisdictions, for instance, allow for a petition to be filed based on the information of the

complainant alone. Others require that the petition be filed under oath or that an affidavit accompany the petition. Some jurisdictions authorise only one official, such as a probation officer or prosecutor, to file the petition. Others allow numerous officials, including family and social service agencies, to set for facts in the petition.

5.1.6 The Plea and Plea Bargaining

Plea bargaining is the exchange of prosecutorial and judicial concessions for a guilty plea by the accused; it usually results in a reduced charge or a more lenient sentence. In the adult criminal justice system, the defendant normally enters a plea of guilty or not guilty. More than 90 percent of all adult defendants plead guilty. A large proportion of those pleas involve plea bargaining, the exchange of prosecutorial and judicial concessions for guilty pleas (Alschuler, 1988).

Plea bargaining permits a defendant to plead guilty to a less-serious charge in exchange for an agreement by the prosecutor to recommend a reduced sentence to the court. In the case of juvenile justice, it involves a discussion between the child's attorney and the prosecutor by which the child agrees to plead guilty to obtain a reduced charge or lenient sentence.

Procedures of Plea Bargaining:

Few juvenile codes require a guilty or not-guilty plea when a petition is filed against a child. In most jurisdictions and initial hearing is held at which the child either submits to a finding of the facts or denies the petition. If the child admits to the facts, the court determines an appropriate disposition. If the child denies the allegations, the case normally proceeds to trial. When a child enters no plea, the court ordinarily imposes a denial of the charges. This may occur where a juvenile does not understand the nature of the complaint or is not represented by an attorney (Fox, 1985).

Plea bargaining negotiations generally involve the following:

- i. reduction of a charge,
- ii. change in the proceeding from that of delinquency to 9 status offence,
- iii. elimination of possible waiver to the criminal court, and

- iv. agreements regarding dispositional programmes of the child.

In summary, the majority of juvenile cases that are not adjudicated seem to be the result of admissions to the facts rather than actual plea bargaining. Plea bargaining is less common in juvenile courts than in adult courts because incentives such as dropping multiple charges or substituting a *misdemeanor* for a felony are unlikely. Nonetheless, plea bargaining is firmly entrenched in the juvenile process. Any plea bargain, however, must be entered into voluntarily and knowingly; otherwise, the conviction may be overturned on appeal (Ewing, 1978; Siegel, Welsh and Senna, 2003).

Study Session Summary



Summary

In this Study Session, we described the juvenile justice process in critical stages, procedures, and decisions made within them. These processes include release or detain, bail for children, the intake process, diversion, the petition, and the plea and plea bargaining. The Study Session also describes briefly the problems of intake process, characteristics and procedures of the petition, and procedures of plea bargaining. The new approaches to detention are also briefly explained in this Study Session.

Assessment



Assignment

1. Define
 - a. Juvenile court system
 - b. Status offences
 - c. *Parens Patriae*
2. Describe three main characteristics of status offenders.
3. Briefly describe Juvenile Curfew Laws in juvenile justice.
4. Briefly describe the aim of Child Saving Movement in the development of juvenile justice system.

Bibliography



Textbooks

American Correctional Association (1991). *Standards for Juvenile Detention Facilities* (Laurel, MD: ACA).

Dunlap, E. and Roush, D. (1995). Juvenile Detention as Process and place. *Juvenile and Family Court Journal* 50: 11-21.

Lee, L. (1995). Factors Influencing Intake Disposition in a Juvenile Court. *Juvenile and Family Court Journal* 46: 43-62.

Shepard, R. (1997). *Juvenile Justice Standards Annotated: A Balance Approach*. Chicago: ABA.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th red.). Belmont: Wadsworth/Thomson Learning.

Wordes, M. and Jones, S. (1998). Trends in Juvenile Detention and steps Toward Reform. *Crime and Delinquency* 44: 544-560.

Study Session 6

Juvenile Court Trial

Introduction

The characteristics of juvenile courts, the procedures, and decisions made within them will be discussed in this Study Session. We will examine these under the following sections: constitutional rights at trial, disposition, juvenile sentencing structures, sentencing reform, the death penalty for juvenile, the child's right to appeal, confidentiality in juvenile proceedings.

Learning Outcomes



When you have studied this session, you should be able to:

6.1 *outline* the procedures of juvenile court trial.

6.2 *describe* the characteristics of juvenile court trial.

6.3 *explain* the decisions made within the juvenile court trial.

6.1 Procedures of Juvenile Court Trial

Most juvenile court procedures provide criteria to be used in deciding whether to detain a child. These include: (1) the need to protect the child, (2) the likelihood that the child presents a serious danger to the public, and (3) the likelihood that the child will return to court for adjudication.

6.1.1 Constitutional Rights at Trial

Apart from state juvenile code requirements, the U.S. Supreme Court has mandated the application of constitutional due-process standards to the juvenile trial. Due process can be described as the basic constitutional principle based on the concept of the primacy of the individual and complementary concept of limitation on governmental power; it safeguards the individual from unfair state procedures in judicial or administrative proceedings. Due-process rights have been extended to juvenile trials.

Due process is addressed in the Fifth and Fourteenth Amendments to the U.S. Constitution. It refers to:

- a. the need for rules and procedures that protect individual rights, and
- b. due process means that no person can be deprived of life, liberty, or property without such protections as legal counsel, an open and fair hearing, an opportunity to confront those making accusations against the person.

Once an adjudicatory hearing has been completed, the court is normally required to enter a judgment or finding against the child. This may take the form of declaring the child delinquent, adjudging the child to be a ward of the court, or possibly even suspending judgment so as to avoid the stigma of a juvenile record. After a judgment has been entered, the court can begin its determination of *disposition* (Szmanski, 1988).

Disposition

The sentencing step of the juvenile justice process is called *disposition*. At this point the court orders treatment for the juvenile (Powell, 1983). According to prevailing juvenile justice philosophy, dispositions should be in the *best interest of the child*, which in this context means providing the help necessary to resolve or meet the adolescent's personal needs, while at the same time meeting society's needs for protection.

In most jurisdictions, adjudication and disposition hearings are separated, or bifurcated, so that the evidence that could not be entered during the juvenile can be considered at the disposition hearing. At the hearings, the defence counsel represents the child, helps the parents understand the court decision, and influence the direction of the disposition. Others involved at the dispositional stage include representatives of social service agencies, psychologists, social workers, and probation personnel.

The Predisposition Report

After the child has been admitted to the allegations, or the allegations have been proven in a trial, the judge normally orders the probation department to complete a *predisposition report*. The predisposition report, which is similar to the pre-

sentence report of the adult justice system, has a number of purposes:

- a. It helps the judge decide which disposition is best for the child.
- b. It aids the juvenile probation officer in developing treatment programmes where the child is in need of counselling or community supervision.
- c. It helps the court develop a body of knowledge about the child that can aid others in treating the child (Fox, 1984).

In the final section of the pre-dispositional report, the probation department recommends a disposition to the presiding judge. This is a critical aspect of the report because it has been estimated that the court follows more than 90 percent of all probation department recommendations.

6.1.2 Juvenile Court Dispositions

Historically, the juvenile court has had broad discretionary power to make decisions. The major categories of dispositional choice are: (1) community release, (2) out-of-home placements, (3) fines or restitution, (4) community service, and (5) institutionalisation (Grissom, 1991).

Today it is common for juvenile court judges to employ a graduated sanction programme for juveniles. These include:

- a. immediate sanctions for non-violent offenders, which consist of community-based diversion and day treatment imposed on first-time non-violent offenders;
- b. intermediate sanctions, which target repeat minor offenders and first-time serious offenders; and
- c. secure care, which is reserved for repeat serious offenders and violent offenders (Krisberg, Cume and Onek, 1995).

However, few youths are being waived to the adult court today than a decade ago; conversely, more are being placed on probation. Today, more juveniles are being placed on probation, rather than in an institutional, for a serious crime such as robbery (Harms, 2002; Siegel, Welsh, and Senna, 2003).

6.1.3 Juvenile Sentencing Structures

These involved: the least detrimental alternative, the indeterminate sentence, the individualised treatment model, determinate sentence, and Mandatory sentence. For most of the juvenile court's history, disposition was based on the presumed needs of the child.

The least detrimental alternative

This is the choice of a programme for the child that will best foster the child's growth and development. Most states in America have adopted this ideal in their sentencing efforts, and state courts usually insist that the purpose of disposition must be rehabilitation and not punishment (Goldstein, Freud, and Solnit, 1973). Consequently, it is common for state courts to require judges to justify their sentencing decisions if it means that juveniles are to be incarcerated in a residential treatment centre: they must set forth in writing the reasons for the placement, address the danger the child poses to society, and explain why a less-restrictive alternative has not been used.

The Indeterminate Sentence

This does not specify the length of time the juvenile must be held; rather, correctional authorities decide when the juvenile is ready to return to society. Traditionally, states have used the indeterminate sentence in juvenile court. This means having the judge place the offender with state department of juvenile corrections until correctional authorities consider the youth ready to return to society or until the youth reaches legal maturity. Most states peg under 18 to be the age of release; others peg the termination age at 19, a few can retain minority status until their 21st birthday. In practice, few youths remain in custody for the entire statutory period, but juveniles are usually released if their rehabilitation has been judged to have progressed satisfactorily. This practice is referred to as the *individualised treatment model*.

The Individualized Treatment Model

This is a model in which each sentence must be tailored to the individual needs of the child. This is another form of the indeterminate sentence which allows judges to specify a maximum term. Under this form of sentencing, youths may

Hint

be released if the corrections department considers them to be rehabilitated or they reach the automatic age of termination (usually 18 or 21). In states that stipulate a maximum sentence, the court may extend the sentence, depending on the youth's progress in the institutional facility.

Determinate Sentence

This specifies a fixed term of detention that must be served. This means sentencing juvenile offenders to a fixed term of incarceration that must be served in its entirety.

Mandatory Sentence

This sentence is defined by a statutory requirement that states the penalty to be set for all cases of a specific offence. Other states have passed laws creating *mandatory sentences* for serious juvenile offenders. Juveniles receiving mandatory sentences are usually institutionalised for the full sentence and are not eligible for early parole. The difference between mandatory and determinate sentences is that the mandatory sentence carries a statutory requirement that a certain penalty be set in all cases on conviction for a specified offence.

6.2 Characteristics of Juvenile Court Trial

- i. State juvenile codes vary with regard to the basic requirements of **due process** and **fairness**.
- ii. Most juvenile courts have bifurcated hearings, that is, separate hearings for adjudication and disposition (sentencing). At disposition hearings, evidence can be submitted that reflects non-legal factors such as the child's home life.
- iii. Most state juvenile codes provide specific rules of procedure, which have several purposes:
 - a. that a written petition be submitted to the court,
 - b. to ensure the right of a child to have an attorney,
 - c. provide that the adjudication proceedings be recorded,
 - d. allow the petition to be amended, and provide that a child's plea be accepted,
 - e. where the child admits to the facts of the petition, the court generally seeks assurance that the plea is voluntary, and

- f. if plea bargaining is used, prosecutors, defence, counsel, and trial judges take steps to ensure the fairness of such negotiations.

In the juvenile court, the case is resolved in one of three ways:

- a. The juvenile courts judge makes a finding of fact that the child or juvenile is not delinquent or in need of supervision.
- b. The juvenile courts judge makes a finding of fact that the juvenile is delinquent or in need of supervision.
- c. The juvenile court judge discusses the case because of insufficient or faulty evidence.

In some jurisdictions, informal alternatives are used, such as filing the case with no further consequences or continuing the case without a finding for a period of time, such as six months. If the juvenile does not get into further difficulty during that time, the case is dismissed. These alternatives involve no determination of delinquency or non-criminal behaviour. Because of the philosophy of the juvenile court that emphasises rehabilitation over punishment, a delinquency finding is not the same thing as a criminal conviction.

6.3 Procedures and Decisions made within the Juvenile Court Trials

Prior to the creation of the first juvenile court in 1899, juveniles were tried in adult courts. However, even with the development of the juvenile court system, it is recognised that certain crimes require that children be tried as adults. Today, virtually all jurisdictions provide for waiver of juvenile offenders to the criminal courts. The number of juveniles transferred to criminal courts has actually declined in recent years. Most jurisdictions have a bifurcated juvenile code system that separates the adjudication hearing from the dispositional hearing. Therefore, juvenile alleged to be delinquent have virtually all the rights given a criminal defendant at trial – except possibly the right to a trial by jury (Grissom, 1991; Siegel, Welsh, and Senna, 2003).

In this section, we will explore the procedures and decisions made within the juvenile court trials. These include:

- 1) sentencing reform;

- 2) the death penalty for juveniles;
- 3) the child's right to appeal; and
- 4) confidentiality in juvenile proceedings.

6.3.1 Sentencing Reform

There have been a number of attempts to create rational sentencing within juvenile justice. In some instances the goal has been to reduce judicial discretion, in others to toughen sentencing practices and create mandatory periods of incarceration for juveniles who commit serious crimes (Singer and McDowall, 1988).

Probably the best-known effort to reform sentencing in the juvenile court is the *state of Washington's Juvenile Justice Reform Act of 1977*. This act created a mandatory sentencing policy requiring juveniles ages 8 to 17 who are adjudicated delinquent to be confined in an institution for a minimum time (Washington Juvenile Justice Reform Act of 1977).

The intent of the act was to make juveniles accountable for criminal behaviour and to provide for punishment commensurate with the (1) age, (2) crime, and (3) prior history of the offender. Washington's approach is based on the principle of *proportionality*. How much time a youth must spend in confinement is established by the *Juvenile Dispositions Standards Commission*.

The growing realisation that the juvenile crime rate has stabilised may slow the tide of legislative change in juvenile justice. This position has made the states to pass legislation to transfer youths to the adult court or has given the adult court original jurisdiction over serious cases. Thus, rather than toughening juvenile law for everyone, the system may reserve the harshest measures for the few more serious cases. This has therefore, led to the concept of *blended sentences*.

Blended Sentences

State sentencing trends indicate that punishment and accountability, in addition to rehabilitation, have become equally important in juvenile justice policy. As a result, many states have created *blended sentencing structures* for cases involving serious offenders. Blended sentencing allows the imposition of juvenile and adult sanctions for juvenile offenders adjudicated in juvenile court or convicted in

criminal court. In other words, this expanded sentencing authority allows criminal and juvenile courts to impose either a juvenile or adult sentence, or both, in cases involving juvenile offenders. When both sentences are imposed simultaneously, the court suspends the adult sanction. If the youth follows the conditions of the juvenile sentence and commits no further violation, the adult sentence is revoked (National Criminal Justice Association, 1997).

6.3.2 The Death Penalty for Juveniles

Juveniles who have been waived to adult court can receive the death penalty.

During the past 20 years, 196 juvenile death sentences have been imposed (about 3 percent of the almost 6, 900 total U.S. death sentences). Approximately two-thirds of these have been imposed on 17-year-olds and nearly one-third on 15- and 16-year-olds (Cothem, 2000; Siegel, Welsh, Senna, 2003). More than 170 offenders are now on death row in 16 different states. All are male; 73 percent committed their crimes at age 17; 63 percent are minorities. Texas, with 24 juvenile offenders on death row, held 34 percent of the national total of such offenders (Streib, 2000).

Legal Issues

In *Thompson V. Oklahoma* (1988), the U.S. supreme court prohibited the execution of persons under age 16, but left open the age at which execution would be legally appropriate (Gerstein, 1988). They then answered this question in two 1989 cases – *Wilkins V. Missouri* and *Stanford V. Kentucky*, in which they ruled that states were free to impose the death penalty for murderers who committed their crimes after they reached age 16 or 17 (109 S. Ct. 2969, 1989). According to the majority opinion, society has not formed a consensus that the execution of such minors constitutes a cruel and unusual punishment.

Criticism of the Death Penalty for Children

Those who oppose the death penalty for children find that it has little deterrent effect on youngsters who are impulsive and do not have a realistic view of the destructiveness of their misdeeds or their consequences. Streib (1990) argues and criticises the death penalty for children that such a practice is cruel and unusual because:

- i. the condemnation of children makes no measurable contribution to the legitimate goals of punishment;
- ii. condemning any minor to death violates contemporary standards of decency;
- iii. the capacity of the young for change, growth, and rehabilitation makes the death penalty particularly harsh and inappropriate; and
- iv. both legislative attitudes and public opinion reject juvenile execution.

However, supporters of the death penalty hold that people, regardless of their age, can form criminal intent and therefore should be responsible for their actions. If the death penalty is legal for adults, they argue, then, it can also be used for children who commit serious crimes.

6.3.3 The Child's Right to Appeal

This involves:

1. a final order,
2. appellate process, and
3. writ of habeas corpus.

A Final Order

This is the order that ends litigation between two parties by determining all their rights and disposing of all the issues. This order is necessary because juveniles may want to appeal the decision made by the juvenile court judge, regardless of the sentence imposed on them.

Appellate Process

This is necessary because juvenile court statutes normally restrict appeals to cases where the juvenile seeks review of a *final order*. The *appellate process* therefore, gives the juvenile the opportunity to have the case brought before a reviewing court after it has been heard in the juvenile or family court.

Today, the U.S. constitution does not require any state to furnish an appeal to a juvenile charged and found to be delinquent in a juvenile or family court. Consequently, appellate review of a juvenile case is a matter of statutory right in each jurisdiction. However, the majority of states do provide juveniles with some method of statutory appeal. The appeal process was not always part of the juvenile law system.

But in 1965, few states extended the right of appeal to juveniles (Bowman, 1965).

However, most jurisdictions that provide a child with some form of appeal also provide for counsel and for securing a record and transcript, which are crucial to the success of any appeal. Since juvenile appellate review is defined by individual statutes, each jurisdiction determines for itself what method of review will be used. There are two basic methods of appeal: the direct appeal and the collateral attack.

Direct Appeal

This normally involves an appellate court review to determine whether, based on the evidence present at the trial, the rulings of law and the judgment of the court were correct.

Collateral Attack

This second major area of review involves the collateral attack of a case. The term *collateral* implies a secondary or indirect method of attacking a final judgment. Instead of appealing the juvenile trial because of errors, prejudice, or lack of evidence, collateral review uses extraordinary legal writs to challenge the lower-court position. One such procedural device is the *writs of habeas corpus*.

The Writ of Habeas Corpus

This is judicial requesting that a person detaining another produce the body of the prisoner and give reasons for his or her capture and detention. In other words, it is a procedure for determining the validity of a person's custody. In the context of the juvenile court, it is used to challenge the custody of a child in detention or in an institution. This writ is often the method by which the Supreme Court exercises its discretionary authority to hear cases regarding constitutional issues. Juveniles have a far greater opportunity for appellate review today than in the years past.

6.3.4 Confidentiality in Juvenile Proceedings

Confidentiality is the restriction of information in juvenile court proceedings in the interest of protecting the privacy of the juvenile. The issues or debate on confidentiality in the juvenile court deals with two areas: (1) open versus closed hearings, and (2) privacy of juvenile records.

Open Vs Closed Hearing

Generally, juvenile trials are closed to the public and the press, and the names of the offenders are kept secret. The U.S. Supreme Court has ruled on the issue of privacy in three important decisions: (a) *Davis V. Alaska*, (b) *Oklahoma Publishing Co. V. District Court*, and (c) *Smith V. Daily Mail Publishing Co.* Let us examine these case one after another.



Case Study 6.1

Davis V. Alaska

In this case, the Supreme Court concluded that any resulting from the disclosure of a juvenile's record is outweighed by the right to completely cross-examine an adverse witness. The Davis case involved an effort to obtain testimony from a juvenile probationer who was a witness in a criminal trial. The Supreme Court therefore, held that a juvenile's interest in *confidentiality* was secondary to the constitutional right to confront adverse witnesses (*Davis V. Alaska*, 1974).



Case Study 6.2

Oklahoma Publishing Co. V. District Court

In this case, the court sought to balance juvenile privacy with freedom of the press. In the Oklahoma case, the Supreme Court ruled that a state court was not allowed to prohibit the publication of information obtained in an open juvenile proceeding (*Oklahoma Publishing Co. V. District Court*, 1979). The case involved an 11-year-old boy suspected of homicide, who appeared at a detention hearing where photographs were taken and published in local newspapers. When the local district court prohibited further disclosure, the publishing company claimed that the court was a restraint in violation of the First Amendment and the Supreme Court agreed.



Case Study 6.3

Smith V. Daily Mail Publishing Co.

In this instance, the Smith case involved the discovery and publication of the identity of a juvenile suspect in violation of a state statute prohibiting publication. The Supreme Court, however, declared the statute unconstitutional because the court believed the state's interest in protecting the child's

identity was not of such a magnitude as to justify the use of such a statute (Smith V. Daily Mail Publishing Co, 1979). Therefore, if newspapers lawfully obtain pictures or names of juveniles, they may publish them.

Based on these decisions, it appears that the Supreme Court favours the constitutional rights of the press over the right to privacy of the juvenile offender. None of the decisions, however, give the press or public access to juvenile trials. Some jurisdictions still bar the press from juvenile proceedings unless they show at a hearing that their presence will not harm the youth (Hughes, 1997; Siegel, Welsh, and Senna, 2003).

Privacy of Juvenile Records

For most of the twentieth century, juvenile records were kept confidential. Today, however, the record itself, or information contained in it, can be opened by court order in many jurisdictions on the basis of statutory exception (Szymanski, 1989).

The following groups can ordinarily gain access to juvenile records:

- i. law enforcement personnel,
- ii. the child's attorney,
- iii. the parents or guardians,
- iv. military personnel, and
- v. public agencies such as schools, court-related organisations and correctional institutions.

In U.S., nearly all states now allow juvenile fingerprints to be included in criminal history records, and nearly all states authorise juveniles to be photographed for later identification. Some states allow a juvenile adjudication for an act to be used as evidence in an adult criminal proceeding for the same act, to show predisposition or criminal nature (Butt, 2000). However, knowledge of a defendant's juvenile record may help prosecutors and judges determine appropriate sentencing for offenders ages 18 to 24, the age group mostly to be involved in violent crime.

According to Schwartz (1989), the need for confidentiality to protect juveniles is far less than the need to open up the courts to public scrutiny. The problem of maintaining confidentiality

of juvenile records will become more acute, since electric information storage makes these records both more durable and more accessible.

Study Session Summary



Summary

In this Study Session, we described the characteristics of juvenile court trial in order to understand the procedures and various decisions made within the juvenile court trials. It also describes juvenile court trials such as juvenile constitutional rights of trial, disposition, and juvenile sentencing structures in relation to juvenile justice system, sentencing reform, death penalty for juveniles, child's right to appeal, and confidentiality in juvenile proceedings. We further distinguished between mandatory and determinate sentences in juvenile sentencing structures. The Study Session also exposed you to various cases in juvenile courts trials.

Assessment



Assignment

1. Briefly explain the following:
 - a. Detention
 - b. Intake process
 - c. Diversion
2. What are the legal problems associated with the intake process?
3. Briefly give reasons why juveniles are not refused the right to bail.
4. What do you understand by plea bargaining in juvenile justice process? What are the major categories of dispositional choice in juvenile court trial?
5. What is due process in juvenile trial?
6. What are the purposes of pre-dispositional report in juvenile justice system?
7. Briefly explain five main sentencing structures in juvenile court trials.

Bibliography



Textbooks

Butt, J.A. (2000). *Can We Do Without Juvenile Justice?* Washington, DC; Urban Institute.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont: Wadsworth/Thomson Learning.

Streib, V. (2000). *The Juvenile Death Penalty Today: Death Sentences and Executions for Juvenile Crimes*. Ada, OH: Ohio Northern University Claude W. Rettig College of Law.

Siegel, I.J., Welsh, B.C. and Senna, T.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont: Wadsworth/Thomson Learning.

Study Session 7

Similarities and Differences between Juvenile and Adult Justice System

Introduction



The components of the adult and juvenile criminal processes are similar. However, the juvenile system has a separate organisational structure. In many communities, juvenile justice is administered by people who bring special skills to the task. Also, more kinds of facilities and services are available to juvenile than to adults. Having given the above introduction, let us now compare the adult and juvenile justice systems in this Study Session.

Learning Outcomes

When you have studied this session, you should be able to:

- 7.1 compare the terms used in adult and juvenile justice systems
- 7.2 state the similarities between the juvenile and adult justice systems.
- 7.3 state the differences between the juvenile and adult justice systems.



7.1 Comparison of Terms used in Adult and Juvenile Justice Systems

Stages of Justice Systems	Juvenile Terms	Adult terms
The Person and the Act	Juvenile child Delinquent act	Criminal crime
Pre-adjudicatory stage	Take into custody. Petition. Agree to a finding. Deny the petition. Adjustment. Detention facility; childcare shelter. Substitution	Arrest Indictment Plead guilty Plead not guilty Plea bargain jail
Adjudicatory stage	Adjudication or fact-finding hearing Adjudication Dispositional hearing Disposition	Reduction of charges Trial Conviction
Post-adjudicatory stage	Commitment Youth development centre; treatment, training school. Residential childcare facility. Aftercare.	Sentencing hearing Sentence Incarceration Prison Highway house Parole

7.2 Similarities between the Juvenile and Adult Justice Systems

- i. Police Officers, judges, and correctional personnel use discretion in decision making in both the adult and the juvenile systems.
- ii. The right to receive *Miranda* warnings applies to juveniles as well as to adults.
- iii. Juveniles and adults are protected from prejudicial lineups or other identification procedures.
- iv. Similar procedural safeguards protect juveniles and adults when they make an admission of guilt.
- v. Prosecutors and defence attorneys play equally critical roles in juvenile and adult advocacy.
- vi. Juveniles and adults have the right to counsel at most key stages of the court process.
- vii. Pretrial motions are available in juvenile and criminal court proceedings.
- viii. Negotiations and plea bargaining exist for juvenile and adult offenders.
- ix. Juveniles and adults have a right to a hearing and an appeal.
- x. The standard of evidence in juvenile delinquency adjudications, as in adult criminal trials, is proof beyond a reasonable doubt.
- xi. Juveniles and adults can be placed on probation by the court.
- xii. Both juveniles and adults can be placed in pretrial detention facilities.
- xiii. Juveniles and adults can be kept in detention without bail if they are considered dangerous.
- xiv. After trial, both can be placed in community treatment programmes.
- xv. Juveniles and adults can be required to undergo drug testing (Siegel, Welsh, and Senna, 2003).

7.3 Differences between the Juvenile and Adult Justice Systems

- i. The primary purpose of juvenile procedures is protection and treatment. With adults, the aim is to punish the guilty.
- ii. Age determines the jurisdiction of the juvenile courts. The nature of the offence determines jurisdiction in the adult system. Juveniles can be ordered to the criminal courts for trial as adults.
- iii. Juveniles can be apprehended for acts that would not be criminal if committed by an adult (status offences).
- iv. Juvenile proceedings are generally informal and private. Those of adult courts are more formal and are open to the public.
- v. Juvenile proceedings are not considered criminal; adult proceedings are.
- vi. Courts cannot release identifying information about a juvenile to the press, but they must release information about an adult.
- vii. Parents are highly involved in the juvenile process, but not in the adult process.
- viii. The standard of arrest is more stringent for adults than for juveniles.
- ix. Juveniles are released into parental custody. Adults are generally given the opportunity for bail.
- x. Juveniles have no constitutional right to a jury trial. Adults have this right. Some state statutes provide juveniles with a jury trial.
- xi. Juveniles can be searched in school without probable cause or a warrant.
- xii. A juvenile's record is generally sealed when the age of majority is reached. The record of an adult is permanent.
- xiii. A juvenile court cannot sentence juveniles to country jails or state prisons; these are reserved for adults.
- xiv. The U.S. Supreme Court has declared that the Eighth Amendment does not prohibit the death for crimes committed by juvenile's ages 16 and 17, but it is not a sentence given to children under age 16 (Siegel, Welsh, and Senna, 2003).

7.4 The Family's Influence on Delinquency

7.4.1 Family Breakup

One of the most enduring controversies in the study of delinquency is the relationship between a parent absent from the home and the onset of delinquent behaviour. For instance, broken home is a strong determinant of a child's law-violating behaviour. Parents whose marriage is secure produce children who are secure and independent. In contrast, children growing up in homes with one or both parents absent may be prone to antisocial behaviour (Reiss, 1988). The connection seems self-evident because a child is first socialised at home. Any disjunction in an orderly family structure could be expected to have a negative impact on the child,

However, children who have experienced family breakup are more likely to demonstrate behaviour problems, than children in intact families. Family breakup is often associated with conflict, hostility, and aggression; children of divorce are suspected of having lax supervision, weakened attachment, and greater susceptibility to peer pressure (Warr, 1996).

7.4.2 Family Conflict

Not all unhappy marriages end in divorce; some continue in an atmosphere of conflict. Intra-family conflict is a common experience in many families – an environment of discord and conflict within the family; children who grow up in dysfunctional homes often exhibit delinquent behaviours, having learned at a young age that aggression pays off (Hershorn and Rosenbaum, 1985).

Nye (1958) however, found that a child's perception of his or her parents' marital happiness was a significant predictor of delinquency. Contemporary studies have also found that children who grow up in maladapted homes and witness discord or violence later exhibit emotional disturbance and behaviour problems.

7.4.3 Family Neglect/Support

Many experts believe children need a warm, supportive relationship with their parents. Parents who are supportive and effectively control their children in a non-coercive fashion,

also known as *parental efficacy* are more likely to raise children who refrain from delinquency. Delinquency will be reduced if parents provide the type of structure that integrates children into families while giving them the ability to assert their individuality and regulate their own behaviour (Wright and Cullen, 2001).

Evidence of the link between the quality of family life and delinquency comes in many forms. Children who feel inhibited with their parents and refuse to discuss important issues with them are more likely to engage in deviant activities. Poor child-parent communications have been related to dysfunctional activities such as running away, and in all to many instances these children enter the ranks of homeless street youths who get involved in theft and prostitution to survive (McCarthy and Hagan, 1992; Siegel, Welsh, and Senna, 2003).

Evidence also exists that inconsistent supervision can promote delinquency. Nye (1958) found that mothers who threatened discipline but failed to carry it out were more likely to have delinquent children than those who were consistent in their discipline. Other evidence shows that assaultive boys tend to grow up in homes in which there is inconsistent discipline. There is ample evidence that effective supervision can reduce children's involvement in delinquency. Youths who believe their parents care little about their activities are more likely to engage in criminal acts than those who believe their actions will be closely monitored (Loeber and Dishion, 1984; Siegel, Welsh, and Senna, 2003).

Thus, parents may find it hard to control their children because they have such large families that resources, such as time, are spread too thin. This is referred to as *resource dilution*. Large families are more likely than smaller ones to produce delinquents, and middle children are more likely than first-or last-born children to engage in delinquent acts (Waite and Lillard, 1991).

7.4.4 Family Deviance

A number of studies have found that parental deviance has a powerful influence on delinquent behaviour. Parental deviance disrupts the family's role as an agent of social control. Many studies have shown that a significant number of delinquent youths have criminal fathers. For example,

about 8 percent of the sons of non-criminal fathers became chronic offenders, compared to 37 percent of youths with criminal fathers (West and Farrington, 1977). Farrington (1993) found further that one type of parental deviance, bullying, may be both inter- and intra-generational.



Tip

The research on delinquency and family relationship offers ample evidence that family life can be a potent force in a child's development. The delinquent child is likely to grow up in large family with parents who may drink, participate in criminal acts, be cold and unaffectionate, have marital conflicts, and be poor role models. Overall, the quality of a child's family life seems to be more important than its structure.

Study Session Summary



Summary

In this Study Session, we compared the terms used in adult and juvenile justice systems. The Study Session also states the similarities between the juvenile and adult justice systems; and describes the differences between the juvenile and adult justice systems. The comparison of the terms used enables us to have an in-depth understanding of the juvenile justice process, when compared with criminal justice process. Also, we explored four factors that have been linked to delinquent behaviour. These include family breakup, family conflict, family neglect/support, and family deviance.

Assessment



Assignment

1. What is the writ of habeas corpus in juvenile justice system?
2. Briefly describe the child's right to appeal.
3. In what ways was the death penalty for children criticised?
4. Briefly explain blended sentences in juvenile justice system.
5. Briefly describe differences between juvenile and adult justice systems.
6. What are the similarities between juvenile and adult justice

- systems?
7. Compare five terms used in juvenile and adult justice systems.

Bibliography



Textbooks

Farrington, D. and Loeber, R. (2000). Epidemiology of Juvenile Violence. *Child and Adolescent Psychiatric Clinics of North America* 9: 733-748.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile delinquency: Theory, Practice, and Law* (8th ed.). Belmont Wadsworth/Thomson Learning.

Wright, J.P. and Cullen, F. (2001). Parental Efficacy and Delinquent Behaviour: Do Control and Support Matter. *Criminology* 39: 707-736.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th edition). Belmont: Wadsworth/Thomson Learning.

Study Session 8

Juvenile Corrections

Introduction

There is a wide choice of correctional treatments available for juveniles. This can be subdivided into two major categories: community treatment and institutional treatment. These efforts include probation, treatment services (such as individual and group counselling), restitution, and other programmes. Community treatment also refers to the use of privately maintained residences, such as foster homes, small-group homes, and boarding schools, which are located in the community. In this Study Session, you will examine *juvenile probation*, the nature, condition, organisation and administration of probation, and duties of juvenile probation officers.

Learning Outcomes



When you have studied this session, you should be able to:

- 8.1 *define* and use the term probation correctly.
- 8.2 *point out arguments* in favour of probation
- 8.3 *describe* the nature of probation.
- 8.4 *highlight* the conditions of probation.
- 8.5 *explain* the organisation and administration of probation.
- 8.6 *highlight new* community probation programmes.
- 8.7 *discuss non-community* probation programmes.

8.1 The Nature of Probation

Probation refers to non-punitive legal disposition for delinquent youths, which emphasises treatment without incarceration. In other words, it is a non-punitive, legal disposition for juveniles with particular focus on community treatment in which the juvenile is closely supervised by an officer of the court and must adhere to a strict set of rules to avoid incarceration.

Probation has the following nature:

1. In the majority of jurisdictions, probation is a direct judicial order that allows a youth who is found to be a delinquent or status offender to remain in the community under court-ordered supervision.
2. A probation sentence implies a contract between the court and the juvenile. The court promises to hold a period of institutionalisation in abeyance; the juvenile promises to adhere to a set of rules mandated by the court. If the rules are violated – and especially if the juvenile commits another offence – the probation may be revoked. In that case, the contract is terminated and the original commitment order may be enforced.
3. The rules of probation vary, but they typically involve conditions such as attending school or work, keeping regular hours, remaining in the jurisdiction, and staying out of trouble.
4. In the juvenile court, probation is often ordered for an indefinite period. Depending on the statutes of the jurisdiction, the seriousness of the offence, and the juvenile's adjustment on probation, youths can remain under supervision until the court no longer has jurisdiction over them (that is, when they reach the age of majority).
5. In most jurisdictions, the status of probation is reviewed regularly to ensure that a juvenile is not kept on probation needlessly. Generally, discretion lies with the probation officer to discharge youths who are adjusting to the treatment plan.

8.2 Argument in favour of probation

Traditional probation is still the backbone of community-based correction. The following arguments are in favour of probation:

- i. For youths who can be supervised in the community, probation represents an appropriate disposition.
- ii. Probation allows the court to tailor a programme to each juvenile offender, including those involved in person-oriented homes.
- iii. The justice system continues to have confidence in rehabilitation, while accommodating demands for legal

controls and public protection, even when caseloads may include many more serious offenders than in the past.

- iv. Probation is often the disposition of choice, particularly for status offenders (Charles, 2001).

8.3 Conditions of Probation

1. Probation conditions are rules mandating that a juvenile on probation behaviour in a particular way. They can include restitution or reparation, intensive supervision, intensive counselling, participation in a therapeutic programme, or participation in an educational or vocational training programme. In addition to these specific conditions, state statutes generally allow courts to insist that probationers lead law-abiding lives, maintain a residence in a family getting, refrain from associating with certain types of people, and remain in a particular area unless they have permission to leave.
2. Probation conditions vary, but they are never supposed to be capricious, cruel, or beyond the capacity of the juvenile to satisfy. Furthermore, conditions of probation should relate to the crime that was committed and to the conduct of the youth.
3. Courts have invalidated probation conditions that were harmful or that violated the juvenile's due process rights. Restricting a young person's movement, insisting on a mandatory programme of treatment, ordering indefinite terms of probation, and demanding financial reparation where this is impossible are all grounds for appellate court review. For example, it would not be appropriate for a probation order to bar a youth from visiting his girlfriend (unless he had threatened or harmed her) merely because her parents objected to the relationship.
4. If a youth violates the conditions of probation or breaks the laws again, the court can revoke probation. The juvenile court ordinarily handles a decision to revoke probation. Today, as a result of Supreme Court decisions dealing with the rights of adult probationers, a juvenile is normally entitled to legal representation and a hearing when a violation of probation occurs (Morrisey V. Brewer, 1973).

8.4 Organisation and Administration

Probation services are administered by the local juvenile court, or by the state administrative office of courts, in 23 states and the District of Columbia. In another 14 states, juvenile probation services are split, with the juvenile court having control in urban countries and a state executive serving in smaller countries. About 10 states have a statewide office of juvenile probation located in the executive branch. In 3 states, country executives administer probation. These agencies employ an estimated 18,000 juvenile probation officers throughout the United States (Torbet, 1996).

In the typical juvenile probation department, the chief probation officer is central to its effective operation. In addition, large probation departments include one or more assistant chiefs, each of whom is responsible for one aspect of probation service. One assistant chief might oversee training, another might supervise special offender groups, and still another might act as liaison with police or community-service agencies.

Although juvenile probation services continue to be predominantly organised under the judiciary, recent legislative activity has been in the direction of transferring those services from the local juvenile court judge to a state court administrative office. Whether local juvenile courts or state agencies should administer juvenile probation services is debatable. In years past, the organisation of probation services depended primarily on the size of the programme and the number of juveniles under its supervision. Due to this momentum to develop unified court systems, many juvenile court services are being consolidated into state court systems (Torbet, 1996; Siegel, Welsh, and Senna, 2003).

8.5 Duties of Juvenile Probation Officers

The juvenile probation officer plays an important role in the justice process, beginning with intake and continuing throughout the period in which a juvenile is under court supervision. Juvenile probation officer is the officer of the court involved in all four stages of the court process – intake, predisposition, post-adjudication, and post-disposition – who

assists the courts and supervises juveniles placed on probation.

8.5.1 Intake

At intake, the juvenile probation officer screens complaints by deciding to adjust the matter, refers the juvenile to an agency for service, or refers the case to the court for judicial action. At intake, the probation staff has preliminary discussions with the juvenile and the family to determine whether court intervention is necessary or whether the matter can be better resolved by some form of social service. If the juvenile is placed in a detention facility, the probation officer helps the court decide whether the juvenile should continue to be held or released pending the adjudication and disposition of the case.

8.5.2 Pre-dispositional Duty

In this case, the probation officer exercises tremendous influence over the youth and the family, by developing a report and submitting it to the court. This report is a clinical diagnosis of the youth's problems and of the need for court assistance based on an evaluation of social functioning, personality, and environmental issues.

The report includes an analysis of the child's feelings about the violations and their capacity for change. It also examines the influence of family members, peers, and other environmental influences in producing and possibly resolving the problems. All of this information is brought together in a complex but meaningful picture of the offender's personality, problems, and environment.

8.5.3 Post-adjudication

At the post-adjudication stage, the probation officer assists the court in reaching its dispositional decision. They assist following the report submitted to the court.

8.5.4 Post-dispositional stage

At the post-disposition, the probation officer supervises juveniles placed on probation. They also provide the youth with supervision and treatment in the community. Treatment plans vary in terms of approach and structure. Some juveniles simply report to the probation officer and follow the

conditions of probation. In other cases, the probation officer may need to provide extensive counselling to the youth and family or, more typically, refer them to other social service agencies, such as drug treatment centre (Siegel, Welsh, and Senna, 2003).

8.6 New Community Correction

The new programmes as community corrections or alternative sanctions to incarceration of juveniles are discussed as follows:

8.6.1 Intensive Supervision

Juvenile intensive probation supervision (JIPS) involves treating offenders who would normally have been sent to a secure treatment facility as part of a very small probation caseload that receives almost daily scrutiny (Weibush, 1993).

8.6.2 Primary goal of JIPS

Decarceration

Without intensive supervision, youngsters would normally be sent to secure juvenile facilities that are already over-crowded.

Control

High-risk juvenile offenders can be maintained in the community under much closer security than traditional probation efforts can provide.

Maintaining community ties and integration

Offenders can remain in the community and complete their education while avoiding the pains of imprisonment.

Intensive probation programmes has mixed reviews. Some jurisdictions find that they are more successful than traditional probation supervision and come at a much cheaper cost than incarceration. However, most research indicates that the failure rate is high and that younger offenders who commit petty crimes are the most likely to fail when placed in intensive supervision programmes (Ryan, 1997; Siegel, Welsh, and Senna, 2003).

8.6.3 Electronic Monitoring

This is another programme, which has been used with adult offenders and is finding its way into the juvenile justice system. It involves *housearrest*, which is often coupled with electronic monitoring. This programme allows offenders sentenced to probation to remain in the community on condition that they stay at home during specific periods (for example, after school or work, or weekends and in the evenings). Offenders may be monitored through random phone calls, visits, or, in some jurisdictions, electronic devices.

Types of Electronic Systems

These are the types electronic systems used:

- A. Active systems.
- B. Passive systems.

Active systems monitor the offender by continuously sending a signal back to the central office. If an offender leaves home at an unauthorised time, the signal is broken and the failure recorded. In contrast, **Passive systems** usually involve random phone calls generated by computers to which the juvenile offender must respond within a particular time (for example, 30 seconds).

Most systems employ radio transmitters that receive a signal from a device worn by the offender and relay it back to the computer via telephone lines. In addition, *homearrest* is another device used in monitoring pretrial detainees to ensure they remain in a home environment with supervision. In other words, *housearrest* is a condition by which an offender is required to stay at home during specific periods of time; monitoring is done by random phone calls and visits or by electronic devices.

In contrast, electronic monitoring is an active system consists of a radio transmitter worn by the offender that sends a continuous signal to the probation department computer, alerting officials, if the offender leaves their place of confinement. Passive systems employ computer-generated random phone calls that must be responded to in a certain period of time from a particular phone or other device (Lyrich, 2002; Siegel, Welsh, and Senna, 2003).

Advantages of Electronic Monitoring

Electronic monitoring combined with house arrest has the following advantages:

- a. It has the benefits of relatively low cost and high security
- b. It helps offenders avoid imprisonment in overcrowded, dangerous state facilities.
- c. Fewer supervisory officers are needed to handle large number of offenders.

Disadvantages of Electronic Monitoring

Electronic monitoring has the following drawbacks:

- a. Existing systems can be affected by faulty telephone equipment.
- b. Most electronic/house arrest programmes do not provide rehabilitation services.
- c. Some believe electronic monitoring is contrary to a citizen's right to privacy.

8.6.4 Restitution

This is also known as victim restitution. Victim restitution is another widely used method of community treatment. In most jurisdictions, restitution is part of a probationary sentence and is administered by the country probation staff. In many jurisdictions, independent restitution programmes have been set up by local governments; in others, restitution is administered by a private non-profit organization (Scheider and Warner, 1989).

Types of Restitution

Restitution can take several forms. These include monetary restitution, victim service restitution and community service restitution.

Monetary restitution

This is a requirement that juvenile offenders compensate crime victims for out-of-pocket losses caused by the crime, including property damage, lost wages, and medical expenses.

Victim service restitution

This is a situation whereby the juvenile offender is required to provide some service directly to the crime victim.

Community service restitution

This is a situation whereby the juvenile offender is required to assist some worthwhile community organisation for a period of time.

Advantages of Restitution

- i. It provides alternative sentencing options;
- ii. It offers monetary compensation or service to crime victims;
- iii. It allows the juvenile the opportunity to compensate the victim and takes a step toward becoming a productive member of society;
- iv. It helps relieve overcrowded juvenile courts, probation caseloads, and detention facilities; and
- v. Restitution has the potential for allowing vast savings in the operation of the juvenile justice system.

However, monetary restitution programmes in particular may improve the public's attitude toward juvenile justice by offering equity to the victims of crime and ensuring that offenders take responsibility for their actions.

Disadvantages of Restitution

The following are the two main disadvantages of restitution:

- i. Restitution supports retribution rather than rehabilitation because it emphasizes justice for the victim and criminal responsibility for illegal acts; and
- ii. It creates penalties for juvenile offenders where none existed before.

8.6.5 Residential Community Treatment

This is another community correction whereby youths are placed under probation supervision, and the probation department maintains a residential treatment facilities. Placement can also be made to the department of social services or juvenile corrections with the direction that the youth be placed in a residential facility.

Residential Programmes

These are placements of juvenile offenders in a residential, non-secure facility such as a group home, foster home, family group home, or rural home where juvenile can be closely

monitored and develop close relationships with staff members.

Group Homes

These are non-secure residences that provide counselling, educating job training, and family living. They are staffed by a small number of qualified persons, and generally house 12-15 youngsters. The youths are given the opportunity to build a close relationship with the staff. Youths reside in the home, attend public schools, and participate in community activities in the area.

Foster Care Programmes

These involve juveniles who are orphans or whose parents cannot care for them. They are placed with families who provide the attention, guidance, and care they did not receive at home. The quality of the foster home experience depends on the foster parents. Welfare departments generally handle foster placements, and funding of this treatment option has been a problem for the juvenile justice system. However, foster home services have expanded as a community treatment approach. Foster care families also receive close supervision and are consulted regularly on the progress of the youth by programme staff.

Family Group Homes

These combine elements of foster care and group home placements. In this case, juveniles are placed in a group home that is run by a family rather than by a professional staff. Troubled youths have an opportunity to learn to get along in a family-like situation.

8.6.6 Rural Programme

These include forestry camps, ranches, and farms that provide recreational activities or work for juveniles. Programmes typically handle from 30 to 50 youths. Such programmes have the disadvantages of isolating juveniles from the community, but reintegration can be achieved if the youths' stay is short and if family and friends are allowed to visit.

Most residential programmes use group counselling as the major treatment tool. Although group facilities have been used less often than institutional placements, there is a trend towards developing community-based residential facilities.

8.7 Non-residential Community Treatment

In non-residential programmes, youths remain in their homes and receive counselling, education, employment, diagnostic, and casework services. Family therapy, educational tutoring, and job placement may all be part of the programme.

8.7.1 Advantages of Community-based Programmes

- i. Both residential and non-residential settings produce comparable or lower recidivism rates. Youths in non-secure settings are less likely to become recidivists than those placed in more secure settings.
- ii. Community treatment was based on poor delivery of services such as, shabby operation, and haphazard management, follow-up, and planning.
- iii. There was inadequate operation of community treatment programmes, based in part on the absence of uniform policies and procedures, and the lack of accountability.

8.7.2 Characteristics of Community-based Programmes

- i. It is comprehensive, dealing with many aspects of youths' lives;
- ii. It is intensive, involving multiple contacts;
- iii. It is operational, even outside the justice system;
- iv. Its foundation is based upon youths' strengths; and
- v. It adopts a socially grounded approach to understanding a juvenile's situation rather than an individual level approach (Krisberg, Currie, and Onek, 1995).

However, as jurisdictions continue to face high rates of violent juvenile crime and ever-increasing costs for juvenile justice services, community-based programmes will play an important role in providing rehabilitation of juvenile offenders and ensuring public safety (Siegel, Welsh, and Senna, 2003).

Study Session Summary



Summary

In this Study Session, we explored the concept of probation and the argument in favour of probation. We further examined the conditions, organisation and administration of probation; and finally explains the duties of juvenile probation officers such as intake, predisposition, post-adjudication, and post-disposition. Finally, we described the new programmes as community corrections or alternative sanctions to incarceration of juveniles. These include: intensive supervision, electronic monitoring, restitution, residential community treatment, and non-residential community treatment.

Assessment



Assignment

1. How does family breakup influence delinquency?
2. Briefly describe the influence of family neglect/support on delinquent behaviour.
 1. Briefly explain the nature of probation
 2. Describe five conditions of probation in juvenile corrections
 3. Briefly explain the following:
 - i. Intake duty
 - ii. Pre-dispositional duty
 - iii. Post-adjudicational duty
 - iv. Post-dispositional duty

Bibliography



Textbooks

- Charles, M.P. et al. (2001). *Juvenile Court Statistics 1998*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency; Theory, Practice, and Law* (8th ed.) Belmont

Wadsworth/Thomson Learning.

Torbet, P.M. (1996). *Juvenile Probation: The Workhorse of the Juvenile Justice System*. Washington, DC: Office of Juvenile Justice and delinquency Prevention

Lynch, J. (2002). Crime in international perspective, in J.Q. Wilson and J. Petersilia (eds.) *Crime: Public Policies for Crime Control*. Oakland, CA: Institute for contemporary studies.

Schwartz, I. (1992). *Juvenile Justice and Public Policy*. New York: Lexington Books, p. 217.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency. Theory, Practice, and Law* (8th ed.). Belmont Wadsworth/Thomson Learning.

Study Session 9

Police Work with Juvenile

Introduction

The alarming increase in serious juvenile crime in the past few years has made it obvious that the police can no longer neglect youthful antisocial behaviour. Police who work with juvenile offenders usually have skills and talents that go beyond those generally associated with regular police work. We will therefore examine the theory and practice of police organisation with emphasis to the juvenile function in this Study Session.

Learning Outcomes



When you have studied this session, you should be able to:

9.1 *outline* the procedure for arresting juveniles.

9.2 *point out* the case for waiver.

9.3 *distinguish* between arrests of adult and juvenile offenders.

9.1 The Arrest Procedure



This is when a juvenile is apprehended, the police must decide

whether to release the youngster or make a referral to the juvenile court. Cases involving serious crimes against property or persons are often referred to court. Less serious cases, such as disputes between juveniles, petty shoplifting, runaways, and assaults of minors, are often diverted from court action. Arrest is taking a person into the custody of the law to restrain the accused until they can be held accountable for the offence in court proceedings (Szymanski, 1988).

9.1.1 Search and Seizure

This is a situation whereby the U.S. Constitution protects citizens from any search and seizure by police without a lawfully obtained search warrant; such warrants are issued when there is probable cause to believe that an offence has been committed.

A full discussion of search and seizure is beyond the scope of this Study Session, but it is important to note that the U.S. Supreme Court has ruled that police may stop a suspect and search for evidence without a warrant under certain circumstances. A person may be searched after a legal arrest, but then only in the presence of the suspect's control. The following rules govern search and seizure:

- i. After an arrest for possession of drugs, the pockets of a suspect's jacket may be searched;
- ii. An automobile may be searched if there is probable cause to believe a crime has taken place;
- iii. A suspect's outer garments may be frisked if police are suspicious of his or her activities; and
- iv. A search may be conducted if a person volunteers for the search.

However, these rules are usually applied to juveniles as well as to adults.

9.1.2 Custodian Interrogation

These are questions posed by the police to a suspect held in custody in the prejudicial stage of the juvenile justice process. Juveniles have the same rights against self-incrimination as adults do when being questioned. It was held that persons in police custody must be told the following:

- 1) They have the right to remain silent.
- 2) Any statements they make can be used against them.

- 3) They have the right to counsel.
- 4) If they cannot afford counsel, it will be furnished at public expense. (Miranda V. Arizona, 1966).

9.2 Waiver in the Juvenile Justice

Waiver, which is also known as removal, is transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal prosecution.

9.1 Rules of the Waiver in Juvenile Justice:

- 1) The parents or attorneys need not be present for juveniles effectively to waive their rights. That is, the question of a juvenile's waiver is to be determined by the totality of the circumstances doctrine.
- 2) The validity of a waiver rests not only on the age of the youth but also on a combination of other factors, including the education of the accused, the accuser's knowledge of the charge, whether the youth was allowed to consult with family or friends, and the method of interrogation.
- 3) The general rule is that juveniles can waive their rights to protection from self-incrimination, but that the validity of this waiver is determined by the circumstances of each case.

Numerous factors influence the decisions police make about juvenile offenders. They include the seriousness of the offence, the harm inflicted on the victim, and the likelihood that the juvenile will break the law again.

9.3 Differences between Arrests of Adult and Juvenile Offenders

The main differences between arrests of adult and juvenile offenders include the following:

- i. Most juvenile codes provide broad authority for the police to take juveniles into custody.
- ii. Such statutes are designed to give the police the authority to act in *locoparentis* (in place of the parent).
- iii. The broad power granted to the police is consistent with the notion that a juvenile is not arrested but taken into

custody, which implies a protective rather than punitive form of detention (Davis, 1989).

9.4 Community-Based Policing Services

Some police departments are now replacing more aggressive measures with cooperative community-based efforts. Since police officers are responsible for the care of juveniles taken into custody, it is essential that they work closely with social service groups day-by-day. The police is assuming a leadership role in identifying the needs of children in the community and helping the community meet those needs. The police is also working closely with youth service bureaus, schools, recreational facilities, welfare agencies, and employment programmes (Norman, 1971).

9.4.1 Advantages of Using Community Services for Juveniles:

- i. Such services allow younger people to avoid the stigma of being processed by a police agency.
- ii. The services also improve the community's awareness of the needs of young people and make it possible to restrict court referral to cases involving serious crime.

Curfews represent a community-based policing service with the following characteristics:

- i. Curfew laws vary with respect to the locale affected, the time frame, and the sanctions.
- ii. Curfew laws restrict minors to their homes or property between the hours of 11.00p.m and 6.00 a.m.
- iii. Sanctions for curfew violations by youths range from fines to being charged with a misdemeanor violation, and may include participation in diversion programmes or, in some jurisdiction, jail time for parents.

Infact, police officers must be familiar with procedural law because their contact with young people includes the legal aspects of arrest, custodian interrogation, and line-ups.

Study Session Summary



Summary

In this Study Session, we discussed police involvements with criminal activity of juvenile offenders. These include the arrest procedure, search and seizure, custodian interrogation, and community-based policing services. We also examined the differences between arrests of adults and juvenile offenders; as well as rules governing the search and seizure in juvenile justice system. We further described waiver and its rules in the juvenile justice system; and the use of community service such as curfews.

Assessment



Assignment

1. What are the primary goals of Juvenile Intensive Probation Supervision (JIPS)?
2. Briefly explain the following:
 - i. Electronic monitoring
 - ii. Restitution
 - iii. Residential community treatment
 - iv. Non-residential community treatment
3. What are the characteristics of community-based programmes?

Bibliography



Textbooks

- Davis, S.M. (1989). *Rights of Juveniles – The Juvenile Justice System*. New York: Clark-Board men.
- Miranda V. Arizona (1966). 384 U.S. 436, 86 S. Ct. 1602.
- Norman, S. (1972). *The Youth Service Bureau- A key to Delinquency Prevention*. Hackensack, NJ: National Council on Crime and delinquency, pg. 8.
- Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont

Wadsworth/Thomson Learning.

Szymansk, L. (1988). *Summary of Juvenile Code Purpose Clauses*. Pittsburgh: National Centre for Juvenile Justice.

Study Session 10

Correctional Treatment for Juveniles

Introduction

Nearly all juvenile institutions implement some form of treatment programmes, such as counselling, vocational and educational training, recreational programmes, and religious counselling. However, this Study Session will look into some treatment approaches that aim to rehabilitate offenders. These include individual treatment techniques, group treatment techniques, educational, vocational, and recreational programmes and juvenile aftercare.

Learning Outcomes



When you have studied this session, you should be able to:

- 10.1 present at least three treatment approaches for juvenile rehabilitation.

10.1 Individual Treatment Techniques

These include individual counselling, psychotherapy, and behaviour modification.

- a. In individual counselling, counsellors help juveniles understand and solve their current adjustment problems. Individual counselling is one of the most common treatment approaches, and virtually all juvenile institutions use it to some extent. This is not surprising, as psychological problems such as depression are prevalent in juvenile institutions (Sas and Jaffe, 1985-1986). The goal of individual counselling is not to change a youth's personality; rather, it is to help individuals understand and solve their current adjustment problems.
- b. **Psychotherapy:** This is a highly structured counselling in which a skilled therapist helps a juvenile solve conflicts and make a more positive adjustment to society.

- c. **Behaviour Modification:** This is a technique for shaping desired behaviours through a system of rewards and punishments. This type of programme is easily used in an institutional setting that offers privileges as rewards for behaviours such as work, study, or the development of skills. Behaviour modification is effective in controlled settings where a counsellor can manipulate the situation, but once the youth is back in the real world it becomes difficult to use (Klein, 1977; Siegel, Welsh, and Senna, 2003).

10.2 Group Treatment Techniques

Group therapy is the counselling that allows several individuals to together in a group session; individuals can obtain support from other group members as they work through similar problems. Group therapy is more economical than individual therapy because one therapist can counsel more than one individual at a time. Also, the support of the group is often valuable to individuals in the group who have survived similar experiences (Siegel, Welsh, and Senna, 2003).

One disadvantage of group therapy is that it provides little individual attention. Everyone is different, and some group members may need more individualised treatment. Others may be afraid to speak up in the group and thus fail to receive the benefits of the group experience. There is also the concern that by providing therapy in a group format, those who are more chronically involved in delinquency may negatively affect those who are marginally involved in delinquency (Dishion, McCord, and Poulin, 1999).

Today, group counselling often focuses on drug and alcohol issues, self-esteem development, or role-model support. In addition, because greater numbers of violent juveniles are entering the system than in years past, group sessions often deal with appropriate expressions of anger and methods for controlling such behaviour (Siegel, Welsh, and Senna, 2003).

10.3 Educational, Vocational and Recreational Programmes

Educational programmes are an important part of social development and have therapeutic as well as instructional value; they are an essential part of most treatments programmes. Vocational training has long been used as a treatment technique for juveniles. Today, vocational programmes in institutions include auto repair, printing, woodworking, mechanical drawing, food service, cosmetology, secretariat training, and data processing. Recreational activity is also an important way to help relieve adolescent aggressions, as evidenced by the many programmes that focus on recreation as the primary technique.

However, treatment programmes that seem to be most effective for rehabilitating juvenile offenders are those that use a combination of techniques. Programmes that are comprehensive, built on a juvenile's strengths, and adopt a socially grounded position have a much greater chance for success. Successful programmes address issues relating to school, peers, work, and community (O' Sullivan, Nancy, and Murphy, 2001; Siegel, Welsh, and Senna, 2003).

10.4 Juvenile Aftercare

Aftercare in the juvenile justice system is the equivalent of parole in the adult criminal justice system. Aftercare is the transitional assistance to juveniles, equivalent to adult parole, to help youths adjust to community life. When juveniles are released from an institution, they may be placed in an aftercare programme of some kind, so that youths who have been institutionalised are not simply returned to the community. Return to the institution for further rehabilitation depends on their actions during the aftercare period (McCord, Wisdom, and Crowell, 2001).

Study Session Summary



Summary

In this Study Session, we examined the correctional treatment for juveniles. These include: individual treatment techniques, group treatment techniques, educational, vocational and recreational programmes, and juvenile aftercare.

Assessment



Assignment

1. Briefly describe the following:
 - a. The arrest procedure
 - b. Search and seizure
 - c. Custodian interrogation
 - d. Community-based policing services
 - e. Curfews
2. Briefly describe the rules of the waiver in juvenile justice.
3. What are the main differences between arrests of adult and juvenile offenders?

Bibliography



Textbooks

Dishion, T.J., McCord, J., and Poulin, F. (1999). When Interventions Harm: Peer Groups and Problem Behaviour. *American Psychologist* 54: 755-64.

McCord, J., Wisdom, C.S., and Crowell, N.A. (2001). *Juvenile Crime, Juvenile Justice, Panel on Juvenile Crime: Prevention, Treatment, and Control*. Washington, DC: National Academy Press, p. 194.

O' Sullivan, K., Naney, R., and Murphy, T. (2001). *Connecting juvenile offenders to Education and Employment*. Washington, DC: OJJDP Fact Sheet.

Study Session 11

Comprehensive Juvenile Justice Strategy

Introduction

At a time when much attention is focused on serious juvenile offenders, a comprehensive strategy has been called for to deal with all aspects of juvenile crime. In this Study Session, you will examine the strategy that focuses on crime prevention and expanding options for handling juvenile offenders. The components of this strategy include: prevention, in early childhood, intervention for at-risk teenage youths, graduated sanctions to hold juvenile offenders accountable for crimes, proper utilisation of detention and confinement, and placement of serious juvenile offenders in adult courts.

Learning Outcomes



When you have studied this session, you should be able to:

11.1 analyse the components of a comprehensive strategy that deals with all aspects of juvenile crime.

11.1 Components of Comprehensive Juvenile Justice System

11.1.1 Prevention

Research has identified certain factors that may suggest future delinquency. For young children, these include abuse and neglect, domestic violence, educational underachievement, and health problems. *Early childhood services* may prevent delinquency and make a child less vulnerable to future criminality. Government should invest in state-funded early education programmes to reduce juvenile crime, and to

provide health facilities to make certain children healthy before starting school. Home-visiting programmes target families at risk because of child abuse and neglect.

11.1.2 Intervention

Many jurisdictions are developing new intervention programmes for teenage youths. An example is the Big Brother/Big Sister programme, which matches a volunteer adult with a youngster. More and more cities are finding that night curfews can reduce gang violence and vandalism. Curfews, may also contribute to a feeling of safety among residents in high-crime neighbourhoods. Efforts are also being made to deter young people from becoming involved with gangs, because gang members ordinarily have higher rates of serious violent behaviour.

11.1.3 Graduated Sanction

Graduated sanction programmes for juveniles are another solution being explored by government across the country. Types of graduated sanctions include:

- a. immediate sanction for non-violent offenders;
- b. intermediate sanctions such as probation and electronic monitoring, which is reserved for repeat serious offenders and violent offenders (Howell, 1995).

11.1.4 Institutional Programmes

Another key to a comprehensive strategy is improving institutional programmes. Many experts believe juvenile incarceration is overused, particularly for non-violent offenders. That is why the concept of deinstitutionalisation - removing as many youths from secure confinement as possible - was established by the Juvenile Justice and Delinquency Act of 1974. Considerable research reports the fact that warehousing juveniles without proper treatment does little to deter criminal behaviour. The more effective secure corrections programmes are those that provide individual services for small number of participants (Siegel, Welsh, and Senna, 2003).

11.1.5 Alternative Courts

New venues of juvenile justice that provide special services to youth while helping to alleviate the case flow problems that

plague overcrowded juvenile courts are being implemented around the United States. For example, there are more than 40 juvenile *drugcourts*, which have jurisdiction over the burgeoning number of cases involving substance abuse and trafficking. The aim is to place them in a custodian institution.

Study Session Summary



Summary

In this Study Session, we examined five components of strategy on crime prevention and expanding option for handling juvenile offenders. These include: (1) prevention in early childhood; (2) intervention for at-risk teenage youths; (3) graduated sanctions to hold juvenile offenders accountable for crimes; (4) proper utilisation of detention and confinement, and (5) placement of serious juvenile offenders in adult courts.

Assessment



Assessment

1. Briefly describe group treatment in correctional treatment for juveniles.
2. What is psychotherapy? Briefly describe its function to correct the juvenile to adjust to society.
3. Distinguish between aftercare and individual treatment technique.

Bibliography



Textbooks

Howell, J. (1995). *Guide for Implementing the Comprehensive strategy for serious, violent, and chronic juvenile offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

National Conference of State Legislatures (1996). *A Legislator's Guide to Comprehensive Juvenile Justice, Juvenile Detention, and Corrections*. Denver: National Conference of State Legislators.

Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th ed.). Belmont Wadsworth/Thomson Learning.

Study Session 12

Prevention of Delinquency in Teenage Years

Introduction

Like early childhood interventions, delinquency prevention programmes started in the teenage years also play an important role in an overall strategy to reduce juvenile delinquency. This Study Session therefore, examines the five main delinquency prevention approaches targeted at teenagers such as, mentoring, school-based programmes, job training, comprehensive community-based programmes, and after-school programmes.

Learning Outcomes



When you have studied this session, you should be able to:

12.1 *describe* at least, four delinquency prevention approaches.

12.1 Prevention Approaches to Delinquency

The five main delinquency prevention approaches in the teenage years are discussed below:

12.1.1 Mentoring

Mentoring programmes usually involve non-professional volunteers spending time with young people at risk of delinquency, dropping out of school, school failure, and other social problems. Mentors behave in a supportive, non-judgmental manner while acting as role models at-risk teenager (Howell, 1995; McCord, Spatz, and Crowell, 2001).

There are two mentoring programmes for many years in all parts of the United States: (1) Juvenile Mentoring Programme (JUMP), and (2) Quantum Opportunities Programme (QOD).

Juvenile Mentoring Programme (JMP)

This programme has been supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for many years in U.S. The programme relies on responsible and caring adults to volunteer their time as mentors to young people who are exposed to some risk factors, including delinquency, dropping out of school, and problems in school.

Mentors work one-on-one with young people. Although, research has shown that mentoring and other types of delinquency prevention programmes offered in group settings, particularly for high-risk youths, may end up causing more harm than good. By offering these types of programmes in groups, young people who are more chronically involved in delinquency may negatively affect those who are marginally involved in delinquency (Dishion, McCord, and Poulin, 1999; Siegel, Welsh, and Senna, 2003).

Quantum Opportunities Programme (QOP)

One of the most successful mentoring programmes in preventing juvenile delinquency is the Quantum Opportunities Programme (QOP). The main goal of the programme was to improve the life course opportunities of disadvantaged, at-risk youths during the high school years. The programme ran for four years, and was designed around the provision of three quantum opportunities:

- 1) Educational activities (peer tutoring, computer-based instruction).
- 2) Service activities (volunteering with community projects).
- 3) Development activities (curricula focused on life and family skills, and college and career planning).

Incentives in the form of cash and college scholarships were offered to students for work carried out in these three areas. These incentives served to provide short term motivation for school completion and future academic and social achievement. Staff also received cash incentives and bonuses for keeping youths involved in the programme (Haln, 1999; Siegel, Welsh, and Senna, 2003).

12.1.2 School-based Programmes for Teens

There are two main types of these programmes:

1. Positive Action Through Holistic Education (PATHE) and
2. Violence Prevention Curriculum for Adolescents (VPCA).

Project PATHE

This is a comprehensive programme used in secondary schools to reduce school disorder and aims to improve the school by increasing students' bonds to the school, increasing their self-concept, and improving educational and occupational attainments. These improvements will help reduce juvenile delinquency.

PATHE focuses on four elements: Strengthening students' commitment to school, providing successful school experiences, encouraging attachment to the educational community, and increasing participation in school activities. By increasing students' sense of belonging and usefulness, the project seeks to promote a positive school experience (Gottfredson, 2001).

Violence Protection Curriculum for Adolescents

High school students in a number of locations across the country in U.S. received this programme through health education classes. The curriculum was designed to do five main things in the following order:

- a. Provide statistical information on adolescent violence and homicide.
- b. Present anger as a normal, potentially constructive emotion.
- c. Create a need in the students for alternatives to fighting by discussing the potential gains and losses from fighting.
- d. Have students analyse the precursors to a fight and practice avoiding fights using role-play and video-tape.
- e. Create a classroom ethos that is non-violent and that values violence prevention behaviour (Larson, 1994).

The curriculum was administered in 10 sessions. The sessions were very interactive between the teacher and the students,

relying on many different techniques, including brainstorming and role-playing. Like many school-based delinquency prevention programmes, the violence prevention curriculum was concerned with reducing delinquency, specifically fighting, in schools and in the larger community. An evaluation of the programme in four major urban areas showed that fighting had been significantly reduced among the young people who attended the sessions compared to a control group that did not receive the curriculum (Larson, 1994; Siegel, Welsh, and Senna, 2003).

12.1.3 After-School Programmes

Three out of four mothers with school-age children are employed, and two-thirds of them work full time, because of this, there is a growing need for after-school programmes. Today, after-school options include childcare centres, tutoring programmes at school, dance groups, basket ball leagues, and drop-in-clubs. Research shows that young children (ages 5-9) and those in the low-income neighbourhood gain the most from after-school programmes, showing improvement in work habits, behaviour with peers and adults, and performance in school. Young teens who attend after-school activities achieve higher grades in school and engage in less risky behaviour (Executive summary, 1999; Siegel, Welsh, and Senna, 2003).

One of the most successful after-school programmes in preventing delinquency (and substance abuse) is provided by Boys and Girls Clubs in America, which was founded in 1902. Boys and Girls Clubs (BGC) provide programmes in six main areas:

- i. Cultural enrichment
- ii. Health and physical education
- iii. Social recreation
- iv. Personal and educational development
- v. Citizenship and leadership development
- vi. Environmental education

The usual services of BGCs, which include reading classes, sports, and homework assistance, were offered, as well as a programme to prevent substance abuse, known as SMART moves (Self Management and Resistance Training). This

programme targets the specific pressures that young people face to try drugs and alcohol. It also provides education to parents and the community at large to assist young people in learning about the dangers of substance abuse and strategies for resisting the pressures to use drugs and alcohol (Schinke, Orlandi, and Cole, 1992).

Overall, after-school recreation represents a promising approach to preventing juvenile delinquency. It works because it engages young people in productive, fun, and rewarding activities. For some young people, this is enough to keep them occupied and out of trouble. These programmes are also successful in reducing delinquency because they instill in young people important messages about the downsides of drug use and gang membership.

12.1.4 Job Training

Having a job means having money to pay for necessities as well as to spend on leisure activities. Job training programmes improve the chances of obtaining jobs in the legal economy and thereby may reduce delinquency. The developmental stage of transition to work is difficult for many young people. Coming from a disadvantaged background, having poor results in school or perhaps dropping out of school, and having some involvement in delinquency can all pose difficulties in a steady, well-pay job in early adulthood (McCord, Spatz, and Crowell, 1999). Programmes like the two described below are concerned not only with providing young people employable skills, but also with helping them overcome some of these immediate problems.

The two job training programmes include:

- i. Job Corps, and
- ii. YouthBuild U.S.A., all are in the United States.

Job Corps

This is the best known and largest job training in the United States, which was established in 1964 as the training programme for disadvantaged, unemployed youths. This programme was established to reduce dependence on social assistance and a reduction in delinquency which would occur as a result of empowering at-risk youth to achieve stable, long-term employment opportunities (Schochet, Burghardt, and Glazerman, 2000).

Job Corps' main goal is to improve the employability of participants by offering a comprehensive set of services that largely includes vocational skills training, basic education (the ability to obtain graduate equivalent agrees), and health care. Job Corps is provided to young people between the ages of 16 and 24 years. Most of the young people enrolled in the programme are at high risk of substance abuse, delinquency, and social assistance dependency.

YouthBuild U.S.A

Another job training programme for disadvantaged, unemployed youths is YouthBuild U.S.A started in 1978 by a group of young people in New York City. The focus of the programme is on building or renovating affordable housing, and through this young people learn skills in carpentry and construction. YouthBuild also provides educational services – for example, to achieve a high school certificate or prepare for more higher education – and promotes the development of leadership skills (Hernandez, 2001).

12.1.5 Comprehensive Community-Based Programmes

Experimentation with comprehensive community-based delinquency prevention programmes began as early as the 1930s, with Shaw and Mckay's Chicago Area Project. The Mobilisation for Youth programme of the 1960s is another example of this type of initiative to prevent juvenile delinquency. Neither of these programmes was found to be overly successful in reducing delinquency, but few of these types of programmes have been evaluated.

One contemporary example of a comprehensive community-based delinquency prevention programme that has been evaluated is the Children At Risk (CAR) programme. CAR was set up to help improve the lives of young people at high risk for delinquency, gang involvement, substance abuse, and other problem behaviours. It was delivered to a large number of young people in the poor and high-crime neighbourhoods of five cities across the country in U.S. It involved a wide range of preventive measures, including case management and family counselling, family skills training, tutoring, mentoring, after-school activities, and community policing. A study of all five cities showed that one year after the programme ended

the young people who received the programme, compared to a control group, were less likely to have committed violent delinquent acts and to have used or sold drugs. Other beneficial results for those in programme included less association with delinquent peers, less peer pressure to engage in delinquency, and more positive peer support (Harrell, Cavanagh, and Sridharan, 1999; Siegel, Welsh, and Senna, 2003).

Study Session Summary



Summary

In this Study Session, we explored the five main delinquency prevention approaches targeted at teenagers such as mentoring, school-based programmes, job training; comprehensive community-based programmes, and after-school programmes.

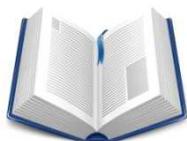
Assessment



Assignment

1. Briefly described intervention programme which deals with all aspects of juvenile crime.
2. Write short notes on the following:
 - i. Aftercare in the juvenile justice system
 - ii. Alternative courts for juvenile justice
 - iii. Graduated sanction programmes for juveniles
 - iv. Prevention in early childhood.
3. What are the characteristics of community-based programmes in juvenile corrections?

Bibliography



Textbooks

Dishion, T.J., McCord, J., and Poulin, F. (1999). When Interventions Harm: Peer Groups and Problem Behaviour. *American Psychologist* 54: 755-764.

Executive Summary (1999). “*When School Is Out*”, *The Future of Children* 9: Los Altos, CA: The David and Lucile

Packard Foundation.

Gottfredson, D.C. (2001). *Schools and Delinquency*. New York: Cambridge University Press.

Hahn, A. (1999). Extending the Time of Learning, in Douglas J, Besharov (ed.), *America's Disconnected Youth: Toward a Preventive Strategy*. Washington, DC: Child Welfare League of America Press.

Hernandez, R. (2001). *YouthBuild U.S.A.* Washington, DC: OJJDP Youth in Action Fact Sheet.

McCord, J, Wisdom, C.S., and Crowell, N.A. (2001). *Juvenile Crime Juvenile Justice*. Washington, DC: National Assembly Press. Pg. 147.

Schochet, P.Z., Burghardt, J., and Glazerman, S. (2000). *National Job Corps on Participants' Employment and Related Outcomes: Executive Summary* (Princeton, NJ: Mathematics Policy Research)

References

- 109 S. Ct. 2969 (1989). For a recent analysis of the Wilkins and Stanford cases, in *Stanford V. Kentucky and Wilkins V. Missouri: Juveniles, Capital Crime, and Death Penalty. Criminal Justice Journal* 11: 240-266.
- Alsculer, A.W. (1988). *The Prosecutor's Role in Plea Bargaining*. *University of Chicago Law Review* 36: 50-112.
- American Correctional Association (1991). *Standards for Juvenile Detention Facilities* (Laurel, MD: ACA).
- Bandura, A. and Walters, (1963). *Social learning and Personality Development*. New York: Holt, Reinehart and Winston.
- Bandura, A., and Menlove, F. (1965). Factors Determining Vicarious Extinction of Avoidance behaviour through symbolic modeling. *Journal of Personality and Social Development* 8: 99-108.
- Bentham, J. (1967). *A fragment on government and an introduction to the principles of morals and legislation*, ed. Wilfred Harrison. Oxford: Basic Blackwell.
- Bowman, J.A. (1965). Appeals from Juvenile Courts. *Crime and Delinquency Journal* 11: 63-77.
- Bureau of Justice and Statistics (1997d). *Privacy and Juvenile Justice Records: A Mid-Decade Status Report*. Washington, D.C.: U.S. Department of Justice.
- Butt, J.A. (2000). *Can We Do Without Juvenile Justice?* Washington, DC; Urban Institute.
- Carlson, B. (1986). Children's beliefs about punishment. *American Journal of Orthopsychiatry* 56: 308-312.
- Charles, M.P. et al. (2001). *Juvenile Court Statistics 1998*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Conley, D. and Bennett, N. (2000). Is Biology Destiny? Birth Weight and Life Chances. *American Sociological Review* 65: 458-467.

- Cothem, L. (2000). *Juveniles and the Death Penalty*. Washington, DC; Office of Juvenile Justice and Delinquency Prevention.
- Datesman, S. and Aickin, M. (1985). Offence specialization and Escalation among status offenders. *Journal Criminal Law and Criminology* 75: 1246-1275.
- Davis V. Alaska, 415 U.S. 308 (1974); 94 S. Ct. 1105.
- Dishion, T.J., McCord, J., and Poulin, F. (1999). When Interventions Harm: Peer Groups and Problem Behaviour. *American Psychologist* 54: 755-764.
- Dunlap, E. and Roush, D. (1995). Juvenile Detention as Process and place. *Juvenile and Family Court Journal* 50: 11-21.
- Ewing, D. (1978). Juvenile Plea Bargaining: A case study. *American Journal of Criminal Law* 6: 167.
- Executive Summary (1999). "When School Is Out", *The Future of Children* 9: Los Altos, CA: The David and Lucile Packard Foundation.
- Fox, S. (1984). *Juvenile Courts in a Nutshell*. St. Paul, MN: West, Pg. 221.
- Fox, S. (1985). *Juvenile Courts in a Nutshell*. St. Paul, MN: West, p. 154-156.
- Fox, S. (1996). "The Early History of the Court" from the Future of children. Los Altos, CA: David and Lucille Packard Foundation.
- Freud, S. (1963). *An Outline of Psychoanalysis*, trans. James Strachey. New York: Norton.
- Goldstein, J., Freud, A., and Solnit, A. (1973). *Beyond the Best Interests of the Child*. New York: Free Press.
- Gordon, L. (1988). *Family Violence and Social Control*. New York Viking.
- Gottfredson, D.C. (2001). *Schools and Delinquency*. New York: Cambridge University Press.
- Grissom, G. (1991). Dispositional Authority and the Future of the Juvenile Justice System. *Juvenile and Family Court Journal* 42: 25-34.

- Hahn, A. (1999). Extending the Time of Learning, in Douglas J, Besharov (ed.), *America's Disconnected Youth: Toward a Preventive Strategy*. Washington, DC: Child Welfare League of America Press.
- Harms, P. (2002). *Robbery Cases in Juvenile Court, 1989-1998*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Harrell, A.V., Cavanagh, S.E., and Sridharan, S. (1999). *Evaluation of the Children at Risk Programme: Results 1 Year after the End of the Programme*. Washington, DC: NIJ Research in Brief.
- Hernandez, R. (2001). *YouthBuild U.S.A.* Washington, DC: OJJDP Youth in Action Fact Sheet.
- Howell, J.C. (1995). *Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Hughes, T. (1997). Opening the Doors to Juvenile Court records. Pittsburgh: Is There an Emerging Right of Public Access. *Communications and the Law*, 19: 1-50.
- Hutzler, J.L. (1982). *Juvenile Court Jurisdiction over children's conduct: 1982 Comparative Analysis of Juvenile and Family Codes and National Standards*. Pittsburgh: National Centre for Juvenile Justice. p. 2.
- Klien, H.A. (1977). Toward more Effective behaviour Programmes for Juvenile Offenders. *Federal Probation* 41:45-50.
- Knupfer, A.M. (2001). *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court*. London: Routledge.
- Kobrin, S. and Klein, M. (1982). *National Evaluation of the Deinstitutionalization of status offender programmes – Executive Summary* (Los Angeles: Social Science Research Institute, University of Southern California).
- Krisberg, B., Currie, E., and Onek, D. (1995). New Approaches in Corrections. *American Bar Association Journal of Criminal Justice* 10:51.

- Larson, J. (1994). Violence Prevention in the Schools: A Review of Selected Programmes and Procedures. *School Psychology Review* 23: 151-164.
- Lawrence, R. (1991). Reexamining Community Corrections Models. *Crime and Delinquency* 37:449-464.
- Lee, L. (1995). Factors Influencing Intake Disposition in a Juvenile Court. *Juvenile and Family Court Journal* 46: 43-62.
- Lizotte, A., Thornberry, T., Krohn, M., Chard-Werschem, D., and McDowall, D. (1993). Neighbourhood Context and Delinquency. A Longitudinal Analysis, in H.J. Kenver and E. Weitekamp (eds.), *Cross-National Longitudinal Research on Human Development and Criminal Behaviour*. Dordrecht, The Netherlands: Kluwer Academic Publishers. Pg. 11-15.
- Lynch, J. (2002). Crime in international perspective, in J.Q. Wilson and J. Petersilia (eds.) *Crime: Public Policies for Crime Control*. Oakland, CA: Institute for contemporary studies.
- McCord, J, Wisdom, C.S., and Crowell, N.A. (2001). *Juvenile Crime Juvenile Justice*. Washington, DC: National Assembly Press. Pg. 147.
- McDowall, D. and Loftin, C. (2000). The Impact of Youth Curfew laws and Juvenile Crime Rates. *Crime and Delinquency* 46:76-92.
- Mennel, R.M. (1972). Origins of the Juvenile Court: Changing Perspectives on the Legal Rights of Juvenile Delinquents. *Crime and Delinquency* 18: 68-78.
- Mennel, R.M. (1983). Attitudes and Policies toward Juvenile Delinquency. *Crime and Justice*, vol. 5, Chicago: University of Chicago Press. Pg. 198.
- Moffitt, T. (1993). Adolescence-Limited and Life-course persistent Antisocial Behaviour: A Developmental Taxonomy. *Psychology Review* 100: 674-701.
- Morrissey V. Brewer, 408 U.S. 471, 92 S. Ct. 2593, 33 L.Ed.484 (1972).
- Morse, S.J. (1997). Immaturity and Irresponsibility. *Journal of Criminal Law and Criminology* 88: 15-17.

National Council on Crime and Delinquency (1972). *Juvenile Curfews - A Policy Statement*. *Crime and Delinquency* 18: 132-133.

National Criminal Justice Association (1997). *Juvenile Justice Reform Initiatives in the States, 1994-1995*. Washington, DC: U.S. Department of Justice.

New York State Law (1932). *New York State law* ch. 412, Laws of 1929. Ch. 538, Laws of 1932.

O' Sullivan, K., Naney, R., and Murphy, T. (2001). *Connecting juvenile offenders to Education and Employment*. Washington, DC: OJJDP Fact Sheet.

Perry, D., Perry, L., and Rasmussen, P. (1986). Cognitive Social Learning Mediators of Aggression. *Child Development* 57: 700-711.

Pickett, R.S. (1969). *House of Refuge – Origins of Juvenile Reform in New York State, 1815-1857*: Syracuse, NY: Syracuse University Press.

Platt, A.M. (1969). *The child savers: The Intervention of delinquency*. Chicago: University of Chicago Press.

Pleck, E. (1987). Criminal Approaches to Family Violence, 1640-1980, in Lloyd Ohlin and Michael Tonry (eds), *Family Violence*. Chicago: University of Chicago Press. Pg. 19-30.

Powell, R.T. (1983). Disposition Concepts. *Juvenile and Family Court Journal* 37: 7-18.

Sanborn Jr., J.B. (1993). The Right to a Public Jury Trial – A Need for Today's Juvenile Court. *Judicature* 76: 230-238.

Sas, L., and Jaffe, P. (1985)-1986). Understanding Depression in Juvenile Delinquency: Implication for Institutional Admission Policies and Treatment Programmes. *Juvenile and Family Court Journal* 34: 49-58.

Schinle, S.P., Orlandi, M.A., and Cole, K.C. (1992). Boys and Girls Clubs in Public Housing Developments: Prevention Services for Youth at Risk. *Journal of Community Psychology; Office of Substance Abuse Prevention Special Issues*: 118-128.

Schneider, A. and Warner, J. (1989). *National Trends in Juvenile Restitution Programming*. Washington, DC. U.S. Government Printing Office.

- Schochet, P.Z., Burghardt, J., and Glazerman, S. (2000). *National Job Corps on Participants' Employment and Related Outcomes: Executive Summary* (Princeton, NJ: Mathematics Policy Research).
- Schwartz, I. (1992). *Juvenile Justice and Public Policy*. New York: Lexington Books, p. 217.
- Schwartz, I.M. (1989). *Justice for Juveniles: Rethinking the Best Interests of the child*. Lexington, MA: D.C. Health.
- Shantz, D. (1986). Conflict, Aggression, and Peer Status: An observational Study. *Child Development* 57:1322-1332.
- Shepard, R. (1997). *Juvenile Justice Standards Annotated: A Balance Approach*. Chicago: ABA.
- Siegel, I.J., Welsh, B.C. and Senna, T.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8thed.). Belmont: Wadsworth/Thomson Learning.
- Siegel, L.J., Welsh, B.C., and Senna, J.J. (2003). *Juvenile Delinquency: Theory, Practice, and Law* (8th red.). Belmont: Wadsworth/Thomson Learning.
- Singer, S. and McDowall, D. (1988). Criminalizing Delinquency: The Deterrent Effects of NYJO Law. *Law and Society Review* 22: Section 21-32.
- Smith V. Daily Mail Publishing Co., 443 U.S., 97, 99 S. Ct. 2667, 61 L. Ed. 2s 399 (1979).
- Smith, B. (1989). Female Admission and Paroles of the Western House of Refuge in the 1880s, An Historical example of community correction. *Journal of Research in Crime and Delinquency* 26: 36-66.
- Soler, M. et al. (1989). *Representing the Child Client*. New York: Matthew Bender, Sec. 5.03b.
- Streib, V. (1990). Excluding Juveniles from New York's Impendent Death Penalty. *Albany Law Review* 54: 625-679.
- Streib, V. (2000). *The Juvenile Death Penalty Today: Death Sentences and Executions for Juvenile Crimes*. Ada, OH: Ohio Northern University Claude W. Rettit College of Law.
- Sutton, J.R. (1988). *Stubborn Children: Controlling Delinquency in the United States*. Berkeley: University of California Press. 1640-1981.

Szymanski, L. (1989). *Confidentiality of Juveniles Court Records*. Pittsburgh: National Centre for Juvenile Justice.

Torbet, P.M. (1996). *Juvenile Probation: The Workhorse of the Juvenile Justice System*. Washington, DC: Office of Juvenile Justice and delinquency Prevention

Tremblay, P. and Morselli, C. (2000). Patterns in Criminal Achievement: Wilson and Abrahamsen Revisited. *Criminology* 38: 633-660.

U.S. Department of Justice, Juvenile Justice and Delinquency Prevention (1976). *Two Hundred Years of American Criminal Justice: An LEAA Bicentennial study*. Washington, DC: LEAA.

Van den Haag, E. (1982). The Criminal Law as a Threat System. *Journal of Criminal Law and Criminology* 73: 709-785.

Walsh, A. and Ellis, L. (1997). Showing up the Big Three: Improving Criminological Theories with Biosocial Concepts. Papers presented at an annual Society of Criminology Meeting. San Diego. Pg. 15.

Washington Juvenile Justice Reform Act (1977). Chap. 291; Wash. Rev. Code Ann. Title 9A, Sec. 1-91.

Wiebush, R.G. (1993). Juvenile Intensive Supervision: The Impact on Felony Offenders Diverted from Institutional Placement. *Crime and Delinquency* 39: 68-89.

Wilson, J.P. (1975). *Thinking about Crime*. New York: Basic Books.

Wolfgang, M., Figlio, R., and Sellin, T. (1972). *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press.

Wordes, M. and Jones, S. (1998). Trends in Juvenile Detention and steps Toward Reform. *Crime and Delinquency* 44: 544-560.