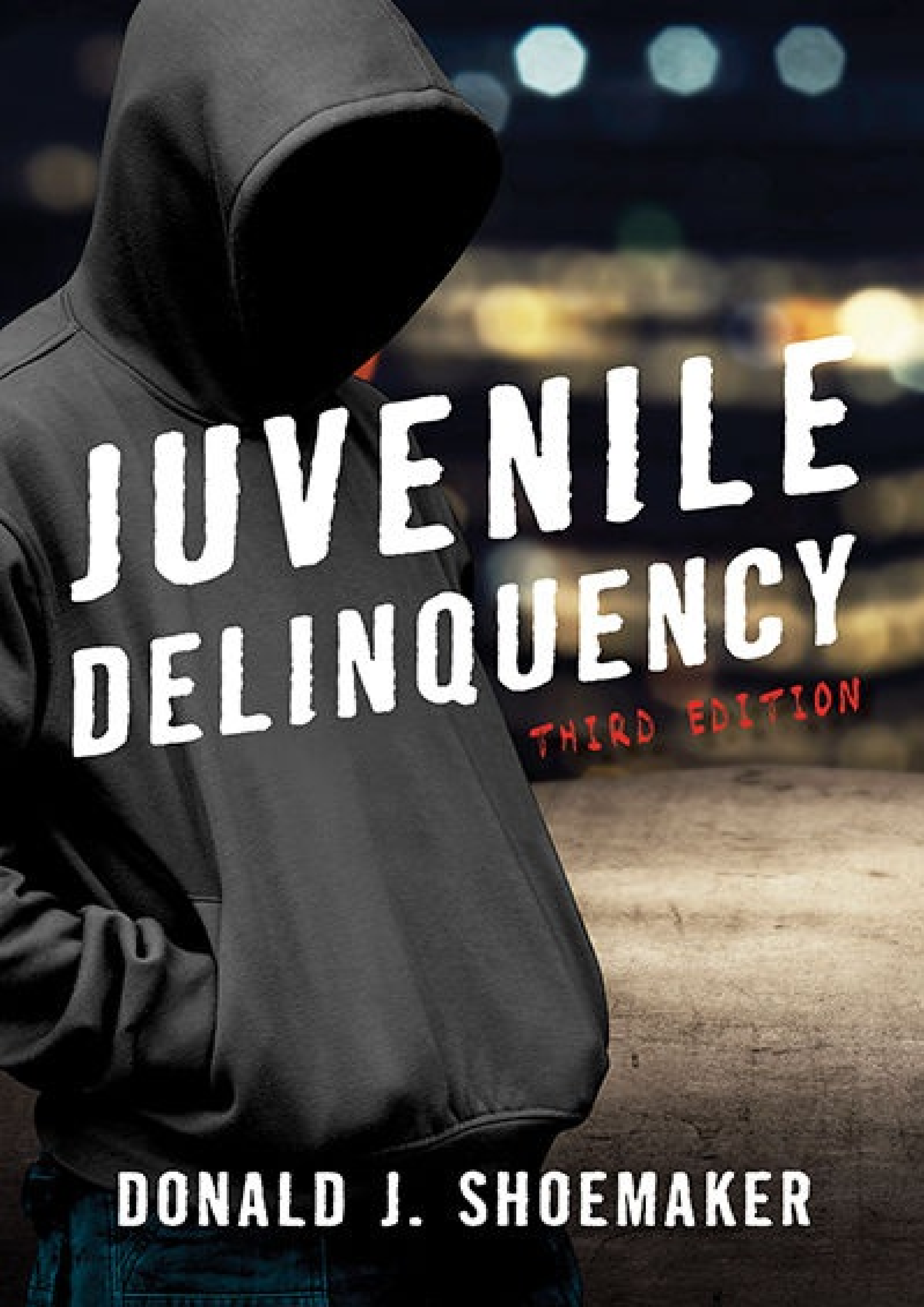
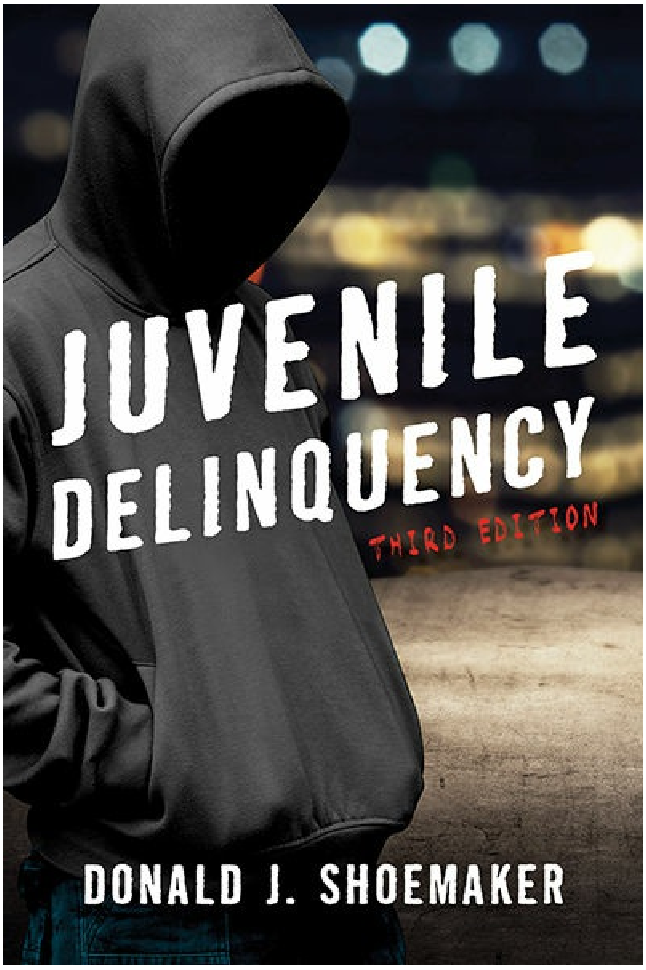


JUVENILE DELINQUENCY

THIRD EDITION

DONALD J. SHOEMAKER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Juvenile Delinquency

Third Edition

Donald J. Shoemaker

Virginia Tech

ROWMAN & LITTLEFIELD

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Dedication

To my wife, Beth, for her continued love, support, and encouragement.

Brief Contents

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Preface

After teaching the course "Juvenile Delinquency," conducting research, and publishing other books and articles on the subject for over thirty years, I decided to write a textbook, based largely on my teaching and research experience. I soon found that writing a text on a subject is far more involved than teaching a course or conducting research or publishing material covering various sections or facets of the subject. Thus, the first edition of this book took several years to complete and required becoming familiar with more topics than I had studied before. I learned that lecturing on a topic does not require the same attention to detail and research that writing about it in a textbook requires. As a result of the extensive time spent in researching and digesting the material for all of the topics covered in the book, I have come to appreciate the extent and depth of knowledge that is available for students of juvenile delinquency and juvenile justice. In addition to the book, I supervised the development of ancillary material, including a test bank, questions for consideration at the end of each chapter, and a detailed chapter-by-chapter summary and study guide.

New to the Third Edition

In the years since the first edition of the book was published, I have been privileged to use the text in the classes that I teach on juvenile delinquency and juvenile justice. Feedback from students and colleagues over the first few years of using the book helped shape the second edition and now the third.

New features of this third edition of the book include detailed updating of statistical material, reflecting the latest releases of data and/or analyses on data. In addition, this edition incorporates new research on theoretical topics of delinquency, including biological explanations, labeling theory, and social development models, and updated discussions of all the chapters of the book, except the chapter on the history of juvenile justice. There has also been more careful editing of figures, with the intent of limiting the presentation of figures and specific statistical data. Of particular note are updated discussions of the national youth gang survey, G.R.E.A.T., MS-13, research on exiting gangs, and recent attempts to control gang violence. There are also detailed discussions of juvenile justice issues, in chapters 13–15. As with the first two editions of the book, special and continued attention is given to the social parameters of the topics being addressed, especially race/ethnic and gender patterns of statistical data, with special attention given to the processing of youth through the juvenile justice system. There are also updated discussions of the theoretical connections of particular topics, such as female patterns of delinquency, youth gangs, and treatment and prevention programs. The instructor's manual and test bank have also been updated.

As with the first two editions of the book, special care is given to the cost of the book to students. Over many years of teaching the course on juvenile delinquency, I have developed greater appreciation and awareness of the cost of assigned texts, and the potential impact textbook costs can have on student appreciation for the subject matter. Before I wrote the first edition of this book, I began to reject texts which seemed to offer a lot of colorful inserts with less attention to serious discussions of content, especially sociological content, but which came with a more expensive price tag. One of the more important considerations in the publication of this text has been its price. We have intentionally omitted colorful glossy inserts and minimized the use of figures with the aim of producing an engaging and effective textbook that is also competitively priced and affordable in each edition.

Resources for Teaching and Learning

This book is accompanied by a learning package designed to enhance the experience of both instructors and students.

Instructor's Manual. For each chapter in the text, this valuable resource provides a chapter outline, a brief chapter summary, two teaching suggestions to encourage student discussion, and two student activities to further students' knowledge beyond the text. The instructor's manual is available to adopters for download on this textbook's catalog page at https://rowman.com or by emailing textbooks@rowman.com.

Test Bank. The test bank includes for each chapter ten multiple-choice questions, ten true/false questions, a short-answer question, and an essay question. The test bank is available to adopters for download on this textbook's catalog page at https://rowman.com or by emailing textbooks@rowman.com.

Respondus 4.0. The test bank is available in Word, PDF, or Respondus 4.0, a powerful tool for creating and managing exams that can be printed to paper or published directly to the most popular learning-management systems (LMS). Exams can be created offline or moved from one LMS to another. Respondus LE is available for free and can be used to automate the process of creating print tests. Respondus 3.5, available for purchase or via a school site license, prepares tests to be uploaded to an LMS. Go to http://www .respondus.com/products/testbank/search.php to submit your request.

Acknowledgments

All books require attention to detail, commitment, and a lot of support and encouragement from family, friends, and colleagues. I would like to thank many people for their support and assistance in the preparation of the third edition of this book. Of course, over the many times I have taught the subject of delinquency and discussed its topics, I have received invaluable comments and suggestions from students and colleagues that eventually made their way into the contents of the book in one way or another. I want to again express my gratitude to the late Alan McClare, who was instrumental in developing and supporting the first edition of this book. In addition, I would like to once again thank Danielle McDonald, who wrote the material for the chapter on female delinquency for the first edition of the book and who continued to contribute to the revision of that chapter for the third edition. I would also like to recognize Rowman & Littlefield editors Sarah Stanton, for her encouragement and support in the preparation of this third edition of the book, and Carli Hansen, for her valued assistance during the production phases of the book. Also, I would like to thank several other research assistants, Jason Callahan, Hannah Wyers, and Joy Thompson for their contributions to the collection and display of many components of the book. In addition, I want to give a special thanks to Tish Glosh for her many efforts and assistance with MS Word configurations of tables and figures.

About the Author

Donald J. Shoemaker is professor of sociology at Virginia Polytechnic Institute and State University. He received his PhD in sociology from the University of Georgia in 1970. His research interests include national and international topics, particularly on the subjects of juvenile delinquency and juvenile justice. Most of his international work has been conducted in the Philippines. Recent publications include the sixth edition of Theories of Delinquency: An Examination of Explanations of Delinquent Behavior and Juvenile Justice: A Reference Handbook, second edition, with Timothy W. Wolfe.

CHAPTER 1

Introduction

Every day we read or hear of crimes committed by juveniles. From all of the press we see and hear concerning juvenile crime, one might wonder if all of our nation's youth are into crime—whether or not they have been arrested. We read about school shootings and crimes committed by youths who are then tried in adult courts. In fact, it is not appropriate to think our youth are going to pot, so to speak. While it is true that many young people are using and/or selling drugs and committing serious crimes, most are basically law-abiding kids who are sometimes enticed into committing law violations but who will mature out of illegalities before or soon after they reach the age of eighteen.

However, there are cases of juveniles committing serious crimes. In many of these situations, the case is waived, or transferred, to the adult criminal-justice system. One of the more recent and celebrated cases of a juvenile committing "adult" crimes is that of Lee Boyd Malvo, who was convicted of first-degree murder in a Virginia court in December 2003 and sentenced to life in prison without parole in March 2004 (Roanoke Times 2004). Malvo was seventeen years old when he committed the crimes for which he was convicted. The crimes included murder and attempted murder and were committed in several states, as well as in Washington, DC. In situations such as this—that is, when crimes are committed in more than one state and/or in federal areas—the decision of who will prosecute often rests with where the defendant was caught. In the case of Malvo, the arrest was made in Maryland, but the federal authorities had the priority of prosecution because some of the crimes occurred in federal areas. Ultimately, the authorities in the other jurisdictions allowed Virginia prosecutors to prosecute Malvo and his accomplice, John Allen Muhammed, an adult who was convicted and ultimately executed for his roles in the crimes. One reason this decision was made was because at that time Virginia allowed the death penalty for juveniles (sixteen to seventeen years of age), while other jurisdictions, such as Maryland and the federal government, did not.

The case of Lee Boyd Malvo is only one of many situations in which young people are charged with serious crimes and subsequently transferred to the adult criminal-justice system. For example, in September 2012, two thirteen-year-old Wisconsin boys were accused of killing Barbara Olson, the great-grandmother of one of the boys, with a hammer and a hatchet, allegedly to steal money for pizza. Their case was transferred to the adult courts for prosecution on a charge of first-degree murder, or intentional homicide, in Wisconsin (Pabst 2012). In June 2015, a fifteen-year-old boy and his sixteen-year-old girlfriend were caught fleeing from Ohio to Florida, where they were supposedly going to commit suicide. During the encounter with the police, the boy shot at a trooper, who then shot and killed the boy. The boy's girlfriend was captured and charged with the attempted murder of the state trooper and second degree murder of her boyfriend (Shoemaker and Wolfe 2016, 5).

However, most juvenile offender cases are processed within the juvenile justice system. The juvenile justice system is thought to have begun in the United States, when the first juvenile delinquency law was established in Chicago in 1899. In the next chapter, we will see that there were many developments concerning the handling of youthful offenders before the passage of the Illinois delinquency law. Nonetheless, the formal system of court procedures we now see for youthful offenders was created at that time.

Before the laws concerning delinquency were passed, societies tended to deal with youthful offenders as if they were adults. Wiley Sanders (1970) provides considerable evidence that youngsters were very much involved in criminal activity even though there were no delinquency laws specifically designed to handle the crimes of young people. Sometimes preteen children were sentenced to death for their criminal behavior. In one case, for example, a nine-year-old girl was sentenced to death by a jury in eighteenth-century London for stealing (Sanders (1970, 34). Today, juvenile offenders tried in adult courts in the United States cannot be subjected to the death penalty or mandatory life imprisonment without parole, no matter what offense they have committed. The US Supreme Court has handed down several decisions in the 2000s that have restricted the penalties states can administer to juveniles convicted of crimes in criminal court. In 2005, in the case of Roper v. Simmons, the court abolished the death penalty for any juvenile convicted of a crime when he or she was under the age of eighteen. In 2010, in the case of Graham v. Florida, the court ruled that no one can be sentenced to life without parole for any crime, except homicide, committed while under the age of eighteen (Mallett 2011). Then, in June 2012, in the cases of Miller v. Alabama and Jackson v. Hobbs, the court extended the Graham ruling to include a juvenile convicted of any crime, including homicide (Hemmens, Steiner, and Mueller 2013, 128–31). In January 2016, the court ruled that juveniles sentenced to mandatory life in prison without parole for murder must be given a hearing to determine their eligibility for such a sentence (Barnes 2016). These penalty restrictions are discussed in chapter 13, along with other concepts and topics related to the juvenile justice system.

The development of laws and courts to handle juvenile offenders and those who have violated rules and procedures occurred over hundreds of years. Many of these developments took place as a result of social changes, such as industrialization and urbanization. Others were the result of technological changes that developed over hundreds of years. Neil Postman (1982), for example, contends that the concept of "childhood" in Western society began to emerge after the development of the printing press in the fifteenth century. The historical development of the contemporary juvenile justice system is discussed in the next chapter.

Definition of Juvenile Delinquency

From the preceding discussion, it might seem as if juvenile delinquency included only serious criminal activity. While delinquency does include crimes, it also includes a variety of other behaviors that are not criminal. Examples of such offenses include running away from home, truancy from school, and disobeying the lawful commands of parents or legal guardians. These acts are often referred to as status offenses, which refers to the condition of the person's age at the time the offense was committed (Teitelbaum 2002). Usually the maximum age for juvenile court jurisdiction is eighteen, but, as we shall see later in this book, some states have lowered the age limit. This upper age limit is usually referred to as the age of majority—the age at which a person is considered an adult, at least in terms of voting privileges and civil status in society. Accordingly, anyone under the age of majority technically can be charged with a status offense because of the legal status of childhood. The term childhood is used here because young people under the age of majority, whatever that age may be in a given state, are legally considered minors, or children. Thus, childhood is not meant in any demeaning or pejorative sense, but rather it is used as a legal term, one commonly found within the records of the juvenile justice system.

Actually, the legal meaning of "child" or "childhood" is not consistent with developmental views of growth and maturity, biologically, psychologically, or socially. Policy makers and lawmakers seem to consider a bifurcated system of development—either child or adult—with shades of development often lost in legal parlance (Scott 2002). For example, the legal definition of adulthood usually starts at age eighteen, but why was this age selected as opposed to, say, age sixteen (which is the maximum age of juvenile court jurisdiction in some states, such as Georgia)? In addition, selecting any particular age for the definition of adulthood presumes that all juveniles mature at the same rate, which few, if any, would accept (Mears et al. 2014). Yet that is what is assumed by selecting an age limit for childhood or adulthood and organizing laws and policies around that age limit.

The upper age limit of delinquency jurisdiction is not an idle, academic exercise. The age limit has specific implications for the venue of jurisdiction. All states contain provisions in their delinquency laws for the transfer, or waiver, of juveniles from juvenile court jurisdiction to adult court jurisdiction. Usually, transfers or waivers of cases to the adult criminal-justice system are petitioned to the juvenile court judge presiding over the case, but in many states, recent changes in the laws have allowed prosecutors to make this decision, and in some cases, there are laws known as presumptive laws, which means that cases meeting certain conditions are automatically assigned to the adult court.

Typically, two conditions must be met before a case can be waived from juvenile court to adult court jurisdiction: the age of the offender at the time the alleged offense was committed and the nature of the offense. Most states define the "age of transfer" as well below the age of majority. For example, in Virginia, the age at which a case may be waived is fourteen. Some states do not specify a lower age limit. In these situations, it is presumed the age of transfer must be at least seven, to conform to common-law tradition. In the past few years, the national trend has been toward a decrease in the age of transfer, which is reflective of a "get tough" attitude on juvenile offenders that has been evident in many states since the 1980s.

In addition to the age of the offender, the type of offense is also a consideration in the decision to waive a case from juvenile to adult court. In general, the offense must be a serious felony, such as murder or forcible rape, although the crime does not necessarily have to be a capital offense—that is, one that may be punished by the death penalty. Despite the "get tough" orientation that seems to have fueled interest in waivers, the number of transfer cases across the nation peaked in 1994. The conditions and specifications concerning waiver are discussed again in chapter 13, where the contemporary American juvenile justice system is described in more detail.

Besides upper-age definitions and parameters, the definition of delinquency is framed by lower-age parameters. According to common-law tradition, which most states follow, a person under the age of seven cannot be charged with a crime. However, the juvenile justice system is able to handle cases of very young children accused of criminal activities because it is not bound by the strict guidelines of the adult system. Thus, if a child under the age of seven were charged with aggravated assault, the likely response would be assignment to the juvenile system, where he or she might be put into some kind of treatment program, along with increased supervision at home, or perhaps removal from the home altogether.

When all of these conditions and parameters are considered, the definition of delinquency involves the following: (1) any offense that is considered a crime in the legal codes of a community or state and that is committed by a juvenile under the age of majority (usually eighteen); and (2) any offense that is in the juvenile codes and is committed by one under the age of majority.

Under this specific definition of delinquency, arrests for juveniles have been declining since the mid-1990s (see chapter 3). However, despite the decline in juvenile arrests, especially for serious crimes, the "problem" of delinquency remains an important issue in society. Teenage drinking and smoking behaviors, juvenile gangs, bullying, and numerous other forms of juvenile crime and delinquency are still prevalent and of concern in society.

Besides these two important criteria for defining delinquency, juvenile courts also frequently handle cases of juveniles that fall outside illegal behavior, cases such as child abuse or child abandonment, and these cases were included in the original juvenile court law passed in Illinois in 1899 (Tanenhaus 2002). In these situations, children may be given to foster-home care, or they may be ordered into treatment. Thus, while youths in these kinds of situations may not be technically delinquent, their cases are found within the arenas of juvenile courts. One of the consequences of such reactions to abuse or neglect is that the child victim is now part of the juvenile justice system and may be under court supervision even though he or she has not committed an offense.

Brief History of Delinquency

Earlier, it was mentioned that, throughout most of the world, juvenile offending has been recognized for hundreds of years. It would be logical to wonder exactly how juvenile offenders in historical times were handled. For one thing, as indicated earlier, there were no formalized juvenile courts until 1899. There were, however, juvenile institutions and other procedures for handling juveniles that were created in America during the nineteenth century (Rosenheim et al. 2002). Historical accounts of the development of the juvenile justice systems throughout the world indicate that before separate institutions and proceedings for juveniles were established in the nineteenth century, juveniles were often treated as if they were small adults. Even children of royal families in England, for example, were exposed to adult situations, such as sexual activity among adults, and were thought to be ready for adult roles in society if they were exposed to hardships and adult behaviors as youngsters.

In American society, and this may be the case throughout the world as well, citizens and leaders were concerned for children as much as they were concerned with children, or, as Michael Grossberg puts it, “a fear for children and a fear of children” (2002, 3; italics in the original). This kind of tension between wanting to help juvenile offenders and wanting to punish them has always existed in society, it seems, and it still influences the structures and operations of juvenile courts and other parts of the juvenile justice system today (Shoemaker 1988).

In the 1800s, several events occurred that helped to shape the development of the juvenile justice system as we know it today. These events are discussed in the next chapter. For the present, however, it is important to note that the first law that specifically identified delinquency was the result of a long series of efforts on the part of reformers and other “child savers” (Platt 1977). Many of these reformers were the wives and daughters of influential industrialists who became important philanthropists in their own right throughout the nineteenth century. Their continued vigilance and reformist efforts resulted in the eventual passage of the delinquency law in Chicago, followed soon after by a similar law in Colorado and, ultimately, throughout the United States within the next thirty years.

Juvenile Delinquency Law in Illinois

The delinquency law passed in Illinois was named "An Act for the Treatment and Control of Dependent, Neglected and Delinquent Children" (Tanenhaus 2002, 42). It is clear from the title of this act that not only were dependent and neglected children to be included within the jurisdiction of the juvenile court but juvenile courts in Illinois were also to be concerned with treatment as well as control, or punishment, of juvenile offenders or children considered in need of the court's attention.

A significant feature of this new law was the creation of a separate category of offending reserved for youth only: the status offense, which was explained earlier. Before this legislation, laws permitted authorities (not parents) to punish children for things such as disobeying parents, and in colonial times, governments such as the Massachusetts Bay Colony permitted the death penalty for any child under sixteen who was "stubborn or rebellious" (Teitelbaum 2002, 160). However, the 1899 delinquency law in Illinois expanded this authority and created specific laws that focused on youths.

The practice of removing children from the homes of their parents or guardians and placing them into institutions or homes of strangers was justified through a legal doctrine known as parens patriae, which has been interpreted as "the king as father of the country." It was often used by royalty in England to justify removing children and other members of their families from their homes, in the name of the king. Children were often viewed as property and thus subject to the wishes of the king, or ruler.

In America, parens patriae has been used by judges and other figures of authority to justify removing delinquent, wayward, homeless, and other youths thought to be trouble or be in trouble from their homes and placing them in institutions, foster homes, or whatever the "state" authorities deem as proper placements for these youths. However, the courts take a dim view of such practices, especially when children are removed from their homes and placed in institutions without due process—that is, usually without legal representation or parental consent and without specific legislation permitting this practice.

Plan of This Book

The purpose of this book is to present the reader with an overview of the important concepts related to delinquency, along with discussions of the historical roots of delinquency laws, the extent of delinquency and its sociological parameters, and important theoretical explanations of delinquency. In addition, this book provides detailed discussions of female delinquency, drug use and related behavior, and juvenile gangs. The concluding chapters present information on the juvenile justice system in contemporary terms, including separate discussions of the police, the courts, and institutions. Throughout these discussions, information on relevant treatment or prevention programs is provided.

For the most part, the context of the information and discussions in this book pertains to the United States. However, no system of juvenile justice stands alone. As indicated in succeeding chapters, the systems of juvenile justice in the United States and Great Britain share some common threads. Some current practices in juvenile justice in the United States, such as restorative justice, have conceptual traditions stemming from other societies, such as Australia and New Zealand, and from Native American traditions. In addition, in the modern world of global technologies, such as cell phones and the Internet, events that happen in one country are almost instantly communicated to people all over the world. Thus, knowledge concerning delinquency and societal responses to it are shared among societies throughout the world, and juvenile justice systems considered unique to one particular country are becoming less common. However, some readers may be interested in reading or studying broader, more global contexts of delinquency and juvenile justice. Examinations of juvenile offending and juvenile justice systems throughout the world may be found in anthologies such as International Handbook on Juvenile Justice (Shoemaker 1996), Delinquency and Juvenile Justice in the Non-Western World (Friday and Ren 2006), and The Oxford Handbook of Juvenile Crime and Juvenile Justice (Feld and Bishop 2011, chap. 34).

In the end, of course, no text is able to provide all of the answers to questions that students may have. It is hoped, however, that the reader will have received some useful information from having read this book and will be more appreciative of the complexities and dynamics of the topic than before.

Study Questions

1. What is the definition of juvenile delinquency?
2. When and where was the first delinquency law passed?
3. How has the principle of parens patriae influenced the power of the state in the handling of juvenile offenders?

CHAPTER 2

The History of Juvenile Justice in America

As a legal term, juvenile delinquency is a recent concept. The notion that children should be treated differently than adults is only a couple of hundred years old. Before the middle of the eighteenth century, young people were treated as if they were small versions of adults. As Robert Mennel suggests, the term juvenile delinquency was first seen during the eighteenth century (1973, xvii). Not until the end of the nineteenth century did the legal meaning of delinquency become established in Illinois.

These introductory comments do not assume that before the eighteenth or nineteenth centuries children were not committing criminal acts. As Wiley Sanders's informative book Juvenile Offenders for a Thousand Years (1970) clearly indicates, juveniles were substantially involved in criminal activity long before the word delinquency was used to describe it. Sanders traces the history of juvenile offending back to the seventh century, at least as far as European history is concerned. For example, English laws in the seventh and eighth centuries clearly identified criminal penalties for crimes committed by children as young as ten or eleven. As mentioned in chapter 1, English common law stipulated that youngsters as young as seven could be held accountable for their actions.

Some, such as Neil Postman, argue that age seven was selected as the age of criminal responsibility because during the Middle Ages, reading and written instruction were not available to the people. Thus, seven was the age "at which children have command of speech" (Postman 1982, 13).

John Sutton (1988) presents interesting and persuasive data indicating that in the American colonies, deviant children were thought of as "stubborn." According to Sutton's analysis, the first stubborn-child law was passed in Massachusetts in 1646, and laws such as this one were heavily influenced by Puritan religious concepts (chapter 1). For one thing, Puritan values stressed the importance of the family and the requirement that children (usually those under age sixteen) follow the orders and commands of their parents. Thus, one of the provisions of the first stubborn-child law was that disobedient children could be put to death and that such a penalty came directly from the book of Deuteronomy in the Bible (Sutton 1988, 10–11). One interesting facet of this law was that the parents who were disobeyed were not the ones to exact the death penalty themselves but, instead, were to bring the recalcitrant child directly to court officials, who would then carry out the death penalty (although it is not clear how this process was to be carried out and how long it might take to be accomplished). As a footnote to this law, although it is extremely harsh in its provisions, there are no records that confirm that the death penalty was ever used for disobedient, or stubborn, children in colonial times.

The indiscriminate treatment of juveniles was not reserved for the American colonies. As Philippe Aries (1962) indicates, youngsters in Europe during medieval times were subjected to adult humor in the forms of play and games and were dressed like small adults until the seventeenth century (chapters 3, 4).

Dancing by children, for example, was not considered sinful in medieval times, and even members of royalty were involved in dances that were often provocative. According to Aries, for example, in some paintings of those times, "There is scarcely any difference between the children's dance and that of the adults" (Aries 1962, 80). In fact, Aries contends that to medieval Europeans, sex and sexuality were considered neither important nor particularly exciting to prepubescent youngsters, so sexually suggestive behavior and game playing were not perceived as things that should be separated from children (Aries 1962, 106). Playing with the private parts of children was widespread in society during the Middle Ages (Postman 1982, 17).

Infants were often wrapped tightly in cloth, a practice known as swaddling, and were then dressed in the same manner as adults as soon as possible. As Aries puts it, "Nothing in medieval dress distinguished the child from the adult" (Aries 1962, 50). But by the seventeenth century, paintings and writings clearly indicated that children were to be dressed differently from adults. This change in clothing style for youngsters is one clear sign that children were being viewed as different from adults, although, as observed earlier, young people in those days were still subject to adult penalties for criminal, or even merely disobedient, behavior.

By the seventeenth century, however, societal views, especially in Europe, were changing with respect to children. Now, instead of being viewed as miniature adults, so to speak, children were beginning to be seen as young innocents, and their moral and spiritual development became matters of concern and importance to adults and leaders. Off-color jokes and displays of sexual body parts were considered immoral and were to be avoided in European countries. Sexual modesty was becoming the norm for juveniles. Children were considered weak and in need of guidance and adult supervision.

Neil Postman suggests that childhood, as an age of innocence and lack of criminal responsibility, ended with the assumption of criminal responsibility at the age of seven. However, with the invention of the printing press in the mid-fifteenth century, the practice of teaching and instructing youth with the written word began to spread. Over time, one result of this new method of learning and communication was to extend the age of childhood beyond seven and into what is now known as adolescence (Postman 1982, 20–64).

Several principles concerning children seemed to be emerging, and often these principles were enunciated by religious authorities. First, children were not to be left unattended but always to be under adult supervision. Second, children were not to be pampered or spoiled but were to be subjected to strong discipline (in what would seem to be a holdover from previous views of young people). Third, children were to be treated with modesty and not subjected to nudity and lewd behavior, including foul language, especially from adults. Fourth, proper language and dress and everyday manners were to be instilled in youths, and adults, especially parents, were to be continually treated with respect (Aries 1962, 114–17).

Early in the seventeenth century, England and France passed what are now known as poor laws. Essentially, these laws governed the education of children from poor and destitute families, which became another means of controlling these populations (Aries 1962, 303). As Aries states in reference to the scope and focus of these laws, "In this way it was hoped to make pious, serious workers out of what had been depraved adventurers" (Aries 1962, 303). For example, the Elizabethan Poor Law in England, passed in 1601, provided that parents take care of their children and vice versa when parents became old, but it also established a welfare system that sought to take care of poor children, albeit at the expense of parental control (Grossberg 2002, 6–7).

Nineteenth-Century Reform Efforts and Practices

While European authorities and leaders were changing their minds about what constituted proper behavior of and toward children, their ideas gradually changed attitudes toward juveniles in the American colonies and states. For example, some historians contend that English poor laws, along with other traditional English legal concepts, particularly the doctrine of parens patriae, were adopted almost wholly by the American colonies (Grossberg 2002, 7). Thus, as mentioned in chapter 1, youths in early US history were handled by laws and practices that came from England, including parens patriae, the legal policy that the state is the final authority in matters concerning children and youth.

Gradually, the notion that children were to be considered in need of nurturance and special care and supervision began to appear in Europe and in the newly established country of the United States. One specific illustration of this emerging concept was the establishment of a special "house of refuge" in New York City in 1825. Within the next three years, similar houses of refuge were established in Boston and Philadelphia. According to one social historian, these three houses of refuge dominated juvenile corrections and treatment for twenty-five years in the United States (Mennel 1973, 3–4).

Houses of refuge were urban establishments, to be sure, and their purpose was to reclaim the lives of youngsters who were roaming the streets of metropolitan cities or who had been referred by the courts (note that these would not have been juvenile courts at that time). Interestingly, these institutions often did not accept convicted offenders, but rather those on the verge of falling into a life of crime because of their social circumstances. The youths who were sent to these facilities were typically not from middle-class or upper-class families. Instead, the residents of houses of refuge in the nineteenth century were most often the sons and daughters of the poor and the immigrant families who populated the urban landscape. The minority youths who populated these institutions were thus not migrants from rural areas but immigrants from other countries. Black youths, for example, were typically kept out of the first houses of refuge. As an example of the racial policies of early houses of refuge, in 1849 Philadelphia established a "House of Refuge for Colored Juvenile Delinquents" (Mennel 1973, 17).

Houses of refuge were designed to prevent youths from becoming involved in criminal activity, or, more likely, from becoming more criminal in their behavior. Many, if not most, of the youths placed in these facilities were not actually criminals but children who were displaying what were thought to be signs of criminal development—signs such as idleness, vagrancy, and disruptive public behaviors. Thus, prevention became a key watchword for the administrators and supporters of these institutions.

Because so many of the policies and practices of houses of refuge were based on the notion of prevention, many of the youngsters sent there were not seen as threats to the community. In addition, because of parens patriae, many of the parents and guardians of these youths were not fully involved in their placements. It should be no surprise, therefore, to learn that significant challenges to the legality of some placements began to work their way through the court system by the middle of the nineteenth century.

One of the more far-reaching cases involving houses of refuge was Ex Parte Crouse, heard by the Pennsylvania Supreme Court in 1838. In this case, Mary Ann Crouse was sent to the Philadelphia House of Refuge at the request of her mother, but her father complained that his daughter was unfairly confined because she was committed without his consent. The Pennsylvania Supreme Court denied the father's petition on the grounds that the state has a right to remove children from the home, even over parental objections, because of parens patriae (Mennel 1973, 14; Grossberg 2002, 18). The following quotation from the decision reflects not only this opinion but also some of the guiding philosophies and goals of houses of refuge:

> The object of the charity is reformation, by training its inmates to industry; by imbuing their minds with principles of morality and religion; by furnishing them with a means to make a living; and, above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the parens patriae, or common guardian of the community? (Mennel 1973, 14)

According to this decision and others similar to it, "failed parents lost their rights" (Grossberg 2002, 18) to raise their offspring as they saw fit. Instead, through the power of parens patriae, these "failed" parents were forced to give up their natural parental rights to authorities selected or appointed by, and representative of, the state.

These passages and examples indicate the power of court and other governmental authorities to control child rearing in the early nineteenth-century United States. The examples are historical in nature, but they should not be considered historically dead, so to speak. Parens patriae is alive and well in modern society. Contemporary examples of the power of the state are introduced in chapter 13, when the contemporary juvenile justice system is discussed in detail.

Houses of refuge were not the only institutions that were able to separate children and youths from their parents. In the 1840s and 1850s, children's aid societies and other philanthropic organizations began to develop and flourish in the country's major cities, such as Boston, Chicago, New York, and Philadelphia. Perhaps the most far-reaching of these organizations in terms of programs affecting juvenile welfare was the Children's Aid Society, formed in New York City in 1853 by Charles Loring Brace (Mennel 1973, 32). While Brace was a social reformer who publicly displayed a philanthropic interest in the welfare of poor and homeless youths and professed a deep faith in Christianity and the potential salvation of mankind in general, he also demonstrated a disdainful attitude toward some children as well as toward the parents of poor and destitute children. For example, Brace is credited with first using the term "dangerous classes" to refer to street children in New York, children who were described as "vicious" and "reckless," among other terms, and who were thought to be outside the control of their parents. As Michael Grossberg aptly puts it, Brace was as much in fear of these children as he was in fear for them (Grossberg 2002, 19).

A concrete illustration of Brace's attitudes toward vagrant and ungoverned children and their parents was his idea of "orphan trains" and the general practice of "placing out," which he initiated in the mid-1850s through the auspices of the New York City Children's Aid Society (Mennel 1973, 35; Grossberg 2002, 19–21). Placing out was a concept that emphasized placing children from the streets of New York into families in the Midwest, often farm families, which were thought to be virtuous, intact, and religious, much like the families that caught Brace's attention when he visited Germany in the early 1850s. Over time, such placements became so common that "orphan trains" were used to ferry the children to these homes. Children were taken from the streets and placed on westward-bound trains, where they would be dropped off with deserving farm families along the way at the discretion of the organization. According to Mennel, this practice was "informal," which means it might have been done with the knowledge of the courts but not at the direction and order of judges. By what legal right placing out was practiced is uncertain, but probably again through the doctrine of parens patriae was such a practice permitted. That placing out was an important feature of handling juvenile offenders and others considered at risk, using a more contemporary term, is illustrated by the contention that between 1854 and 1879, Charles Loring Brace and his Children's Aid Society alone accounted for shipments of more than 150,000 youths from the streets of New York to rural families in the West (Grossberg 2002, 20). Although Brace apparently felt that placing out would work only in the United States because of its vast farmlands, in the 1860s the practice was also introduced in some English colonies, such as Canada and Australia (Mennel 1973, 40–41).

Long-Term Juvenile Institutions

By the end of the nineteenth century, Brace's practice of placing out disadvantaged youths to Midwestern farms was becoming unacceptable. Among other challenges, leaders of the Catholic Church began putting pressure on Brace and other leaders of the Children's Aid Society to cease their practices of identifying children from city streets for assignment to orphan trains. Presumably, many of these children were from Catholic families, and such practices were undermining the strength of the Catholic religion in these families, as many of the "farm families" were likely headed by men and women influenced by Protestant religions (Grossberg 2002, 21).

In the middle of the 1850s, juvenile justice reformers developed yet another approach to the management and, ideally, prevention of criminal and other offensive behaviors committed by juveniles. These new types of institutions were called by many names, but mostly, they were known as reformatories, training schools, or industrial schools.

The earliest reformatories were developed using private and public funds. Often, they were promoted by private philanthropists and supported with public money. For example, in the early 1850s, a group of businessmen in Portland, Maine bought a large farm and house to give to the state so that it could be turned into a reformatory for young offenders (Mennel 1973, 50).

The first reformatory was established in Massachusetts in 1846 at a facility named the Lyman School for Boys. The first public female reformatory was established in 1855, also in Massachusetts. This first female institution also introduced the cottage system, which soon became a popular model for juvenile reformatories in the United States. The cottage system is still evident today, although it is now only one of several types of juvenile institutional designs and models. The cottage system is based on the notion that institutions can assume the form and function of a family. Cottage systems usually consist of residential buildings housing around thirty youths. There may be three or four cottages on the grounds of an institution. Ideally, each cottage is supervised by a set of cottage "parents," preferably a husband-and-wife team, who live in the same facility with the youths. The residential components of the cottage are typically separated by what may be called a "day room," or a central gathering place for the inmates, the supervisors, other institutional workers, such as counselors and teachers, and visitors. In practice, however, cottages may be headed by single adults, especially during holidays and vacation times or when there is a temporary shortage of full-time parents to supervise the youths.

The cottage system was a reflection of correctional thinking in the middle of the nineteenth century, thinking that placed the strength of the family at the center of troubled youths' lives. It was assumed by many that by reinserting a strong family presence in the lives of these youngsters, their attitudes and habits may be turned from criminal pursuits to conventional thinking and behaviors. In those days, little, if any, evaluations of programs and practices were conducted, so no one really knows whether this system worked to reduce what today we would call delinquent behavior, criminal or otherwise. Even today, we do not know how truly effective this system may be in terms of changing delinquents' attitudes and/or behavior. It should be remembered that cottage "parents" are supervisors and often counselors to the juveniles with whom they live, but they are not their parents, so any kinds of bonds or levels of affection established by these adults and the youths they supervise are, by definition, artificial. More discussion about the role of cottage parents is presented in chapter 15, when contemporary institutions are discussed.

Despite the lack of evidence concerning the effectiveness of these new models of juvenile corrections, the popularity of reformatories seemed to grow throughout the rest of the nineteenth century. Census accounts of institutional populations did not begin until 1880. However, Commissioner of Education reports indicated that in 1868, there were thirty facilities with 7,463 residents, but by the late 1870s, there were fifty reformatories, twenty-three of which were operated by states, twelve by local governments, twelve privately run, and three operated by both state and local governments (Cahalan 1986, 108; Mennel 1973, 49). By 1880, the Office of Education reported sixty-eight institutions with 11,921 inmates, while the census indicated fifty-three institutions with 11,468 inmates. According to the census, by 1890, the number of institutions increased to fifty-eight, and the number of inmates grew to 14,486. Comparable figures for 1904 were ninety-three institutions and 23,034 residents (Cahalan 1986, 104, 108). Historical accounts indicate that by 1890, almost all states outside the South had at least one juvenile reformatory, plus at least one reformatory for juvenile females (Mennel 1973, 49), but by 1904, even most Southern states had established juvenile institutions.

According to the figures mentioned above, the average number of inmates in these early juvenile reformatories was from about 175 to around 250. However, these statistical head counts do not differentiate among types of facilities. Some of the earlier juvenile institutions, not based on the cottage system model, were truly imposing places, with high, granite walls and fortress-like features (Barnes and Teeters 1959, 424–33). Although most administrators felt their institutions were family-style facilities (Mennel 1973, 52), only cottage or "family" systems seemed designed to recreate the family model within the institution. But, as indicated earlier, even the cottage system can be questioned as to how closely it approximates a "family" within the walls of a reformatory.

While juvenile reformatories handled all kinds of juvenile offenders, Sutton (1988, 92–102) makes the case that lawmakers in the nineteenth century definitely intended juvenile institutions to handle incorrigible youths—that is, juveniles who were considered "beyond control." For example, all but three New England states expanded their incorrigible laws after institutions were built or at the same time as reformatories were opened.

Often the architectural structure of an institution indicates its intended purpose. For example, if a facility is built with strong walls and plenty of secure locks, then it can be assumed that the intended purpose of such a place is to prevent inmates from leaving. In addition, if these facilities have large populations, it can be assumed that individualized attention is not a primary focus. From the physical descriptions of the earlier juvenile reformatories, it can be assumed that their intended purpose was not to rehabilitate but, rather, to maintain custody and control among the inmates. Historical accounts and biographies, however, suggest that administrators of juvenile reformatories felt they were "saving" their charges from a life of crime and destitution. The feeling seemed to be that the workers at these places could somehow turn around the attitudes and lives of the young inmates who were sent there, not only by separating the youngsters from the criminogenic environments from which they came—that is, the urban streets—but also by employing a family-like environment within the institutions, even if these situations were not natural but bureaucratic in nature.

Since these reformatories were large institutions, they had to be run on strict schedules, similar to the operations of their forerunners, the houses of refuge. Inmates were guided by a rigid schedule of events from rising to rest and were subject to constant supervision during waking hours. Such bureaucratic procedures often diminish individual attention and treatment in favor of adherence to rigid rules and policies.

Rule violations were often met with swift and sometimes severe punishments. Even more enlightened administrators, such as Zebulon Brockway, the first warden of the Elmira, New York Reformatory in the 1870s, eventually resorted to physical punishment, including beatings with nailed boards, to control the inmates (Barnes and Teeters 1959, 426–31).

Nonetheless, almost all reformatories and juvenile institutions established in the nineteenth century, including houses of refuge, were thought to have treatment and educational functions, despite their imposing structures and the presence of rigid schedules and sometimes harsh discipline and punishment given to their inmates. Some argue that one reason the Crouse case was decided on the grounds of parens patriae was because the Philadelphia House of Refuge was considered a school rather than a prison (Sutton 1988, 95).

It should be remembered that throughout this time, the legal category of juvenile delinquent had not been established and recognized throughout the country. No juvenile courts had been created, and what we now call status offenses were just being developed. During the Civil War, juvenile institutions were receiving more youths, partly as a result of so many adult males being sent off to war, so several institutions released their older inmates to make room for new ones (Mennel 1973, 57–59). Despite this influx of youngsters into juvenile reformatories and houses of refuge, however, major reforms in matters pertaining to juveniles seemed to be put on hold during the Civil War.

Late Nineteenth-Century Developments

After the Civil War, events regarding juvenile justice reform continued to occur. Settlement houses in large cities had been established long before the Civil War, but now many of the supporters and leaders of these establishments began to approach reforms in the handling of juveniles with more urgency. For example, Hull House was established in 1889 on Chicago's Near West Side as a place for poor and immigrant children and their families to establish social and economic ties to the community as well as to become exposed to the teachings of Protestant Christianity (Addams 1910). Its founder, Jane Addams, and its earliest officers, such as Louise Bowen, helped create many welfare programs aimed at combating illiteracy and poverty among immigrant youths (Addams 1910; Platt 1977, 83–98).

These reform efforts at Hull House and similar settlements throughout large urban areas were important efforts for juvenile development and juvenile justice reform. However, post–Civil War events seemed to focus the attention and energy of many others toward significant and lasting juvenile justice reform. For example, in 1869, Massachusetts formally introduced probation into its court system for juveniles (Tanenhaus 2002, 46–47). Even before 1869, courts in Massachusetts were using probation as an element in handling juvenile offenders. After all, probation started in the 1840s in Boston through the efforts of a shoemaker named John Augustus (Mennel 1973, 43).

In 1870, however, the Illinois Supreme Court issued a ruling that would have lasting effects on juvenile justice and the reform of then-current juvenile justice practices for decades to come. The case is People ex rel. O'Connell v. Turner or simply O'Connell v. Turner. It involved a boy of fourteen, Daniel O'Connell, who had been placed in the Chicago Reform School for vagrancy. His father offered a writ of habeas corpus, a legal demand to know why one has been imprisoned. O'Connell had been sent to the reform school for noncriminal reasons. Simple misfortune was the term often used in those days, a term that covered a multitude of noncriminal offenses, including perceived lack of parental supervision, homelessness, and a general lack of adult guidance. Parental rights for these youths were minimal. Some, perhaps like O'Connell, were spirited away by police or other authorities and sent to the reform school without parental permission or sometimes, it can be assumed, without parental knowledge. Youngsters were kept in this "school" until they were twenty-one years old or had become "good boys." Parents were not allowed to visit their children without the consent of the school's authorities, again under the doctrine of parens patriae (Dohrn 2002, 299–300; Mennel 1973, 125).

On hearing the petition of O'Connell's father, the Illinois Supreme Court decided that Daniel O'Connell's confinement for vagrancy or misfortune was unconstitutional and youngsters charged with noncriminal offenses should not be imprisoned without due process. This decision set aside the earlier Pennsylvania Supreme Court ruling in Crouse and generally sealed the doom of many existing institutions and the procedures and policies that placed children in their care. Essentially, the court ruled that these institutions were not schools and thus their charges were subject more to legal rights than to the practices of social correction in the name of educational pursuits. Other court decisions ruled in favor of the state's power to confine juveniles without criminal charges and without due process in the name of parens patriae, such as Ex parte Ah Peen in California, in 1876. For the most part, however, the die had been cast, and the ability of local and/or state authorities to throw juveniles into reform schools or other institutions for noncriminal charges and without due process was coming to an end. Largely because of the O'Connell decision, the Chicago Reform School was later closed, and the state of Illinois was essentially out of the reform-school business by 1890 (Dohrn 2002, 299–300; Mennel 1972, 1973, 125–28).

Some refer to these post–Civil War programs and policies as the "child-saving movement" and those who supported them as "child savers" (Platt 1977). Principally, these reforms were spearheaded by numerous philanthropic women, almost all of whom were connected to positions of wealth and influence in the cities and states where they lived. Included among these influential "child savers" were Julia Lathrop and Lucy Flower, who were close friends as well as collaborators on many child-saving projects (Platt 1977, chap. 4; Tanenhaus 2002, 42–50). Platt and others suggest that the motives of these child savers may have been less philanthropic than the title indicates. Platt, for example, charges that, among other things, the child savers of the nineteenth century were more interested in "the inculcation of middle-class values and lower-class skills" (1977, 176) than they were in promoting the social welfare of disadvantaged children. In addition, as already observed, the policies and programs of the child savers, particularly within institutions, were often supported by physical punishment and force.

This radical view on the motives of the nineteenth-century child savers is echoed by a study of the early juvenile justice system in Memphis, Tennessee (Shelden and Osborne 1989). In Memphis, for example, most of the promoters of the fledgling juvenile court movement and of training schools and other juvenile institutions in the county and throughout the state "were among the most wealthy and prominent people in Memphis" (Shelden and Osborne 1989, 762). In addition, most of the young people confined to these institutions were charged with "status offenses and very minor offenses, which were class based" (Shelden and Osborne 1989, 762). It is also clear that juvenile institutions were heavily used to accommodate these new offenders. The Tennessee Industrial School, for example, opened in 1888 with seventy-four inmates. In 1902, the institution received 615 juveniles (Shelden and Osborne 1989, 762).

Not all accounts of the child-saving movement criticized the upper-middle class for the promotion of its class interests. A study of the development of the juvenile justice system in Wilmington, Delaware, for example, concluded that ulterior motives were not prominent in the creation of the juvenile court (Salerno 1991). Salerno concludes that the child savers in Wilmington were motivated by altruistic reasons, fueled by a long history of private organizational support for poor and needy children and their families in that city and state. Even the primary juvenile institution in Delaware, the Home for Friendless and Destitute Children, was created in 1864 primarily, according to Salerno, to offset the effects of the Civil War on families and children.

Most social commentators suggest that a combination of several socioeconomic factors contributed to the development of the juvenile justice system in the nineteenth century. In particular, three conditions are often identified: industrialization, urbanization, and immigration (Feld 1999, 24–28). As the country industrialized, its system of work shifted from agricultural products to more mechanized and manufacturing jobs, which, in turn, led to greater population movements to the cities. This population shift was augmented by immigration movements, again, most often into the larger cities of the country. All of these factors were thought to have also contributed to the breakdown of the supervision and control that families, particularly parents, had on children. Thus, it is no accident that most social reformers of that day looked to the breakdown of the family and the criminogenic characteristics of the large city as major contributors to delinquency or juvenile offending (Salerno 1991). Of course, these conditions were present in the early part of the nineteenth century, but they seemed to be even more pronounced in the aftermath of the Civil War and well into the rest of that century.

Given these social conditions, it is not surprising that some commentators would feel that social reformers, such as the child savers, were interested in protecting their way of life, which to many of them had become the idealized lifestyle to which all should aspire. It is equally possible, however, that some, perhaps most, of these child savers were interested in protecting the health and welfare of children who were not in school or were left wandering the streets while their parents were at work or out of the home (Grossberg 2002). As with most such debates, the truth probably lies somewhere between the extremes of these arguments.

The First Delinquency Law and the Establishment of the Juvenile Court

Despite the true motives of the child savers, events from 1870 to 1900 seemed to be moving more in the direction of separate procedures for handling juvenile offenders. In addition, one of the goals of the child savers was to create a separate set of laws governing youthful offenders. Since the O'Connell decision was rendered in Illinois, it is not surprising that while child savers were working in different parts of the country, many of them came from that state, particularly from Chicago (Platt 1977, chap. 4 and 5).

An instrumental organization that led the way to new legislation and the first juvenile court was the aforementioned Hull House. In particular, the efforts of Lucy Flower and Julia Lathrop are often mentioned in connection with Hull House's activities in this area. For example, one of the residents of Hull House toward the end of the nineteenth century was John Dewey, one of the country's leaders in the field of education at that time. Through the efforts of Dewey, Lathrop, and others, the value of educating children, delinquent or not, became a primary concern of child savers and the new institutions and policies they were advocating (Grossberg 2002; Tanenhaus 2002; Dohrn 2002).

Eventually, the efforts of the child savers resulted in the creation of the first delinquency law and its corresponding juvenile court on July 1, 1899 in Cook County, Illinois. This first delinquency law, known as "An Act for the Treatment and Control of Dependent, Neglected, and Delinquent Children" (Tanenhaus 2002, 42), established the age of sixteen as the jurisdictional age of the juvenile court, but that age was later raised to seventeen for boys and eighteen for girls (Dohrn 2002, 271). This meant that youths under these ages were referred to the juvenile court for handling. It should be noted that Denver, Colorado also had a functioning juvenile court at this time, led by the efforts of Judge Ben Lindsey, but there was not a specific law establishing it as a separate juvenile court until after the passage of the juvenile delinquency law in Illinois (Dohrn 2002, 272–73). It is interesting to note, however, that this new law did not allow jury trials for juveniles whose cases were heard in juvenile court settings.

The popularity of this law is reflected in the fact that by 1925, all but two states, Maine and Wyoming, had some kind of delinquency law, and juvenile courts were present in all cities of one hundred thousand people or more (Tanenhaus 2002, 45). The very title of this new law in Illinois indicates that the scope of its jurisdiction was to extend beyond delinquency to include neglect and dependent cases. Furthermore, the jurisdiction of this court, and virtually all of those founded on its example, included what we now term status offenses. While Illinois and Colorado recognized truancy as a "delinquent" act before 1899, this new law and its imitators clearly extended the stretch of these supervisory concerns beyond the doors of schools and into families, as well as the streets, by defining incorrigibility, recalcitrance, running away, and similar acts as delinquent, including the sexual activity of young females (Dohrn 2002, 272; Teitelbaum 2002), a jurisdiction that seems to be what the Illinois Supreme Court was advocating in the O'Connell case decades earlier.

The educational function of the newly formed juvenile court was clearly identified in Chicago by the creation of "parental schools" used in connection with the court. A parental school was a place where truants were sent to be educated. The parental school established for males in Chicago in 1902 was created by the Parental School Law, which "provided that any truant officer, any agent of the Board of Education, or any reputable citizen could petition the juvenile court to inquire into the conditions of children aged seven to fourteen who were not attending school, were habitually truant, or were in persistent violation of school rules" (Dohrn 2002, 273–74). In addition, the first chief probation officer in Chicago was Henry Thurston, a noted educator at that time (Dohrn 2002, 273). In Denver, probation officers were also truant officers, and children were considered either working or in school (Dohrn 2002, 292). Thus, despite the conclusions of court decisions, such as the O'Connell case, that juvenile reformatories and similar institutions were not primarily places of education, one function of the first juvenile courts was to force truants and other "recalcitrant" juveniles into some kind of educational program. However, in the latter part of the nineteenth century, industrial schools were created, and in 1882, in yet another challenge to the authority of such institutions to house "unfortunate children," the Illinois Supreme Court ruled that industrial schools were more schools than prisons (Dohrn 2002, 300). Perhaps this kind of reasoning encouraged reformers to continue with the notion that the juvenile justice system should be focused on education as opposed to punishment.

Another feature of the new delinquency law in Chicago was an emphasis on psychological and/or psychiatric treatment. This concern probably reflects the growing popularity of psychoanalysis and the notion that delinquency was symptomatic of underlying or at least individualized conditions—a kind of illness, so to speak. This approach to understanding delinquency is discussed in chapter 4. In 1909, for example, the Juvenile Psychopathic Institute was founded, and similar clinics were established in other cities (Tanenhaus 2002, 66). As can be imagined, it was not long before the medical, the legal, and the social welfare/education positions relative to juvenile offending were in conflict, and these conflicts still exist today. However, the focus of the first juvenile courts on education and psychological treatment clearly signaled that the court was to be an institution that went far beyond assigning punishment to criminal offending among juveniles.

It is interesting that while the negative influences of urban life and the inability of parents and the family in general to handle juveniles were still important features of the emerging juvenile court system, now the focus of attention was more and more on the individual delinquent and his or her personal problems, particularly from a psychological viewpoint. Again, the significance of these theoretical ideas is explored in more detail in other chapters of this book.

Early Twentieth-Century Developments

Despite the popularity of juvenile courts throughout the United States in the early twentieth century, these institutions were not without their problems and detractors. Racial issues were present in many of the courts, especially with respect to probation. Black youths were often assigned to black probation officers or to "volunteers," such as in New Orleans. In addition, few courts were actually using psychiatric clinics, and many were placing juveniles in local jails, contrary to the spirit of the delinquency laws (Tanenhaus 2002, 54, 67).

Often, these first courts were not funded by public monies, and many did not have separate juvenile court buildings until well into the twentieth century. The first juvenile court in Chicago, for example, was guided by the efforts of Lucy Flower and the members of the Chicago Women's Club, who helped create funds for the operation of the court and the payment of its officers, such as probation officers. This was accomplished by an oversight committee called the Juvenile Court Committee (Tanenhaus 2002, 50). Later, in 1912, the US Children's Bureau was established as an oversight organization to collect data and investigate charges of abuse and mismanagement among the nation's juvenile courts and institutions (Grossberg 2002, 27–29), even though the federal government had little to do with the prosecution and handling of youthful offenders. Interestingly, the first chief of the Children's Bureau was Julia Lathrop, one of the early leaders of the child savers in Chicago (Tanenhaus 2002, 42).

With the oversights offered by the courts and the Children's Bureau, the newly emerging system of juvenile justice, particularly the courts and their attendant schools and clinics, were left to map out their paths and directions for much of the first half of the twentieth century. Another challenge to the new laws and the court system established by these laws was presented to the Pennsylvania Supreme Court in 1905, the Commonwealth v. Fisher case. The court ruled in favor of the delinquency laws in that state and, in effect, reaffirmed the doctrine of parens patriae as a guiding legal principle for matters concerning juvenile justice (Mennel 1973, 144–45). As the members of the US Children's Bureau continued to write reports and conduct investigations into operations of juvenile courts, clinics, and institutions throughout the land, the new system of juvenile justice was becoming firmly established in the country, and its basic authority was not seriously challenged for several decades.

Summary

The contemporary juvenile justice system in the United States has historical roots that go back several hundred years. Some of the practices that even today guide the philosophy and practices of juvenile justice in the United States can be traced to England. One such principle is the legal concept of parens patriae, which gives a government, usually the state, legal control and authority concerning the rearing of children, authority that exceeds that of parents.

Specific juvenile and youth institutions, however, began to appear in the early part of the nineteenth century with the creation of houses of refuge. Around the middle of the nineteenth century, many urban homeless, destitute, and/or vagrant children were placed out of their homes with families located in what today we call the Midwest, some without the knowledge or permission of their parents. Around that same time, larger institutions, first called reform schools and training schools and then later called industrial schools, were established to handle even more youths, often for long periods of time. While public and private institutions were established to handle juvenile offenders in the first half of the nineteenth century, more and more private philanthropic organizations such as Hull House and the Chicago Women's Club became involved in the call for reforms in juvenile justice. These people are often referred to as child savers, and their concerted effort is called the child-saving movement.

The authority of public officers and organization leaders to remove young people from their families and to place them with other families or into institutions was often defended and legally protected via the doctrine of parens patriae. Parens patriae is an English legal doctrine that establishes the state as the legal authority in matters dealing with minors.

The efforts of these social reformers became more focused after the Civil War and after state supreme court cases, such as O'Connell v. Turner, were decided in favor of parental rights over the doctrine of parens patriae. Juveniles could no longer be incarcerated or imprisoned without due process or for things such as misfortune or vagrancy without specific laws defining such acts as illegal. These legal decisions, along with changes in social thinking, eventually led to the creation of a separate set of delinquency laws and the establishment of juvenile courts. The first of these was created in Chicago, Illinois in 1899, but by the end of the first quarter of the twentieth century, all but a couple of states had established similar laws, and juvenile courts had become part of the legal scene in all large cities.

The first juvenile courts were not unanimously welcomed, and many of them were not even funded by the laws that created them. In cities such as Chicago, oversight committees were established to supervise and raise private donations and money for the operations of these courts. Eventually, in 1912, the US Children's Bureau was created to serve as a sort of watchdog and overseer of the nation's newly emerging juvenile court system and institutions designed to serve the functions of these new courts.

After these developments, this new system of juvenile justice seemed to receive a honeymoon of sorts, in that few legal challenges and major policy changes occurred before the 1960s. These challenges and policy shifts are examined in more detail in chapter 13, where the contemporary juvenile justice system is discussed.

Study Questions

1. What impact did reformist efforts have on the development of juvenile institutions during the nineteenth century?
2. Who were child savers?
3. What factors led to the first juvenile delinquency law and the establishment of the juvenile court?

CHAPTER 3

The Measurement of Delinquency

Stories of gangs, school shootings, drug use among juveniles, and other instances of delinquency provide some insight and understanding of the extent and nature of juvenile delinquency. Often, these events provide what some call anecdotal evidence about delinquency. Anecdotal evidence is usually not representative of the total picture of a subject. This is not to say that such information is incorrect but, rather, that anecdotal evidence is incomplete. That is, data are collected or presented on one or two instances, which may or may not be representative of all such behavior.

However, to get a clearer and more objective picture of what is happening among youth today and the extent of delinquency, it is important to consult several sources of information, most of which attempt to gather data on a large number of youths, often throughout the country. Using these multiple sources of data, the measurement of delinquency can be divided into several categories: official self-report and victimization surveys, and qualitative studies, such as observations and analyses of accounts of delinquency obtained from published stories, newspaper articles, and similar documents. The purpose of this chapter is to acquaint the reader with specific information regarding delinquency from each of these sources of data and to develop indications of the extent and distribution of delinquent behavior from this information.

Before discussing these measures of delinquency, it is important to distinguish two similar yet separate concepts relating to statistical data. First, there is a concept known as a measure of incidence. Incidence data tell us how much of a behavior is occurring. For example, if we were told that there were four million arrests of juveniles in the United States in a given year, that would be an incidence measure or statistic.

We also see statistics that tell us what proportion of a population is involved in an activity. This is referred to as a prevalence measure. Using the example above, if we were told that 35 percent of youths in America were arrested in a given year, this would be an example of prevalence. Both measures of behavior are important, yet they each have their own uses and limitations. Measures of incidence are useful for determining how many young people are involved in delinquency or the magnitude of delinquent behavior in a city or country, as illustrated by arrest totals. However, saying that there have been four million arrests or that there have been four hundred thousand incidences of delinquency reported in a country or community does not tell us how many different youths have been involved. That information is better obtained from prevalence measures. It often happens in matters of delinquency, for example, that a few youngsters are responsible for the majority or a significant proportion of delinquency in a community. So briefly, if you want to know how much delinquency behavior is occurring, go to measures of incidence. If you want to know more about what percentage of youths in a population are committing acts of delinquency, use prevalence measures.

Arrest Data

Probably the best source of information on arrest figures in the United States is a publication titled Crime in the United States, also known as the Uniform Crime Reports, or the UCR. The UCR was originally published in 1930 by the Federal Bureau of Investigation (FBI). Today, this document is published annually by the FBI and is based on information provided by local police departments throughout the country. Even though the FBI uses a standard form for reporting purposes, in many states the reporting is done on a voluntary basis, so the information is not always complete.

The UCR contains a lot of information about crime that can be used for different purposes. The list of crimes included in these publications is divided into two broad categories: index offenses, or Part I, and nonindex, or Part II, offenses. There are eight Part I offenses subdivided into two sections, violent and property (or nonviolent). The violent Part I offenses include murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. The property offenses include burglary, automobile theft, larceny theft, and arson. All of these offenses were included in the first publications of the UCR in the 1930s with the exception of arson, which was added to the list in 1980.

In addition to the Part I offenses, the UCR also includes information on twenty-one other offenses, which include some status offenses. However, it is only with the Part I offenses that we receive detailed information on crimes reported to the police. For the Part I crimes and for all other offenses, the UCR reports detailed information on arrests, which is of significant concern to students of delinquency.

With these caveats taken into consideration, it is useful to examine arrest data as one measure of the extent of delinquency in the United States today. Arrest figures show that 804,104 juveniles were arrested in 2014 (Federal Bureau of Investigation 2014a, table 38). The definition of juveniles in this figure is anyone under eighteen. There has been a decline in juvenile arrests from the mid-1990s until now.

Juveniles accounted for only about 9 percent of all arrests in 2014. One reason juveniles comprise only a small percent of all arrests, compared with adults, is that there are many more adults than juveniles in the country.

Since juveniles under the age of ten are rarely arrested, it is better to look at the arrests of youths aged ten to eighteen to get a better idea of the size of the incidence of arrests for adolescent juveniles. In 2014, of the 804,104 arrests of juveniles, 6,458 youths were under the age of ten. These very young children were most often arrested for the crimes of simple assault, larceny-theft, vandalism, and disorderly conduct. Only two children under ten were arrested for murder (Federal Bureau of Investigation 2014a, table 38).

Arrest Patterns

Gender

Arrest patterns of juveniles vary by gender. For every offense except prostitution and running away, a status offense, there are more arrests for males than for females. For example, in 2014, there were 532,392 arrests of juvenile males and 215,536 arrests of female juveniles under the age of eighteen. The number of juvenile males and females arrested in 2014 decreased by 37.4 percent and 38.5 percent, respectively, from 2010 (Federal Bureau of Investigation 2014a, table 35). The offense for which both males and females were arrested most often was larceny-theft, which includes shoplifting. The difference in arrests by gender is most apparent for violent crimes. In 2014, for Part I violent crimes, there were 31,775 arrests of juvenile males and only 6,979 arrests of juvenile females, a ratio of more than 4:1. For Part I property crimes, there were 112,973 male arrests, compared with 57,958 female arrests, a ratio of about 2:1 (Federal Bureau of Investigation 2014a, table 35).

The higher number of arrests of juvenile females for prostitution is understandable. However, it should not be overlooked that there are juvenile males who are arrested for prostitution every year (Finkelhor and Ormrod 2004). The higher number of arrests of juvenile females, compared with males, for the offense of running away, however, is not so easily explained. In 2009, there were 40,710 arrests of female juveniles for running away, compared with 33,084 arrests of males for this offense (Federal Bureau of Investigation 2009, tables 39 and 40; figures for running away have been excluded in the reports since 2010). Perhaps juvenile females simply run away more often than their male counterparts. Official data, such as those found in the UCR, do not offer information that can be used to test this explanation. After all, the data being discussed at this point are arrest data, which reflect not only behavior but also reactions to this behavior by the police and the members of the community.

It is possible that females actually do not run away more than males but that the community and the police react differently to such behavior when committed by females. There may be a kind of paternalistic attitude toward females who run away, such that it is thought by members of the community that runaway girls need to be arrested and put into the care of the juvenile justice system to protect them from the consequences of running away, such as being enticed into a life of drugs and prostitution.

Race

Arrests of juveniles are also patterned by race, with whites being arrested more often than blacks, American Indians, or Asian Americans. In 2014, for example, there were 502,091 arrests of white youth under the age of eighteen for all twenty-eight offenses recorded in the UCR: 274,929 for blacks, 10,994 for American Indians and Alaskan Natives, and 9,215 for Asian Americans and Pacific Islanders (Federal Bureau of Investigation 2014a, table 43b). However, when considering the percentage of black youths in the population, there is a considerable disproportionate arrest bias against blacks. Black youths (those under age eighteen) represent about 15 to 17 percent of the population (Sickmund and Puzzanchera 2014, 2; Daugherty 2015, 11). The 274,929 arrests of black youths in 2014 represented 34.5 percent of all arrests of youths that year, which is more than twice the estimated percentage of black young people in the population.

The disproportionate arrests of black juveniles are greater for some crimes than for others. For example, in 2014, 52.4 percent of arrests for Part I violent crimes were of black youths. About one-third of arrests for Part I property crimes were of black youths, which is lower than the percentage of arrests for violent crimes, but still twice the estimated percentage of black youth in the population (Federal Bureau of Investigation 2014a, table 43b).

Similar to the arguments raised earlier with regard to females arrested for the offense of running away, the disproportionate arrests of black youths for Part I crimes, especially murder and robbery, may be a result of greater numbers of black youths committing these offenses. Or these unusually high arrest figures may reflect prejudice and bias against black youths, most likely black males. Examinations of other measures of delinquency, particularly self-report figures, should shed more light on this issue. In addition, racial disparities in the juvenile justice system are addressed in chapters 13 through 15.

Age

As mentioned earlier, arrests of juveniles rarely occur for youths under the age of ten. However, there are differences in arrests by specific ages. One way to assess the age–crime pattern is to compare rates of arrest by the numbers of people in a certain age category. This type of comparison is presented in figure 3.1. In figure 3.1, the arrest rates by age are presented for all youth from age ten and under to age twenty-four and then separately for males and females. In addition, the data are presented for Part I violent crimes and index property crimes. The peak age of arrest for violent crimes is a little higher than it is for property crimes, about twenty-one and eighteen, respectively. The patterns differ somewhat by gender. For males, the peak age of arrest is twenty-one for violent crimes, but eighteen for property crimes. The comparable peak ages for females are nineteen for property crimes and twenty-two for violent offenses. For all three charts, the data indicate a flattening of the age curve for violent crimes, starting around age nineteen or twenty. The age–arrest patterns shown in figure 3.1 support the conclusion that juvenile crime is more connected with property offenses than violent crimes. Violent crimes are, proportionally, more often committed by young adults than by juveniles.

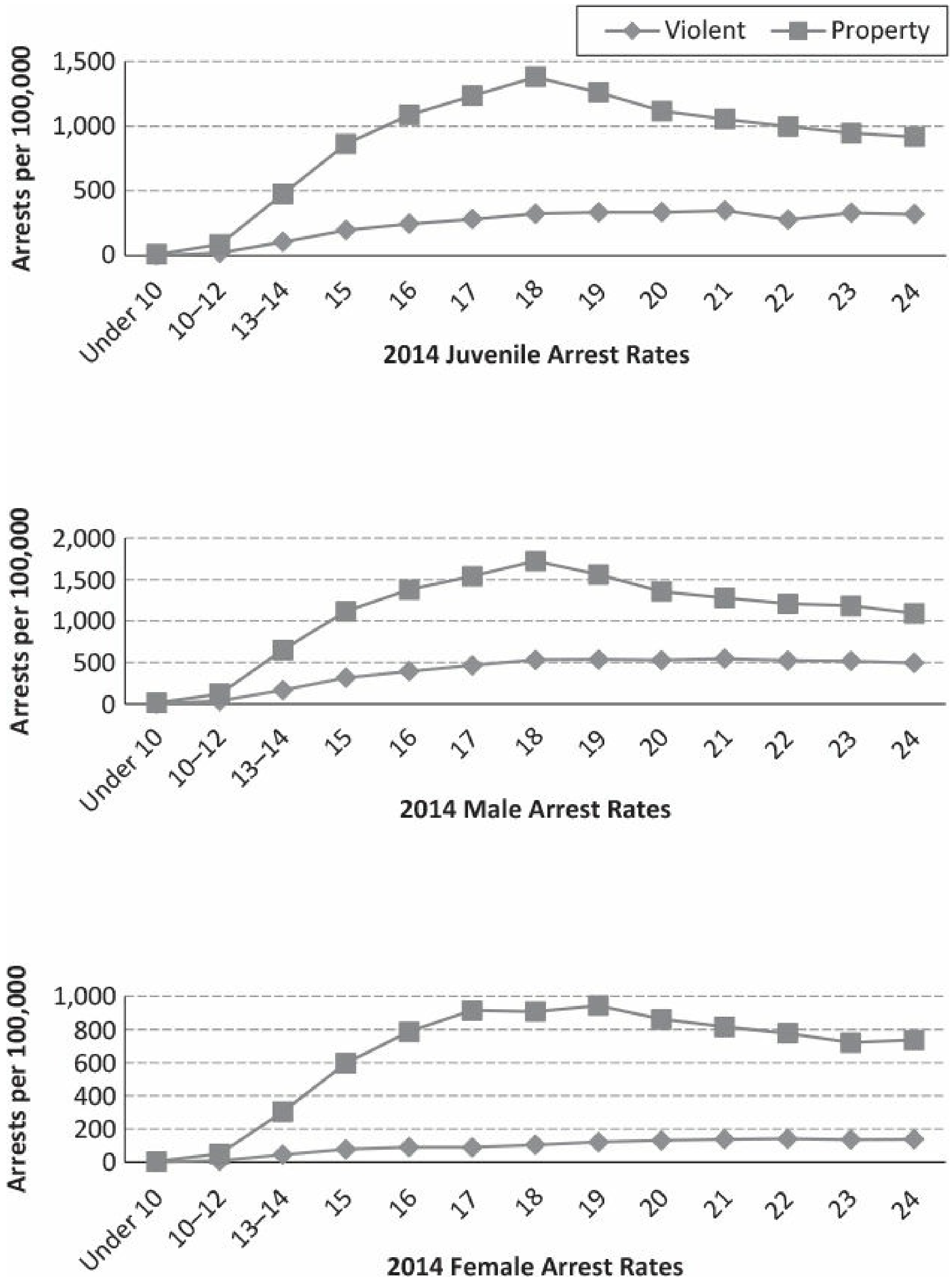

FIG. 3.1 Arrest Rates by Age for Part I Property and Violent Crimes

Source: Crime in the United States, 2014, Uniform Crime Reports, Federal Bureau of Investigation, tables 38–40, and US Census Bureau 2015.

Some refer to this trend or pattern of declining arrest rates with age as the maturation or desistance effect, which means that by a certain age, most juvenile offenders desist from committing more crimes, or mature out of crime, so to speak. Other estimates of crime and delinquency report similar age–crime patterns, so there must be something to this effect. Accordingly, it is important for students of delinquency to understand that explanations of delinquency must be able to provide insight into not only why juveniles start committing crimes but also why they stop committing crimes.

Arrest data from sources such as the UCR are useful in what they can offer to the student of delinquency. However, it should be stressed again that these data are not complete. In addition to not covering all jurisdictions, the UCR data typically report only the most serious crimes in any incident. If a person were charged with murder and arson, for example, only the charge of murder would be recorded in the UCR. In addition, the arrest figures mentioned above do not tell us how many individual people were involved in a criminal incident, only the number of arrests made. In order to get additional information on delinquency, other sources of data must be used. The following sections offer a brief look at some of these additional sources of data on delinquency.

National Incident-Based Reporting System (NIBRS)

In the late 1970s, law-enforcement agents and administrators began to call for a more comprehensive system of collecting information on crimes in the United States. The result of these efforts was the creation of an incident-based reporting system that is being implemented in several states, with the goal of full implementation in all fifty states.

An important feature of this new reporting system is the collection of information on all crimes committed in a criminal event. Traditionally, crime-reported data typically include only the most serious crime if more than one crime occurs in a criminal event. This new system classifies crimes into two categories: group A, which includes twenty-two offense categories and forty-six particular crimes, and group B, which includes ten offense categories (in 2010, the FBI stopped reporting data on "runaways"—a class B offense). Information for group A crimes include crime-reported data as well as arrest data. Group A crimes include all eight of the current list of Part I offenses plus several other crime categories, such as drug offenses, fraud, kidnapping, and pornography offenses. Only arrest data are reported for group B crimes.

Other important differences between the UCR and the NIBRS are that the NIBRS includes data on victim–offender relationships, as well as distinctions between attempted and completed crimes, Thus, the NIBRS system is greatly expanded, compared with the traditional system of collecting crime information (Federal Bureau of Investigation 2011).

Juvenile Court Data

There are hundreds of juvenile courts in the United States, one for nearly every city and jurisdiction in the country. However, we currently have no national comprehensive statistics on juvenile courts, as we have for arrest data. The UCR presents some information on what happens to cases coming to the attention of the police—for instance, what happens to cases of arrests—but, as mentioned before, this information is incomplete and not detailed. Juvenile court offices are not required to report their data to any particular agency, so the information we do have is primarily voluntary. Nonetheless, the National Center for Juvenile Justice, located at the University of Pittsburgh, in connection with the Office of Juvenile Justice and Delinquency Prevention, issues regular reports on juvenile court cases based on data provided by juvenile court jurisdictions in the country.

To begin, most cases of arrest are forwarded on to the juvenile courts. In 2014, the UCR reported that of those juveniles taken into custody (the juvenile justice term for arrested), 61.8 percent were referred to a juvenile court for further processing. In 26.7 percent of arrests, the case was handled within the police department, which means that it was probably dealt with as a warning or in some similar semiofficial or informal manner. In 9.5 percent of these arrests, the case was referred to the adult criminal court in the area. The remaining cases were either referred to welfare agencies or handled by other police units (Federal Bureau of Investigation 2014a, table 68). Referral is called a waiver, or transfer, to the adult system. The process of waiver is discussed in later chapters, when the system of juvenile justice is discussed in more detail.

In 2013, there were 1,058,500 delinquency cases handled within 2,400 juvenile courts in the United States, covering over 84 percent of the country's population of youths aged ten through the original age of jurisdiction in a state's juvenile court system, usually age seventeen. The number of delinquency cases handled by juvenile courts has been declining since 1997, and this decrease has occurred with all types of offense categories included in the collection of juvenile court data. Most of the delinquency cases referred to juvenile courts in 2013 involved property crimes, especially larceny. Most (82 percent) of the referrals to juvenile court came from the police. Other sources of referrals to juvenile court include schools, social service agencies, probation officers, parents or guardians, and victims of crime (Sickmund and Puzzanchera 2014, 151; Hockenberry and Puzzanchera 2015, 31).

Overall, juvenile court caseloads tend to increase with the ages of the offenders. In 2013, the case rate for seventeen-year-olds was 76.1 per one thousand, compared with 2.3 per one thousand for ten-year-olds. The case rate increased with each specific age category between ages ten and seventeen. However, most of the delinquency cases handled by juvenile courts in 2013 involved youths under the age of sixteen at the time they were referred to the courts. One reason juvenile courts tend to handle more cases of youths under the age of sixteen or seventeen is because eleven states consider age sixteen or seventeen to be the age of majority, and cases involving youths of these ages are referred to the adult criminal justice system. Thus, while older youths represent proportionately more of the juvenile court caseload, overall, these courts tend to deal with younger children (Hockenberry and Puzzanchera 2015, 10).

For youths of all ages, the most common offense for referral was a property crime. The least common offense was a drug-related offense (Hockenberry and Puzzanchera 2015, 9).

Most (72 percent) of the juvenile court cases in 2013 involved males. For both males and females, numbers of cases and case rates have been declining since 1997. Offense patterns are similar for males and females. Property offenses were most common for both males and females, (Hockenberry and Puzzanchera 2015, 12–15).

In 2013, the number and rate of cases petitioned to juvenile courts for status offenses (curfew violations, liquor law violations, running away, truancy, and ungovernability) were higher for males than for females, except for the offense of running away, where both numbers and rates of cases were higher for females than for males. Boys accounted for 58 percent of all status offense referrals, compared to 72 percent for delinquency cases, as noted earlier. Thus, girls were sent to juvenile court relatively more often for a status offense than for juvenile crimes, compared to males. For both males and females, status offense cases and case rates have been declining since 1995 (Hockenberry and Puzzanchera 2015, 67–72).

In 2013, the majority, 62 percent, of all delinquency cases and 55 percent of violent offenses in juvenile courts involved whites, while blacks represented 35 percent of all court cases and 42 percent of person cases. In 2013, the overall delinquency case rate for blacks was 74.3 per one thousand youths, compared to a rate of 27.4 for whites. For person offenses, the rate per one thousand for blacks was 23.3, compared with 6.5 for whites (Hockenberry and Puzzanchera 2015, 19–20). Case rates for both white and black youths are declining, but the proportionate disparity still exists. Issues of racial disparity in the juvenile justice system are discussed again in chapters 13, 14, and 15.

Self-Report Data

The previous discussions have presented information on measurements of delinquency that are considered official data sources. However, UCR data and juvenile court data do not offer a complete picture of delinquency. In addition to being incomplete, these sources of data do not include much information on the circumstances of delinquent acts, nor of the social and attitudinal correlates of offenders. One way to supplement these insufficiencies is to turn to other sources of information on delinquency that are often considered unofficial. One of the more popular unofficial sources of data on delinquency is a method of inquiry called self-reported delinquency. Self-report measures ask juveniles whether they have committed one or more of a list of delinquent behaviors, usually within a certain period of time, such as the past year.

Self-report studies have been around a long time. They were first used in the 1940s on college and adult populations (Porterfield 1943). The first use of self-report measures on juvenile populations was in the 1950s, when James F. Short Jr. and the late F. Ivan Nye administered self-report questionnaires concerning delinquency and a variety of other questions to high-school and institutional populations in Washington State (Short and Nye 1958).

Reliability and Validity Issues or Concerns

Despite the fact that self-report studies have been around for over fifty years, critics of this method point out that asking juveniles to tell on themselves, so to speak, is not an accurate way to discover the truth about delinquency. For example, some contend that juveniles will not divulge their deviant behaviors to strangers for fear they may be caught and punished. This concern seems greater for those juveniles who are already in institutions. However, from the earliest uses of self-report studies, researchers have shown that incarcerated youths admit to having committed more delinquent acts than comparative samples of high-school students. They have usually simply not been caught for the vast majority of these acts. In fact, some research shows that institutionalized youths are more delinquent than even the most delinquent high-school youngster who has not been caught and put into the juvenile justice system (Cernkovich, Giordano, and Pugh 1985).

A detailed analysis and discussion of the reliability and validity of self-report measures of delinquency concluded that these measures are reliable and valid enough to use, especially when analyzing correlates of delinquency (Hindelang, Hirschi, and Weiss 1981). After looking at a number of examples of reliability and validity, such as comparing self-report measures to official measures, examining test results, looking at various sources of self-reports besides respondents, and reviewing statistical reliability measures, Hindelang et al. (1981, 114) conclude that self-report measures are not "fundamentally flawed" and are useful tools for measuring delinquency.

Another factor to remember is that today, almost all research on humans, especially youths (and more especially incarcerated youths), is protected by government restrictions on abuse of human subjects. It would be a rare event if a researcher were to use such instruments without granting anonymity, confidentiality, and assurances that subjects could opt out of answering any question at any time. In addition, most studies of youths today must obtain parental approval before a juvenile is allowed to answer questions that may put him or her at risk of sanctions.

Another criticism of self-report studies is that they typically do not tap the serious delinquent youths in a community because they do not include the most violent cases of crime, such as murder and forcible rape. To some extent, this criticism is true, especially in the earlier studies. However, many current self-report studies do attempt to measure the more violent and serious kinds of offenses, but still typically not homicide and rape.

Conclusions of Self-Report Studies

Gender and Race Many researchers have developed and used a self-report measure of delinquency. However, for the past twenty years, an annual collection of self-report data on high-school students, particularly seniors, has provided us a wealth of information on the unrecorded deviant behaviors of our nation's youth. This study is called Monitoring the Future (MTF), and it is administered by researchers with the Institute for Social Research at the University of Michigan. Every year, this study surveys a random sample of high-school students. The earlier studies included only seniors but currently include seniors, eighth graders, and tenth graders. Respondents are asked questions on a variety of subjects, including drug use and delinquency. This survey is discussed again in chapter 9, on drug use.

One of the advantages of the MTF research is that it provides longitudinal data on a lot of issues. This advantage reflects another value of self-report studies. That is, they can be used to correlate a number of social and attitudinal factors to admitted delinquency and deviance. Table 3.1 displays answers among seniors to questions on delinquency by gender of respondent for the years, 2003 and 2012. Respondents were asked to indicate how often they had committed a listed offense within the past year. The data in Table 3.1 indicate that for all but one offense listed, arguing or fighting with parents, males admitted to being more delinquent than did females. That is, a higher percentage of males admitted to having committed the offense at least once (a prevalence measure) compared with females. Some offense categories show marked differences between males and females, such as "hurt someone (badly enough to) need (a) doctor or bandages" "set fire to someone's property on purpose," and "damaged work property on purpose."

In Table 3.2, the same offenses are listed by race of respondent. These data show that, in several instances, white youths admitted to having committed an offense at least once more often than did black youths. In some cases, such as "taken something not belonging to you worth under $50," the prevalence rates are nearly the same. However, blacks admitted to committing many violent offenses more often than did whites. Collectively, the data in Table 3.2 do not uniformly support the arrest figures for race. Blacks do not admit to having committed offenses in the same proportion in which they are arrested, including violent offenses, and this has been the case for many years. Interestingly, in 2003, white and black students admitted to being arrested for an offense in equal proportions (these data were not available in 2012). This finding is clearly contrasted with the disproportionate arrest rates for nonwhites reported in the UCR.

Besides the MTF surveys, there are numerous self-report studies that shed additional light on the extent of unrecorded delinquency. Several years ago, for example, the National Youth Survey was conducted on a sample of over seventeen hundred youths throughout the country. Analyses of these data have provided considerable insight into the extent and correlates of self-reported delinquency. Rachelle Canter's (1982) analysis, for instance, concludes that the patterns of male and female delinquency are similar, despite the preponderance of male delinquency over female delinquency. Moreover, in this study, males were more involved in serious and violent crimes than were females, but not so for status offenses. In fact, the prevalence ratio of male to female self-reported offending for running away and other status offenses was 1.6:1 or even closer, which means the proportion of males and females admitting these offenses was nearly equal (Canter 1982, 377–83).

Another self-report study of delinquency in Manila, Philippines reached a conclusion somewhat similar to most studies in the United States—namely, that males were much more involved in delinquency than were females. In this study, however, among females, upper-status girls had higher rates of self-reported delinquency, across all categories of delinquency, and often significantly higher rates (Gutierrez and Shoemaker 2008; see also Shoemaker [1994). Whether the results of the survey in Manila are indicative of cultural gender patterns of behavior among adolescents or represent more universal gender and class patterns of delinquency is difficult to assess at this time. However, these results do suggest the need to conduct more international studies of delinquency to better understand patterns and explanations of delinquent behavior.

Table 3.1 High School Seniors' Self-Reported Delinquency by Gender (in percentages)

	Class 2003			Class 2012		
Delinquent Activity (occurring at least once in the past year)	**Males (N = 1,164)**	**Females (N = 1,246)**	**All Seniors (N = 2,517)**	**Males (N = 1,099)**	**Females (N = 1,081)**	**All Seniors (N = 2,298)**
Argued/fought with parents	93.1	92.4	89.7	83.3	88.0	85.0
Hit instructor/supervisor	2.5	0.9	3.2	3.6	1.2	2.5
Serious fight school/work	12.1	8.8	14.3	14.4	7.4	11.1
Fought with group of friends against another group	17.8	14.9	19.8	16.0	12.7	14.3
Hurt someone resulting in doctor or bandages	10.2	5.1	12.0	14.9	5.4	10.3

Used knife/gun/object to get something from a person	2.4	0.9	3.9	4.1	1.0	2.7
Took something not belonging to you (worth <$50)	26.9	21.1	27.7	27.8	16.4	22.1
Took something not belonging to you (worth >$50)	8.4	5.1	9.6	10.5	4.1	7.3
Took something from a store without paying	23.4	22.8	26.8	23.3	20.8	22.1
Took car not belonging to you or your family without permission	4.0	2.5	5.3	5.4	2.3	3.9
Took part of a car without permission from the owner	4.3	2.1	5.5	3.3	1.3	2.3
Got into house/building when not supposed to be there	22.9	17.3	23.0	26.1	16.6	21.1
Set fire to someone's property on purpose	3.4	0.9	3.8	3.3	0.9	2.0
Damaged school property on purpose	12.6	6.4	13.2	9.4	5.8	7.6
Damaged work property on purpose	6.7	2.6	6.8	4.1	1.6	2.7

Source: http://www.monitoringthefuture.org/datavolumes/2012/2012dv.pdf.

Table 3.2 High School Seniors' Self-Reported Delinquency by Race (in percentages)

	Class 2003			Class 2012		
Delinquent Activity (occurring at least once in the past year)	**White (N = 1,631)**	**Black (N = 273)**	**All Seniors (N = 2,517)**	**White (N = 1,398)**	**Black (N = 256)**	**All Seniors (N = 2,390)**
Argued/fought with parents	93.1	75.7	89.7	88.5	69.1	85.0
Hit instructor/supervisor	2.5	1.5	3.2	2.2	1.8	2.5
Serious fight school/work	12.1	18.4	14.3	11.1	9.9	11.1
Fought with group of friends against another group	17.8	21.4	19.8	13.9	11.6	14.3
Hurt someone resulting in doctor or bandages	10.2	14.4	12.0	9.4	12.5	10.3
Used knife/gun/object to get something from a person	2.4	2.8	3.9	2.3	3.0	2.7
Took something not belonging to you (worth <$50)	26.9	21.2	27.7	23.3	19.0	22.1
Took something not belonging to you (worth >$50)	8.4	7.0	9.6	6.6	6.9	7.3
Took something from a store without paying	23.4	30.3	26.8	20.0	26.3	22.1
Took car not belonging to you or your family without permission	4.0	5.0	5.3	2.9	3.0	3.9
Took part of a car without permission from the owner	4.3	5.2	5.5	1.8	2.7	2.3
Got into house/building when not supposed to be there	22.9	19.6	23.0	20.7	17.3	21.1
Set fire to someone's property on purpose	3.4	2.7	3.8	1.6	1.7	2.0
Damaged school property on purpose	12.6	9.2	13.2	7.3	8.5	7.6
Damaged work property on purpose	6.7	4.7	6.8	2.4	1.7	2.7

Source: http://www.monitoringthefuture.org/datavolumes/2012/2012dv.pdf.

Earlier, the issue of running away was discussed in connection with arrest rates. It was observed that females are arrested for running away more than are males. Now, it is seen that males and females admit to running away in equal proportions. This finding suggests that females are arrested more often for running away than males at least in part because of discrimination against females. This discrimination is not always done out of malice or evil intentions. Perhaps girls are picked up on the street to keep them from being victimized—that is, to protect them. This motive may be based on an attitude of paternalism directed toward girls. Paternalism means acting toward someone as if they were a child and in need of supervision and protection. This attitude may be offensive to some (perhaps most) girls, but it helps explain why they are so often arrested for being beyond the supervision of their parents or guardians.

Social Class While the official data on delinquency discussed above provide little in the way of information regarding the social class status of youths who are arrested or referred to juvenile courts, some self-report studies conclude that incidence measures of delinquency reveal significant social class differences but fewer differences relative to prevalence measures. That is, if you measured delinquency by counting the number of acts committed, there would be significant differences by social class, with working- and lower-class youths having the higher numbers of delinquency, especially for the more serious, or index, offenses. However, if delinquency were measured by the proportion of youths who admitted to committing crime and delinquency, then the rates would be similar for youths of different social class backgrounds (Elliott and Huizinga 1983).

Other self-report studies of delinquency, however, conclude that there is little, if any, relationship between social class, or SES (socioeconomic status), and delinquency, no matter how delinquency is measured. In fact, these studies suggest that where differences occur, it is sometimes the middle-class youths who are more delinquent than lower-class youngsters (Hindelang et al. 1981, 181–98; Shoemaker 1994). Other research concludes that maybe one reason researchers cannot find consistent differences between social-class background and delinquency is that working- and lower-class youths are involved in more serious forms of crime and delinquency while middle-class youths are more involved in less serious crimes and status offending, so there appears to be no difference between the social classes and overall measures of delinquency (Wright et al. 1999).

The topic of social class and delinquency is also discussed in the next section of this chapter and throughout this book, in connection with theoretical explanations of delinquency, gang delinquency, and the juvenile justice system. For the moment, it is clear from the results of self-report studies that delinquency is not a province of poor and minority youths but is often committed by the more well-to-do youths in our communities (Vaz 1967; Wooden and Blazak 2001).

Cohort Studies

Another way to measure and study delinquency is to use what is known as a cohort study. Cohort studies usually examine a sample of youths, often within a particular city or metropolitan area, and then observe patterns of delinquency and correlates among this sample over a period of time. For this reason, most cohort studies are longitudinal in nature. That is, they follow a sample of youths over an extended period of time rather than examine them at one point in time. While there are several examples of cohort studies, the ones chosen to discuss here are the Philadelphia cohort studies.

There were two Philadelphia cohort studies, informally named Cohort I and Cohort II. The first one examined a sample of 9,945 males who were born in 1945 and who lived in Philadelphia from their tenth to their eighteenth birthdays. The second study included 13,160 males and 14,000 females who were born in 1958 and lived in Philadelphia between their tenth and eighteenth birthdays. In both studies, census and school data were used to identify the youths to be included in the sample. Detailed police records were obtained so that the researchers could examine who was involved in an arrest, the specifics of the case, and the particular demographic information of the juveniles involved, including where they lived. Detailed census information was also used to assign youths to social-class positions, based on the socioeconomic characteristics of the areas where they lived (Tracy, Wolfgang, and Figlio 1990, 14–30). With regard to police records, the researchers found that in most instances, the data were reported as "contacts," not just arrests.

The results of the Cohort I study concluded that 3,475 males, or 34.9 percent of the sample, had at least one contact with the police by their eighteenth birthday. In the Cohort II study, this figure dropped to 32.8 percent among the males (corresponding figures for females were not given in this report). In the Cohort I study, only 18.7 percent of the total sample were recidivists—that is, contacted more than once. However, only a small percentage of the sample (6.3 percent) were considered chronic recidivists, meaning that they were contacted by the police more than four times. In the Cohort II study, recidivists represented 19.1 percent of the sample, and chronic offenders represented 7.5 percent of the sample. Thus, comparing the two cohorts and time periods, it seems as if the newer sample was contacted less often than the earlier sample of males, but their cohort included more chronic recidivists (Tracy et al. 1990, 38–39, 294).

A significant feature of the chronic recidivists, however, was not only that they represented a majority of all contacts recorded, but that they also were contacted more for the serious, index or Part I types of offenses. For example, in Cohort I, the chronic recidivists represented 63.3 percent of all contacts for Part I crimes among the sample. In Cohort II, chronic recidivists represented 68.4 percent of all Part I crime contacts among the sample (Tracy et al. 1990, 90).

Another characteristic of the chronic offenders is that they tended to be overrepresented by minority and low-SES youths. However, detailed examinations of police records and handling procedures led the authors to conclude that in both cohorts, there was evidence to suggest discriminatory handling of nonwhite youths and lower-class youths, despite the offenses for which they were contacted, although these discriminatory practices seemed to lessen in the 1958 cohort (Tracy et al. 1990, chap. 7, 12, and 13).

Another feature of the cohort studies is their detailed analysis of age and delinquency. One finding was that age of onset of delinquency, or police contact, was strongly related to more involvement in delinquency. For example, youths first contacted by the police at the age of ten or eleven had higher mean scores of delinquency than those youths first contacted by the police when they were fourteen to seventeen years of age (Tracy et al. 1990, 176–79). However, the researchers found little connection between age of onset and severity of delinquency. As they put it, "The assumption that a delinquency career started early will produce severe delinquency was not confirmed" (Tracy et al. 1990, 211).

Another age-related characteristic of delinquency found in the cohort studies is the relationship between age of offense and delinquency. Earlier, it was concluded that the peak age of arrest is around eighteen. The cohort studies reached a similar conclusion, but at a lower age. Specifically, in both Cohorts I and II, the mean number of offenses peaked at age sixteen, particularly for nonwhites, but for whites in the 1958 cohort, the peak age was seventeen. In addition, the apex of delinquency for age sixteen held for Part I and Part II crimes. For violent crimes, however, the peak age was higher, seventeen, particularly among whites and in the 1958 study (Tracy et al. 1990, chap. 11). Overall, the analysis of these two cohort studies concluded that the age–crime relationship changed somewhat between Cohorts I and II, with the latter sample showing longer periods of delinquency involvement than the first sample.

However, it is again shown that rates of crime and delinquency tend to peak in latter adolescence and then fall off. Could it be that juveniles simply get smarter at these ages and avoid detection? Or do they seem to fear the stronger penalties associated with the criminal justice system? Or do juveniles get more mature as they age? In part, the reasons for this maturation effect are addressed in the following chapters, as explanations for delinquency are considered. For the moment, however, it is appropriate to caution anyone trying to understand the causes of delinquency that explanations of why juveniles start committing acts of crime and delinquency should also try to explain why they stop committing delinquent acts.

Victimization Studies

Delinquency can also be measured by looking at the victims of crime. In this case, researchers are looking for patterns of who gets involved in criminal behavior. Most victimization surveys look at the circumstances surrounding the act or acts of crime rather than the personal motivations of the offender. Consequently, some students of delinquency discount victimization surveys as not very useful toward understanding why juveniles commit crimes. However, sometimes knowing who a victim is can give a clue as to why a person engages in criminal behavior.

Most of our information on victims of crime comes from a national survey named the National Crime Victimization Survey, or NCVS. The NCVS has been conducted annually since the early 1970s, so a lot of experience and information is available on victims of crime across the country. The NCVS interviews a random sample of household members of age twelve and over, usually starting with the head of the household. In 2014, the Bureau of Justice Statistics conducted these interviews with 90,380 households and 158,090 people (Truman and Langton 2015, 12).

The crimes surveyed in the NCVS are divided into personal and property crimes. Personal crimes include the violent crimes found in the Part I Crimes of the UCR, with the exception of murder. Personal crimes, however, also include simple assault and personal theft. Property crimes include household burglary, motor vehicle theft, and theft in general (larceny).

The results of the 2014 survey indicated that there were 20.7 million crime victimizations (Truman and Langton 2015, 1). The numbers and rates of victimizations have been declining, much as the crimes reported in the UCR have been declining, over the past several years.

In terms of age, the victimization studies almost always indicate that the most common victims are young people, while elderly people, those age sixty-five and older, have the lowest rates of victimization. In 2014, the rate of violent crime victimization was highest for the age group eighteen to twenty-four, 13.6 per one thousand, while the group with the lowest victimization was sixty-five years of age and older, with a rate of 1.3 per one thousand (Truman and Langton 2015, 9). One likely reason for this finding is that young people are out and about more so than the elderly. Separate analyses of victimization studies conclude that young people, particularly ages eighteen to twenty-four, tend to have the highest rates of violent crime victimization, not including murder (Klaus and Rennison 2002).

An extended study of the relationship between juvenile offending and victimization is also found in a national survey of more than five thousand youthful offenders and victims called the National Longitudinal Study of Adolescent Health, or the ADD Health Study. According to analyses of these data, violent juvenile offenders are often victims of violent crimes and they share similar characteristics, such as being male, minority status, and more physically developed (Shaffer and Ruback 2002, 1–5). These results suggest that victims of violent crimes are likely to be violent crime offenders one or two years later and vice versa (Shaffer and Ruback 2002, 4). While it may be logical to presume that a victim might become an offender, because of the trauma and psychological effects of the victimization, there seems to be an interaction between both victimization and offending. This goes back to a point raised earlier, although with more data, that one reason young people are more likely to be victims of crime more than the elderly is that they are more often outside their homes and among other people.

Because the NCVS studies ask heads of households about victims of crime in their families, it is possible that some of the victimizations that occur to juveniles are not captured in the surveys. Furthermore, it is likely that the identities of offenders are not known to victims, especially if the crime is a property crime. Even with personal crimes, knowledge of the ages of offenders may be guesswork on the part of victims, unless victim and offender know each other well. Of particular interest in this situation is the crime of murder. Since victimization surveys do not include murder, it is difficult to use these studies to learn much about the chances and circumstances of juvenile murder victims. However, for several years, the FBI has conducted separate analyses of murder in its UCR publications. Analyses of these data indicate that victims of murder tend to be young and mostly minority—that is, African American and Hispanic. Homicide rates for adults are much higher than for juveniles, but that is likely because the victimization rates are highest for young adults, ages eighteen to twenty-four (Finkelhor and Ormrod 2001, 2–3).

A Note on Hate Crimes

A hate crime is defined by the FBI as a crime motivated by bias against any one of several characteristics. Characteristics of victims that qualify a crime as a hate crime vary but usually include race, ethnicity, religion, and sexual orientation. The federal law does not include women as victims of hate crimes because of the Violence against Women Act of 1994, which places female victimizations of all violent crimes under federal legislation, despite the Supreme Court overturning some parts of the law. However, in many states, violent crimes against women are included in hate-crime laws (Gerstenfeld 2004, 29). In 1990, Congress passed the Hate Crime Statistics Law, and since 1991, the FBI has collected data on hate crimes. Since 1994, these data have also included disability as a characteristic of hate-crime victimization, although federal law does not recognize sexual orientation or disability as a target of hate-crime acts.

In 2014, the Hate Crime Statistics report recorded a total of 5,479 hate-crime incidences and 6,727 victims. By far, the victim category most often reported in connection with hate crimes has been that of race, and this was true in 2014. Nearly half, 47.9 percent, of the victims of hate crimes involved race, mostly African Americans (Federal Bureau of Investigation 2014b, table 1).

The age of offenders was identified in approximately 36 percent of the known hate-crime incidents in 2014, although age determination may not be accurate in all cases. Of the known ages of offenders, about 19 percent were identified as juveniles (Federal Bureau of Investigation 2014b, table 9). Studies of hate crimes often conclude that hate-crime offenders are young people acting in a group context rather than alone. In addition, few reported hate crimes are committed as a result of membership in large organizations, such as Skinheads or other organized hate-groups (Gerstenfeld 2004, chap. 4, especially pp. 72–73). The influence on young people to commit hate crimes seems to stem more from group dynamics and the influence of peers in a social setting than ingrained indoctrination from organized extremist groups. Hate crimes are of interest in this textbook because they represent another example of criminal behavior committed by young people.

In 2009, Congress passed the Hate Crimes Prevention Act, which facilitated federal intervention in local investigations and prosecutions of hate crimes. In March 2012, three white Mississippi men, aged nineteen to twenty, pled guilty to a hate crime in the killing of a black man in Jackson, Mississippi, in June 2011. They allegedly beat the victim and ran over him with a truck. These three men are thought to be the first to be convicted of a lethal hate crime under this new federal legislation (Bronstein 2012).

Other Methods

In some cases, such as the study of gangs, researchers have to use other methods than the ones described in this chapter. Studies of gangs, for example, often use observations and interviews with gang members as a basis for their information. Sometimes, participant observation is used in the study of gangs or otherwise hard-to-reach populations, such as runaways or street children. Participant observation means actually participating in the group's activities while studying their behavior patterns (see some of the studies of gangs discussed in chapter 10, on juvenile gangs).

Another method of studying delinquency is the experimental method. In this case, people are studied in a confined setting, perhaps even a laboratory, and their behavior is observed, recorded, and analyzed. Most often, when researchers use this method to study behavior, they are looking for specific behaviors in response to particular causes. For example, studies of the effects of television or other stimuli on behavior can be conducted in an experimental fashion. The researcher would look for specific effects when exposed to certain kinds and/or amounts of violence, such as aggressive behavior exhibited after watching a violent program or scene on television.

Sometimes researchers are able to conduct an experiment in a "natural" setting, which means where youths live and congregate. In this case, such as a study about the effects of a curfew on young people's behavior, the study is organized around the conditions and situations of the natural setting. For example, observers may post themselves at a shopping mall or popular cruising site and observe while tabulating and recording the movements of young people who visit these locales at particular times.

In addition, some researchers use content analyses of published reports and newspaper accounts of delinquency activity, including gangs, to get a better idea of delinquency in a particular population. In this case, the goal is to organize and categorize concepts, themes, patterns, and so on from the material read or seen in an effort to get a better understanding of the kinds of delinquent acts discovered and their characteristics.

Summary

There are several methods of measuring and studying delinquency. Each has its advantages and disadvantages, and no single method is so superior to the others that it can always be used or used exclusively. The wise approach to a fuller or more complete understanding of delinquency is to use as many methods as possible or practical.

Despite the differences found in various measures of delinquency, several common results seem to stand out. Students of delinquency should keep these conclusions in mind when assessing information concerning theories of delinquency, which are presented later in this book.

- Generally, rates of delinquency in the United States have been falling since the mid-1990s.
- Rates of delinquency are higher for males than for females except for some sex crimes, such as prostitution, and status offenses, such as running away.
- Arrest and referral to court rates are disproportionately high for minorities, and some studies suggest that some of this disproportionality is because of discrimination against minorities.
- Racial and gender differences in rates of delinquency seem to be greater for official estimates of delinquency, such as arrest and court data, compared with self-report studies, but these differences remain in self-report data.
- Arrest rates among males and females peak at about age eighteen or nineteen for property crimes and at about age twenty-one to twenty-two for violent crimes.
- A small proportion, between 5 percent and 10 percent of all juveniles, are responsible for the majority of criminal and delinquent acts in a population of juveniles, and usually, their crimes are the more serious offenses, such as violent crimes.

The findings listed above are not all of the conclusions one can reach regarding patterns of delinquency, but, again, they are consistent findings that emerge from different sources of measuring and studying delinquency. The next several chapters present explanations of delinquency that are based on various sources of information. As the reader encounters these theories and the data often used to evaluate the theories, close attention should be paid to the source of the data being used as well as the points listed above. Does the theory make sense, so to speak, of consistent findings regarding the extent and patterns of delinquency? In addition, these facts should be considered when discussions of the juvenile justice system, the police, and the courts are presented later in the book.

Study Questions

1. What are some recent trends in arrest rates by race and gender?
2. In what ways do the findings of self-report studies challenge official measures of delinquency, such as UCR and juvenile court statistics?
3. What are some of the conclusions of recent victimization studies?

CHAPTER 4

The Classical School, Rational Choice, and Individualistic Explanations of Delinquency

Before the nineteenth century, most explanations of crime and delinquency were based on a free-will conceptualization of human behavior. The basic idea was that people do what they do because they gain something from such behavior; that is, they profit in one way or another from their behavior. This logic applies to criminal activity as well as conformity. Today, criminologists often refer to this line of thinking as the classical school of thought concerning criminal behavior. Crime is committed because of the exercise of free will to obtain some gain or profit. Accordingly, the best way to prevent crime is to make it unprofitable—that is, to punish offenders. In addition, the classical view of behavior often did not distinguish between juveniles and adults. As was discussed in chapter 1, the concept of delinquency was not clearly formed until the latter years of the nineteenth century, and scholars of criminal behavior were not often thinking of human development by age in their theoretical reasoning. A modern view of the traditional classical school of thought is the idea that people exercise rational choices in deciding whether to commit a crime, including where the crime is committed.

The development of explanations of delinquency is characterized by a rethinking of the concept of free will. This line of thinking is usually identified with developments of the nineteenth century. One example of this shift in thinking about the motivations for crime is called the positive school. In addition, explanations of crime and delinquency influenced by the positive school and other theories are characterized by data collection and analysis, compared to logical reasoning. In fact, the term positive comes from the philosophical notion that empirical investigations into a subject are examples of positivistic thinking.

Earlier examples of positivistic explanations of crime and delinquency focused on those that identified individualistic factors as the major explanations of juvenile offending. These theories are what Albert Cohen calls "kinds of people theories" (Cohen 1966, 42). That is, the emphasis is on what is wrong with the people committing the illegal acts. Two disciplines that have offered most of these individualistic explanations of delinquency are biology and psychology.

Biological and psychological explanations of delinquency can be divided into earlier and more modern periods, and the discussions of these theories are presented in temporal order. While people may differ on the specifics of the break between early and modern, the break used in this chapter is pre-1950 and post-1950. This division applies to the classical school and biological and psychological explanations of delinquency.

The Classical School

In 1764, an Italian philosopher and economist named Cesare Beccaria published a small book titled On Crimes and Punishments. The contents of this book were to become the basis for what is now known as the "classical school" in criminology. In his book, Beccaria laid out the ideas and philosophies of what he considered a just system of punishment for crimes. Beccaria saw the administration of justice in late eighteenth-century Europe as unjust and capricious. Judges would hand out widely different sentences for similar crimes without any apparent reason or system for doing so. The result, according to Beccaria, was not only confusion among those who worked in the system and those who were affected by it, but also disrespect among criminals and those who were familiar with the haphazard manner in which crimes were punished.

To develop a fairer, more just, and, ultimately, more effective system of criminal justice, Beccaria outlined some basic principles of human behavior and its management. One of the guiding principles of this philosophy was the notion that all people act according to their free will. A second principle of this "new" school of thought was that people act according to a hedonistic philosophy—namely, that we act in order to maximize our pleasure and to minimize our pain. Thus, we do what we do because it pleases us or gives us profit.

From these two basic ideas, Beccaria fashioned the framework for developing a fair system of justice for society. He argued for a system of punishment that would offset the gains made from committing crimes. In addition, the punishments for crimes were to be established by legislators, not judges. The role of judges was to be focused on deciding guilt or innocence, not on determining proper punishments for those found guilty of a crime. Moreover, punishment was not to be excessive, but, rather, only enough to negate the positive aspects of committing a crime. Capital punishment, for example, was not advocated by Beccaria (Martin, Mutchnick, and Austin 1990, 14–15).

The impact of this set of ideas on European governments and members of the judicial community was significant. Beccaria's book was read by many throughout Europe, and his ideas were soon incorporated into systems of criminal justice throughout the continent. In 1791, after its revolution in 1789, France incorporated many of Beccaria's ideas into a revised penal code. However, several years later, this system was again revised, at least in part because a literal translation of Beccaria's principles became impractical to implement in the real world of establishing fair and effective systems of punishment. For one thing, Beccaria did not recognize age or mental condition as conditioning factors in the use of punishment as a means to control crime. The idea that juveniles are not as fully formed in terms of cognitive awareness and judgment was not appreciated by Beccaria. Nor did he view mental abnormalities as important in the understanding of human behavior. Thus, the hard rules that Beccaria's system of justice imposed on judges and society proved unworkable in the world of justice and punishment (Martin et al. 1990, 6; Vold, Bernard, and Snipes 2002, 20).

The recognition that extenuating circumstances should be considered when trying to understand the motivations for behavior is often referred to as the neoclassical school (Vold et al. 2002, 20). An earlier example of the ideas of the neoclassical school is the English philosopher Jeremy Bentham, who wrote An Introduction to the Principles of Morals and Legislation in 1789. Actually, this school of thought is not as clearly defined as the classical school. It is associated with the belief that free will exists but it is tempered or affected by personal and social situations. For example, Bentham made the case that an addict may not be as logical in his or her choice to use a drug as would be one who is not addicted to drugs. Therefore, to punish the addict on the grounds that he or she is thinking clearly on whether or not to use drugs would be to impose a system of logic on the addict that is not realistic.

Even in more mundane situations, the logic of the neoclassical school may apply. It is clear that in most instances we choose to do something, say, select a certain food to eat. However, it is also the case that that choice is often affected by a variety of factors, some internal, some external, that have a bearing on that choice. What is the lunch preference for a typical American teenager? Hamburgers and fries? What about the choice for, say, a Filipino child? Rice and fish? Cultural factors can play an important role in shaping our tastes and preferences for food, in the same way that they may play an important role in the choice to obey or disobey the law, according to the neoclassical school of thought. As some would say, our free will is "conditioned" (Fishbein 1990, 30). It is even logical to assume that our whole system of juvenile justice is based on the neoclassical concept that we act according to free will but that the actions of children and youths are not as culpable as are those of adults. That is why we reserve different punishments and approaches to the control and prevention of delinquency as opposed to those for adult crime.

Rational Choice Theory and Delinquency

A modern view of the free-choice argument is expressed in rational choice theory. This view of behavior suggests that people choose to act in accordance with a rational assessment of the costs and benefits of their behavior (Cornish and Clarke 1986). This notion is similar to an economic interpretation of behavior, in which acts are thought to occur in accordance with our economic interests. However, when this idea of rational, calculating thought processes is applied to juveniles, the logic seems to break down. For one thing, the whole system of juvenile justice in the United States is predicated on the assumptions that juveniles are not as rational as adults and that they cannot as clearly reason the consequences of their actions. Of course, young people do think and calculate behavior and act freely. But they, as with all people, are also influenced by social circumstances such that free will is "conditioned," as was mentioned earlier. With juveniles, however, this influence is filtered through less-developed reasoning ability—at least, that is what our judicial philosophy assumes.

Research on rational choice theory suggests that, among adults, perceived opportunities to commit crimes are more important in the explanation of self-reported criminality than are perceived punishments for committing crimes (Piliavin et al. 1986). However, this theory has not been tested very often among samples of juveniles. The research that does exist suggests that among a sample of juveniles, "rational" choices to commit acts of crime or delinquency or to stop committing such activity are not as clear as rational choice theory would suggest (Paternoster 1989).

Both rational choice theory and its foundation, classical theory, have some merit as explanations of delinquency. Their policy implications connect with deterrence, or the idea that the best way to deter crime and delinquency is to punish the offender. This approach to the control of criminality is often connected with the suppression of gang activity, discussed in chapter 10. Clearly, many acts of delinquency are planned and carried out with specific consequences in mind. However, when we are dealing with youngsters, it is important to remember that youths often do things with little forethought of their consequences. It seems useful, then, to explore alternative explanations of delinquency, such as the individualistic theories considered in the remainder of this chapter, as well as several sociological explanations that are discussed in succeeding chapters.

Lombroso and the Positive School

The transition from the classical idea that we all act according to free will to the notion that free will is conditioned gradually gave way to another traditional school of thought in criminology, the positive school. The positive school is associated with the idea that behavior is not only conditioned but also determined, especially by individualistic characteristics, and thus not really a product of free will (Vold et al. 2002, 26–28).

The person most often associated with the positive school is an Italian physician named Cesare Lombroso. Lombroso became interested in the physical aspects of crime when he was performing autopsies on the cadavers of well-known criminals in Italy. He was influenced by the thinking of Charles Darwin and began to theorize that criminals were born to be criminal (Cohen 1966, 49–50). Lombroso also used the term atavist or atavism (meaning a throwback to an earlier form of evolutionary life) to describe the born criminal. Essentially, criminals were placed lower on the evolutionary chart than were other people (Cole and Campbell 2013).

Another feature of Lombroso's theory was that born criminals were characterized by numerous physical features, such as a hunched back, long forearms, low forehead, and so on, even to include tattoos (Cohen 1966, 49–50). These physical features could be measured, according to Lombroso, and studied in a "scientific" manner. Interestingly, Lombroso reasoned that such features would largely be observable in advanced societies because in "savage" societies, the distance between criminal and normal was not great and the advancement of human evolution had not progressed very far (Horn 2003, 43–44).

The use of measurement and careful assessment of the physical features of criminals is one reason Lombroso's work is called the positive school. Positivism involves empiricism. However, Lombroso's methods were not scientific, because carefully selected subject and specific control groups were not used. Subjects were not chosen randomly, but by convenience. He did not use matching control groups in conducting research and when comparison or "normal" groups were used, they were not selected in any systematic way, such as by random lot or by characteristics similar to the criminal population he was studying (Horn 2003, chap. 2 and 3).

To summarize, the positive school contained several features:

1. It developed toward the end of the nineteenth century.
2. It was favored by physicians and others with biological training who lived in Italy (hence, this school is sometimes called the Italian school).
3. It emphasized empiricism and measurement of traits, but not the use of adequate control groups.
4. It emphasized biological determinism as opposed to free will as the basis for explaining human behavior.

Early Biological Explanations of Delinquency

Inheritance and Delinquency

Toward the end of his career, Lombroso began to move away from earlier theories and ideas. For example, he classified about one-third of criminals as born, with the rest being classified as insane, epileptic, or occasional, including the criminaloid—that is, one prone to commit crime but not showing the physical "abnormalities" of the born criminal (Wolfgang 1972; Martin et al. 1990, 21–44). In addition, subsequent researchers—namely, the English statistician Charles Goring (1913)—collected evidence that refuted Lombroso's ideas of born criminality. Later work done by Harvard anthropologist Earnest Hooton tended to support Lombroso's work, but research and conclusions were so criticized that they, too, tended to discredit Lombroso's ideas of born criminality being evidenced through physical appearance (Rafter 2004).

Nonetheless, the search for the biological roots of crime had been established in the theories of many criminologists in the late nineteenth and early twentieth centuries. One such theory concerns the inheritance of criminal traits and/or tendencies. Lombroso was never clear about the inherited nature of crime, although the concept of the born criminal would definitely suggest such a position. However, toward the end of the nineteenth century, scholars and social commentators began to pursue theories of biological inheritance as the basic cause of crime and deviance in society. One of these studies was that of the Juke family in upstate New York, conducted by Richard Dugdale (1888). Dugdale used the "family tree" method to study the lineage of a family called the Jukes. Using official data and news accounts, Dugdale concluded that the Juke family had shown patterns of deviance, such as drunkenness, prostitution, and crime, for several generations. This finding led him to conclude that crime and other social problems are inherited.

Another family tree study was conducted by H. H. Goddard, also in the late nineteenth century. Goddard was a superintendent of a home for the feebleminded in New Jersey. He conducted a study of the family history of one of his patients, a girl with the surname Kallikak (Goddard 1912). Goddard found that the Kallikak line was divided. On one side was the offspring of a Union soldier and a retarded woman in the family. On the other side was the progeny of the same mother but a father with a reputation for crime and deviance. The line produced by the soldier included many prominent citizens, such as a senator and a physician. The line from the criminal father produced a succession of criminals and deviants. These results led Goddard to conclude that criminal (and, by extension, politically and economically successful) behavior was biologically inherited.

Heritability of delinquency was also studied by examining the concordance rate of criminality among twins. The concordance rate is a rate of agreement, or similarity, among both members of a set of twins. If, for example, one found among a sample of one hundred pairs of twins that in fifty pairs both twins were delinquent, the concordance rate would be 50, or 50 percent. Research conducted in the early part of the twentieth century typically used small samples (fewer than fifty pairs) of twins, identified the twins by first locating a twin in an institution and then trying to locate the other twin in the community, and used visual appearances to determine if a set of twins was maternal or fraternal. Maternal twins, or identical twins, often look alike, so those who looked alike were often classified as maternal. The theory behind this research is that maternal twins have more inherited traits than do fraternal twins, so the concordance rate of delinquency for maternal twins should be higher than the rate for fraternal twins. Usually, these earlier studies found that the concordance rate of delinquency was much higher for maternal twins than for fraternal twins, suggesting, again, that crime and delinquency were inherited (Shoemaker 2010, 34–43).

These earlier studies would be considered naïve by today's standards of research and measurement. A hundred years ago, however, this kind of research led to many conclusions that crime and deviance were inherited. Around the turn of the twentieth century, eugenics was legalized and became a method of crime prevention. Eugenics was a practice of sterilization used on inmates of institutions, particularly those with low IQs. However, the practice was also used on inmates of various other types, including delinquents. The idea behind eugenics was that, since deviance was inherited, if society sterilized deviants, ultimately there would be no more deviants in the population.

Involuntary sterilization sometimes led to abuses, but in 1927, in a case known as Buck v. Bell, the US Supreme Court legitimized eugenics, and that decision has not been overturned. Carrie Buck was thought to be a retarded young woman who had given birth out of wedlock. For this and other reasons, she was confined to an institution in Virginia, where she was sterilized. An attorney took up her case and brought it to the US Supreme Court. Speaking for the majority decision in that case, Justice Oliver Wendell Holmes Jr. wrote, “Three generations of imbeciles is enough” (Rowe 2002, 141–42). Years later, researchers concluded that Carrie Buck was not retarded, nor was her daughter, but at least for several decades, the issue had been settled in the courts. Today the practice of eugenics is outmoded, and few, if any, cases of involuntary sterilization of inmates have been recorded in recent years (Bishop 1994; Rowe 2002, 142). However, the idea that we can cure the problem of crime via medical procedures is still present in society and it is not likely to fade anytime in the near future.

Somatotypes and Delinquency

Somatotype research is based on the assumption that people are born with certain body types and that these body types influence personalities and behavior. William Sheldon, for example, reasoned that there are three dominant body types: endomorph, mesomorph, and ectomorph. Somatotypes are determined on the basis of relative scores along each dimension of the three dominant ones, endomorph, mesomorph, and ectomorph. The range of scores is from 1 to 7. Thus, an individual receiving a score of 2, 6, 3, for example, would be classified as a mesomorph. In some cases, the scores are not distinct, so the body type is classified as mixed. In Sheldon’s studies, measurements were determined by inspections of photographs (Sheldon 1949).

In addition, each body type is associated with a personality, according to Sheldon. Endomorphs are soft, round, and flabby. Mesomorphs are muscular and athletic, while ectomorphs are characterized by a thin, frail body type. Endomorphs are outgoing and happy, mesomorphs are aggressive, and ectomorphs are shy and withdrawn. It is not clear which factor actually causes delinquency, but it is presumed that all operate together to produce a tendency to commit juvenile crime.

Sheldon normed the body types on college students in the 1930s and 1940s. In those studies, college students seemed to be distributed fairly evenly. He later decided to study body types among delinquents, choosing the residents of an institution in Boston called the Hayden Goodwill Inn. Sheldon concluded that the typical delinquent body type was mesomorphic. Thus, one conclusion from this research was that mesomorphic, aggressive males were more likely to commit delinquency than were other males (Sheldon 1949, 726–29).

Sheldon’s body types and measurement techniques were adopted in a study of five hundred male delinquents compared with five hundred male nondelinquents living in Boston. This study was also conducted in the 1940s by Eleanor and Sheldon Glueck and named Unraveling Juvenile Delinquency (Glueck and Glueck 1950). The Gluecks conducted several kinds of measurements: not only body types but also personality scores and social characteristics. Some of their results are discussed in other parts of this book. For the present discussion, however, their study concluded that the predominant body type among delinquents was the mesomorph, while that among nondelinquents was the ectomorph.

After further consideration, the Gluecks offered an alternative explanation of their findings as compared to the biological view that trait characteristics determined personality and behavior. This alternative view suggested that there might be some kind of social selection occurring such that physically strong and aggressive males might be encouraged to join gangs, where their involvement in delinquent acts would also be encouraged (Glueck and Glueck 1956).

Contemporary Biological Explanations of Delinquency

Contemporary biological explanations of delinquency continue to examine many of the earlier explanations of delinquency, but some are looking in different ways than before at the question of why youths commit crime. This section covers some of these contemporary biological approaches to understanding delinquency, some extensions of earlier lines of inquiry, and some branching off into new theories.

Inheritance and Delinquency: Newer Studies

Contemporary research investigating the impact of biological inheritance on crime is more sophisticated than earlier research. For example, new studies on this subject often include hundreds and sometimes thousands of cases of twins. Much of this research is conducted in Scandinavian societies, where social registries and birth record information are more easily accessible than in other countries, such as the United States, although much of this research studies adult samples of twins (Lyons 1996). Moreover, these databases of twins are not biased in terms of starting with at least one twin already incarcerated. The significance of this point is that concordance rates for delinquency are more accurate, since it is not known before the study how many of a sample of twins are delinquent. In addition, current studies of twins are informed by more precise indications of twins' status, often based on blood analyses, compared to physical appearance alone. This point is underscored by the designation of identical, or maternal, twins as monozygotic, or MZ, compared with fraternal twins, which are designated as dizygotic, or DZ.

The contemporary studies of inheritance and delinquency using samples of twins as the basis of comparison still find that the concordance rate for delinquency is higher among MZ twins than among DZ twins, as expected, but the numbers are lower than in previous studies. In addition, some contemporary students of the topic suggest that the concordance rate among twins is higher for crime than for delinquency, although studies of youth and crime are few (Rowe 2002, 30).

Some current research also examines adoptions and crime, again often coming from Scandinavian countries. One study of over fourteen thousand adopted males in Denmark, for example, found that adoptive sons have criminal records more similar to those of their biological fathers, compared with their adoptive fathers. Also, those adopted sons whose fathers, adoptive or biological, had no criminal record had the lowest rate of crime. However, in no comparison was the concordance rate higher than 25 percent (Mednick et al. 1987). Nonetheless, the directions of the relationships suggest some degree of biological influence in the explanation of criminality.

Altogether, the recent research and thinking on the biological connection to crime and delinquency has moved more and more into the area of interaction, or at least mutual influence between biological factors and the environment. In a study of several hundred twins in Norway, for example, researchers found that the concordance rate of crime was greater for MZ twins than for DZ twins, an expected finding. However, when the environmental background of the MZ twins was considered, the effect of inheritance was reduced to near zero. The concordance rate of crime among both MZ and DZ twins treated similarly as children and youths was significantly higher than the rate for those twins who had been raised independently as separate individuals (Dalgard and Kringlen 1978). Also, Sarnoff Mednick's research on adoptees in Denmark concluded that social conditions can affect criminal behavior irrespective of genetic background (Mednick et al. 1987, 86). Others have found that among MZ twins, young children (ages five through seven) who experienced negative and cold forms of parenting were more aggressive than those MZ twins whose mothers were less negative and warmer in their relationships with their children, suggesting an environmental effect on patterns of behavior at a young age (Caspi et al. 2004).

Some have called for a cessation of studies using twin data, arguing that such studies are not reliable methodologically and that they are based on the assumption that separate influences of heritability and environment can be assessed through this method (Burt and Simons 2014, 2015). Others, however, suggest that studies of twins are still useful and should not be eliminated for the foreseeable future (Barnes et al. 2014; Moffitt and Beckley 2015).

Somatotype Studies Continued

Somatotype research has fallen off since the studies of the 1940s and 1950s, but some attention was still paid to this subject as late as the 1970s. In a study of one hundred male delinquents and one hundred male nondelinquents, Juan Cortes and Florence Gatti concluded that the mesomorphic body type was dominant among the delinquents but not the nondelinquents, many of whom were classified as endomorphic (Cortes and Gatti 1972). The methods of Cortes and Gatti were an improvement over those of Sheldon and the Gluecks in that they classified body types on the basis of more careful physical measurements as opposed to observations of photographs. Still, they used official records of delinquency as their measurement of delinquency, thus cutting off a significant amount of youthful offending, as was noted in chapter 3.

In all of the research conducted on somatotypes and delinquency, the consistent conclusion is that mesomorphs, no matter how measured, predominate in the population of delinquents. The theoretical notion that mesomorphs are somehow inherently inclined to be aggressive and delinquent, however, is difficult to accept because so many other possible explanations exist to explain this persistent finding. Since all of the studies done thus far have measured delinquency on the basis of official records—namely, institutionalized youths—it is possible, maybe even likely, that social selection operates to produce the overabundance of mesomorphs in these institutions. This is a different explanation from the social selection view discussed earlier. In this case, the suggestion is that mesomorphic youngsters, these physically imposing youths, are selected for treatment or punishment by court officials because of their appearance, which is a type of labeling idea. Labeling theory is discussed in more detail in chapter 12 of this book.

There is also the issue of why some youngsters who are physically imposing choose sports as an outlet rather than crime or delinquency. The career paths of youngsters are not solely explained by chance or biological drives, but rather by social factors and processes. Tall boys may be encouraged to play basketball, and strong, athletic youths may be encouraged to play football in areas where these opportunities exist. Rational choices for these youths may result in sports as opposed to crime in many, probably most, situations. Why, then, do some turn to crime? The answer likely rests more with social opportunities and circumstances than with genes. As David Rowe (2002, 105) says, after a thoughtful and detailed examination of genes and behavior, "There are no genes for specific behaviors in humans; rather, the genes usually code for proteins, and the proteins in turn can affect and interact with a host of physiological traits."

Learning Disabilities

The relationship of learning disabilities to delinquency has a fairly brief history, and one that has been characterized by disagreements and uncertainties. As a concept, learning disabilities started to become well known in the 1960s (Murray 1976). While it is certain that education specialists were aware of these conditions before then, people often did not know what to do with children who had learning disabilities, or how to diagnose the situation in the first place. Today, of course, there are teachers and school administrators specifically trained to recognize, diagnose, and handle youths with learning disabilities, but that has not always been the case.

A learning disability is a condition that interferes with a person's patterns of learning. It is typically not associated with hearing or sight loss, but rather with brain functions that operate differently from those of "normal" patterns of learning. A full diagnosis of a learning disability within a school setting usually involves evaluations by several specialists, including a physician, a psychologist, a social worker, and teachers and school administrators. In addition, the signature of a parent or guardian of a minor child must be secured before a school district can officially label a child "learning disabled."

There are several kinds of learning disabilities, and some people have more than one. Probably the most well-known type of learning disability is dyslexia, a condition that affects a person's ability to read. With dyslexia, words are often jumbled, such that the word saw, for example, is seen as was. While a beginning reader will often mix up words and letters, dyslexia is a more permanent condition and one that makes it difficult to develop confident reading skills. Other learning disabilities include aphasia, which hinders interpretations of spoken directions and instructions, and hyperkinesis, which often results in excessive movement of large and small muscles (Murray 1976).

In the 1970s, researchers began to investigate the connection between learning disabilities and delinquency, thinking that these conditions would make it more likely that children would experience difficulties in the classroom and in society. Initial results indicated a substantial disagreement on the connection between the two. Estimates of learning-disabled delinquents ranged from 20 percent to over 90 percent (Murray 1976). Part of the reason for this discrepancy was that measures and diagnoses of learning disabilities were not uniform, especially thirty to forty years ago. In addition, most of these studies examined youths in juvenile institutions, which might have biased the samples in terms of youths with behavioral problems.

Over the years, substantial research on learning disabilities and how to deal with them has contributed to more knowledge about how learning disabilities may contribute to delinquency. Basically, researchers suspect there are two avenues connecting delinquency with learning disabilities: a direct link and a school-based connection.

The direct link between delinquency and learning disabilities suggests that learning-disabled youngsters have a hard time getting along with others, including teachers and other adults. In addition, these youths do not seem to learn from their experiences as others do, so they are prone to repeat their mistakes and to get into further trouble with others. These difficulties can then lead these youngsters into conflicts with the police, teachers, and other legal authorities (Murray 1976; Morrison 1978).

The school-based link between learning disabilities and delinquency suggests that learning-disabled youths develop difficulties in school based in part or in whole on their disability. These negative school experiences then lead to a low self-concept and to real problems in handling academic subjects, problems that only seem to mount as the child grows older. In addition, the child receives a label that identifies him or her as a slow learner, a different kind of child, and so on, which only seems to worsen the situation (see chapter 12 on labeling theory). Eventually, these school problems and self-concept issues result in acts of delinquency, in part as a means to help alleviate the situation, at least in the child's mind (Murray 1976; Fleener 1987; C. Fink 1990).

Both of these linkages between delinquency and learning disabilities have merit. There is, for instance, a consistent correlation between learning disabilities and delinquency, although the prevalence of learning disability among delinquent youths is closer to 35 percent as opposed to 90 percent (Casey and Keilitz 1990). However, the school-based link seems more plausible at this time. As will be seen later, in chapter 8 on schools and delinquency, school failure and academic problems in general are important correlates of delinquency. Therefore, any factor that might contribute to academic problems should be carefully considered in attempts to understand delinquency.

In addition, research has demonstrated that not all learning-disabled youths become delinquent. Some are able to deal with their situations and overcome the obstacles to academic success that learning disabilities pose (Pickar and Tori 1986; Perlmutter 1987).

Terrie Moffitt's (1990) longitudinal research in New Zealand also addresses the connection between learning problems and delinquency by focusing on attention deficit disorder (ADD). Her study suggests that children with ADD do not always become delinquent. Nearly half of those classified as ADD were "nondelinquent." In addition, Moffitt's study found that social advantages, such as "strong verbal skills and/or good family circumstances," helped reduce the negative effects of ADD (Moffit 1990, 905–7). Again, this research suggests that the potentially negative impacts of learning problems can be reduced by positive environmental factors and that there is by no means an automatic link between learning problems, such as ADD and learning disabilities, and delinquency.

A key factor in this relationship seems to be the kind of assistance and reception learning-disabled youths receive as they attempt to come to terms with their situation, making friends, doing well in school, and, in general, developing into adolescence. If they receive good support, lacking in invidious labels and negative stereotyping, they have a good chance to develop socially and academically with no more difficulties than other children. If they do not receive such assistance and guidance, they are more likely to develop academic problems, low self-concepts, pejorative labels, and, eventually, a lifestyle involving delinquency.

Conditionability (ANS) and Delinquency

Several decades ago, a British psychobiologist named Hans Eysenck proposed an explanation of delinquency based on the notion that some people are born with an autonomic nervous system (ANS) that is slow to react to environmental stimuli (Eysenck 1977). Essentially, such persons have a slow reaction time and are less able to connect their behavior with feedback they receive from others. For example, in school, a child with a slow reaction time who has been disciplined for misbehavior will not understand why he or she is being punished. One result of this situation is the slower development of "inhibitory controls"—that is, the ability to control one's emotions and behaviors. In effect, one's conditionability, or ability to be socialized, is inhibited.

Another feature of this explanation of delinquency is that such children develop personality traits that are considered outgoing, or extroverted. In part, this expectation comes from the idea that a person with a slow reaction time often overcompensates for what is perceived to be inadequate reactions from others. He or she thinks the teacher is not paying any attention, so behavior must be louder or more disruptive for a reaction to occur. Unfortunately for the child, the reaction from a teacher may be negative—that is, punitive—but at least it is some kind of response.

This theory has been tested by Eysenck and others in different countries and settings. One fairly consistent finding is that delinquent youths have slower reaction times than do control groups (Eysenck 1977, 1989; Eysenck and Eysenck 1978; Siddle et al. 1977; Mednick et al. 1981). Reaction time is often measured in terms of "electrodermal recovery" tests, such as galvanic skin response tests or electroencephalographic tests. In addition, much of Eysenck's research concludes that prisoners and incarcerated youths are more extroverted than controls, although some research disputes this claim (Hoghughi and Forrest 1970).

However, almost always these studies rely on institutionalized samples of youth or official records as the measure of delinquency. Aside from the potential bias such a sample might present, there is the additional issue of cause and effect. Some research suggests, for example, that emotional deprivation in childhood can lead to slower reaction time among samples of psychopathic offenders, particularly during stressful situations (Walsh, Beyer, and Petee 1987). It might be assumed that being arrested, sent to court, and placed in an institution are stressful events. What can happen, therefore, is that stressful situations can lower or inhibit reaction times after a crime has been committed and while a person is being processed through the criminal or juvenile justice system, and this could lead to an inaccurate interpretation of the connection between crime and delinquency and slow reaction times. In addition, some studies suggest that slower reaction times are linked to delinquency mostly among those in the "lower-middle and middle classes" (Mednick et al. 1977), which suggests that environmental factors affect delinquency beyond the physical factor of simply possessing a defective ANS.

Despite these methodological problems and issues, the theory of conditionability, or ANS, and delinquency has shown some promise for further research, especially longitudinal studies that can disentangle the causal connection between response time and delinquency (Magnusson, Klinteberg, and Stattin 1992). However, this theory seems better suited as an explanation of particular sets of delinquents, such as psychopathic offenders or middle-class delinquents, rather than most juvenile offenders.

Contemporary research continues to suggest that biological factors interact with environmental conditions to encourage delinquency, and this recognition is an important difference between earlier and more modern biological explanations of delinquency. One factor that is being studied more carefully is the connection between lead and delinquency. Some research, for example, suggests that there is a significant association between lead in the blood system and increased patterns of aggression, substance abuse, and learning disabilities, all of which contribute to delinquency (Miller 2012). In addition, lead toxicity is comparatively higher among minority and poor youth (Miller 2012), a point that was made clear in the analysis of lead in the water system of Flint, Michigan (Adams and Tuel 2016).

Psychological Explanations of Delinquency

Psychological explanations of delinquency have often been combined with biological theories, such as Sheldon's somatotypes and personality explanation. Strictly psychological views, which focus on attitudes and mental characteristics, however, do have a history in the explanation of crime and delinquency. As with earlier biological theories, early psychological explanations tended to blend crime and delinquency.

The Psychoanalytic View

One of the earliest psychological interpretations of crime and delinquency, the psychoanalytic approach, was offered by Sigmund Freud and his followers. Freud conceptualized the human mind into three categories: the id, the ego, and the superego. The id is the basic part of ourselves, the part of our mind that is selfish and full of basic "instincts," such as the instinct for survival. The ego is thought to be the rational component of our psychological makeup. It is the part of ourselves that regulates and balances id impulses with social restrictions and conventions. These social conventions, sometimes referred to as morals, are represented by the superego. This component of the mind is also referred to as the conscience (Freud 1927, 1930, 1935).

Freud's theory is also developmental in that people are seen as growing and developing in stages. Furthermore, with psychoanalysis, these stages of growth are typically viewed in terms of sexual growth. Personalities are shaped in terms of the regular, or normal, development of sexual growth or by periods in which such growth is arrested or somehow altered in abnormal ways. For example, it is normal and typical for children to be attracted to a parent of the opposite sex. However, if this attraction becomes too intense or dominant, problems in personality development can occur. If a male child comes to view his father as a rival for the affections and attention of his mother, a complex can develop, referred to as the Oedipus complex (Freud 1927). A similar situation involving a girl viewing her mother in the same way is called the Electra complex.

Another feature of psychoanalytical thinking is the notion that painful experiences, particularly those occurring before adolescence, are repressed into the unconscious (Freud 1927). That is, people who have had bad things happen to them as children tend to forget, on a conscious level, those experiences, but the deeper recesses of the mind still retain these memories. In addition, these memories, although on an unconscious level, affect one's outward behavior. Motives for behavior, then, are hidden from the individual and all those around him or her. Substitute objects for true feelings and objects of emotions often develop in place of the real reasons for behaviors and attitudes. For example, a young male who urinates into his father's bottle of alcohol may be expressing hostility or jealousy toward the father, but the son cannot openly admit such feelings (Aichhorn 1965). It is through intense analysis using projective techniques, such as the Rorschach test; through dream analysis; or through hypnosis or more modern drugs that the therapist can get to these hidden motives.

While Freud did not often use his theory to explain crime or delinquency, others have adopted Freudian concepts and theory to explain delinquency. An illustration of the application of Freudian concepts to an explanation of delinquency is provided in Lester Hewitt and Richard Jenkins' typology of five hundred youths living at the Michigan Child Guidance Institute (Hewitt and Jenkins 1946). The typology consisted of (1) the "overinhibited," or Type I, personality; (2) the "unsocialized aggressive," or Type II, personality; and (3) the "socialized delinquent," or Type III, personality. In their assessment of the personalities of these youths, Hewitt and Jenkins concluded that a faulty superego was prominent in the psychological makeup of many of the boys. In the first type, Type I, the person is said to have a strong superego, resulting in a shy, neurotic personality. Type II was described as the opposite of Type I, with a weak superego, resulting in an aggressive, impulsive personality. Type III is a hybrid personality, consisting of a normal superego, and thus normal behavior, when interacting with members of a group or gang, but a weak superego and aggression displayed toward all out-group members (Hewitt and Jenkins 1946, 81–83; see also Cohen [1966, 55]). It is interesting to note that all three types combined represented less than 40 percent of all the youths examined in the study, suggesting that over 60 percent of these troubled youths had "normal" personalities.

Intelligence and Delinquency

Scholars of crime and delinquency have been interested in the connection between intelligence and crime for over a hundred years. Earlier views consistently argued that intelligence and crime are inherited, so intelligence and crime must also be connected. In the early twentieth century, the popular notion was that crime was "caused" by the lack of intelligence. This view was proposed by many of the earlier biological researchers discussed previously, such as Lombroso, Goring, and Hooton. Low intelligence was also identified as one reason for the inheritance of criminality by the authors of the studies of the Jukes and the Kallikaks. Goddard, for example, was a superintendent of a home for the feebleminded in New Jersey. It was not coincidental that he attributed, in large measure, the inheritance of crime to the inheritability of low intelligence.

Soon after the Stanford-Binet intelligence test was developed in the early twentieth century, scientists began to study the connection between delinquency and intelligence based more on empirical testing than on general observations. In a study of feeblemindedness and criminality, Goddard (1914) concluded that among inmates of sixteen reformatories, the average prevalence of feeblemindedness was 50 percent.

Using intelligence test figures, Goddard defined feeblemindedness as an IQ of 75 or less. Additional earlier research tended to support Goddard's general conclusion that low intelligence contributed to delinquency (A. Fink 1938).

However, after World War I, during which the US Army had administered intelligence tests to soldiers and draftees, cutoffs for feeble-mindedness and other definitions of low intelligence had to be revised. Using established figures for that time, for instance, would lead one to conclude that about one-third of the draft population was feebleminded (Zeleny 1933). While some military drill instructors might agree with this assessment, it presented a dilemma for most scholars, since, clearly, they could not accept a conclusion that about one-third of the general population was feebleminded.

Using a revised estimate of feeblemindedness, which resulted in an IQ of 50 or lower, research done on the topic in the 1920s and 1930s tended to downplay the connection between low intelligence and criminality, and some studies found delinquents to be of higher intelligence than army draftees (Murchison 1926).

After World War II, the research on intelligence and delinquency began to fade in favor of investigations of other factors, such as social class and race. In the 1960s, the topic was raised again and became somewhat of a controversy because some associated IQ with race as well as crime (Jensen 1969). Robert Gordon (1976) also implies an association of race with IQ and delinquency, but his arguments eventually drift to more sociological than biological connections. For example, Gordon reasons that parents with low IQs are not only more likely to have low-IQ children but also less able to raise their offspring in conventional ways of thinking and behaving, thus increasing the likelihood of raising delinquent children. Of course, this reasoning is flawed on numerous grounds (Sagarin 1980), but the effort demonstrates attempts to place the connection between IQ and crime in larger contexts than biological inheritance.

The indirect connection between IQ and delinquency is still being investigated, but in different ways. One emerging indirect link is through the school. It is thought that those with low IQs (but not profoundly retarded) find it more difficult to do well in academic subjects and that school failure then contributes to delinquency (Hirschi and Hindelang 1977; Denno 1985). There is some merit to this argument, in part because the connection between academic failure and delinquency is well documented (see the discussion in chapter 8). However, this viewpoint fails to take into account the existence of "bright delinquents" (Tennent and Gath 1975) or the possibility that more intelligent youths may be better able to avoid detection or to argue their way out of legal problems such as arrests and/or court convictions (Hirschi and Hindelang 1977).

Remember, too, that the whole issue of a connection between IQ and delinquency is partly based on belief in the validity of IQ tests. Considerable discussion and debate on IQ tests, however, cast doubt on this assumption (Eysenck and Kamin 1981). There is a probable connection between IQ and criminality, but it is likely this connection is neither direct nor consistent (Denno 1985).

Personality Factors

Another aspect of a psychological connection with delinquency is what is generally known as personality. While not all scholars agree on the definition of this term, the concept of personality is generally thought of as a relatively permanent set of attitudes and values that people exhibit in most situations. Some suggest that a personality is a set of orientations, or dispositions, to act or think in certain ways (Miller and Lynam 2001, 784).

Typically, personality has been connected with delinquency in a straightforward fashion. That is, a bad or negative personality is thought to be connected with a bad behavioral outcome, such as delinquency. This kind of thinking is sometimes called “kinds of people” theorizing (Cohen 1966, 42). Whatever the source of the “bad” personality, the predicted outcome is negative, and this behavior is to be expected because these “kinds of people” often act the way they do regardless of the situation. Actually, this assessment of delinquency is similar to many of the biological explanations discussed earlier, only in this case, the suspected cause is more mental than physical.

Traditional personality explanations of delinquency tend to focus on what is sometimes referred to as a “core personality.” In other words, researchers have looked for a dominant or overriding personality feature that is most often associated with delinquency. In this regard, it might be expected to hear that the “typical” delinquent is aggressive, or maybe outgoing, or impulsive (Lynam et al. 2001).

Efforts to find a “delinquent” personality have not been effective. The aforementioned study of one thousand Boston youths by the Gluecks, for example, found that delinquents were statistically more likely to exhibit suspicion, hostility, and defiance, compared with the nondelinquents. But these authors also concluded that nondelinquents were more neurotic than the delinquents and that nearly half of the delinquents had no identifiable psychological characteristics (Glueck and Glueck 1950). Note again that the detailed analyses of personalities among the youths in the previously discussed study by Hewitt and Jenkins found that nearly 60 percent of these youths had no clear psychodynamic personality pattern.

Literature reviews have also failed to consistently locate dominant personality characteristics among delinquents when compared with nondelinquents. Often when such differences do appear, they are based on responses to paper-and-pencil inventories, which are subject to reliability and validity issues (Waldo and Dinitz 1967; Tennenbaum 1977). A more recent meta-analysis—that is, an analysis of existing studies—concluded that some specific personality traits seem to distinguish antisocial youths from others, traits such as agreeableness and conscientiousness (the lack of these traits being more pronounced among antisocial youngsters). However, this review concluded that it is more likely that delinquents and criminals have a tendency to act and feel in certain ways in certain situations, as opposed to having a dominant trait that leads to negative, or delinquent, behaviors in nearly all situations (Miller and Lynam 2001).

One psychological inventory that has been studied in connection with delinquency is the Minnesota Multiphasic Personality Inventory, or the MMPI. First developed in the 1940s, the MMPI is a lengthy inventory, with over five hundred items divided into ten subscales. The subscale that seems to be most strongly associated with delinquency is referred to as the psychopathic deviant (Pd) subscale (Hathaway and Monachesi 1963; Waldo and Dinitz 1967). Since this subscale was developed and normed using troubled juveniles, some of whom were incarcerated, it is not too surprising that it would be connected with delinquency. However, some studies suggest that using the MMPI yields more differences among delinquents than between delinquents and nondelinquents (Waldo and Dinitz 1967). In addition, efforts to predict future delinquent behavior using the MMPI have not been very successful, again suggesting that there is more to the explanation of delinquency than responses to paper-and-pencil inventories.

In retrospect, it would seem logical to realize that there is not one personality type that explains delinquency. There is no one personality to explain any subset of a population. We are all influenced by our surroundings or environment, and those influences can have significant effects on the way we think and react to situations. There may be personality dimensions that tend to be associated with delinquency, such as impulsiveness and uncooperativeness. However, even these associations are limited, usually to confined populations of juveniles, and often related to other social factors. For example, research suggests that personality factors, such as impulsiveness, have a greater impact on delinquency in lower-income settings than in wealthier districts (Lynam et al. 2001).

The Psychopathic Personality

One aspect of personality theory as applied to crime and delinquency is the concept of the "psychopathic personality." The original term psychopath was introduced in the latter part of the nineteenth century and has often been associated with violence (A. Fink 1938). However, the clinical definition of the psychopathic personality does not highlight violence, although violence may be a part of the behavior patterns of the psychopath. While numerous traits have been associated with a psychopathic personality, it is usually characterized by selfishness and disregard for the feelings of others. Behaviors are committed to satisfy the individual, not those around him or her. The individual knows right from wrong but chooses to act regardless of the harm such action causes others. There is impulsiveness to behavior and little remorse for harm(s) caused by such actions (Cleckley 1976). In addition, diagnostic manuals for psychiatrists and psychologists, such as the Diagnostic and Statistical Manual of Mental Disorders, or DSM (American Psychiatric Association 2013), specify a number of specific behaviors that must be exhibited over a period of time in order for the label to be applied, and violence is only one of several kinds of behavior that are included.

Adding to the confusion in the literature over exactly what this term means is the use of other terms, such as sociopathic personality or antisocial personality to refer to the same condition. The fifth edition of the DSM uses the phrase antisocial personality instead of "psychopathic" or "sociopathic personality" (American Psychiatric Association 2013, 659). Also, the terms conduct disorder and oppositional defiant disorder have been used in place of "psychopathic," "sociopathic," or "antisocial personality," especially for juveniles, although oppositional defiance is not associated with violence, according to the DSM (American Psychiatric Association 2013, 462–65, 469–75; see also Wolff and Ollendick [2010). This phraseology reflects a debate in the field concerning whether juveniles can actually develop a psychopathic (or antisocial) personality. Some, such as Hans Eysenck and Sibyl Eysenck (1978), argue that this personality is more common among adolescents than adults. Others, such as Lee Robins (1966), argue that juveniles are too young to develop this kind of personality, and the DSM-5 specifically states that an antisocial personality cannot be diagnosed in anyone under the age of eighteen (American Psychiatric Association 2013, 661).

We should be mindful, too, of the connection between a suggested constant, such as a psychopathic personality, and changes in a person's behavior over time. It is theorized that the psychopathic personality not only takes time to develop, even if it can occur in adolescence, but also stays with one for a long time, if not until death. This conclusion is supportive of Laurence Steinberg's assessment of the connection between adolescence and the psychopathic personality, in which he suggests that psychopathy is a long-term condition, while adolescence, "by definition," is not (Steinberg 2002, 56).

However, some research suggests that psychopathic traits can change over time or that perhaps original diagnoses have been incorrectly applied. In her longitudinal study of sociopaths in Saint Louis, Robins (1966) concluded that around one-third of those diagnosed as sociopathic in their late adolescent and young adult years exhibited few, if any, sociopathic traits as they got older, despite little psychiatric or counseling intervention. Either the diagnoses of sociopathy were incorrect, or there is no certainty that this condition is as long-lasting as many scholars would suggest.

The implications of being labeled a psychopath, however, are potentially devastating, especially for a child. Changing the name of a diagnosis, or label, say, from psychopathic personality to conduct disorder, does little to change the prediction that one has a lifetime disorder, even if that prediction may not be true. When dealing with youngsters, such labels should be very judiciously applied. Some of the characteristics associated with conduct disorder, such as running away and truancy, are what have been termed status offenses. In addition to being expressions of confusion and reaching out to others, such behavior may be connected with experimentation and just plain growing up, not always with an underlying deviant personality trait. To apply such a potentially damning label to a juvenile may worsen an already difficult time in a child's life (see chapter 12 on labeling theory).

Despite these caveats with the usage of different terms to refer to similar characteristics, and the potential labeling of juveniles through such diagnoses, the field of psychological counseling has developed numerous treatment strategies to work with juveniles who have been diagnosed with conduct disorders. Some of these efforts have produced promising results; for a good representation of these programs, see Murrihy et al. (2010).

Summaries of traditional, or early, and modern individualistic explanations of delinquency are presented in figures 4.1 and 4.2. An important difference in these two models is the inclusion of interaction between individual traits and social or environmental conditions in the explanation of delinquency, compared with the more direct trait–delinquency model advocated in the traditional biological and psychological explanations of crime delinquency.

Biological Conditions		
Low ANS Response		
Mesomorphic Body Type	→	Crime and Delinquency
"Bad" Genes		
Etc.		
Psychological Characteristics		
Overactive Id, Weak Superego		
Aggressive Personality	→	Delinquency
Low IQ		
Etc.		

FIG. 4.1 Individualistic Explanations of Delinquency: Traditional Model

Biological and Psychological Characteristics				
Learning Disabilities		Poor School Performance		
Biochemical Problems	↔	Difficult Family Relationships	↔	Delinquency
Low ANS Response		Attachments to Delinquent Peers		
Psychopathic Personality				
Etc.				

FIG. 4.2 Individualistic Explanations of Delinquency: Modern Approach

Summary

One of the earliest views of human nature is called the classical school of thought. The classical school emphasized behavior motivated by self-interest and reflective of free will. The notion of free will still seems embedded in popular thinking concerning the motivation for crime and is expressed theoretically in a contemporary theory known as rational choice theory. There is a debate among scholars relative to the ability of young people to truly think through the consequences of their actions, which is connected to the philosophy of the juvenile justice system and to a developmental perspective of youth. If juveniles are not able to fully appreciate the consequences of their acts, as the philosophy of the juvenile justice system would suggest, then how can they be credited with making clear, rational choices regarding their behavior?

In partial response to the classical school of thought was the emergence of the positive school, most often identified with the work of Cesare Lombroso. Lombroso emphasized the use of statistical measurements and the biological motivations of behavior, including criminality, and tended to reject the notion of free will. A related early biological explanation of criminality focused on inherited traits in a general way. Such explanations of crime (delinquency was rarely separated from crime in those earlier studies) gave little hope for reform and fostered, intentionally or not, programs such as sterilization, or eugenics, as a "cure" for crime.

Later biological theories have maintained the focus on scientific discovery, but such explanations of crime have moved away from inheritance and direct biological causes for crime and delinquency. Many of these more recent biological explanations have been offered in combination with psychological or sociological (environmental) factors to give a more comprehensive explanation of criminality. For example, an analysis of early pubertal development and delinquency among a national sample of 5,700 males indicates that boys who display early physical signs of development do, indeed, admit to higher rates of self-reported delinquency. However, this relationship is more heightened by association with delinquent friends (a subject to be discussed in chapter 6) and among those who are more successful in school (Felson and Haynie 2002). Thus, a distinct biological factor, early pubertal development, is found to affect delinquency when combined with specific environmental factors, such as delinquent friends and academic success.

Psychological explanations of delinquency started to appear in the latter part of the nineteenth century. One of the earlier psychological explanations of crime and delinquency was psychoanalytic theory, which emphasized hidden motives for behavior that have been repressed into one's subconscious. Such explanations of criminality were popular until the second half of the twentieth century, when psychological scales and inventories were developed.

Another early focus of psychological theories of delinquency was on intelligence. The assumption has been that those with low intelligence are more prone to commit crimes than those with higher levels of intelligence. However, considerable research on this topic casts doubt on such a direct relationship between intelligence and criminality. For one thing, there are "bright" delinquents, which casts doubt on the relationship between low IQ and delinquency. Also, current research suggests that the connection between IQ and delinquency may be indirect and likely influenced by performance in school. That is, possessing a low IQ may affect one's ability to do well in school, which would then affect self-esteem and social relationships, which, in turn, might encourage one to seek out delinquent friends and delinquent behaviors as compensation for doing poorly in school.

More current explanations of delinquency tend to continue the view that delinquency is not easily accounted for by single-cause, direct explanations. Most of the current biological and psychological explanations of delinquency tend to incorporate interactions between biological and psychological situations and delinquency. For example, it is difficult to pinpoint a "delinquent" personality. Rather, it is more likely that people have certain tendencies to react to situations in certain ways, which ultimately may nudge them into delinquent behavior patterns. Impulsiveness may be a relatively common trait among delinquents, but more so in lower-class settings. Our personality may affect how we perceive situations, but situational experiences may also affect our personality. In this sense, we are continually involved in the shaping of our thoughts and actions through experiences, both past and present.

While it is true that we all act and react to situations based on contemporary conditions, it is also true that our past experiences influence how we view present conditions and how we react to these conditions. This is another way that personal and environmental factors interact to produce behavior. Just as it would be inaccurate to say that what happened to us during our early childhood years directly affects our behavior today, regardless of current circumstances, the opposite would also be true. That is, it is inaccurate and shortsighted to argue that we are affected only by current situations, having no effects or "baggage" from our previous experiences.

We should be cautious, therefore, in applying all-encompassing terms to one's persona, especially terms such as psychopath or antisocial personality, which connote long-term, damning implications for one's state of well-being. Such terms can rarely, if ever, capture the fullness and richness of human beings, their complexities and motivations for behavior. "Kinds of people" theories have a difficult time handling known changes in criminal behavior patterns over time and/or over different social settings, changes that we know do occur. Therefore, these kinds of explanations of behavior are better understood in combination with environmental factors, which is precisely the direction in which contemporary individualistic explanations are moving.

Contemporary interest in biological and psychological influences on delinquency has also turned to developmental explanations of behavior—that is, those factors that shape one's attitudes and behaviors over time. This interest is further incorporating environmental conditions into explanations of delinquency and has further led to the understanding that delinquency is not a uniform set of behaviors or something to be explained by one set of contributive factors. Rather, the contemporary studies of delinquency are often focused on examinations of different pathways to delinquency, for example, one track for the typical, short-lived delinquency pattern, and another for the small percentage of juveniles who commit more serious acts of crime and tend to do so for longer periods of time. Developmental concepts and different pathways to delinquency are discussed in the next chapter.

Study Questions

1. What are some of the assumptions of the classical school of criminology, and how do these differ from the neoclassical school?
2. In what ways did early researchers use physical characteristics or traits to identify delinquents?
3. How have scholars used psychological characteristics, such as intelligence and personality, to describe the causes of crime and delinquency?

CHAPTER 5

Social Development and Delinquency

Modern biological and psychological explanations of delinquency are often couched within a developmental framework. That is, a person's attitudes and behavior are thought to change over time, as he or she develops physically and psychologically. In addition, these current perspectives introduce a variety of social or environmental situations that can hinder or facilitate human growth and development. In this sense, the modern theories of human development are similar to those of earlier thinkers, such as Sigmund Freud. Freud, however, tended to focus on abnormalities in human growth and problems generated from such abnormalities as they occurred early in one's life.

Traditional perspectives on human development, including child development, have dealt extensively with individual parameters of growth and development, such as body movements and speech. In this regard, such perspectives have been heavily influenced by biological and psychological research, which is quite appropriate. Typically, however, discussions of human growth and child development have not spent much attention on the deviant aspects of growth, such as delinquency. In addition, when such discussions are given, often the deviance is explained in terms of psychological identity problems (Schiamberg 1988).

Kohlberg's Moral Development Model

One model of development and its relationship to criminality is that of Lawrence Kohlberg. Kohlberg argues that people grow in terms of relationships to one another and to moral ideas and values. According to Kohlberg, people grow in stages, starting with what he terms the preconventional level. Next, there is the conventional level, followed by the postconventional level. In each level there are two stages, for a total of six stages of growth and development.

The first stage of preconventional moral development is characterized by doing right to avoid punishment. In the second stage of this level, people (mainly children) do what is considered right in order to satisfy their own needs, although they can recognize the needs of others. In the first stage of the conventional level of growth, behaving correctly is considered a social good—that is, people do what is right because it is socially proper and expected. In the second stage of this level, correct behavior is seen as necessary for the good of the society. In the first stage of the postconventional level, people doing right is almost a kind of contractual obligation between the individual and the government and system of authority. In the second, and thus last, stage of development, good behavior is part of a belief in a global system of moral good and is in response to the feeling that a person should do good because it is simply expected of one to do good, as a member of the human race (Schiamberg 1988, 575–77).

In comparison with other psychological views of human development, such as Jean Piaget's, the stages of growth in Kohlberg's typology correspond roughly to the following ages: the preconventional level of moral development occurs from birth to age seven; the conventional level occurs between ages eight and twelve; and the postconventional level occurs from age twelve onward (Schiamberg 1988, 577).

Studies using this theory of moral development suggest that delinquents typically think and reason at the preconventional level (Adler, Mueller, and Laufer 2001, 89), which suggests that their moral development is that of a young child. However, moral development does not occur in a vacuum and is considered a learned behavior. Therefore, exposing youths to good models of moral development could alter their developmental path or at least the speed of their development. This kind of change may, in turn, serve to alter patterns of delinquent behavior (Adler et al. 2001, 89).

Social Development Model

The social development model (SDM) of delinquency adopts a dynamic view of human behavior, similar to some of the individualistic theories discussed in chapter 4. That is, the SDM maintains that people grow and develop in stages. However, one difference between the individualistic explanations of delinquency discussed earlier and the social development model is that the SDM assumes growth and development to be social in nature. These social explanations of behavior are not considered in isolation. Rather, they are viewed as intertwined or connected to form a more complete view of the factors affecting human growth and behavior. Some maintain that social development represents "a synthesis, of control theory, learning theory, and differential association theory" (Huang et al. 2001, 77). According to this view, young people learn behavior from those in their social circles, such as home and school, and among playmates. Others take a more "life-course" view of development, arguing that delinquency, much like any other type of behavior, develops and changes over the course of a lifetime. The life-course perspective is also associated with different pathways or "trajectories" to delinquency (Benson 2001, 80–81).

Pathways to Delinquency

Moffitt's Research

Terrie Moffitt and her colleagues have been studying the pathways to crime and delinquency among a sample of New Zealand youths for several years. The design of this research is longitudinal, and children have been selected from youth populations of preschool age through adolescence. In the course of this study, Moffitt and associates have discovered that a small sample of youths exhibited signs of antisocial behavior from preschool age and continued to exhibit antisocial and criminal behavior through adolescence and into adulthood (Moffitt 1993). Moffitt's research suggests that these life-course persistent (LCP) youths are significantly different from other juveniles in terms of verbal and memory abilities (Moffitt, Lynam, and Silva 1994). In addition, this LCP group is often characterized by other biopsychological, or neuropsychological, characteristics, such as attention deficit disorder (ADD). However, possessing ADD does not automatically signal a lifetime of difficulties with authority figures and the legal system (Moffitt 1990).

Moffitt's research suggests that LCP offenders tend to remain offenders over time, well into adulthood. In contrast, her research also identified a larger category of youthful offenders, which she termed adolescence-limited (AL) offenders (Moffitt 1993; Moffitt et al. 1994). AL offenders are characterized by fewer neuropsychological problems and a much less extensive history of crime and delinquency, compared with LCP offenders. They usually begin their "careers" in criminality during mid to late adolescence and do not remain involved in delinquency for much over a year or two. Furthermore, their behavior is not predicted or explained by individual pathologies. Rather, AL delinquency is better explained by many of the social factors mentioned earlier, such as weakened social bonds and delinquent peer associations. Moffitt also suggests that this pattern of delinquency has emerged with modernization and industrialization, in part because such social changes have increased independence of youth from the supervision and control of the family and the need to work at an early age (Moffitt 1993, 27–29).

Both the LCP and the AL patterns of delinquency are influenced by associations with delinquent peers. However, Moffitt (1993) maintains that because of their longer involvement in delinquency and their willingness to take risks and try new things, LCP youths are able to attract the interest of peers during adolescence, some of whom may be AL youths, and even be leaders among these groups. The pattern of social activity among LCP youngsters is acting alone in early years, associating with peers during adolescence, and then going it alone, so to speak, in adulthood. For AL youths, the association with peers is more of a normal characteristic of adolescence; much of their delinquency is experimental, not serious; and much of it is not likely to continue beyond a year or two (unless they become influenced by associations with LCP delinquents).

LCP youths tend to exhibit behavioral problems at an early age, sometimes in preschool years, and tend not to outgrow these behavioral problems with age, at least through adolescence. They are characterized by significant neuropsychological conditions, as well as difficulties in social relationships. Studies of those who exhibit early onset of antisocial behavior, similar to the LCP pathway of delinquency, also suggest that behavioral difficulties of this group of offenders not only continue into adulthood but also affect other areas of their lives, such as violence within their families, particularly violence against their partners (Lussier, Farrington, and Moffitt 2009).

The LCP pattern of delinquency seems to describe males more often than females. In the New Zealand study, for example, none of the characteristics of the LCP pattern of delinquency fit the females in the sample (Moffitt et al. 1994, 283). However, additional studies suggest that there is no true AL pattern for girls but that delinquent females are more like the LCP group of males. One main difference between males and females in terms of this life-course pattern is what has been called a "delayed onset" pattern for girls. That is, the serious delinquency found among LCP males is not seen among females until females reach adolescence (Silverthorn and Frick 1999; Moffitt and Caspi 2001; Simons et al. 2002). One analysis of forty-six studies of pathways to delinquency concluded that there is also a delayed-onset pattern of AL delinquency among girls, as well as a small subset of girls who represent an early-onset pattern of LCP delinquency (Fontaine et al. 2009). This topic needs additional study before a clearer picture emerges about delinquency pathways among males and females. The topic of female delinquency is discussed in more detail in chapter 11, "Female Delinquency."

The dual-pathway model of delinquency proposed by Moffitt and her colleagues has been examined extensively. Overall, these studies have supported the existence of these pathways and the general characteristics of those fitting into the two trajectories. Recent research by Moffitt and colleagues, however, suggests that the AL group is not to be considered a nondelinquent category. These youths are delinquent, although not to the same extent that exists for the LCP group. In addition, continued research on this topic suggests that the AL group may not be as short-term as originally thought. Follow-up studies on the AL group of offenders in the New Zealand study indicate that these young men still fit into patterns of delinquency as young adults and have not matured out of delinquency as quickly as had been supposed. However, because of their overall favorable circumstances, it is thought these men will eventually turn away from delinquency and more toward conformist lifestyles as they age (Moffitt et al. 2002).

Continued research on these patterns of delinquency has been done in the United States, again with supportive results. For example, evidence suggestive of an LCP pattern of delinquency was found among a sample of young adolescent males in a longitudinal study conducted in Pittsburgh. In particular, several psychological measurements seemed to distinguish serious delinquents from minor offenders or nondelinquents. Delinquents exhibited significantly more negative emotionality than other youths. Negative emotions include anger, irritability, resentment, and similar feelings. Negative emotions, in turn, are related to lack of adult, mostly parental, control and constraint of these males when they were very young (Caspi et al. 1994). In an analysis of a national survey of self-reported delinquency (the ADD Health study), J. C. Barnes et al. (2011) concluded that the LCP pattern of delinquency is largely influenced by genetic factors, while the AL pattern is mostly influenced by environmental variables, much as Moffitt predicted. However, self-reported measures of delinquency may not be the best method for identifying or examining LCP offenders.

Additional longitudinal research has concluded that biological and personality factors alone do not explain the LCP pattern of behavior. Research on youth in Oregon and small communities in Iowa clearly indicates the existence of multiple pathways to delinquency, particularly among early and late starters. Ineffective parenting and association with deviant peers are associated with both patterns of delinquency, but weak parenting seems to be more associated with early starters (Simons et al. 1994; Patterson, Capaldi, and Bank 1991; Patterson 1992).

A General Theory of Crime: Another View of Persistent Criminality

Much of Moffitt's view concerning the LCP pathway to delinquency is similar to the ideas of Michael Gottfredson and Travis Hirschi (1990) and the general theory of crime (GTC). According to the GTC, offenders share a basic, common trait—a lack of self-control, an impulsiveness related to a need for excitement. Criminal offenders are not necessarily psychopathic or full of evil, as some of the earlier individualistic theories suggested. Rather, these people cannot control their impulsive desires, which often results in their committing illegal acts. In this sense, then, criminals are basically LCP offenders.

According to the GTC, delinquents and criminals are not necessarily born with impulsiveness, but this trait is "learned," so to speak, in ways in which other behaviors and attitudes are learned. More specifically, Gottfredson and Hirschi maintain that impulsiveness and low self-control are acquired from early childhood experiences—namely, poor parenting. However, once these traits are learned or developed, usually by around age ten, they tend to stay with an individual throughout his or her life and do not change significantly over the course of one's life. Life-course experiences do not eliminate this tendency to commit crime. As Gottfredson and Hirschi (1990, 141) put it, "In summary, the life-course or situational explanation of the decline in crime with age says that a person gains sources of satisfaction inconsistent with crime as he or she grows older. If one set of satisfactions is inconsistent with another, there is good reason to conclude . . . he or she has given up something and accepted something rather different in its place. Put in bald form, the irresponsible, thoughtless offender has become the responsible, thoughtful law-abiding citizen. The data, however, do not conform to this picture."

Ineffective parenting in connection with delinquency is discussed in chapter 7. Research continues to document the role of ineffective parenting as a contributor to delinquency, but some studies suggest that the link between poor parenting and delinquency is affected by psychological variables, such as low self-control. That is, low self-control may be the result of inadequate parenting, but low self-control has an independent effect on delinquency. This model has been examined with African American samples, but it remains to be seen whether it applies to wider ranges of youths in future research (Simons et al. 2007). Others have noted that the often-cited relationship between poor academic performance and delinquency (see chapter 8) is explained by low self-control. That is, young people who do poorly in school and become involved in delinquency do so because of low self-control. Low self-control influences both low academic achievement and delinquency (Felson and Staff 2006). Additional longitudinal studies conclude that at-risk factors begin to be expressed in preteen years, sometimes in preschool years, especially for more serious offenders, that is, the LCP offenders. These children often have low self-control as well as neuropsychological problems, which supports both the LCP explanation and general theory of crime (Staff et al. 2015).

Other research is less supportive of the GTC. For example, some studies suggest that low self-control is only one of several individual and social variables that may contribute to crime and delinquency. Personality, physiological, neuropsychological, and social variables such as peer relationships and social bonds (see chapters 4 and 6) can also contribute to delinquent behavior (Cauffman, Steinberg, and Piquero 2005; Longshore, Chang, and Messina 2005; Simons et al. 2007). One longitudinal study of African American adolescents concluded that social factors, including parental experiences, can change self-control, especially among youths with moderate levels of self-control (Burt, Simons, and Simons 2006). Similarly, an analysis of an experimental intervention program focused on teaching parents ways of enhancing their child's organizational and self-discipline skills examined the impact of the intervention, first given in the first grade, for those in grades 6–12. The authors of the report concluded that focused efforts to alter organization and self-control can be effective and that, ultimately, self-control is not fixed at an early age in life but, rather, is malleable (Na and Paternoster 2012). Others reach the same conclusion; that is, self-control is not fixed at an early age in life (Burt, Sweeten, and Simons 2014). Also, delinquency-prevention programs focused on improving self-control in children under the age of ten often find that self-control is malleable, that is, subject to change, and that improving self-control can help reduce delinquency (Piquero, Jennings, and Farrington 2010). That changes in self-control can help prevent delinquency is good. However, that self-control can be altered in young children runs counter to the arguments of Gottfredson and Hirschi.

Other studies conclude that self-control is not unidimensional and that different components of self-control may change differently over time (Burt et al. 2014). For example, impulsivity decreases over time, including for youthful offenders. However, risk-taking may not change for offenders, but it seems to increase over time for nonoffenders. In addition, different aspects of self-control differ by characteristics such as race and gender. For example, African American youths report lower levels of some risk-taking activities or presumed consequences of risk-taking behavior than do white youths (Winfree et al. 2006; Mitchell and MacKenzie 2006; Greenberg 2008, 46–48). Some studies also conclude that females respond differently to treatment programs than do males, such as with the Moving to Opportunity project, discussed in chapter 7 (see also Greenberg [2008, 44–46]).

Ultimately, almost all criminals begin to age out of crime. Gottfredson and Hirschi recognize this general trend but attribute the decline in crime with age almost solely to "aging of the organism" (Gottfredson and Hirschi 1990, 141). Basically, according to this idea, criminals stop committing crimes when they become physically unable to commit crimes. However, as was discussed in chapter 3, most delinquent offenders tend to age out of crime before the age of nineteen or twenty, and this trend is inconsistent with the observations of Gottfredson and Hirschi. A diagram of this model of delinquency is presented in figure 5.1.

> Inadequate Socialization and Weak Family Bonds → Development of Low Self-Control → Delinquency → Eventual Decline in Crime and Delinquency Because of Physical Aging, but Little or No Increase in Self-Control

FIG. 5.1 General Theory Model of Delinquency (Gottfredson and Hirschi)

Sampson and Laub and Turning Points in Criminal Careers

Robert Sampson and John Laub (1993) offer another view of delinquency, based on a developmental perspective. Sampson and Laub reanalyzed the data collected for the Gluecks' (1950) study of five hundred delinquent and five hundred nondelinquent males, Unraveling Juvenile Delinquency (see chapter 4). Using the information in the files of this study, they examined follow-up contacts with several hundred of these males and attempted to construct profiles of what happened in the lives of the delinquents and the nondelinquents as they grew older. The one thousand males were contacted at ages fourteen, twenty-five, and thirty-two, providing a view into their lives at adolescence and adulthood.

Sampson and Laub noted that over time, the lives and behaviors of many of these men changed, while others persisted in committing crimes throughout the period of study. Sampson and Laub conclude that the critical factor in the lives of these males was the strength of their ties to society through their families, their schools, and their jobs. In essence, they credited the strength of the social bond (see chapter 6) with affecting the criminal career patterns of these one thousand males. The stronger these bonds, the less likely the men were to commit criminal activity. This relationship seemed to hold whether or not a person was a "true" delinquent as a youth. As they put it:

> More precisely, job stability and marital attachment in adulthood were significantly related to changes in adult crime—the stronger the adult ties to work and family, the less crime and deviance among both delinquent and nondelinquent controls. . . . We concluded that "turning points" related to work, marriage, and military service were crucial for understanding processes of continuity and change across the adult life course. (Laub and Sampson 2003, 6)

An important feature of this life-course perspective is the inclusion of turning points in the lives of people as they age. Turning points are important events in one's life that help to shape decisions, attitudes, and behavior. As mentioned above, the significant turning points in the lives of those studied involved family, the military, and work. However, it is not simply that a person marries that may turn him (or her) from a path of crime and delinquency, but also the nature of the marriage. Similarly, it is not simply that individuals obtain a job that may turn their life around, but also the kind of job they have and how long it lasts. Some research also indicates that moving away from a troubled or troubling neighborhood can significantly reduce involvement in criminal activity (Kirk 2012; see also the discussion of "Moving to Opportunity" in chapter 7). Furthermore, studies of female delinquents indicate that for many females, turning points, or "hooks for change," revolve around relationships and motherhood. Recognizing that "I am a mother now" can serve as an important catalyst for change among female delinquents (Giordano, Cernkovich, and Rudolph 2002).

Life events can and often do alter one's life in different ways. People are always in a position to change as one event occurs after another. As Laub and Sampson (1993, 304) put it, "That is, despite the connection between childhood events and experiences in adulthood, turning points can modify life trajectories—they can 'redirect paths.'" Most turning points are not overwhelming. Rather, events in one's life help to shape and mold future directions in small increments that occur over time. However, the more that similar events keep happening, the more likely one's trajectory, or path, tends to move in one direction. For those engaged in a lifestyle of crime and delinquency, Moffitt (1993) and others refer to this process as "knifing off" of conventional opportunities. For example, if a juvenile ends up in detention or a reformatory, there is less likelihood of his or her returning to a conventional lifestyle upon release (Laub and Sampson 2003, chap. 7). More and more, conventional opportunities are either closed to or become too difficult to obtain for those consistently engaged in a criminal lifestyle. In part, this happens because of the stigma attached with imprisonment, a subject discussed more in chapter 12 on labeling theory. It is also the case that a criminal lifestyle can become more and more appealing and that one's associates tend to be those with similar attitudes and behavior, similar to differential association theory (see chapter 6). Thus, turning to a conventional, perhaps "boring," way of life may be both difficult and unappealing, so the antisocial pathway becomes more and more a life-course pathway.

Turning points are sometimes referred to as social capital (Laub and Sampson 1993). Social capital involves social connections that help to establish one in the community and to lead one to a life of conformity to laws and social norms. This term was introduced by James Coleman (1988) to help understand social organization and human interactions, but it has also been utilized by life-course theorists to help explain the process of changing from criminal behavior to a conformist lifestyle. Within the life-course perspective, social capital can be gained by acquiring an education, a good job, a good family, and so on. In addition to helping one to develop a stable, conformist lifestyle, social capital can also be used to encourage conformity for fear of losing this capital. In other words, the more an individual has to lose, in terms of social ties and respect in the world, the less likely he or she will do something to jeopardize that capital, such as committing acts of crime and delinquency. This concept is similar to Jackson Toby's idea of "stakes of conformity," in which he argues that juveniles and adults who have built up a lot of stakes in living a conformist life will attempt to avoid losing these stakes by engaging in criminal behavior (Toby 1957). Of course, it can be argued that all people seek to obtain social capital, even if it means connecting with criminals or delinquents (Benson 2001, 95–99). In that case, the capital being accumulated would not likely point one away from criminal behavior. The kind of social capital discussed within the turning points perspective, therefore, is that associated with conformist lifestyles.

Individual Traits (psychopathic personality, low response time, learning disability, etc.) and/or Negative Social Conditions (delinquent companions, weakened social bonds, low self-concept, etc.) → Delinquency *but* Turning Points in Life (graduation, good job, good marriage) → Improved Social Conditions and Lessened Influence of Individual Traits ↔ Reduction in Delinquency

FIG. 5.2 Life-Course Model of Delinquency (Sampson and Laub)

Many people do not fit neatly into one delinquent pathway or another. The two discussed so far, LCP and AL, are really more end points along a continuum of possible life patterns. In a detailed follow-up examination of fifty-two of the original five hundred delinquents in the Unraveling study, Laub and Sampson (2003) interviewed men who had lived to age seventy. The ages of these men are far beyond the age of delinquency. However, their life histories reveal information on patterns of crime desistance or persistence. Desisters, for example, often stopped committing crimes because of the social relationships they had made earlier in life, relationships involving jobs and families. Having a good job and a good family life seemed to increase the investments in conformity for these males, so they felt they had more to lose by committing crimes. In effect, although a few men made conscious decisions to quit their life of crime and delinquency, some would say by free will or "agency," most desisters stopped doing wrong because it became less and less attractive to do so. However, many of these men did not completely desist from deviance. They might have desisted from crime but not from drinking or ignoring family responsibilities. Their life "careers" resembled a "zigzag" pattern, whereby they moved into and out of patterns of crime and deviance (Laub and Sampson 2003, chap. 8).

A related aspect of the turning points view of crime and delinquency is the idea that one event can trigger another event, even to the point of affecting a causal relationship. For example, it is often maintained that broken homes can "cause" delinquency, a theory discussed in chapter 7, "The Family and Delinquency." To the extent that a broken home actually does contribute to crime and delinquency, the causal connection may be reversed. For example, a difficult, antisocial child may cause so much stress and strife within a home that the parents may separate and perhaps divorce over disagreements concerning proper discipline techniques and who caused what with a child's behavior. A schematic presentation of this life-course view of delinquency is presented in figure 5.2.

Examinations of turning points and focusing on a dynamic perspective can accommodate this fluid view of behavior and its causes and consequences. This perspective of delinquency is specifically adopted by Terence Thornberry and his associates in their longitudinal studies of delinquency in New York (Thornberry 1987; Thornberry et al. 1991; Thornberry et al. 1994). In proposing what has been termed interactional theory, Thornberry and colleagues have developed an interesting model of delinquency that incorporates sociological theories of delinquency, especially social bond and differential association theories, to give a good account of how pathways and traditional theories of delinquency can be integrated or combined to provide stronger explanations (see also Shoemaker [2010, chap. 12]).

Broadly, Thornberry and others propose that the connections between social factors and delinquency are reciprocal. That is, delinquency may be affected by certain social factors, such as a weak social bond or associations with delinquent peers, but then the result, delinquency, can also further weaken social bonds and promote further associations with delinquent peers, thus producing an interactive, spiraling effect in which cause and effect are mutually connected. The spiral toward a life of crime is assumed to be more pronounced among those living in lower-class areas as opposed to middle-class neighborhoods, but this assumption is not a necessary aspect of the theory. Two important points about interactional theory are that it is realistic and that it is able to address many of the points raised in developmental perspectives as well as in more traditional explanations of delinquency.

Summary

Developmental views on delinquency and associated pathways are becoming increasingly accepted among students in the field. As Michael Benson (2001, 80) puts it, "The fact that different offending trajectories exist is no longer seriously debated." Indeed, developmental views, life-course analysis, and examinations of turning points in the lives of gang members are now appearing in the literature (Thornberry et al. 2002). The connection between gangs and the life-course approach to understanding delinquency is visited again in chapter 10, where juvenile gangs are discussed in more detail.

There is a lot of merit in the social development models discussed in this chapter. In particular, the view that there are several pathways, or trajectories, to crime and delinquency is appealing and seems to make sense of much that is known about patterns of delinquency. It remains to be seen how all of the models and competing theoretical explanations will fare over time, but the view that there are several paths toward crime and delinquency seems to be valid at this point.

While there are several pathways to delinquency, just as there are several avenues toward conformist behavior and successful careers in business or professional life, the view that there are at least two dominant pathways, life-course persistent (LCP) and adolescence-limited (AL), is persuasive, given current information and theoretical developments concerning delinquency. LCP offenders begin committing acts of crime and delinquency at an early age and persist in this behavior throughout most of their lives. They exhibit signs of behavior and emotional problems early in life and often commit a range of behaviors from minor offenses to serious crimes. Their behavior is thought to be affected by biological and psychological factors, as well as by peer relationships. AL delinquents usually start committing acts of delinquency at around adolescence and stop before reaching adulthood. They usually commit more minor forms of delinquency and are influenced by social factors more so than by biological and psychological variables. Continued research on delinquency pathways suggests that females may have somewhat different patterns to delinquency. For example, some studies conclude that females may experience a delayed onset to the AL pathway to delinquency.

Other developmental perspectives focus on a supposed general trait that influences criminal and delinquent behavior throughout a lifetime. This view is known as the general theory of crime (GTC), proposed by Gottfredson and Hirschi. According to the GTC, the paramount, if not sole, factor in crime and delinquency causation is a trait called low self-control. Low self-control is thought to be learned early in life, by age ten, and is resistant to change throughout life. A contrasting view is the turning points explanation of crime and delinquency proposed by Sampson and Laub. According to this perspective, people can and do change their criminal behavior patterns over the course of a lifetime, especially if they experience significant turning points, such as successful marriage and employment. Considerable research has been conducted on both of these perspectives, with some support being reported for each view. However, the weight of the evidence thus far seems to favor the turning points view of delinquency over the tenets of the GTC.

Study Questions

1. What are the assumptions of the two main pathways to delinquency?
2. What factors influence the occurrence of crime and delinquency, according to the general theory of crime?
3. How do turning points impact the decision to desist from a life of crime?

CHAPTER 6

Social Process Theories

Social process theories examine the interpersonal actors in a person's life who have an influence on his or her attitudes and behavior. These theories of delinquency are sometimes called "micro" explanations because they focus on smaller social settings and situations rather than on larger, structural, "macro" variables. They differ from the individualistic theories mentioned earlier in that the suggested causes of crime are not sought from within the individual. That is, social process theories are not "kinds of people" explanations of behavior.

Social process explanations of delinquency hold certain assumptions that tend to separate them from other theories of delinquency.

1. Behavior is learned, not biologically inherited. Learning crime and delinquency can occur through the same mechanisms that apply to the learning of other behavior.
2. Behavior is learned in social settings. The learning of attitudes and behaviors occurs more through interactions with others in close, interpersonal settings than through impersonal, mass media connections. It is not maintained that the mass media, for example, do not exert any influence on behavior. Clearly, they do. However, social process theories assume that people tend to learn more from others in their immediate social circles than they do from television, movies, or similar forms of mass communication.
3. Attention should be focused on what a person does, not on what a person "is." Again, "kinds of people" explanations of delinquency are focused on the internal characteristics of the delinquent, while more attention should be paid to the social and environmental situations in which children or youths are located.

Social process theories are dynamic in their approach to an understanding of delinquent behavior. By "dynamic," it is meant that these explanations view behavior in terms of actions and reactions. Behaviors and attitudes change according to environmental and social settings. For example, a social process theory would be able to incorporate changes in behavior over time, as a person aged, changed associations, or changed positions in society. Thus, compared with the individualistic theories discussed in chapter 4, social process explanations of delinquency can more easily incorporate the "maturation effect." Structural explanations of delinquency, such as social disorganization theory, are discussed in chapter 10, under the topic of "Structural Factors" as explanations for joining gangs.

The examples of social process theories discussed in this chapter include differential association theory, drift theory, and social control theory, which is separated into containment and social bond theory. There are other kinds of social process theories, most notably labeling theory. However, labeling theory is covered in a separate chapter (chapter 12), along with conflict theories. While it is accurate to describe labeling theory as a social process explanation, it is more focused on societal reactions to behavior rather than on the primary causes of behavior, and, as such, it is more connected with juvenile justice system concepts and processes.

Differential Association Theory

Differential association theory was developed by Edwin H. Sutherland several decades ago (Sutherland 1939). In the field of delinquency, it is sometimes referred to as a “peer relations” or “peer group” explanation because it focuses on peer relationships and friendship patterns as a basic causal nexus for delinquency. Sutherland developed this theory over several decades and tried to come up with an explanatory scheme that identified individual as well as social explanations for crime and delinquency.

In its final version (Sutherland and Cressey 1978, 80–83), the theory listed nine propositions. These are listed below, in their original wording:

1. Crime is learned.
2. Criminal behavior is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behavior occurs within intimate personal groups.
4. When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple, and (b) the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.
7. Differential associations may vary in frequency, duration, priority, and intensity.
8. The process of learning criminal behavior by associations with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning.
9. While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since noncriminal behavior is an expression of the same needs and values.

The first two propositions clearly identify this theory as a learning theory. Propositions 3 and 4 outline the social context in which learning occurs. Important in these two propositions is the notion that crime and delinquency are learned in association with others in close, personal group contexts. This idea also helps differential association theory to explain gang behavior, since many juvenile gangs are considered close, personal groups (see chapter 10, “Juvenile Gangs”). Close, personal groups are sometimes called primary groups—that is, groups that are considered small in size, characterized by close, personal forms of communication and informal rules of interaction (Hughes and Kroehler 2005, 104–5).

The fifth and sixth propositions get at another important feature of this theory. The learning of crime is based upon definitions of the law as favorable or unfavorable, whether the law is to be accepted and obeyed or not. Proposition 6 places the learning in a kind of ratio perspective rather than something that is “either/or.” That is, behavior is responsive to a definition of legal codes or norms as appropriate or inappropriate. We have both favorable and unfavorable images of laws, either in general or, more likely, in terms of specific laws. At any given period of time in our lives, we tend to generally accept or deny the legitimacy of laws, and this balance is what shapes our behavior vis-à-vis the law during this time. This proposition is one reason why differential association is considered a social process theory. That is, behavior and the motivations that produce behavior are conceptualized as part of an ongoing, fluid process that is changing and changeable over time because of social contacts and influences.

Propositions 7 and 8 specify certain conditions and characteristics of the basic notion that delinquency is learned in group contexts and in terms of definitions of the law. In particular, proposition 7 indicates that group contexts vary according to their influence on our values and behavior. Frequency and duration of associations mean what they suggest—that is, the number and length of contacts we have with others. Priority is a temporal concept and indicates that associations formed earlier in life are stronger than associations formed later, an assumption compatible with psychoanalytic theory, although it is not always true. Intensity suggests that some associations are more prestigious (and thus more attractive) in our lives than are others, such as the sway a youth gang holds over its members as opposed to, say, the influence a teacher may have on a youth gang member.

Proposition 9 of this theory identifies common motivators for behavior, such as hunger, but then indicates that such needs cannot be considered true causes of crime because noncriminals have the same needs and values. In other words, if we all need to eat, why do some turn to crime in order to get what they need to eat while others do not? It is not only the need to eat that drives our criminal behavior but also a definition in our minds that stealing is an acceptable way to obtain what we need to eat.

Discussion of the Theory

A description of this theory and its relationship to delinquency is presented in figure 6.1. Differential association theory is an interesting explanation of delinquency, and it seems to make sense of some characteristics of delinquency. For example, researchers generally conclude that most acts of delinquency are committed in group or gang contexts (Sarnecki 1986; Warr 2002; Shoemaker 2010, 190–95). In addition, the theory can explain why many youths "mature" out of delinquency as they age—that is, the maturation effect (Warr 2002, chap. 5). In addition, this theory shifts the focus of attention away from the problems of individuals to specific behaviors and associations. In this way, differential association differs from "kinds of people" explanations by focusing on responses to situations that might lead one to commit acts of delinquency. In other words, you can use this theory as a basis for responding to the behavior of a child rather than to the child as a whole entity. Thus, you can be unhappy with a child's behavior but still not reject the child.

Exposure to Delinquent Attitudes and Behavior Patterns → Adoption of Delinquency Orientation → Association with Delinquent Peers ↔ Delinquency

FIG. 6.1 Differential Association and Delinquency

A similar feature of differential association theory is its focus on the social aspects of learning rather than on the psychological and/or biological details of the learning process. In this way, differential association theory is an extension of general learning principles established by earlier psychologists, such as Ivan Pavlov and B. F. Skinner (Vold, Bernard, and Snipes 2002, 156–57), and more recent learning theorists, such as Albert Bandura (1969, 1973). In addition, the theory is an extension of Gabriel Tarde's laws of imitation (1912). Differential association was reconceptualized into a more specific social learning theory, using the ideas of punishment and reinforcement, by Anthony Burgess and Ronald Akers (1966), and Akers has extended this reasoning into the development of a more general learning explanation of crime and delinquency (Akers 1985, 1998; Akers and Sellers 2004, chap. 5).

Many efforts to examine differential association theory focus on peer relations, such as associations and attitudes toward peers, as these are related to behavior. This situation is one reason why the theory has become known as a "peer relations" theory (Warr 2002, chap. 4). Most of the efforts to test the theory using measures of peer relations have tended to support its basic notion that peer influence is important in the explanation of delinquency. In fact, Mark Warr categorically states that "[n]o characteristic of individuals known to criminologists is a better predictor of criminal behavior than the number of delinquent friends an individual has" (Warr 2002, 40). Friends are important in influencing our behaviors and attitudes, especially during adolescence (Warr 1993, 2002, chap. 3 and 4; Shoemaker 2010, 188–96). This influence is, again, more important in the explanation of some kinds of behaviors (such as gang behaviors) than in others. Peer relations are also important in the explanation of drug use among adolescents (Dembo et al. 1986; Johnson et al. 1987).

Much of the current literature examining peer relationships and delinquency, or differential association theory in these terms, focuses on the nature and characteristics of friendship patterns as these influence delinquency. For example, it is generally concluded that delinquent friends do influence delinquent behavior, but it is not clear how the causal connection occurs. That is, do delinquent friends seek out other delinquents, or do delinquent associates encourage and otherwise “teach” one another how to commit delinquent acts? The answer is that both processes seem to be in operation, although most evidence suggests that delinquent companions encourage delinquency. That is, sometimes youngsters who are already “into” delinquency seek out others who are also delinquent. More often, however, youths who are not fully involved with delinquency seem to be more involved with delinquent acts once they become involved with delinquent groups, such as gangs (Warr 1993, 2002, chap. 3, 4, and 6, esp. pp. 133–38; Haynie 2001; Liu 2003; Chesney-Lind and Shelden 2004, 74; Shoemaker 2010, 190–96).

Despite the many advantages and positive features of differential association theory, there are aspects of the theory that either make it difficult to examine or seem to omit situations and conditions that make the explanation incomplete. Before discussing some of these characteristics, it should be stressed that the theory does not propose to explain all acts of delinquency. In fact, no one theory can do that, at least not with any legitimacy. For example, differential association is a good explanation of gang delinquency, for example, but probably not psychopathic deviance as this concept was discussed in chapter 4.

Although there have been many efforts to test differential association theory (Shoemaker 2010, 188–96), it has never been completely examined, in part because some of its propositions are difficult to operationalize—that is, to put into specific variables that can be measured and analyzed. In particular, proposition 6, the “ratio” proposition, seems elusive in terms of measurement. This is such a fluid concept that it becomes difficult to assess. For example, how can it be determined just when there is an excess of any kind of definitions or attitudes favorable to law violation, save the fact that a crime has been committed? If we choose to use crime as an example of its existence, the whole relationship becomes tautological and thus nonexplanatory. Still, researchers have made efforts to examine this proposition. Approximations of attitudes toward crime can be measured retrospectively—that is, from remembrance—and that is helpful to know, but still, it does not get to the specific instance of thought and behavior.

In addition, the theory has been challenged on the grounds that not all associations with criminals produce criminality. That is true, but it is also true of other explanations of delinquency. That is, no theory explains all acts of crime and delinquency but only a tendency to commit them, or, in more general terms, a greater or lesser influence than is seen for other factors. In part, this criticism of differential association theory is handled by what Daniel Glaser (1956) refers to as “differential identification.” This term suggests that we use “reference groups” (Haskell 1960) to guide our thoughts and actions. Sometimes we are not actually members of these groups, again, such as juvenile gangs, but we wish to become involved with them—that is, to become a member of a group. So even though someone is not a member of a juvenile gang, he or she may well be influenced to commit acts of crime and delinquency as part of an identification with that group.

Another difficulty with differential association theory is that it cannot explain why we have the associations we have. In part, the answer to that kind of question must come from structural conditions, such as social disorganization. This is a concept that is discussed in chapter 10, “Juvenile Gangs.” Sutherland introduced the term differential social organization to explain why some are more exposed to criminal associations than are others. Differential social organization means that all communities are organized, sometimes for good behavior, sometimes for criminal or delinquent behavior. Thus, where a person lives may have an important influence on his or her associations and attitudes and, thus, on behavior (Shoemaker 2010, 184).

The kinds of social bonds or connections we have to others in our lives, especially as teens and children to our families and schools, can also affect the nature of our peer associations. Social bond theory is discussed later in this chapter. In addition, family and school factors are treated separately in chapters 7 and 8.

Overall, differential association theory remains a strong explanation of delinquency, especially delinquency that occurs in group settings. One large-scale or meta-analysis provided considerable empirical support for the theory, particularly favorable attitudes toward law breaking, especially within a context of peer associations, being associated with criminal behavior (Pratt et al. 2010). However, differential association is not the only kind of social process theory. Beside social control theories, including containment and social bond explanations, there is drift, or neutralization, theory. These theories are discussed later in this chapter.

A Note on Exposure to Media Violence and Delinquency

One of the propositions of differential association theory is that the learning of delinquency comes primarily from contacts or associations with others in a primary group setting. This idea is in contrast to the view that watching violence on television or in the movies encourages or "causes" violence among children.

Youth exposure to violence through the mass media is definitely a legitimate topic of concern in America today. American children watch an average of twenty-eight hours of television every week, and some estimate that before a young person reaches middle school, he or she will have seen more than eight thousand homicides on television (Reiman 2003, 163). In addition, major professional societies such as the American Medical Association, the American Academy of Pediatrics, and the American Academy of Child and Adolescent Psychiatry have all gone on record as suggesting a "causal connection between media violence and aggressive behavior in some children" (cited in Reiman 2003, 163). When one adds to this set of figures the exposure of youth to violence through video games, computers, and movies, the amount of violence youths see through mass media outlets is alarming.

The connection between witnessing violent behavior and actually committing violence has been documented from the early efforts of Albert Bandura and his "Bobo doll" experiments to more recent research. Bandura (1963) observed that children who see adults commit acts of violence on large dolls are more likely to commit such violent acts themselves. Also, some research has shown that boys seem to be more influenced by seeing aggression than are girls, although recent longitudinal research concludes that media impact, particularly watching violence on television, has similar effects on subsequent violence among males and females (Huesmann et al. 2003).

Although earlier studies, including experimental research such as that conducted by Bandura and colleagues, have been criticized as being too artificial and producing only short-lived effects, more contemporary, longitudinal studies, based on self-reports of television watching and behavioral patterns, suggest the violence-producing effects of television watching not only are real but also can last from childhood into adulthood (Huesmann et al. 2003).

Despite ample evidence that watching violence can contribute to violence, the strength and consistency of this connection are still uncertain. Part of this doubt stems from the string of rebuttals to the scientific research offered by members of the entertainment industry. Media executives typically suggest that the often-cited impact of watching violence on television or in the movies on violence committed by youths is overstated or based on faulty research designs (Bushman and Anderson 2001). In addition, even the scientific evidence is not uniform. One of the more often-cited recent studies linking media violence and youth violence is the aforementioned longitudinal study by Huesmann et al. (2003). Even the authors of this study suggest that watching violence in the media is only one of several possible factors in the causation of youth violence (p. 201). In addition, they conclude that "[t]he effect sizes for media violence on aggression revealed in this longitudinal study are modest" (p. 218).

One possible contributing factor that calls into question the direction of this relationship is that children exposed to violence early in their lives, such as in the home, are attracted to violence in the media. These children are, in effect, "violence prone," and their violent tendencies are further manifested by their interest in watching violence on television or through other impersonal media. In addition, parenting attitudes and values may also interfere with the relationship between watching violence on television or video games and violent behavior among youths. Parents can inhibit or encourage youths' viewing habits as well as influence their reactions to viewing violence (Huesmann et al. 2003, 218). Some research has found, for example, that children from families where alternatives to violence and aggression are taught are less influenced by media violence than children reared in families that do not stress such alternatives (Kratcoski and Kratcoski 2004, 65).

Overall, the relationship between witnessing violent acts in the mass media and committing violent behavior among youths is real and at least moderately strong. However, it should not be forgotten that adult, especially parental, supervision patterns and controls over youths can also affect this relationship. Parental controls over youths in general seem to have important effects on youth behavior, as is discussed later in this chapter and in chapter 7. Thus, Sutherland's emphasis on the learning of crime and delinquency in primary, interpersonal groups is still worth considering, despite the real and legitimate concerns of the negative impacts of mass media portrayals of violence on youth.

Drift Theory

Drift theory, developed by David Matza and Gresham Sykes (Sykes and Matza 1957; Matza 1964), posits that juveniles drift into and out of delinquency during adolescence, depending on social circumstances and moods. Drift theory is considered a process theory because it does not view delinquency as an either/or situation. That is, according to this theory, juveniles move from delinquency to conformity and back, depending on circumstances. Another feature of drift theory is the notion that juveniles use free will in deciding whether to engage in delinquency, although this free will is influenced by peers.

An important assumption of drift theory is the idea that juvenile delinquents are basically good kids who want to conform to rules and laws. However, they have experienced injustices, or perceived injustices, in their lives, such as wrongful actions from police, teachers, or parents. This unjust treatment triggers feelings of anger and resentment, which can then lead to acts of crime or delinquency. An important concept in this causal chain is that of neutralization. Neutralization refers to efforts to explain away the negative or condemning consequences of committing criminal or delinquent acts. It is important to consider that neutralizations of delinquency would not be necessary if individuals did not care about the consequences of their behavior, such as in the case of psychopaths. Thus, although the juvenile is angry and hurt, he is not totally blind to the feelings of others. Neutralization, then, helps to make acceptable or right what would otherwise be considered a wrongful act on the part of the juvenile.

According to Sykes and Matza (1957), there are five techniques of neutralization:

1. Denial of responsibility
2. Denial of injury
3. Denial of a victim
4. Condemnation of condemners
5. Appeal to higher loyalties

Denial of responsibility suggests that one was not to blame for the act. This denial can be attributed to personal problems, such as having a bad temper, or to social circumstances, such as living in a bad neighborhood or having abusive parents, and so on.

Denial of injury means that while the act did occur and you were responsible, no one was really hurt or injured because of what you did.

Denial of a victim argues that while there was a victim in the act, that victim deserved what he or she received. Maybe the "victim" was a bad shop owner, a mean teacher or parent, or someone who tried to cheat others.

Condemnation of condemners reflects the sense of injury and/or injustice youths receive from others, particularly adults. This technique allows a juvenile to justify, or neutralize, delinquent actions by labeling those who would criticize or judge delinquent acts as hypocrites. These condemners are sometimes criminal or deviant themselves, so why should their judgments be important? A situation where this kind of neutralization might be used would be a juvenile caught using marijuana and lectured by parents who are regular consumers of alcohol or cigarettes.

The last technique, appeal to higher loyalties, illustrates another feature of drift theory. It also focuses on the influence of one's peers in shaping opinions and behavior, much as does differential association theory. One difference between drift theory and differential association theory, however, is the view in drift theory that delinquents have a grudge or sense of anger about them, which is not the case with differential association theory. This group nature of delinquency, and the influence of others that it implies, is highlighted by another concept, situation of company (Matza 1964). By situation of company, Matza means that youths, especially in group or gang contexts, are always being asked to show their loyalty to the group and to go along with the thinking of the members of their group. Thus, while it may be that deep down, a juvenile may not want to commit this or that act of crime, when pressed by others to go along or support the behavior, he or she follows or does as asked. In this context, then, it is easy to understand how the technique of appeal to higher loyalties could be used to neutralize negative feelings over the consequences of a crime. These ideas are summarized in figure 6.2.

Negative (embarrassing, harassing, etc.) Experiences with Public Adult Authority Figures (police, teachers, etc.) → Receptivity to Negative Attitudes toward Laws and Law Enforcers ↔ Associations with Other "Disaffected" Youth (situation of company) → Neutralizations of Moral Constraints against Delinquency ↔ Delinquency

FIG. 6.2 Drift and Delinquency

Drift theory has received some support in the literature. For example, a study of delinquents in the Netherlands found that delinquents tended to see their criminal acts as acceptable except for violent offenses, which were not considered permissible even though the juveniles committed these acts (Landsheer, Hart, and Kox 1994; see also Agnew [1994). Others, however, offer little support for the theory (Hindelang 1974; Giordano 1976). John Hamlin (1988) suggests that the concept of neutralization is insightful but might occur after acts have been committed, not before, as Sykes and Matza presume. In addition, continued research on neutralization suggests that over the years, subcultures have evolved that tend to accept, perhaps even reward, criminal behavior and that "being bad" in these subcultures may be a good thing. Life in the streets and the "street code" (Anderson 1999) reduce the need to justify criminal behavior among peers. In this situation, criminal behavior, including violence in general, does not need to be justified. Injustice, wrongs, slights, and so on are met with violent responses, and there is no need to justify such responses within the street subculture or to neutralize conventional attitudes that may not exist. If anything, in this setting, being good needs to be neutralized more than being bad. Violence and criminality may not occur in these situations because of appeals from friends or relatives or because of situational circumstances, but not because one is responding to conventional values and norms (Topalli 2005).

Overall, drift theory presents a reasonable but incomplete picture of juvenile offending. On one hand, it correctly addresses the maturation effect and the group properties of delinquency. It also considers one possible consequence of unfairly labeling juveniles (see chapter 12). On the other hand, however, several attempts to examine the theory have given it limited support. The notion of neutralization is difficult to test, especially in terms of rationalizations developed before acts occur (Topalli 2005, 825–26). In addition, the theory seems incomplete because it provides little understanding of how neutralization or justification for deviance becomes accepted. Certainly, differential association theory seems able to handle that question. In addition, control theories, especially social bond theory, appear well equipped to address the issue of why some kids become more easily persuaded by their peers than other juveniles. The topic of control theories is discussed next.

Control Theories

Unlike other explanations of crime and delinquency, control theories assume that the cause of delinquent behavior is actually the absence of something internal or external to the individual. That something is a constraining or controlling factor. Thus, control theories do not assume that delinquents are driven or forced to commit crimes. Rather, deviant tendencies are not held in check, or controlled. Behind the assumption that it is the absence of something that contributes to deviance is the assumption that people, including juveniles, are prone to commit acts of crime or delinquency. This idea comes close to the Hobbesian view of the nature of man—that is, that man is basically mean and evil. Acceptance of the basic assumption of control theories, however, especially for juveniles, does not necessarily mean accepting the view of mankind as naturally mean-spirited or evil. For example, juveniles may be seen as curious or inquisitive, and that curiosity can lead to experiments with "exciting" or "dangerous" behaviors, behaviors that may be illegal or criminal. In the absence of strong internal or external controls concerning breaking rules or laws, these tendencies to test rules or live dangerously, so to speak, can sometimes lead to actual rule or law breaking, especially when circumstances such as temptations and opportunities are present.

Internal Controls

Internal controls are individualistic and consist of some of the factors discussed previously. Psychoanalytic theory is, in part, a type of internal-control theory. The superego, for example, is the part of the personality that acts as a barrier against the deviant tendencies of the id. However, another theory is also considered an internal-control explanation of crime and delinquency: containment theory.

As proposed by Walter Reckless (1961, 1967), containment theory is composed of several pushes and pulls toward crime and delinquency as well as containments or constraints against delinquency. These pushes, pulls, and containments are described as outer and inner. Outer pulls toward crime, for example, include delinquent peers (differential association) and media images and temptations. External pressures include poverty or difficult economic circumstances, discrimination and segregation (of minorities), and other social problems. Inner pushes are exemplified by drives, such as with the id, frustrations, biological and personality problems, and rebellious attitudes.

Outer containments involve strong social institutions, such as the family and school, feelings of acceptance and membership in groups and society, and, generally, social situations that encourage inclusion and supervision, a kind of joint caring and cooperation that includes controlling youths in a community or neighborhood.

Inner containments include conformist goal orientation, frustration tolerance, and commitment to prosocial norms. The most important inner constraint, however, is a strong, positive self-concept, and this is especially true in urbanized, modern, industrialized societies, where external constraints are thought to be weak. The importance of the self-concept is one reason this theory is often identified as a self-concept theory. Reckless researched the relationship between self-concept and delinquency before developing the containment theory model (Reckless, Dinitz, and Murray 1956; Reckless, Dinitz, and Kay 1957), and the centrality of self-concept in containment remained despite the broadness of containment theory. See figure 6.3 for a schematic presentation of containment theory and delinquency.

External Pressures and Pulls (delinquent companions, media violence, moral inconsistencies, etc.) → Weakened Social Institutions *Along with* Weakened Personal Controls (especially a low self-concept) → Delinquency

FIG. 6.3 Containment and Delinquency (Modern Containment Society)

The research of Reckless and others generally supports the connection between a positive self-concept and reduced chances of delinquency. Developing a good self-image does tend to reduce one's chances of becoming involved in delinquency. However, a number of issues question the acceptance of self-concept as a major barrier to delinquency. For one thing, Reckless's own research indicates it is difficult to change self-concepts of youths using artificial, school-based curricula (Reckless and Dinitz 1972). Even if developing a strong self-concept could significantly reduce the chances of becoming involved in delinquency, this should be initiated early in a child's life, and that may be difficult to do without concentrated community effort. In fact, current research on self-esteem indicates that, as measured on most scales, self-esteem is a dynamic concept that can and does change, especially in high-school years, not according to planned and artificial settings, but according to real-life experiences (Baldwin and Hoffman 2002).

Even if self-concepts in children could be easily manipulated—that is, developed in a consistent, positive fashion—there are still a number of other issues to consider. For example, self-concept scales usually ask an individual to compare himself or herself with others. However, some research suggests that "good boys"—that is, youths who are predicted by teachers and school officials to be good students and less involved with delinquency—tend to identify with teachers, whereas "bad boys," those who are predicted not to be good students, tend to identify with their mothers (Schwartz and Stryker 1970). The lesson here is that we do not always know with whom one is comparing an image of self when constructing a self-concept measure, and such comparisons could have important impacts on behavior.

In addition, some research reports an increase in self-concept among delinquents (Kaplan 1978). Some suggest this unexpected relationship may occur among minorities who identify with a racial or ethnic group and take pride in that identification, even if they also commit acts of crime or delinquency (Ross 1992, 1994). Others suggest that the increase in self-esteem with increased delinquency occurs primarily among those with initial lower levels of self-concept (Kaplan 1980; Mason 2001).

Perhaps a better approach to this issue is to consider that self-concept has more of an indirect effect on delinquency than a consistent, direct impact on behavior. That is, self-concept may produce attitudes conducive to associating with others who are delinquent (differential association), or they may affect our relationships with people in our families or in school (social bond). These factors, in turn, may have a more direct effect on behavior than self-concept. It is also possible that a low self-concept makes one "disposed" to deviance in general, by affecting associations with peers and with adults in a negative way, which could lead to delinquency (Kaplan, Martin, and Johnson 1986).

The theory of differential association has already been discussed. The impact of another kind of control—social control, or the social bond—is discussed next.

Social Control Theory: The Social Bond

As developed by Travis Hirschi (1969), social control theory, also known as social bond theory, proposes that juveniles develop attachments to various parts of their social world, and these attachments, or bonds, help deter them from committing acts of crime and delinquency. Over the past thirty years or so, social bond theory has become one of the more researched explanations of delinquency, although it has often been combined with other explanations to accommodate new ideas and information concerning delinquency.

Hirschi described the social bond as having four essential elements, or components: attachment, belief, commitment, and involvement. Attachment is conceptualized as an emotional component of the social bond. It is usually measured as attachment to a particular representative of a social institution, such as a parent, a teacher, or a minister. Belief corresponds to an acceptance of a conventional value system in society and/or its legal systems. Commitment is associated with investments in time or energy in the policies and programs of an institution, such as trying to do well in school. It represents a more rational, cost-benefit approach to associations in society. Involvement is identified with conformist participation within an institution, such as participating in extracurricular activities in school or in church-related programs.

The prediction of social bond theory is that the stronger the attachments, beliefs, commitments, and involvements of a child to society, the lower the chances of that person becoming involved in delinquent behavior. The diagrammatic depiction of the theory is presented in figure 6.4.

Weakened Attachments, Beliefs, Commitments, and Involvements with Conventional Figures and Institutions in Society → Delinquency

FIG. 6.4 Social Bond and Delinquency

Hirschi theoretically envisioned all four components of the social bond as having equal weight in the prevention of delinquency. In addition, all four were thought to be positively associated with one another. That is, if a person had strong attachments, he or she would also have a conventional belief system, good commitment to social institutions, and regular involvement in various activities in the family, school, church, and so on. However, it is possible that having high degrees of participation may take time away from studying or that too much activity at school may detract from attachment, commitments, and involvements in other institutions, such as the family and religious activities. In addition, social bond theory predicts that strong attachments or bonds to peers reduce delinquency, but this prediction is opposite that of differential association theory. One resolution of this apparent contradiction is to argue that association with delinquent peers fosters delinquency, while relationships with conformist peers is associated with less delinquency (Gardner and Shoemaker 1989; Warr 2002).

Research on social bond theory, however, does not consistently support Hirschi's predictions. For example, involvement is sometimes negatively associated with delinquency, as predicted (Huebner and Betts 2002). Other studies, however, suggest that involvement is either weakly or positively connected with delinquency (Gardner and Shoemaker 1989). In addition, there are often gender differences (Huebner and Betts 2002) and geographic effects on the impact of the bond on delinquency. For example, Gardner and Shoemaker (1989) reported that the negative association of the social bond on delinquency was stronger in rural high-school students than among a sample of urban youth.

In addition, international research sometimes supports social bond theory and sometimes calls its value into question. In the Philippines, for example, studies of delinquency generally support the negative influences of a strong social bond on delinquency among males but not among females, in part because social controls of females are much stronger than for males in the Philippines (Shoemaker 1994). The reduced power of social bond as an explanation of delinquency among females has also been observed in Japan (Tanioka and Glaser 1991) and India (Hartjen and Kethineni

1993). Also, studies of delinquency in France do not support the strength of social bonds as preventives of delinquency, especially when compared with other factors, such as peer relations (Hartjen and Priyadarsini 2003).

Despite the qualifiers mentioned above, social bond theory provides a reasonable explanation of delinquency, but again, it is better to apply the theory in connection with other explanations, such as differential association theory. Social bond theory also provides an explanation for the influences of peers and the impact of low self-concept on delinquency. For example, weakened connections, or social bonds, to the family, the school, or religious institutions may negatively affect one's self-esteem and render that person more susceptible to the negative influences of delinquent peers. Research continues to document the connections among child–parent bonds, delinquent-peer associations, and delinquency (Warr 2005).

In addition, social bond theory can address the issue of maturation. If a young person's attachments and bonds strengthen over time, it would be expected that delinquency would lessen. If one is less attached to the family or school, then changing those associations and becoming more connected with an occupation and creating your own family may well lessen the frustrations and pressures generated from old associations. Such changes could then lead to stronger bonds and less likelihood of committing crime and delinquency.

Institutional Connections and Delinquency

Another approach to an analysis of social bond theory is the examination of social institutions and delinquency. Social institutions are collective norms and values focused on important components of society. The school system and the whole context of marriage and family represent two illustrations of institutions in society. The relationship between delinquency and the family and the school is discussed in chapters 7 and 8. For the present, the relationship between religion and delinquency is discussed in connection with the social bond theory.

Religion and Delinquency

According to social bond theory, the stronger the connection one has with religious factors, the less delinquent one will be. For example, the more one attends religious services, the less there will be of delinquency involvement. This hypothesis has been tested many times over the past several decades. Most of this research has focused on church attendance (as a primary indicator of religion) and official records of delinquency. In general, three findings have emerged from these studies: (1) there is a negative association between church attendance and delinquency; (2) there is a positive association between the two, meaning that the more one attends church, the more delinquency is committed; and (3) there is no significant association between church attendance and delinquency (Shoemaker 2010, 221).

The first conclusion is consistent with social bond theory. The conclusion that there is a positive connection between church attendance and delinquency is counterintuitive. One explanation for this finding is that kids who are forced to go to church by their parents may feel resentful and rebellious over this kind of control and resort to acts of crime and delinquency in response to this frustration. In this situation, the relations between youths and parent(s) may become strained or weakened, thus further increasing the chances of youths committing delinquent acts. It is also possible, however, that youths can be living in homes where educational methods and subjects used in the school system are incompatible with the religious beliefs of parents. Even though parents and children may be strongly bonded, in these homes the youths are subject to conflicts and perhaps even penalties levied by the state for attending schools unapproved or not accredited by state standards. In a technical sense, they would be delinquent by default. Although this situation is not common, it can occur, and it may be another reason for the positive association between delinquency and church attendance.

The finding that there is no relationship between church attendance and delinquency is represented by a study of more than four thousand high-school youths living in California in the 1960s, the "Hellfire and Delinquency" study (Hirschi and Stark 1969). This study examined self-report and official records of delinquency compared to self-admitted patterns of church attendance and religious attitudes. The authors concluded that those who attend church regularly are no less delinquent than those who attend church rarely, if at all. Church attendance was also not connected with other measures of religion, such as acceptance of moral values and respect for law and authority. However, church attendance was related to belief in supernatural powers, but this belief was not associated with delinquency.

The conclusion that church attendance and other measures of religiosity have no connection with delinquency is not universally accepted among scholars. The "Hellfire" study generated several follow-up studies, many of which did not agree with the conclusions of the original research. For example, some studies conclude that church attendance, as one measure of religiosity, is inversely connected with some kinds of delinquency, such as status offenses and alcohol and drug use (such as marijuana). In addition, some research indicates that church attendance is inversely related to delinquency in geographic areas considered strongly influenced by religion, such as the "Bible Belt" (Burkett and White 1974; Higgins and Albrecht 1977; Stark, Kent, and Doyle 1982; Jensen and Rojek 1992; Baier and Wright 2001). In addition, some research shows that church attendance is significantly related to lower rates of delinquency among African American youths (Johnson et al. 2000).

A national study of youth and religion provides further support for an important inverse effect of church attendance and religious values on delinquency. In this self-report survey of over three thousand seniors in high schools throughout the United States, an early conclusion is that "religious" seniors, those who attend church regularly and express religious values, report significantly less involvement with delinquency, especially alcohol and drug use and "risky" behaviors, than do those youths who do not attend church or hold religious values (Smith and Faris 2002). Another national study on drug use and health also concluded that youth who strongly or regularly participated in religious activities, including church attendance, reported lower levels of delinquency and drug use (Salas-Wright et al. 2012).

Overall, continuing research on this subject finds consistent negative effects of church attendance and religious values on delinquency, despite some results to the contrary. In particular, church attendance seems to inhibit drug and alcohol use and status offending. At this point, it seems more and more evident that religion does play a small but steady inhibiting role with respect to delinquency, either in areas where religion is more dominant, in inner cities, or in national samples of youths. In addition, a meta-analysis of sixty published studies of religion and delinquency confirms a consistent negative effect of church attendance on delinquency. According to this study, going to church and/or having religious values has an overall correlation of -0.12 with delinquency (Baier and Wright 2001). While there is still some evidence that church attendance is uncorrelated with delinquent behavior or in some instances seems to promote delinquency, the rather consistent negative relationship between religion and delinquency supports social bond theory. Religion is only one of the contexts within which social bond theory can be evaluated. This explanation of delinquency is discussed again in chapters 7 and 8, when family and school factors are considered.

A Note on General Strain Theory

Another example of a social process theory is a recent version of anomie theory, which was proposed as a structural explanation of crime and deviance by Robert Merton (1957). Anomie theory, or strain theory, is based on the idea that society is composed of social goals for success, such as economic success, and structured means for achieving that success legally. Strain theory further assumes that sections of society—namely, the lower class and the poor—do not have equal access to the legitimate means of achieving economic success, so they turn to illegal means for reaching success, such as theft. This explanation of crime and delinquency is discussed again in connection with youth gangs in chapter 10.

For the present, however, it is important to discuss a more personalized variant of strain theory, general strain theory, or GST. As developed by Robert Agnew (1985, 1992), GST assumes that young people experience strains in their lives that are more personal and more general than the structural sources of frustration proposed by Merton. For example, GST assumes that a youngster might experience strain or frustration over such things as schoolwork, bad peer relationships, or family problems. In many ways, these sources of strain are similar to breakdowns in the social bond or in peer associations. But GST goes beyond social bond theory by arguing that young people, by virtue of their dependent status in society, cannot use acceptable societal means for relieving strains and frustrations in their lives. For example, if a child is having problems with a sibling or a parent, he or she cannot easily move out, as might be the case if he or she were an adult. Similarly, if a juvenile is having trouble in school with academics or peers, a solution such as moving or not going to school is either not easy or illegal, since truancy is a status offense. Others may attempt to run away, disobey parents, violate curfews, or commit other status offenses. Furthermore, these frustrations and limited responses can happen to all children, not only those in minority or poor circumstances. It might be true that a wealthy child would have more options than a poor one, but still, the status of youth or child limits what one can do, especially when compared with adults.

Sometimes, a youth might react to pressures and frustrations in more violent ways, such as assault or murder. One example of a violent reaction to school and peer problems is a school shooting, a topic that has been in the news the past few years. This subject is discussed again in chapter 8, but some research suggests that school shootings are in part reactions to bullying at school (Newman et al. 2004, 63–64; Lawrence 2007, 160–61). To this explanation might be added the gist of GST, which is that not only does the child experience these negative events, but he or she also sees little or no acceptable way out, so more extreme outlets become reasonable, such as shooting one's tormentors and others generally connected with the presumed source of the problem—that is, the school setting.

Summary

Social process theories assume that delinquency is learned, especially through human interaction in group contexts, and that juveniles are not bad to the core, but rather respond to environmental pressures, incentives, and opportunities that may be at odds with conventional aspects of society. These views of delinquent conduct also assume that it is more proper to evaluate the behavior of a young person and the environmental context within which behavior occurs rather than the individual faults or problems that the person may possess.

There are several varieties of social process theories: differential association, drift or neutralization, containment, and social bond. Each explanation has its strengths and weaknesses. Differential association, for example, is a good explanation of how crime and delinquency can continue, but it is not a good explanation of how patterns and attitudes favoring criminality develop in the first place. Likewise, social control theory offers a good explanation of how youths may get involved with delinquent youths, but it is weaker in describing how delinquency values and attitudes are transmitted within group contexts.

In general, social process theories are able to address the issue of delinquency reduction with age or maturation. In addition, they tend to offer good explanations of general patterns of delinquency and, as such, provide a good complement or extension to the individualistic explanations discussed previously. All four examples of social process theories discussed within this chapter can also apply to juvenile gangs, although differential association theory clearly connects with that pattern of delinquency.

A recent example of social process theory is a revision of strain theory, named general strain theory, or GST. GST offers a good explanation of status offending and some violence among youths who experience painful frustrations or even humiliations in their personal lives, yet are unable to do much about those frustrations in any legal sense because of their status as minors in society. Thus, they may resort to illegal, and perhaps violent, means to solve their problems. The spate of school shootings over the past several years may in part be explained by GST, particularly in light of the view of some research that suggests many school shooters have been the victims of bullying in their school.

As is the case with any explanation of delinquency or set of explanations, the strengths and weaknesses need to be considered and somehow integrated or combined in ways that complement and strengthen each theory. No one explanation of behavior, delinquent or conformist, can expect to explain all such behavior. In the next chapter, developmental ideas are discussed, and suggestions for combining existing explanations of delinquency are offered as part of that discussion. In addition, many of the explanations discussed in this chapter and others are used to help understand specific examples of youth crime and delinquency, including the institutional contexts of the family and schools, as well as drug use and juvenile gangs.

Study Questions

1. What are some of the common features shared by social process theories of crime and delinquency?
2. How do interactions or associations with delinquent peers, family members, and cultural factors, such as the media, influence the learning of deviant behavior?
3. In what ways do the four elements of the social bond reduce the likelihood that an individual will commit acts of delinquency?

CHAPTER 7

The Family and Delinquency

The connection between family factors and delinquency has been suspected for as long as there has been a societal response to youthful offending. As indicated in the discussion of the historical development of the juvenile justice system in the United States, suspected parental indifference, neglect, or incompetence in the rearing of children lay behind many of the practices and institutional reforms in the handling of juvenile offenders in the nineteenth century. Historical research into the conditions of early institutions for juveniles indicated that many of the inmates or wards of these facilities were children from homes where one or both natural parents were missing and "could provide them neither a good example nor close supervision" (Ferdinand 1989, 95).

One of the implicit (and sometimes explicit) assumptions of earlier reasoning concerning the role of the family in producing or preventing delinquency was the notion that the "typical" family consisted of both parents. This typical construct of the family is often referred to as a nuclear family, which consists of both parents and children. Before the effects of industrialism on the post–Revolutionary War era in America and increased urbanization in major cities, the typical family consisted of parents, children, and extended familial relationships, such as grandparents and possibly aunts or uncles. This kind of family context is referred to as an extended family. Both nuclear and extended families were given a primary role in the education, discipline, and supervision of juveniles in the seventeenth and early eighteenth centuries in the United States (Ferdinand 1989, 84). As populations grew and American society became more formalized and complex, however, the influence of the family began to give way to the systems of local and state government in matters relating to child care and education, as suggested by the use of the doctrine of parens patriae in court decisions granting governments the right to remove juveniles from their homes without parental permission, in the "best interests" of the child.

Still, the role of the family in the rearing and care of children has remained an important institutional value in American society. However, the nature of the typical family constellation has changed over the years. Instead of a nuclear or extended family, the modern American family now encompasses several arrangements other than "both parents and their children." In 1960, for example, 44 percent of American families fit this father-mother-children, nuclear-family description, but by 2000, this figure had dropped to 25 percent (Simons, Simons, and Wallace 2004, 77).

In contemporary society, divorce occurs in half of all marriages (Wright and Wright 1995, 14), and families are often characterized by stepparents or single parents. Blended families may consist of children from two or more parental unions. As one review of family contributions to crime and delinquency put it, "The middle-class, nuclear family living in a single-family home is only one form of family" (Wright and Wright 1995, 11). In 2014, 35 percent of children (over twenty-one million) lived in single-parent homes (Kids Count 2016, 34). Almost two-thirds (66 percent) of African American children lived in single-parent families in 2014, compared with 53 percent for American Indian children, 42 percent for Hispanic or Latino youths, 25 percent for non-Hispanic white youths, and 17 percent for Asian and Pacific Islander children (Kids Count 2016, 34).

In addition, many children are born to young or unwed parents. In 2010, for example, the teen birth rate per one thousand females aged fifteen to seventeen was 17.3 (Sickmund and Puzzanchera 2014, 12). However, the teen birth rate is declining, now less than half the rate for 1990 (Kids Count 2016, 35).

“Broken Homes” and Delinquency

Probably the most popular family-related explanation of delinquency is the “broken” home. (A home is considered “broken” if one or both natural parents is absent for a long or permanent time, such as through divorce, separation, or death.) However, the term broken home can be considered judgmental in that, as indicated earlier, there are many types of family structures in American society, and the one containing father, mother, and biologically related children represents only about one-fourth of all families.

Studies of the connection between broken homes and delinquency have existed since the early 1900s. A detailed analysis of research on this subject concluded that there are distinct collections of findings according to historical time periods: extensive research between 1900 and 1932; a period of disinterest in the subject from 1933 to 1950; and a new period of interest from 1950 to the 1970s, which continues up through the present (Wilkinson 1974).

Research on the topic usually concludes that juveniles in correctional institutions are twice as likely to come from a broken home as other youths (Shoemaker 2010, 228). One study of one thousand males, five hundred delinquents (although not necessarily institutionalized) and five hundred nondelinquents found that 60 percent of the delinquents came from a broken home, compared with 30 percent of the nondelinquents (Glueck and Glueck 1950).

Not all of the earlier research on this topic concluded that broken homes were significantly related to official measures of delinquency. A detailed series of studies of neighborhoods and delinquency in Chicago during the 1920s and 1930s, for example, found no statistical association between delinquency and broken homes (Shaw and McKay 1932).

Partly on the basis of conclusions such as those by Clifford Shaw and Henry McKay, and partly because of the rising influence of competing explanations of delinquency, such as social class, neighborhood organization, and other structural variables, the importance of the broken home as an explanation of delinquency began to decline, as Karen Wilkinson’s analysis noted. However, in the late 1950s, social scientists began to use self-report methods of measuring delinquency (see chapter 3). One of these studies was an analysis of family factors and delinquency by F. Ivan Nye (1958). Nye’s analysis led him to conclude that there was no significant statistical connection between broken homes and delinquency. Since that time, many studies using the self-report method of measuring delinquency have found little to no statistical relationship between broken homes and delinquency (Shoemaker 2010, 228–230).

However, renewed interest in the subject has generated longitudinal studies indicating that there are some negative effects of a broken home on children, including long-term effects (Wallerstein, Lewis, and Blakeslee 2000). For example, a study of over one million children in Sweden concluded that children reared in two-parent families, compared with those from one-parent homes, were less likely to suffer an injury or to be found in official records of psychiatric hospitals, recorded attempts to commit suicide, and records of addiction (Weitoft et al. 2003).

Meta-analyses of research on broken homes and delinquency conclude that there is an effect of broken homes on delinquency, but the impact is modest and qualified by several other factors. A meta-analysis is an effort to analyze several independent studies in one combined analysis. In one such analysis, Marvin Free (1991) looked at over sixty-eight publications on the relationship between broken homes and delinquency and concluded that the relationship was stronger for status offenses than for crimes such as index offenses (see also Rebellion [2002). In another meta-analysis, Edward Wells and Joseph Rankin (1991) conclude that the measurable impact of broken homes on delinquency is about 15 percent but that the most important factor in the relationship is how delinquency is measured. The relationship is strongest when delinquency is measured with official records, especially when using youths who are in special treatment programs. However, when delinquency is measured by self-report instruments, there is no consistent relationship with broken homes.

The connection between broken homes and delinquency is weak in developing societies, such as the Philippines and India, where family and community structures are strong (Shoemaker 1992; Hartjen and Kethineni 1996, chap. 7). Either few homes are physically broken, or there are extended family connections to reduce the impact of parental loss to the extent that such family “breaks” are not as difficult for juveniles to handle as they might be in more advanced countries such as the United

States.

The relatively weak connection between broken homes and delinquency in societies where family and community structures are strong may give a clue as to the structural contexts in which broken homes may or may not have a significant impact on youth in the United States. Some have argued, for example, that weak support systems for single mothers may significantly reduce the ability of a working mother to supervise and exact indirect controls over her children—that is, control and influence over children when they are not in the presence of parents (Sampson 1987; McLanahan and Booth 1989, 558–60). This connection is not meant to indict working mothers, because there is little evidence to support the contention that working mothers, per se, contribute to delinquency. Rather, the point stressed here is that sometimes single mothers simply lack the financial and social support resources to provide consistent supervision while they work, and in areas where such resources are scarce, supervision and control issues become more important. In addition, single mothers may lack the respect and support of those in the legal system, such as the police and courts, and this situation may complicate their childrearing efforts (Wright and Wright 1995, 11; Morash and Rucker 1989). For instance, a single, working mother whose children are thought not to be properly supervised or controlled may run the risk of having her children declared delinquent and removed from the home.

Some have also argued that broken homes may reduce the overall level of supervision in a neighborhood, thus raising the overall risk of delinquency among youths living in these areas, regardless of their home situation (Sampson 1992). This view is consistent with numerous studies of delinquency in Chicago, beginning in the 1920s, and is connected with a social disorganization explanation of delinquency, discussed in chapter 10 (Shaw and McKay 1942; however, as indicated earlier, these studies did not find a significant connection between broken homes and delinquency).

Neighborhood context offers another connection between the family and delinquency, an indirect connection. That is, where the family lives may contribute to the risk of delinquency for juveniles. Youths living in high-delinquency-rate areas are at greater risk of becoming involved in delinquency than are youths living in low-delinquency-rate neighborhoods. In the mid-1990s, an experimental study named the "Moving to Opportunity," or MTO, project randomly provided economic housing vouchers to over 4,600 low-income residents with children in five cities: Baltimore, Boston, Chicago, Los Angeles, and New York. Two-thirds of the families were African American, and most of the others were Hispanic. The vouchers were used to create three options for the residents: move to a neighborhood whose poverty rate did not exceed 10 percent; move to any neighborhood of their choice; and not move but still receive social services. After several years, the study concluded that moving to higher-income (and lower-crime) neighborhoods reduced violent and property crime rates among females. However, among males, the results were mixed. Violent and property crime rates were lower for males moving to higher-income areas, but several years after the move, their arrests for property crimes were 30 percent higher than arrests among youths in the control group. These gender differences suggest that other factors in addition to neighborhood context contributed to delinquency in this study, factors including adaptation to new surroundings and willingness to take advantage of criminal opportunities wherever they may exist. Certainly, these variables do have an impact on delinquency, as would all of the other variables and explanations of delinquency discussed in this book. However, the results of this study suggest that neighborhood context can have a significant impact on delinquency, especially among females (Kling, Ludwig, and Katz 2005; see also Howell and Griffiths [2016, 132]). Follow-up analyses confirm the influence of neighborhood context on female delinquency by considering extended, or surrounding, neighborhood contexts. For girls, rates of delinquency were lower in those areas where both the local and extended neighborhoods had less concentrated disadvantage (Graif 2015).

Family Relationships and Delinquency

While the connection between a physically broken home and delinquency is modest and inconsistent across different measures of delinquency, the relationship between family relationships and delinquency is stronger and more consistent. Family relationships represent a large constellation of interactions among family members, including discipline and supervision patterns (Derzon 2010).

One of the first studies to examine family relationships and delinquency was the Unraveling study by the Gluecks (1950). Although, as mentioned above, the Gluecks' study found a significant relationship between broken homes and delinquency, the authors concluded that a more important set of factors in the explanation of delinquency was what they termed the "under-the-roof" variables (Glueck and Glueck 1950, 260–61). These included five kinds of family relationships: discipline of the father; supervision by the mother; affection of the father for the son (this study looked only at young males); affection of the mother for the son; and cohesiveness of the family. Discipline patterns that were consistent and not too strong (not necessarily physical punishment, but abusiveness), supervision that was "suitable" and "fair," close and warm affections, and strong family cohesiveness were all related to less delinquency.

Nye's research, mentioned above, also concluded that family relationships were more important in the explanation of delinquency than the physical structure of the family. One of his basic conclusions was that family attachments, such as emotional bonds and happiness among all family members, including parents and children, were more strongly associated with delinquency than was a broken home. Other studies have reached similar conclusions over the years (Cernkovich and Giordano 1987; Wright and Wright 1995; Wright and Cullen 2001; Simons et al. 2004).

The nature of relationships among family members is consistently related to delinquency, regardless of how delinquency is measured. That is, how well parents and children get along and the overall harmony within the family are more important in the explanation of delinquency than whether the home is physically intact or broken. As mentioned above, it is likely that single parents, especially single mothers, will have a more difficult time providing economic resources and supervision for their children, compared with two-parent families. However, how a parent handles a divorce or the loss of another parent seems to be more critical for the behavioral patterns of children than whether one or both parents are missing.

In addition, most divorces do not seem to occur overnight, because of one traumatic event. In most cases, the decision to divorce seems to be based on the cumulative outcome of several circumstances and/or events, such as personal incompatibilities, financial stress, infidelity, and other situations. It can be assumed that in many of these cases, there has been a considerable amount of parental fighting and arguing, likely involving children, in the home before the divorce occurs. These arguments, in turn, may lead to bitterness and hard feelings between parents that can affect the attitudes and behaviors of children. Furthermore, such conflict can lead to social estrangements among family members, which is another negative component of social relationships (Wright and Wright 1995, 12–14). Family treatment models have been used to help reduce or prevent delinquency, and many of them are based on the social control and social process explanations of delinquency discussed in chapter 6 (Fagan 2013).

Parenting can also be affected by relationships with children, and vice versa. Sometimes, unhappy homes reflect difficult situations between parents and children, which can contribute to conflicts between parents. This situation is consistent with the social bond and general strain explanations of delinquency, discussed in chapter 6. Scientists at the Oregon Social Learning Center (OSLC) proffer a coercion model to explain the interactions between members of a conflicting family, which can lead to a child becoming hostile, rebellious, and eventually delinquent. Many of these situations include the kinds of relationships that can lead to delinquency, as discussed earlier. However, the research at the OSLC identifies interactions among family members as a central feature of family relationships that can lead to delinquency. Parents may use discipline methods that are argumentative and ineffective in controlling the child. Sometimes, perhaps often, the parent or parents give in to the demands and wishes of the child, which teaches him or her to keep resisting whenever there are restrictions or consequences placed by the parent(s) on his or her behavior. Eventually, the child takes this learned behavior pattern outside the home, where consequences can be more severe than grounding. When the child begins to dislike peers who may disagree with the behavior, other peers are selected, peers who are more compatible with the undisciplined, rebellious style of the child (Patterson, Reid, and Dishion 1992; Warr 2002, chapters 3 and 4; Simons et al. 2004, 49–51).

Problems in the home that cross over into the public can also lead to difficulties at school because teachers and many peers will not permit children to shirk responsibilities and do as they wish. The child now faces increasing problems at school, such as bad relationships with teachers and peers, as well as academic difficulties. The situation becomes worse for the child because problems become compounded, including difficulties at home and now at school (and with conventional peers as well) (Simons et al. 2004, 51), which contributes to the likelihood of becoming more involved in delinquent activity.

In some ways, the scenario described above exemplifies the life-course persistent pathway to delinquency, discussed in chapter 5, or what Patterson and others refer to as "early starters" (Simons et al. 2004, 52–53). Some of these children may possess latent biological and/or psychological traits that predispose them to antisocial behavior (see chapter 4). Also, these cases may be descriptive of lack of self-control, which is thought to be learned in early years but can contribute to a life of deviance and crime, also discussed in chapter 5 (Gottfredson and Hirschi 1990). As such, these youths might be expected to contribute to the parent–child interaction difficulties because they are prone to resistance and rebellion when confronted with supervisory and restrictive reactions to their behavior. The ineffective parenting that occurs only exacerbates the situation by teaching the child that displays of defiance and resistance can lead to "getting one's way," so to speak. However, ineffective parenting can also contribute to delinquency in any child, whether the pattern is early in starting, late in starting, limited to adolescence, or occurring over most of a youth's life. Even children who are conformist and who typically follow instructions and rules from their parents may develop behavioral problems if parenting becomes inconsistent, overly harsh, or otherwise ineffective. Meta-analyses of longitudinal research on family factors continue to conclude that many of these variables, including ineffective parental patterns of supervision and discipline, are associated with juvenile misconduct, including delinquency (Derzon 2010).

The coercion model is only one way of describing the relationship between parenting behaviors and delinquency. Others, such as Ronald Simons and colleagues (2004, 54), mention the ability of humans to learn vicariously—that is, by observing and learning from the experiences of others. Such vicarious learning may also help explain why some children become involved with delinquency even though they personally have not been abused or treated harshly. They have observed others getting away with bad behaviors, and so they may decide to try it themselves. This kind of learning is also included in social learning theories, such as differential association theory, discussed in chapter 6.

The "Inheritance" of Delinquency

A common question with the topic of families and delinquency is whether delinquency is "inherited"—that is, whether parents pass along their delinquent and criminal genes or traits to their children. One way to answer this question is to research the relationship between crime patterns of parents and those of their children. In part, this question was addressed earlier, in chapter 4, when biological explanations of crime and delinquency were discussed. In that discussion it was observed that there is a correlation between parents and children in terms of crime and delinquency but that biological inheritance of physical traits was not the likely explanation for this correlation.

The learning of behavioral and attitudinal patterns is another explanation for the correlation between parental crime and juvenile delinquency. Although there is little evidence to support the notion that criminal parents openly teach their children how to commit crimes, in the manner of differential association theory (Gottfredson and Hirschi 1990, 101), the process of observing and learning can be more subtle than direct and conscious teaching. To some extent, the learning of criminal patterns of thought and behavior occurs vicariously, as children hear and see their parents committing criminal behavior or espousing sentiments favorable to criminal behavior (Simons et al. 2004, 54–57). More likely, however, is the impact of bad parenting provided by criminal parents. That is, they may want their children to become conformist, productive citizens, but their lifestyles and attitudes, especially regarding child rearing, make those outcomes unlikely to occur. Travis Hirschi (1969, 94–97) and Michael Gottfredson and Hirschi (1990, 101), for example, suggest that criminal parents may have different values and ideas concerning goals in society than do conventional parents, and these values are transmitted to their children. They may not appreciate the wrongfulness of their child's acts if they themselves do not see the acts as wrong. Thus, they tacitly suggest to their children that stealing, skipping school, or other wrongful acts are not really bad (see also Wright and Wright [1995, 23–24]).

Also, criminal parents may lack self-control, as suggested by the general theory of crime, and may exhibit poor parenting skills, such as screaming, slapping, backing down and failing to follow through with threats or rule enforcements, and similar examples of parenting that are thought to lead to defiant, rebellious, and delinquent behaviors (Gottfredson and Hirschi 1990, 101–2), as discussed earlier. Some evidence suggests, for example, that when the effects of parenting skills are controlled, the impact of criminal parents on delinquency is significantly reduced, although not all research reports this conclusion (Simons et al. 2004, 55).

Another reason why children of criminal parents may themselves become involved in crime and delinquency is that institutionalized parents may be less visible and less able to supervise and otherwise effect direct controls on their children. Imprisoned parents may also be less likely to develop strong bonds with their children because of their absence from the home, and these lessened bonds may also significantly contribute to delinquency (Hirschi 1969).

Some discuss the "inheritance" of delinquency relative to the overall relationships between criminal parents and children, especially parents who have been incarcerated. For example, in a longitudinal study of adolescent children of delinquent youths grown up in Ohio, Peggy Giordano presents a very interesting account of how children come to terms with or otherwise handle the situation of a parent who has been imprisoned (Giordano 2010). Giordano's analysis documents both the factors that contribute to delinquency among these children as well as some of the factors of resilience in their lives—that is, those conditions that help to lessen these youths' chances of becoming delinquent. Her analysis clearly demonstrates that the connection between criminal parents and delinquency is neither direct nor simple.

For some youths, feelings of abandonment, loss of love, questions of identity, and loss of respect among peers contribute to anger and frustration. These feelings are combined with a lack of parental guidance or sometimes actual teaching of criminal values by criminal parents, as was discussed above in this chapter and in the discussion of low-self-control theory in chapter 5. However, many youths fight these feelings and resist what some might consider the "easy" way out through rebellion and delinquency. Children love their parents, and often find it hard to accept that a loved parent is in prison. Yet their relationships with parents may be difficult, for a variety of reasons. They don't like what their parents are doing, even if the parents are not in prison. They want them to stop using drugs or stealing or being violent, but as children, they have little control over their parents' actions. In addition, because of their parents' involvement in crime, and ultimately incarceration, they experience a lot of uncertainties in their lives related to caretakers, places of residence, and parental relationships. Many of these children are from what have been described as broken homes. They have to deal with their mother's or father's boyfriend or girlfriend, which adds more stress to their lives. In addition, they have to deal with the uncertainties of parents returning to an unsettled home situation, not only because of uncertain relationships but also because of uncertainties surrounding the parent's return to crime upon release (Giordano 2010, 50 and chap. 6). One of the youths' responses made this stress plain: "When asked what was the best thing that had happened to him in the last six months, [he] replied, 'my mom came home from prison.' When asked what was the most stressful thing that had happened to him in the last six months, he replied, 'my mom came home from prison'" (Giordano 2010, 147–48).

Despite the attempts of many children of incarcerated parents to cope with their parent's criminality and imprisonment, many of these youths become involved with delinquency themselves, as the "inheritance" hypothesis suggests. In this sample of youths, for example, the mean level of self-reported delinquency was .62, compared to .29 for a sample of adolescents in the Toledo, Ohio area (Giordano 2010, 103). However, some children were able to stay away from delinquency despite the difficulties of their lives. Some, more often females, become "caretakers" of their siblings, often younger ones, and sometimes of their parents. Others become religious and more involved with religious activity, which helps them to cope with their frustrations and anger in a positive way. Still others develop relationships with other adults in their lives, adults who help them to develop conformist lifestyles. Sometimes these resilient lifestyles are overcome by the plight of their surroundings, including poverty, crime, and delinquency in their neighborhoods (Giordano 2010, chap. 7). However, many of these youths do grow up to be conformist adults, despite the difficulties in their lives, and the cycle of "criminal inheritance" is broken. But the path to conformity is not easy for these children of criminal parents.

Corporal Punishment and Delinquency

We often hear the question, "Is physical or corporal punishment an effective means of controlling deviant and/or oppositional behavior in children?" The debate usually focuses on the positive effects of physical punishment ("spare the rod and spoil the child") versus the presumed negative consequences of such punishment, including greater risks of a child committing violent crimes or criminal acts in general. However, the question for many parents and caregivers, temporary or permanent, is not as clear-cut as these two perspectives would suggest. While nearly 90 percent of American parents indicate they have spanked their children by the age of five (Simons et al. 2004, 60) and spanking seems to be as common among wealthy families as among poor families (Straus 1994, 62; Straus and Stewart 1999), child abuse laws exist in every state, and there is no reason to believe any responsible adult in American society seriously advocates severe abuse as an effective method of discipline for misbehaving children.

Some advocate not physically touching a child in an angry manner at all. The argument here is that spanking a child, or using any physical punishment in general, teaches the child that the way to handle stressful or frustrating situations is through violence (Straus 1994). This approach has been adopted by several countries, particularly Sweden, but also Austria, Cyprus, Denmark, Finland, Germany, Italy, and Norway, all of which outlaw corporal punishment as a form of discipline (Straus 1994, 179–81; Simons et al. 2004, 60). Murray Straus and his colleagues (Straus 1994, esp. chap. 7; Straus 1999; Straus and Stewart 1999) present persuasive evidence that physical punishment of a child may lead to long-term negative consequences, including violent and delinquent behavior, even if the short-term consequences can control unwanted behavior in children (see also Hines and Malley-Morrison [2005, 101–2]).

Others argue that mild spanking, such as hitting on the hands or buttocks with an open hand, as opposed to the use of hitting with fists or with an object, not only fails to lead to future crime or acts of violence but also can often lead to a quick reduction of the unwanted behavior (Simons et al. 2004, 66–67). One key factor here is the extent to which corporal punishment is accompanied by warm, loving parenting, a factor that is also important in cross-cultural research (Simons et al. 2000).

It would seem that an important variable in this matter is the degree to which physical discipline is incorporated into a more inclusive pattern of supervising and controlling a child in a family. If love, concern, and true parental care are behind patterns of discipline, with the exception of abuse or physical injuries (where loving purposes behind punishment are less likely to occur), then it is more likely the effect on the child's behavior will be corrective and less likely to lead to serious emotional problems for the child or long-standing breaks in relationships between parents and children.

Child Abuse and Delinquency

While spanking and other forms of corporal punishment may have short-term corrective effects on children, child abuse is not considered to have corrective benefits in the short or long term. In general, child abuse is a willful or intentional infliction of severe pain and/or suffering on a child, whether intended as corrective punishment or for some other reason. There are several types of abuse: physical abuse, which often results in bruises, burns, or broken bones; neglect, both physical, such as lack of medical or nutritional attention or care, and emotional, such as name calling or rejection; and sexual abuse or exploitation, including sexual assaults by strangers, caregivers, or relatives—that is, incest (Kempe and Kempe 1978, 6–7; Simons et al. 2004, chap. 9). Emotional abuse, which is sometimes referred to as psychological maltreatment, may be difficult to see in terms of physical scars, but it can have lasting impacts on children, in part because it can create significant self-image problems for children and adolescents. When parents or caregivers call children names, isolate them from caring human interactions, exploit them, or terrorize them, the damages may be more harmful than if the child had been hit (Turgi and Hart 1988; Kempe and Kempe 1978, chap. 3; Wright and Wright 1995, 18; Barnett, Miller-Perrin, and Perrin 2005, chap. 6).

Child abuse has been around as long as there have been caregivers to children but was largely ignored until the late seventeenth century and left undiagnosed until the late nineteenth century (Kempe and Kempe 1978, 4; Holland 1988; Barnett et al. 2005, 7–9). In 1641, Massachusetts passed the Body of Liberties laws, which included a provision prohibiting parental abuse, or "any unnatural severitie," of children, although this law was rarely enforced (Barnett et al. 2005, 7). In 1860, a French medical professor, Ambroise Tardieu, first described what later became known as the "battered-child syndrome." Tardieu's work discussed the details of thirty-two children who had been beaten to death. In 1870, records in London revealed that of the deaths of 3,926 children under the age of five, 202 were murdered, 95 died of neglect, and 18 died of exposure; yet most accounts of child deaths at that time attributed the deaths and injuries to rickets (Kempe and Kempe 1978, 5).

In the 1870s, the Society for the Prevention of Cruelty to Children (SPCC) was established in New York City through the efforts of its founder, Elbridge T. Gerry. The SPCC was founded and became popular throughout the country at that time partly in response to the plight of abused children such as Mary Ellen Wilson, a case with which Mr. Gerry was involved. Interestingly, at the time of the Mary Ellen Wilson case, there were no laws against child abuse per se, so the case was developed on the basis of animal cruelty, on the grounds that Mary Ellen was part of the animal kingdom. In 1866, the first chapter of the American Society for the Prevention of Cruelty to Animals (ASPCA) was developed, so the appeal to that organization's support in the case of Mary Ellen seemed logical at that time (Kempe and Kempe 1978, 5; Holland 1988; Grossberg 2002, 25).

In the early nineteenth century, attention to the needs of youth began to materialize in the construction of special facilities for youth development, such as the House of Refuge in New York City in 1825 (see chapter 2; Kempe and Kempe 1978, 4–5). However, true concern for the welfare of children was not consistently followed. Many still believed that the best way to discipline children was to punish them physically, and parental rights in these matters were considered paramount. The use of X-rays in the 1940s and 1950s helped include the medical field in the detection of child abuse and gave another perspective on its physical impact on youths, since X-rays might indicate physical damage not visible on the surface (Kempe and Kempe 1978, 4–5).

In the mid-1960s, C. Henry Kempe introduced the concept of battered-child syndrome to the American Academy of Pediatrics and launched decades of legal, medical, and social interest in the identification, prevention, and treatment of child abuse (Kempe and Kempe 1978, 5–6; Nevin and Roberts 1988, 391–405; Dohrn 2002, 288–90). Soon after the concept of battered-child syndrome was introduced, legislation and social service action began to develop statistical reporting databases and intervention programs designed to protect children and prevent parental discipline from developing into cases of abuse. Initial progress in this area was relatively slow. For example, officials in California reported only 4,000 cases of abuse in 1968, while in Florida and Michigan the totals were 10 and 271, respectively. However, by 1972, the number of reported cases of abuse rose to 40,000 in California, 30,000 in Florida, and 30,000 in Michigan (Kempe and Kempe 1978, 8). In terms of rates per one thousand children, the national reported rates of child abuse and neglect increased steadily from 10.1 in 1976 to 27.3 in 1984 (Tzeng and Hanner 1988, 55–56).

However, by the 1990s, the reported rates of child abuse and neglect began to decline. In 2014, the national rate of child victimization continued to decline, to 9.4 per one thousand, including children who might have been victimized more than once. Young children were the most victimized age group. Those under the age of one had the highest rate of victimization. Most reported cases of child abuse involved neglect. Among victims younger than six, boys were victimized more than young girls, but among children aged six to seventeen, girls were more victimized than boys. Most of the child victims in 2014 were abused by a parent (82.6 percent), and most often the abuser was the mother (US Department of Health and Human Services 2016, 21–46).

The figures on child abuse are estimates, based largely on reports to and from child protective agencies. Perhaps the decline in reported instances and rates of child abuse and neglect reflect increased support and treatment for distressed families in ways that reduced child abuse. This situation seems likely in view of laws that mandate that suspected cases of abuse noticed by professionals who come into regular contact with children, such as teachers and physicians, be reported to child protective agencies (Barnett et al. 2005, 179–82).

Gains in recognizing and reporting cases of child abuse and in methods of helping stressed families and preventing child abuse, however, should not eclipse the effects of abuse on children, in both the short and long term. Some, such as Murray Straus (1994), observe that physical punishment, and presumably abuse in general, can have long-lasting effects on children as well as society. There are, for example, individual effects of punishment and abuse on a child, such as an increased risk of that child's becoming more aggressive with others in his or her social setting. Probably the most extreme violent consequence of physical, sexual, or emotional abuse is when the abused child strikes back at and kills an abusive parent, or parricide. According to some estimates, there are between two hundred and four hundred homicides each year involving children who kill a parent or caregiver, although most of these cases involve abused children who have already become adults by the time the murder occurs (Heide et al. 2005, 219).

Then there are intergenerational effects, in that abused or beaten children are at greater risk of hitting or abusing their own children or spouses (Hines and Malley-Morrison 2005, 100). Intergenerational effects can also include the impact of child abuse on other members of the family, including the abusing parent (Barnett et al. 2005, 209–13). In addition, there are macro-level effects on society because tolerance of physical punishment and abuse leads to increased use of violence to settle disputes and frustrations and less public recognition of abuse (Straus 1994, 96). However, it should be remembered that there have been fewer cases of abuse and neglect reported in America since the 1990s, a fact that may contradict macro-level effects of abuse.

The long-term consequences of abuse often connect with behavior, violent or otherwise, that becomes delinquent or criminal (Hines and Malley-Morrison 2005, 100–1, 152–53). One longitudinal study, for example, studied a group of 908 reported abused and neglected children and youths, preschool and school-age, and a matched sample of 667 control youths who had not been abused. Local, state, and federal criminal arrest records were examined for both groups for several years, into their adulthood. Results of this study indicated that abused youths had significantly higher arrest records as adults than did the matched control group; this pattern held for males and females, whites and nonwhites. In addition, the study found that abused males were significantly more likely to be arrested for crimes of violence, compared with nonabused males, but this pattern was not found for abused females (Widom 1989).

In addition, longitudinal analyses of crime and delinquency data on a sample of over four thousand youths in Rochester, New York, the Rochester Youth Development Study, clearly indicate significant associations between child abuse/maltreatment and later delinquent and criminal activity, both self-reported and official (Smith and Thornberry 1995), but the relationships are stronger for youths who were abused as adolescents or continually from childhood into adolescence, compared with younger children (Ireland, Smith, and Thornberry 2002). One possible reason for this differential criminal effect of abuse on crime and delinquency by age of the abused is that older children are not as likely to accept the abuse as their fault, but rather as the consequence of uncaring or negligent parents or adults in their lives. However, in ways similar to those predicted by general strain theory (see chapter 6), these older youths may not see an immediate outlet for their sufferings other than to fight back or rebel, which can easily lead to delinquent behavior or behavior that may be interpreted as defiant or rebellious. In addition, children reared in families where abuse seems continual, if not constant, are more likely to experience poverty and mental illness in the family. Also, their involvement in delinquency may mask their abuse, since they may be seen not as victimized children but rather as more responsible for their behavior (Ireland et al. 2002).

Despite the clear connections between abuse and later acts of crime and delinquency, there are good indications that intervention and prevention efforts can reduce this connection (Kempe and Kempe 1978, chap. 10; Kendrick 1988; Tyler and Gully 1988; Bethea 1999; Simons et al. 2004, chap. 9). While most abusive situations seem to emanate from improper parenting skills and abusive backgrounds among parents or caregivers, bad behavior patterns can be changed. Sometimes these patterns of abuse can be altered by getting into a loving, caring adult relationship, as suggested by the life-course perspective discussed in chapter 5 (see also Simons et al. [2004, chap. 9]).

In addition, enhanced efforts by community organizations, governmental and private, can lead to greater recognition of abuse and earlier intervention, but it can also lead to increased efforts to deal constructively with the abused child so that violent or criminal consequences are less likely to occur. Matthew Zingraff and colleagues (1994), for example, indicate that positive school involvement (such as maintaining good grades and displaying regular school attendance) can mediate the crime and delinquency consequences of child abuse. That is, having a good experience in school can help offset the potentially damaging effects of abuse in the family, similar to the predictions of social bond theory (see chapter 6). These preventive and treatment strategies suggest not only that child abuse can be prevented but also that its negative effects can be lessened if it occurs.

Summary

The family plays a crucial role either in promoting, reducing, or contextualizing delinquency. There is some evidence that a broken home contributes to delinquency, but the relationship is neither strong nor consistent across all measures of delinquency. A more important family connection with delinquency is the nature of the relationships in a family between parent and child as well as among all members of the family. Parents who are uncaring, inconsistent, or overly strict; lax discipline and supervision; and lack of family harmony in general are good predictors of delinquency. In addition, in an indirect sense, where a family lives may have a crime-reducing or a crime-enhancing effect on children. Children living in neighborhoods characterized by high rates of crime and delinquency may be more at risk of becoming involved in delinquency than youths living in low-crime areas. The impact of neighborhood conditions on crime and delinquency, especially gang activity, is discussed in chapter 10, particularly in reference to social disorganization theory.

However, no one particular family variable may, by itself, provide a significant contribution to delinquency. Marital discord, for example, may contribute to delinquency, but not all families characterized by conflict and discord will produce delinquency among the children living in such families. Even child abuse will not automatically result in delinquency for the children in a family, including the abused child.

Criminality of parents will also not automatically influence children to become delinquent. Typical parent–child relations and emotional attachments between parent and child still exist in such families, even though one parent may be absent because of imprisonment. Attachment to parents may contribute to resiliency in these children, difficult as their lives may be, and the opportunities and urges to become involved in delinquency will be resisted.

It is wiser to consider the impact of family factors as having a cumulative impact on delinquency. As Kevin Wright and Karen Wright (1995, 30) state, "The presence of any one of the family circumstances factors increases the chances of raising a delinquent child. The addition of more than one factor further enhances the odds of misbehavior." Thus, having cumulative family disadvantages, personal and/or environmental, can increase a child's risk of becoming involved in delinquency.

While family factors can exert a powerful effect on behavior, studies suggest the influence of the family on the attitudes and behavior of children begins to give way to the peer group as a child grows into adolescence (Wright and Wright 1995, 19), although the influence of parents in adolescent decision making is still present, especially when it comes to seeking advice for long-term planning (Warr 2002, 29). The influence of peers on delinquency can be very powerful, as was discussed in chapter 6. However, it is also possible that the strength of the family bond, along with a family system that consists of good childrearing practices, can help offset the influence of peers and may help to shape the peers one chooses as an adolescent (Wright and Wright 1995, 24–32; Warr 2002, 28–29).

In addition, although the influence of the family in its various dimensions on delinquency is important, other institutional contexts also can have an influence on delinquency. The impact of religious factors on delinquency, for example, has already been discussed. In the next chapter, the connection between delinquency and another important institutional context, the school, will be examined.

Study Questions

1. What is the relationship between "broken homes" and delinquency?
2. What family factors have been shown to have the greatest impact on controlling juvenile delinquency?
3. What are the various forms of child abuse and how is child abuse related to delinquency?

CHAPTER 8

Schools and Delinquency

While the family and numerous individual factors clearly have an impact on delinquency, as has been discussed in this book, the school setting provides one of the more common locations for delinquency, both in terms of victimization and the commission of delinquent acts. This situation is understandable from a couple of perspectives. For one, the influence of peers is more pronounced during adolescence than at other points in one's life, as has already been addressed. Second, with some exceptions, such as poor health, school attendance is compulsory for all youths under the age of sixteen in all fifty states. While some parents may opt for homeschooling for their children, most youths attend school in congregate settings, either in public or private schools. This kind of commingling provides a fertile source for youth interactions and the formation of peer groups, which can be important in children's lives both in and out of school.

The impact of the school on delinquency is addressed in this chapter by addressing several topics: (1) school-based factors that influence delinquency; (2) the setting of the school for crime victimization; and (3) legal issues concerning the school and delinquency.

The School as a Source of Motivation for Delinquency

An important feature of the school, even in elementary years, is the aspect of evaluation, judgment, and eventual success or failure of virtually all students. School systems are designed to evaluate, compare, and, eventually, judge student performances. Amid all of this evaluating, sorting, and judging occurs a modification of one's self-concept, which has likely already begun to form before a child enters school. Sometimes the development of a positive self-concept is a conscious goal of school-based efforts, such as the delinquency prevention project developed by Walter Reckless and associates several years ago in Columbus, Ohio (see chapter 6). At other times, the effects of school on self-concept are less calculated, but the impact can be just as real for the child.

Whether school experiences have an effect on a child's self-concept, the school setting certainly has an impact on a child's activities and peer associates. The importance of peer associations to delinquency was discussed earlier, in chapter 6, in the discussion of differential association theory. One of the more important settings for the development and influence of peer groups is the school. From the first years of elementary school through high school, students are placed in classes with others of their same age and given common instructions, lessons, and experiences with these other children. Over time, these classmates become a significant source of peers for students. Sometimes, these associations develop into gang affiliations, and the presence of gangs is a continuing problem for schools (see chapter 10).

Negative experiences at school can also lead to significant disaffections with school and even peers at school, which, in turn, can lead to delinquency, as has been suggested in general strain theory (Agnew 1985, 1992), discussed in chapter 6. Sometimes these negative experiences and feelings of frustration can lead to school shootings or bullying at school (see the discussions of these topics below).

The effect of school experiences on self-concepts, peer associations, and behavior in general are also thought to have an impact on patterns of delinquency. Studies by social scientists have consistently indicated a significant relationship between academic performance and delinquency. Those who have low academic achievement tend to be more involved in delinquency (Berrueta-Clement et al. 1987, 224–27; Shoemaker 2010, 146; Felson and Staff 2006, 299; Lawrence 2007, 136–37). Travis Hirschi (1969, chap. 6) contends that low academic achievement is a source of frustration for students and a reason for lack of student motivation, which, in turn, can lead to greater involvement in delinquency. Others, such as Albert Cohen (1955), suggest that low academic achievement can lead to a rejection of the school as an institution as well as a rejection of the values for which the school stands (primarily middle-class values connected with the importance of academic achievement: developing written skills, being prompt for meetings, and so on), especially for youths from lower-class backgrounds. Cohen further argues that low-achieving youths are primary targets for gang recruitment and involvement (see chapter 10).

The association between social class and school failure, or even educational opportunities, continues to be documented (Lawrence 2007, 63, 128–31). Some suggest that lower-class status presents difficulties and challenges in life that may negate the positive benefits of educational effort. That is, despite trying to do well in school, lower-class youths may still find themselves disadvantaged in the marketplace (Hannon 2003, 578–79; MacLeod 1987). From a developmental or life-course perspective (see chapter 5), educational attainment among lower-class youths may not accumulate social capital in the same way as it often does for middle-class juveniles. Others contend that the lack of academic success in schools is associated with delinquency regardless of social class background (Polk 1969) or that school failure, rebellion, and delinquency may be more common among youths from middle-class homes (Stinchcombe 1964).

The views of both Cohen and Hirschi are consistent with social bond theory and connected with general strain theory (chapter 6). The weaker the bond or connection a child has with the school system, the more likely that child will become involved with delinquency. Within the context of social bond theory, the link between academic problems and delinquency is connected with attachment, or the emotional connection between a young person and meaningful people in his or her environment, such as a teacher or a parent. In the case of schools, social bond theory would predict that the less one is attached to the school through teachers or peers, the more likely one would be to engage in delinquency, and vice versa. In part, this prediction is supported by research suggesting that obtaining academic success in school can overcome the negative impact of child abuse, as was discussed in chapter 7 (see Zingraff et al. [1994). Hirschi also makes this point clear by arguing that good grades and positive attachment to the school setting can offset negative relationships between a child and others. As Hirschi (1969, 132) put it, "A favorable attitude toward school protects the child from delinquency regardless of his concern for the opinion of teachers. In every comparison possible . . . the boys who do not like school are more likely to have committed delinquent acts." Using the terminology of social development theory (chapter 5), youths with a positive attitude toward school are more resilient and better able to overcome other potentially delinquency-producing factors in their lives. As has been stressed thus far, one important way to develop a positive attitude in school is to obtain and maintain good grades or successful academic achievement.

Some research has suggested that the academic performance–delinquency link is real but may be spurious because both grades in school and delinquency are connected with low self-control or perhaps a neurophysiological deficiency (Felson and Staff 2006; Hoffman, Erickson, and Spence 2013). This interpretation is consistent with the general theory of crime proposed by Michael Gottfredson and Hirschi (see chapter 5) and/or with individual traits (see chapter 4). In this scenario, academic performance is negatively affected by individual traits that limit attention and behavioral regulation, which, in turn, contribute to both low academic performance and delinquency.

The connection between academic problems and delinquency is not perfect. Many kids who are having a hard time academically in school manage to avoid delinquency, or at least its more serious forms. Likewise, youths who do well in school are not immune from delinquency, as William Chambliss's study of the Saints and the Roughnecks illustrates (Chambliss 1973, discussed in chapter 12). In addition, it is recognized that other problems related to the school setting can lead to delinquency, many of which have already been discussed. Academic success, however, seems to help overcome, although certainly not to eliminate, these other problems.

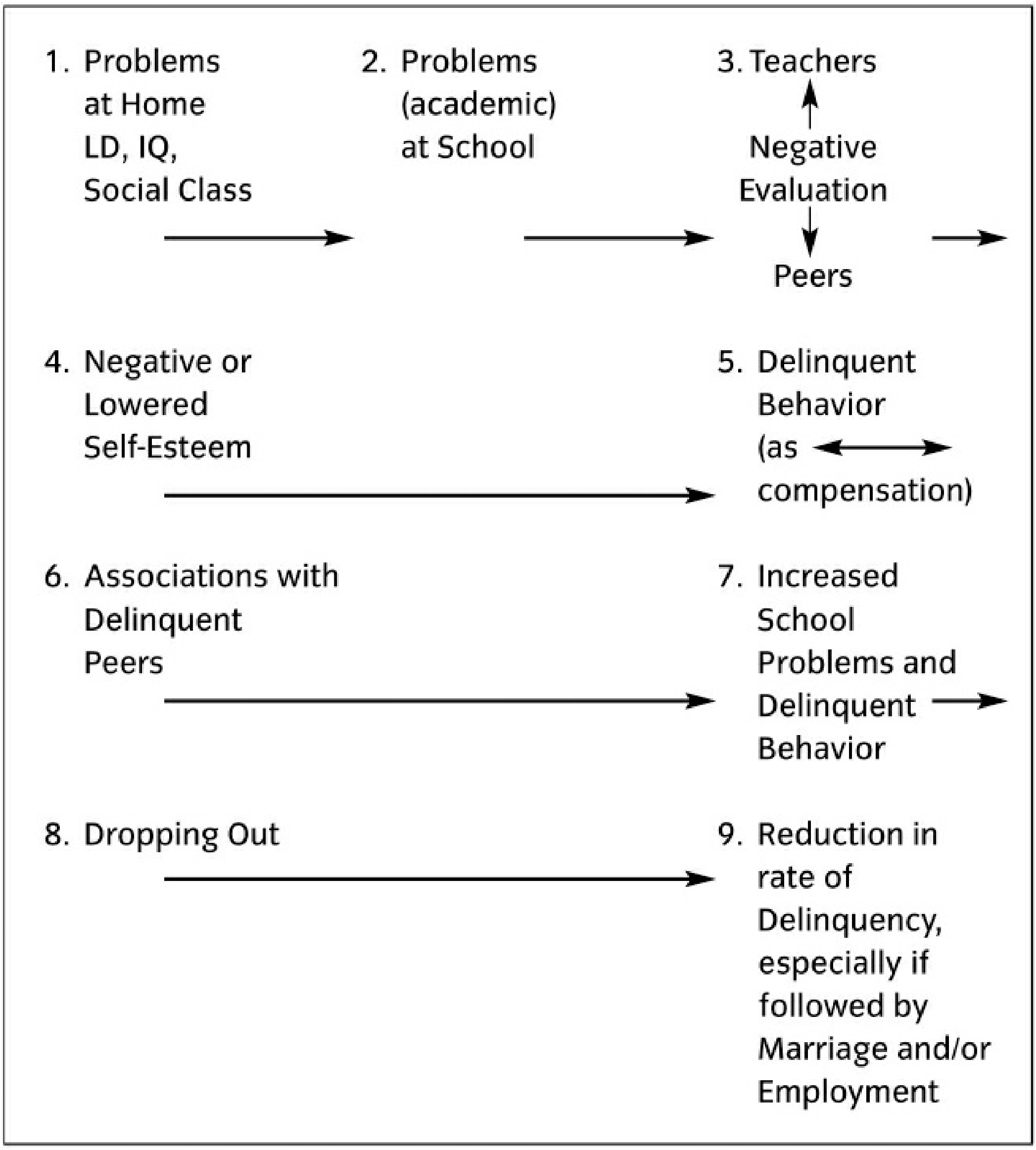

FIG. 8.1 Academic Performance and Delinquency: An Overview

The connection between academic failure and delinquency is not always direct or simple, but it is linked through a number of factors, many of which have already been discussed. In part, the association between academic problems and delinquency represents an example of the importance of integrating, or at least combining, different theoretical perspectives to develop a more useful explanation of delinquency. The flowchart in figure 8.1 may help illustrate this point. This figure presents several connections between low academic performance and delinquency. It depicts poor academics as preceding, or leading to, delinquency. Certainly there are situations in which delinquency may lead to low academic performance, such as a good student taking drugs and letting school matters slide. This situation involves the interactional perspective, discussed in chapter 5. This perspective was studied with data from a national longitudinal self-report study of delinquency, the ADD Health data set. The authors of the study failed to identify a reciprocal connection between academic performance and delinquency (Hoffman et al. 2013). Thus, the evidence suggests that the more likely scenario is that low academic performance contributes to delinquency, not vice versa.

The first point in the flowchart suggests that there are many conditions or situations that can contribute to low academic achievement, including personal and social factors. Social class is included here, partly on the basis of Cohen's arguments and those of others, although, as indicated earlier, the evidence pointing to a strong social class connection with low academic performance is inconsistent. The major point in the figure is the second one—that is, low academic performance. The scenario predicts negative reactions from peers and teachers alike to the school problems facing the child. This prediction is based on labeling theory, support for which, again, is inconsistent (see chapter 12). Negative reactions to school problems can contribute to a low self-concept. Low self-concept, in turn, leads to delinquency as compensation. That is, delinquency can at least temporarily alleviate the frustrations and self-concept problems engendered by low academic performance.

One way in which negative reactions to academic performance may lead to low self-esteem is through tracking. Tracking is the intentional placement of students in curricula designed to achieve certain goals, such as college-bound or technology-related tracks. Tracking is supposed to be based on test results, with more academically proficient students often being placed in college-bound tracks. Typically, the sorting and placing begin during middle-school grades. While the system of tracking may facilitate instructional goals, one concern of this procedure is that students placed in noncollege tracks will be labeled as less intelligent, less popular, and so on. These labels may in turn promote rebellious attitudes toward school and those placed in college-bound curricula. All of this may lead to delinquency. While this scenario is certainly plausible, longitudinal research on the consequences of tracking for student self-esteem and delinquent behavior does not support the prediction that tracking lowers self-esteem and increases delinquency, especially for high-school students (Wiatrowski et al. 1982). Perhaps the negative effects of tracking are more salient for middle-school students, or maybe these effects have been neutralized by the time students reach high school. It may also be the case that tracking helps students to bond to the school, no matter which track they are in, and this bonding inhibits delinquency. Perhaps being placed in technology or vocational tracks is not as psychologically damaging as some would think. Not everyone aspires to a college education, and some students may do well in a non-college-track curriculum, especially if a school becomes associated with business opportunities in the community. Schools that are able to provide meaningful classes and impart important life-skills training into their curricula, even if these do not relate to college education, may be able to create stronger ties with their students and reduce the risk of truancy and/or disruption and crime in the school (Lawrence 2007, 288–89). Thus, while negative labels assigned to academic performance are potentially damaging to one's self-esteem and can lead to delinquency, the system of tracking does not automatically promote this process.

Delinquency may also lead to seeking delinquent companions, although, as discussed in chapter 6, delinquent companions may contribute to delinquency, thus the double arrow between the two on the flowchart. However, delinquency and association with delinquent companions do not solve school problems over time and may contribute to more school problems, which lead to more delinquency, and so on. Ultimately, one solution to this situation is for the child to drop out of school. In some cases, especially if dropout is followed by employment or marriage, delinquency rates may fall. Using concepts from developmental theory, employment and marriage increase one's social capital, which, in turn, helps to reduce involvement in delinquency. However, remember that even though one may temporarily relieve stress and frustration in his or her life by dropping out of school and build up self-confidence and self-esteem by getting a job and marrying, the long-term results of dropping out may lead to additional problems later in life, such as layoffs from work or unemployment, marital problems, and possibly a return to crime.

School Dropout and Delinquency

Dropping out of school is not a common outcome for most students. In 2009, only 6 percent of youths ages sixteen to nineteen were high-school dropouts (Kids Count 2011, 52). However, geographically and socially, these numbers fluctuate widely. Dropout percentages can reach up to 50 percent in large schools in urban areas, and minorities in these schools have the highest dropout rates of all youths. Kids Count, an annual publication produced by the Annie E. Casey Foundation, no longer reports on school dropouts, but instead reports on youth who fail to graduate on time. In 2012–2013, 18 percent of high-school students did not graduate on time. For African American and American Indian youth, however, that figure rose to nearly 30 percent (Kids Count 2016, 27; see also Lawrence [2007, 100–103]).

The effects of dropping out of school can be financially difficult for those students as well as for their relatives. Dropouts on average are more often unemployed and earn less than high-school graduates (Lawrence 2007, 103–4). In 2014, the median income for those not completing high school was $20,500, $27,800 for high-school graduates, and $50,500 for those with a bachelor's degree from college (Kids Count 2016, 27). Consequently, the impact of dropping out of high school, or not completing high school, regardless of the total numbers, is important to consider, including its connection with delinquency.

The relationship between school dropout and delinquency described in figure 8.1 suggests that dropping out reduces delinquency. Actually, some studies indicate that school dropouts have a higher rate of involvement in delinquency than do graduates (Elliott and Voss 1974; Thornberry, Moore, and Christensen 1985). However, because eventual dropouts are so involved in delinquency while they are in school, their rates of delinquency are higher than those of graduates. In a longitudinal study of over 2,600 students in California enrolled in grades 9 through 12, Delbert Elliott and Harwin Voss (1974, chap. 4 and 5) found that rates of delinquency, as determined by both self-report surveys and police records peaked just before students dropped out of school and then declined afterward, especially if those students obtained employment or got married soon after dropping out of school. This pattern held for students in all grades but was particularly evident for male dropouts. In addition, the researchers found that low academic performance was an important cause of dropping out, consistent with the scenario depicted in figure 8.1.

Not all studies agree with the conclusions of Elliott and Voss. Terence Thornberry et al. (1985) conducted a longitudinal analysis of 567 males in Philadelphia (from the Philadelphia Cohort I study, discussed in chapter 3). Their analyses led to the conclusion that dropping out of school was followed by an increase in delinquency, as measured by arrest data, and remained high until the former students were in their twenties. Furthermore, this pattern was found regardless of marriage and/or employment after dropping out. Since these two studies were not duplicative but had several points of difference, it is not possible to say with certainty exactly which is the truer pattern of dropping out and delinquency. However, it is clear that dropping out of school has a connection with delinquency. For now, it is possible to conclude that sometimes dropping out is followed by a reduction in delinquency, while at other times it is followed by an increase in delinquency. Most studies conclude that overall, school dropouts face a much higher risk of involvement in crime and delinquency and institutionalization than do graduates. One labor analysis, for example, found that high-school dropouts were sixty-three times more likely to be institutionalized for a criminal or delinquent offense than were college graduates (Sickmund and Puzzanchera 2014, 15).

In some situations, the decision to drop out of school is not made for academic reasons. Some youths may drop out for economic or health reasons. Some may drop out because of pregnancy (Dorn 1996). Sometimes school dropouts commit higher rates of delinquency after leaving school, and sometimes they do not. Studies do not offer consistent results on this issue (Hartnagel and Krahn 1989; Jarjoura 1993, 1996; Kaplan and Liu 1994; Lawrence 2007, 104–7). Note that what is important is not always the reason one decides to drop out of school, but the attending attitudes toward school and maintaining a living through conformist means that accompany that decision.

Regardless of what happens after dropping out of school, the results of studies on its relationship to delinquency suggest that problems with delinquency often precede dropping out, although dropping out does not seem to solve the problems of youths who are having problems at school, at least in the long term (Hagan 1997; Lawrence 2007, 104–7). As previously noted, it is important for youths to stay in school and complete degree requirements as much as possible. However, students who are having difficulties in school to the point of dropping out should not be forced to remain in school against their will. Even if they eventually straighten things out, their forced presence in an unwelcome (for them) situation could lead to the endangerment of themselves or fellow students and others. Alternative schools are available for those who are having difficulty in school as well as in life (Lawrence 2007, 287–88).

The impact of alternative schooling on delinquency, however, seems to be minimal. A meta-analysis of alternative schools and delinquency concluded, "The principal negative finding was that alternative schools have been unable to affect delinquent behavior. . . . Even though alternative schools promote positive school attitudes, their effect on school performance and self-esteem is not large enough to influence delinquent behavior" (Cox, Davidson, and Bynum 1995, 229; see also Lawrence [2007, 287]).

Overall, it seems logical to assume that staying in school is a desired goal for most youths to maintain (Lawrence 2007, 107). However, things can occur that upset that goal.

Besides the factors previously discussed, some research concludes that immigrant and minority youth are often punished for school infractions more often than are white students, regardless of their actual behavior (Peguero et al. 2015). These discriminatory punishments could negatively affect these students' attitudes toward school and contribute to delinquency and drug use, as the flowchart in figure 8.1 suggests. This situation contributes to what some call the "school-to-prison pipeline." The school-to-prison pipeline refers to the lack of education among criminal offenders, as this discussion suggests. Discriminatory discipline practices in the school system are also connected with the enforcement of "zero tolerance" policies in schools, discussed below (Teasley 2014; Council of Economic Advisers 2015, 9; Mason 2015).

There are too many variables and too many possible scenarios to say with certainty that delinquency is an inevitable outcome of having negative experiences at school, or of dropping out of school (Lawrence 2007, 107). However, we do know that poor academic performance and negative attitudes toward school are strongly associated with delinquency, so at the least there should be continued effort to help each child maximize his or her learning efforts at school and to have a rewarding experience with school as much as possible.

School Safety

The subjects of bonding with school and staying in school are important topics to consider with respect to delinquency. However, the safety of students, faculty, staff, and others in the school setting is another topic that bears discussion. In addition, students who pose a threat or danger to school safety represent another example of delinquent behavior in the school setting. Several school shootings committed by students attracted the attention of the nation in the late 1990s. In 1997–1998 alone, there were five fatal school shootings, all in small towns or suburban areas throughout the United States. Together, these five shootings resulted in the deaths of twelve fellow students and two teachers (Garbarino 2001, 5). Perhaps the most-discussed example of these types of shootings was the killing of twelve students and a teacher by two students, Eric Harris and Dylan Klebold, at Columbine High School in Littleton, Colorado on April 20, 1999. The massacre at Columbine stands, rightly or wrongly, as a symbol for school violence in America. Both Harris and Klebold were thought to be holders of violent and angry emotions and victims of bullying and teasing. They both committed suicide at the site of the shootings, so their specific motives can be assessed only by information obtained from their writings, such as website postings, and family and acquaintance statements (Garbarino 2001, 5; Weintraub, Hall, and Pynoos 2001; Cullen 2009).

School shootings and other violent acts are not unique to the United States (Shaw 2001; Benbenishty and Astor 2005; Lawrence 2007, 24–26). In addition, while all of the school shootings identified above occurred in small towns or suburban areas and involved white offenders, a study of thirty-seven nationwide school shootings, lethal and nonlethal, by the US Secret Service in a report of the Safe School Initiative, concluded that approximately one-fourth of school shooters are nonwhite youths (United States Secret Service 2002, 12–13; Moore et al. 2003, 332; see also Bonanno and Levenson [2014). In addition, many, if not most, victims of youthful violence in general are African American and Hispanic youths living in inner cities (Garbarino 2001, 3–6). Thus, while the majority of the discussion to follow focuses on experiences with school violence in the United States, we should not forget that shootings, murders, and other acts of violence occur among youths from different backgrounds in all parts of the country and in other countries, in and out of school.

School shootings and other acts of violence at schools often leave the impression that schools are unsafe for children. However, according to reported statistics, schools in America are becoming safer. For example, criminal victimization data indicate that in 1989, approximately 9 percent of students reported having been victimized at school, and this percentage was about the same for males and females, whites and nonwhites (Bastian and Taylor 1991, 1). From 1995 to 2013, the percentage of students reporting having been victims of both property and violent crimes at school declined from 10 percent to 3 percent (see figure 8.2). In addition, declines in victimization experiences have not been affected by grades in school or race. For example, the percentage of victimization in 2013 ranged from 2 to 4 percent, for grades 6 through 12. These data suggest that the declines in victimization are not the result of age or racial effects but reflect truer reductions in crimes at school over the past two decades (Robers et al. 2015, 19).

Besides declines in victimization, both male and female students in school have also become less involved in physical fights since 1993, as shown in figure 8.3. Furthermore, these declines have occurred for students in grades 9–12, again suggesting real reductions in violence, not changes attributed to students in one or two grades (Robers et al. 2015:59).

Teachers have also experienced reduced crime victimization at school since the early 1990s. However, in the past few years, physical threats and attacks on teachers have increased. As indicated in figure 8.4, the percentage of teachers who were physically threatened or attacked at school declined from 1993 to 2003–2004 but have been increasing since 2007–2008. The percentage of teachers who were reported being physically attacked in 2011–2012 was the highest recorded in the time period covered in figure 8.4.

In 2011–2012, the experience of victimization among teachers varied by gender and type of school. Male and female teachers were equally likely to report being threatened, but female teachers were more likely to report being attacked. Also, threats and attacks on teachers were more likely to come from elementary students. Threats and attacks were more likely to be made against public-school teachers, compared with private-school teachers (Robers et al. 2015, 24–26).

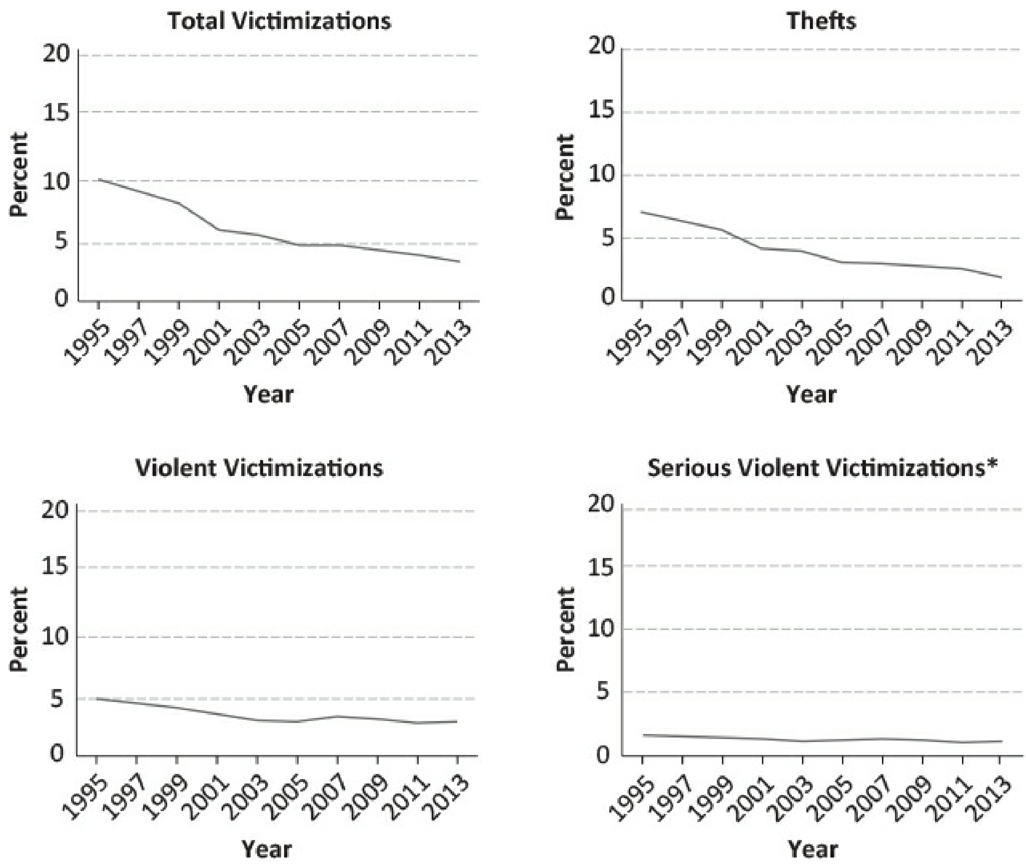

FIG. 8.2 Percentage of Students Ages 12–18 Who Reported Criminal Victimization at School During the Previous Six Months, by Types of Victimization: Various Years, 1995–2013

Sources: Robers et al. (2015, 17) and U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement (SCS) to the National Crime Victimization Survey, 1995–2013.

* Serious violent victimization is also included in violent victimization.

Note: "Total victimization" includes theft and violent victimization. "Theft" includes attempted and completed purse-snatching, completed pickpocketing, and all attempted and completed thefts, with the exception of motor vehicle thefts. Theft does not include robbery, which involves the threat or use of force and is classified as a violent crime. "Serious violent victimization" includes the crimes of rape, sexual assault, robbery, and aggravated assault. "Violent victimization" includes the serious violent crimes as well as simple assault. "At school" includes the school building, on school property, on a school bus, and, from 2001 onward, going to and from school. Detail may not sum to totals because of rounding and because students who reported both theft and violent victimization are counted only once in total victimization.

Overall, reported data on school crime indicate a decline in criminal activity over the past several years, especially for students. Furthermore, most crimes that do occur at schools are property crimes. Violent crimes are far less common on school campuses throughout the country. As one report concluded, "In each school year from 1992 to 2000, youths ages 5–19 were 70 times more likely to be murdered away from school than at school" (DeVoe et al. 2004, 1; see also Fisher and Kettl [2001 and Kimmel and Mahler [2003, 1443).

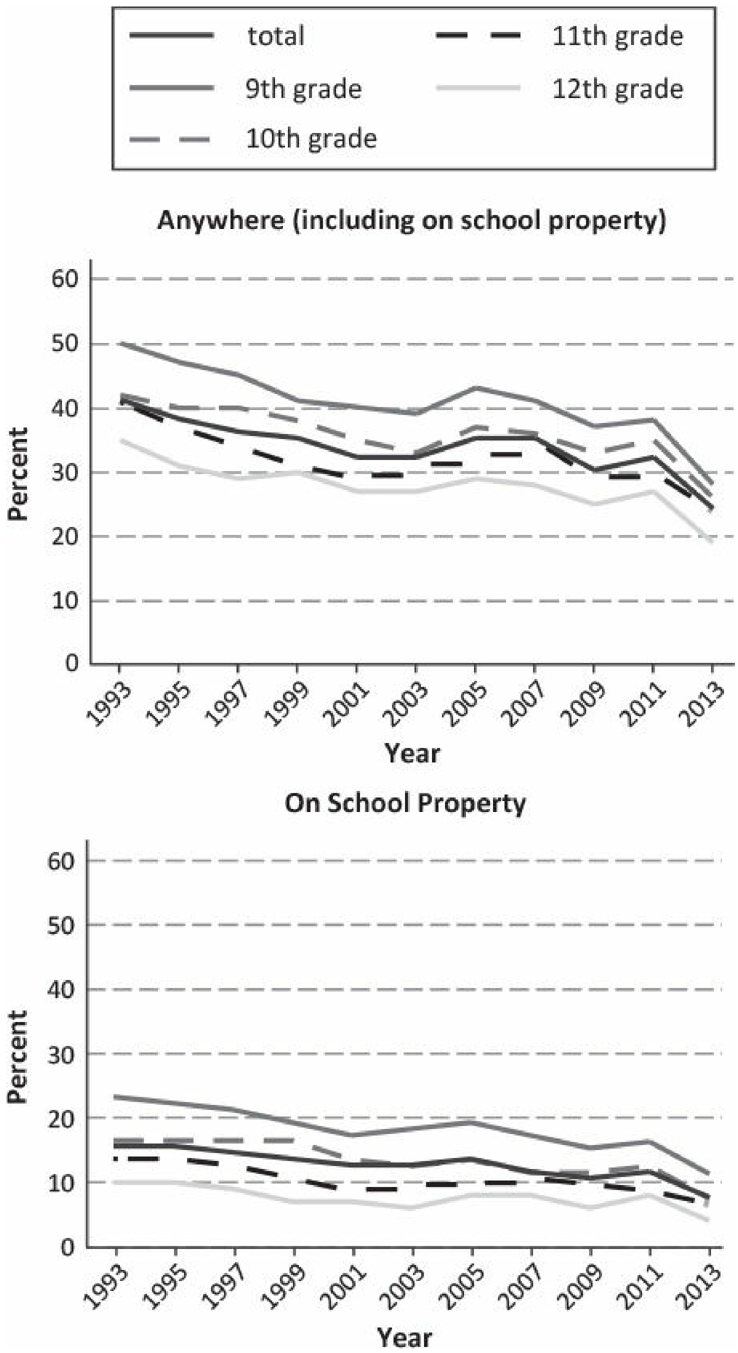

FIG. 8.3 Percentage of Students in Grades 9–12 Who Reported Having Been in a Physical Fight During the Previous Twelve Months, by Grade Level: Various Years, 1993–2013

Sources: Robers et al. (2015, 59) and Centers for Disease Control and Prevention, Division of Adolescent and School Health, Youth Risk Behavior Surveillance System (YRBSS), 1993 through 2013.

Note: The term "anywhere" is not used in the Youth Risk Behavior Survey (YRBS) questionnaire; students were simply asked how many times in the past twelve months they had been in a physical fight. In the question asking students about physical fights at school, "on school property" was not defined for survey respondents.

The chances of criminal victimization are not uniform across all classifications of schools and jurisdictions. It has already been observed that assaults on teachers vary by gender of teacher, type of school, and size of community. Reported incidents of other violent crimes as well as property crimes also vary by size of community and size and type of school. Urban schools and schools with one thousand or more enrolled students consistently report higher percentages of crimes at school (Felson 1994, 97). In addition, high schools or secondary schools have higher reported percentages of crime on campus compared with elementary and middle schools (DeVoe et al. 2004, 24–27; see also

Flaherty [2001, 31–32]).

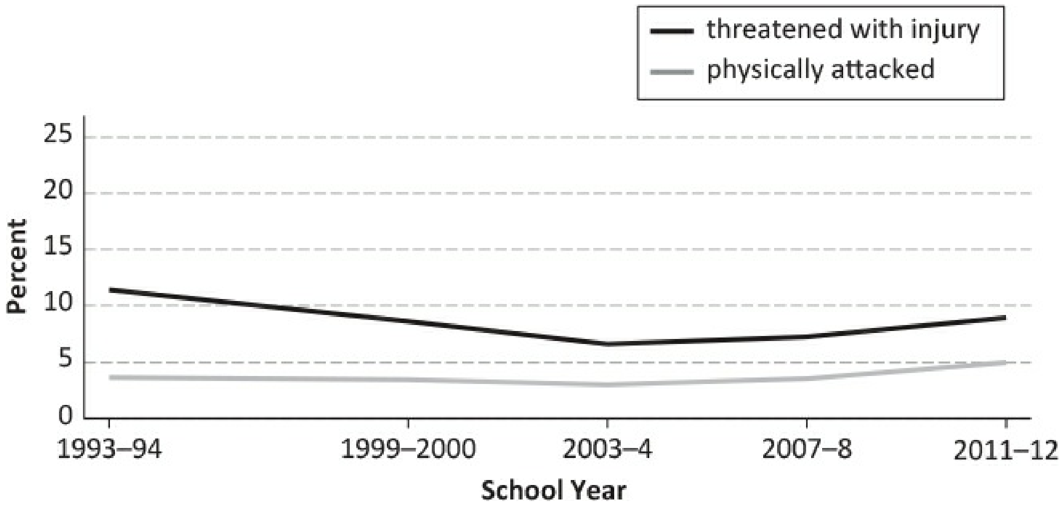

FIG. 8.4 Percentage of Public- and Private-School Teachers Who Reported That They Were Threatened with Injury or That They Were Physically Attacked by a Student from School During the Previous Twelve Months: Selected School Years, 1993–1994 through 2011–2012

Source: Robers et al. (2015, 25) and U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School Teacher Data File," and "Private School Teacher Data File," 1993–94, 1999–2000, 2003–4, 2007–8, and 2011–12; and "Charter School Teacher Data File," 1999–2000.

Note: Teachers who taught only prekindergarten students are excluded. Some data have been revised from previously published figures.

While the data indicate that school violence is declining, a cautionary note should be raised concerning the quality of the information reported by school systems. In reaction to the provisions of the No Child Left Behind Act of 2001, some schools may be underreporting instances of violence on their campuses because such reports may lead to a school being designated as "persistently dangerous." According to a US Department of Education audit of school violence, only forty-six schools were designated persistently dangerous in 2006–2007 out of approximately ninety-four thousand schools. Standards of reporting acts of violence are not uniform. For example, in Washington, DC, only serious crimes that are authenticated by the police are counted. In Virginia, a school is labeled persistently dangerous if it reports only one serious crime, such as murder or a bombing, or reports a series of other crimes beyond its enrollment "allowance" for three straight years. It is not certain that these concerns and reporting policies actually distort the true incidence of school violence, but the existence of school labels, such as persistently dangerous, and the various means of attaining that status suggest that the underreporting of acts of school violence is a distinct possibility (Hernandez 2007). In December 2015, the Every Student Succeeds Act was enacted, which replaced the No Child Left Behind Act. The results and effects of this new legislation are not yet clear, especially with respect to reports of school violence, but its provisions still call for some kind of standardized testing of students.

Effects of School Shootings and Violence and Prevention Efforts

School shootings, such as the incident in Columbine, can affect threats of violence in the short term, even in other states. In Pennsylvania, for example, within three months of the Columbine shootings, there were 354 reports of school violence, compared with an annual average of one to two such reports before the shootings, and this increase was attributed to a "copycat" or imitation effect (Kostinsky, Bixler, and Kettl 2001; see also Sullivan and Guerette [2003). Certainly, those directly exposed to such incidents as victims or witnesses may be in need of counseling for years after the event (Lane, Pynoos, and Cardenas 2001; Newman et al. 2004, 274–78). Effects of crime on fear, however, are less certain. A longitudinal analysis of the national criminal victimization surveys (see chapter 3), for example, found that fear of crime at school among a random sample of twelve- to eighteen-year-old students did not significantly increase after the shootings at Columbine High School in 1999 (Addington 2003).

Regardless of how severe, long-lasting, or extensive are the effects of school shootings and other acts of violence, most would agree that this is an unacceptable behavior pattern that should be prevented as much as possible. Preventing school violence, however, is a difficult and multipronged task. It has already been shown that factors such as school size and location have a relationship to school shootings and violence, but not always in the same direction. While it may be difficult to modify significantly where a school is located and its size, schools have adopted various policies and programs designed to reduce shootings and other forms of violence on school property since the rash of school shootings in the late 1990s. Some of these practices are in response to federal laws and policies. For example, the US Department of Education now has an Office of Safe and Healthy Students; for a list of their programs, go to http://www2.ed.gov/about/offices/list/oese/oshs/index.html?exp=2. Other programs are the result of more local initiatives and concerns. Among the various options most schools have adopted over the past few years to reduce school violence are the following:

1. Increasing suspensions for carrying weapons onto campus
2. Creating and enforcing new discipline codes
3. Establishing "drug-free" and "gun-free" areas in schools and on school property
4. Developing conflict-resolution and multicultural-sensitivity programs
5. Establishing dress codes
6. Conducting locker searches
7. Installing surveillance cameras
8. Hiring security guards
9. Restricting access to school buildings, through identification cards or sign-in requirement
0. Restricting uses of computers and cell phones (Sheley 2000, 48; Bonano and Levenson 2014, 6)

The enforcement of several of these policies corresponds to what some call a "zero tolerance" policy, which entails suspensions and expulsion from school and sometimes referrals to the juvenile justice system, for violating rules of conduct (Teasley 2014; Payne and Welch 2015). An important concern with these policies is the control of banned items such as guns and drugs, but sometimes students have been suspended for possessing toy guns, paper clips, and cough drops (Teasley 2014, 131).

Others suggest that an effective means of preventing or reducing school violence is for school authorities—that is, teachers, counselors, and administrators—to share information on students across grade levels and schools. Communication regarding academic difficulties and discipline measures for students might lead to greater attention to students showing signs of stress. Of course, such attention may also lead to unintended consequences, such as negative labeling (see chapter 12), where the evaluations of a student's condition may be based on what someone has said or written about the youth from previous experiences (Newman et al. 2004, 279–80).

Some of these efforts involve school-wide programs, while others seem to be more focused on individual characteristics of would-be offenders and/or victims. With regard to individual characteristics of offenders, for example, research on school shooters consistently, although not always, reveals that they have been the victims of bullying and other forms of harassment (United States Secret Service 2002, 14–15; Kimmel and Mahler 2003, 1447–49; Moore et al. 2003, 316–17).

Regardless of the connection between bullying and school shootings, the existence of bullying is an important concern for improving school safety and climate. In 2013, 22 percent of all students surveyed in a school safety report indicated that they had been the victim of bullying at school during the year. While this figure represents one-fifth of the students, the percentage was down from previous years (Robers et al. 2015, 46).

Some research suggests that most bullies are males and they commit violent acts, often based on sexual preferences and identities of male victims—that is, homophobic behavior; although school shooters have not been gay, they have often been victims of gay taunts and bullying (Kimmel and Mahler 2003). Other studies suggest that bullies are typically males who wish to control others and who do not suffer from anxieties or low self-esteem (Lawrence 2007, 284–85).

Studies of the victims of bullying suggest that the issue can be complex. Some research suggests that youths who deviate from stereotypical views of the attributes of social groupings may also fall victim to taunts and attacks of school bullies. For example, African American youths who do not excel in sports or who have higher than average test scores report more bullying victimization than African American youths in general (Peguero and Williams 2011).

In the 2014 school safety report, females reported being bullied, including being cyber bullied, more often than males. Victims of school bullying tended to be white or Caucasian, as opposed to African American or Latino, although the percentage differences were not large—for example, 24 percent for white students versus 20 percent for blacks (Robers et al. 2015, 46–48). In addition, bullying tends to be more prevalent among younger students, especially those in elementary and middle schools, compared with high schools (Ma 2002; Benbenishty and Astor 2005, 13–16; Peguero 2012; Peguero and Popp 2012; Robers et al. 2015, 48). Studies of bullying in general conclude that bullying tends to occur more often at school rather than on the way to or from school (Ma 2002), which also suggests that intervention efforts should focus on school settings.

Many school districts have adopted actions focused on reducing bullying at schools. One of these programs is called the Olweus Bullying Prevention Program, which consists of several levels of prevention, from the school to the class to the individual, including the families of students (Olweus, Limber, and Mihalic 1999). While this program offers specific plans for preventing school bullying, attempts to evaluate its effectiveness have reported mixed results (Peguero 2012).

Developing school climates that encourage more parental involvement in controlling bullying and adopting strong anti-bullying stances, along with more tolerance for differences and diversity, seem to be effective ways to reduce school bullying and increase school safety in general (Flaherty 2001; Ma 2002; Newman et al. 2004, 285–88; Klein 2012, chap. 10 and 11; DePietro, Slocum, and Esbensen 2015; Garver and Noguera 2015). Some schools have introduced restorative justice programs,(see chapter 15), including conferences and mediation resources, in an effort to replace or offset school suspensions and expulsions resulting from zero-tolerance policies. Restorative justice programs are often based on community awareness and sensitivity to diversity. However, some research concludes that restorative justice programs are more likely to be offered in schools with lower minority enrollment (Payne and Welsh 2015).

Bullying and violence are not so predictable that authorities can adopt policies that concentrate prevention programs on only a few schools or only a few individuals. Prevention efforts can be introduced in schools no matter their location, their size, or the ages of their students. Changing school characteristics or school climates are not easy things to accomplish and often depend on outside resources in order to occur, such as financial and/or personnel resources, parental support, and so on. The important point to remember is that reducing school bullying may lead to reduced incidents of other school violence, such as school shootings. In addition, such efforts may lead to increased self-esteem, improved school performance, and reductions in delinquency among the victims of bullying or school violence overall (Ma 2002; DePietro et al. 2015).

Violence in schools may be also attributed to family or neighborhood contexts, again making it more difficult for schools alone to tackle the problem. The potential for family conflicts and child abuse to create violence in children has already been discussed in chapter 7. It is logical to assume that some of these family-based conditions can contribute to the violence students commit at school (Felson 1994, chap. 5; Ingoldsby, Shaw, and Garcia 2001). Some childrearing practices may encourage violence among a family's children, violence that can translate to bullying at school. Parenting that is aloof and that downgrades love and displays of affection for male children, for example, may lead to aggressiveness and bullying at school among these children. Victims of bullies tend to come from overprotective families whose parents do not interact effectively with school officials, such as teachers and counselors, concerning their child's victimization (Benbenishty and Astor 2005, 16).

Neighborhoods that have high crime rates or high instances of hate crimes or domestic violence can also contribute to violence in schools (Horton 2001; Moore et al. 2003, 1–8; Benbenishty and Astor 2005, 17). Youngsters reared in such areas may not be able to change their behavior patterns once in the school setting. With the assistance of federal grants and resource support, many communities have established violence- and crime-reduction programs that incorporate both schools and the communities in which they are located. The Beacon Community Center Program in New York City is one example of such projects. The Beacon program attempts to make schools a kind of community center, offering summer programs, after-school activities, employment, and individual counseling services to families and students as well as recreational activities and other services for individuals and families in high-crime neighborhoods (McGillis 1996).

However, the kinds of resources prevalent in large cities may not be available in small towns. In small communities, gossip is a good way to exercise social control, but victims of gossip are readily known by others in the area and have few choices of avoiding the sources of gossip or others who are drawn into that circle, which may be especially troubling for young people. As Katherine Newman and her colleagues observe, "Gossip leads adolescents to hide their actions and become much more secretive" (Newman et al. 2004, 121). Even telling parents of difficulties being experienced in school may be dangerous for students, because a parent might inform on the offender, which might then be relayed to the offender and lead to increased difficulties not only for the student having problems but also for the parent who informs on another's child. Although small towns are thought to be close-knit and residents able to supervise others' children, this expectation seems to have broken down in communities that have recently experienced a school shooting. Perhaps the close social structures and sharing of common problems and identities often associated with small towns and rural areas have declined over the years for a variety of reasons, including increasingly demanding work schedules, child-centered activities, and single or split-parent households, where the sharing of child care may become divided (Newman et al. 2004, 122–25).

For whatever reason, analyses of school shootings typically reveal that school shooters had mounting problems that they did not share with others, including family and school officials, before the problems became too unbearable to take. Communication issues are a problem in many areas, not just small towns, and these concerns need to be addressed in order to identify and possibly prevent continued incidents of troubled adolescents acting out or escaping from their problems by embarking on violent episodes aimed at classmates and teachers.

Delinquency Prevention through Early Childhood Education

In addition to being mechanisms for the prevention and reduction of school violence and harassment, schools have been used as resources for reducing gang and drug involvement as well as delinquency in general. Drug prevention programs such as D.A.R.E. (Drug Abuse Resistance Education) and gang prevention efforts such as G.R.E.A.T. (Gang Resistance Education and Training) are discussed in the chapters on drugs (chapter 9) and gangs (chapter 10). Besides these programs, there have been efforts to prevent delinquency and other forms of adolescent deviance by introducing preschool-based programs aimed at developing academic and social skills that, in the long run, might lead to increased graduation rates and employment opportunities and a reduction in crime and delinquency. Although some have discounted the positive impact of preschool programs (Herrnstein and Murray 1994), some programs have produced positive results during school and post–high school (Lawrence 2007, 285–87).

One of the most studied of such programs has been the High/Scope Perry Preschool Project, from 1962–1965, in Ypsilanti, Michigan. The Perry Preschool Project identified 123 African American children, mostly males, for inclusion in the program. Selection criteria were based on parental education and socioeconomic status and IQ of the children. Children with IQs in the 60–90 range and whose parents were of low socioeconomic status and low educational status (only 20 percent of the parents were high-school graduates) were eligible for the program. From the 123 children selected, 58 were randomly chosen to participate in the program, and 65 were assigned to a control group (Luster and McAdoo 1996, 27–28; Bracey 2003, 32).

The program focused on helping the students learn to ask questions rather than to prepare for specific tests. More specifically, the project focused on creativity, language skills, social relationships, numbers, and math concepts such as seriation (creating patterns from series) and classification, as well as music and group-interaction skills. The program was for one-half day and lasted eight months. The children in 1962 received this treatment for one year, at age four, while those in subsequent years received the treatment for two years, at ages three and four. In addition, the classes were supported with ninety-minute home visits every week for the eight months the treatment lasted (Bracey 2003, 32–33).

The results of the project have been evaluated several times, when the children were in school and at ages nineteen, twenty-seven, and forty. Testers and teachers who interacted with the youths subsequent to the treatment did not know which children were in the treatment group and which were controls (Bracey 2003, 32). The results of these follow-up studies have consistently concluded that the children exposed to the treatment performed better in school and had lower incidences of crime and delinquency as adolescents and young adults. Specifically, among the twenty-seven-year-old cohort, which included 95 percent of the original 123 participants, 71 percent of the preschool (treatment) group had received a high-school diploma (including a GED), compared with 54 percent of the controls. In addition, 42 percent of the preschool group was making over $2,000 a month, compared with 6 percent of the controls. Also, the preschoolers had more stable marriages and higher rates of home ownership compared with the controls (Schweinhart and Weikart 1993, 55; Luster and McAdoo 1996, 28; Bracey 2003, 33).

With regard to criminal behavior, by age twenty-seven, the preschoolers had averaged 2.3 arrests, compared with an average of 4.6 arrests for the controls. In terms of criminal careers, 7 percent of the preschoolers had been arrested five times or more (chronic offenders), compared with 35 percent of the controls (Schweinhart and Weikart 1993, 55). Self-report offense estimates also favored the preschoolers, and these differences began to show up at age fifteen (Schweinhart and Weikart 1997, 132).

By age forty, 70 percent of the experimental subjects had graduated from high school, compared with 60 percent of the control group. Most of this effect was attributed to the females in the study. Among the females who went through the program, 88 percent had graduated from high school by age forty, compared with 46 percent of the controls. Significantly fewer of the program participants, especially females, had received special education for mental impairment by age forty, and significantly fewer of the experimental program females were retained in a grade and/or dropped out of school, compared with controls. In addition, significantly more of the preschool subjects had jobs, higher incomes, cars, and home mortgages compared with controls. More of the program group had been married for more than ten years by the time they were forty years old, and more expressed satisfaction with their families, compared with the control group. Also, by age forty the differences in crime noted in earlier years continued. Program participants had significantly fewer arrests for all types of crimes, prison sentences, school-reported misconduct, and self-reported crime than did controls. The differences in arrest and sentencing seemed more pronounced by age forty than at age twenty-seven, suggesting that the crime-reducing impact of the program became more powerful over time (Schweinhart et al. 2005, 51–119).

The results of the High/Scope Perry Preschool Project have been impressive (May, Osmund, and Billick 2014; Council of Economic Advisers 2015, 20). As the authors of a report on the study through age forty concluded, “High quality preschool programs for young children living in poverty contribute to their intellectual and social development in childhood and their school success, economic performance, and reduced commission of crime in adulthood” (Schweinhart et al. 2005, 214). In addition to the positive results for educational attainment, occupational stability, marriage stability, and reduced criminal activity, evaluations of the program have also concluded that it has saved significant financial investments as well. Evaluators have concluded that the program has provided a cost-benefit ratio of 7:1, or a seven-dollar return for every one dollar invested (Schweinhart and Weikart 1993, 56; Bracey 2003, 33). Follow-up analyses to age forty for the experimental group show a dollar cost-benefit ratio ranging from 17:1 (Karoly, Kilburn, and Cannon 2005, 111) to approximately 13:1 (Schweinhart et al. 2005, 152–54). However, other analyses of the cost savings of the program for those aged forty suggest that the more accurate “rate of return,” so to speak, is closer to 7–12:1 (Heckman et al. 2009). That is, for every dollar invested in the participants of the program, by the age of forty the return of this “investment” is between seven and twelve dollars.

Although the High/Scope Perry Preschool Project has been the most-studied preschool program, others have also been successful, such as the Chicago Child–Parent Center Program, the Abecedarian Project in North Carolina, and Head Start programs throughout the country (Schweinhart and Weikart 1993, 121–22; Bracey 2003, 33–35). Reviews of these programs have also concluded that they are successful in improving reading and math skills; increasing rates of high-school graduation; reducing crime, delinquency, and behavioral problems, extending into adulthood; and providing a positive cost-benefit ratio ranging from 3:1 to 7:1 (Karoly et al. 2005, 55–121). Although some have criticized the value of preschool programs for educational and delinquency prevention purposes, studies of these programs have concluded that such efforts are effective in improving the educational and occupational opportunities for youth, as well as serving to help reduce crime and delinquency, and with impressive cost-benefit ratios.

Legal Rights of Students at School

The topic of juvenile rights is addressed in more detail in chapter 13, on the juvenile justice system. There are many issues concerning the rights of students, such as free speech and assembly, worship, dress codes, and so on. For this chapter, the rights to be discussed involve issues concerning possible criminal or deviant behavior and the rights of students with respect to searches of property and person and drug testing.

In the past several years, three important US Supreme Court decisions have affected the legal rights of juveniles concerning searches at school or on school property. Briefly, these cases have challenged searches on the grounds that they violate citizens' rights against unreasonable search and seizure under the Fourth Amendment to the US Constitution. School responses have in part been based on the legal concept of in loco parentis, in which schools are allowed to act in the place of parents regarding authority and decision making. Using this logic, it may be argued that schools have the same rights to search students for contraband items as parents have to examine their children's rooms and possessions—that is, without evidence and over any objections of the youths (Sanborn and Salerno 2005, 144).

The first and probably the most far-reaching case (Sanborn and Salerno 2005, 144) in this matter was New Jersey v. T.L.O. (1985), or simply T.L.O. In this case, a female high-school student, T.L.O., was accused by an assistant vice principal of smoking in the girls' lavatory, although smoking at that time and place was neither against school rules nor illegal. The vice principal demanded that the girl open her purse for inspection to see whether there were any cigarettes in the purse. Even though T.L.O. refused to give her permission, she was forced to comply. During the inspection, the vice principal found cigarettes, marijuana, and evidence that T.L.O. had been selling and distributing marijuana at the school. Later, she confessed to selling marijuana at school and was found delinquent by a local juvenile court judge, in part based on the evidence found in the purse. Her lawyers appealed the "conviction," arguing that the search of the purse was illegal, and the verdict was overturned by the New Jersey Supreme Court. However, the state appealed this ruling, and the case was accepted by the US Supreme Court. The Supreme Court ruled in favor of the state and reinstated the conviction of T.L.O. Although the court did affirm that students do have a right to expect privacy at school and protection from unreasonable searches, in this case, the definition of "reasonable" searches was extended to include searching private property, such as purses and similar belongings of students (Sanborn and Salerno 2005, 144–46; Parry 2005, 153–56).

It is important to note, however, that while the decision in T.L.O. may have presented the possibility for virtually any student's possessions to be searched by school authorities (Sanborn and Salerno 2005, 146), it did not specify which particular possessions could be searched. Thus, future cases may be raised that will specify these possessions in more detail.

The next two cases concern the rights of students to privacy against drug testing. In the first case, Vernonia School District 47J v. Acton (1995), or Vernonia, the issue was whether students participating in athletic programs could be randomly tested for the presence of drugs in their body. School District 47J, in Vernonia, Oregon, had a policy that allowed random drug testing for student athletes. The reasoning for this policy was that athletes are public figures and, to a degree, they represent the school when they perform as athletes. As Justice Scalia, writing for the court's majority in this case, stated, "Students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy" (Parry 2005, 159). In addition, drug use among juveniles is a general concern, but drug use can be particularly harmful to athletes, who may be injured while under the effects of a drug. However, the parents of some athletes objected to the random-drug-testing policy on the grounds that it violated the right to privacy of the student and the Fourth Amendment right to unreasonable searches. Upon reviewing the arguments of the case, the US Supreme Court decided, in a 6–3 opinion, that the Vernonia policy was constitutional. Again speaking for the majority, Justice Scalia wrote, "Taking into account all the factors we have considered above—the decreased expectation of privacy, the relative unobtrusiveness of the search, and the severity of the need met by the search—we conclude Vernonia's policy is reasonable and hence constitutional" (Parry 2005, 160).

The issue of student drug testing was raised again in 2002, in a case titled Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al. In this case, the issue was not random drug testing for student athletes, but students participating in any extracurricular activity. The Tecumseh, Oklahoma school district had adopted a drug-testing policy aimed at any student participating in extracurricular activities, whether or not there was any identifiable drug problem at a school. Some parents objected to this policy, again on the grounds that it violated the privacy of their children and protections against unreasonable searches granted in the Fourth Amendment. The US Supreme Court ruled that the drug-testing policy at Tecumseh was reasonable and thus constitutional. In rendering the reasoning of the majority of the 5–4 vote, Justice Thomas stated, “Furthermore, this Court has not required a particularized or pervasive drug problem before allowing the government to conduct suspicionless drug testing” (Parry 2005, 163). In addition, Justice Thomas wrote, “Vernonia did not require the school to test the group of students most likely to use drugs, but rather considered the constitutionality of the program in the context of the school’s custodial responsibilities. Evaluating the policy in this context, we conclude that the drug testing of Tecumseh students who participate in extracurricular activities effectively serves the School District’s interest in protecting the safety and health of its students” (Parry 2005, 164; see also the website of the Legal Information Institute at http://www.law.cornell.edu).

A consistent theme running through all three decisions is the need for schools to protect their environment and the health and safety of the students with whose care they have been entrusted. Thus, as stated earlier, the Supreme Court has not been concerned with the existence of a drug problem in order for schools or school districts to impose drug testing for students participating in sports or in extracurricular activities. Rather, it seems the overriding issue in these cases is the authority of schools to protect their interests and those of their students. Thus, drug testing, even that which may invade students’ privacy, is considered reasonable and thus constitutional.

Summary

School factors play an important role in the understanding of delinquency, from a variety of perspectives. For one, schools serve as an important setting for student interactions with peers. Schools also serve as the most important source of evaluation of student performance. Within this context, schools can be sources of either positive or negative emotions and experiences for youths. Academic performance is a major factor in how students perceive themselves. Low or poor academic performance can lead to delinquency through a series of connections, as outlined in figure 8.1. Significant negative outcomes in school include dropping out, bullying, and school shootings. Scholars are also studying the utilization of school discipline policies, including zero-tolerance policies, especially as the enforcement of school rules and regulations may result in the overrepresentation of minorities. All of these negative experiences can weaken the school bond for youth, and in that way increase their risk of becoming involved in delinquency, including serious forms of delinquency.

Violence in schools has been declining since the mid-1990s. However, school violence is still of concern to school administrators and the public, and many school districts have implemented antiviolence measures for their schools. One issue related to school violence that is receiving increased attention is school bullying. There are now several bullying-prevention efforts in place in schools, such as the Olweus Bullying Prevention Program.

The school setting can also aid delinquency treatment or prevention. The use of preschool programs and schools as major sources of delinquency prevention has been tried for over forty years with demonstrable success. Most notable among these prevention projects is the High/Scope Perry Preschool Project, begun in the 1960s in Ypsilanti, Michigan, as well as national Head Start efforts.

Schools have also been involved in several court cases concerning juvenile rights. In this chapter, attention was focused on the issue of illegal search and seizure, protected by the Fourth Amendment. A series of US Supreme Court decisions have ruled that local schools and school districts may impose reasonable searches of students' possessions, such as purses, and conduct suspicionless drug testing on students participating in any kind of extracurricular activity. The consistent theme running through these decisions is the need of schools to protect their environment and the health and safety of their students, as opposed to the rights of students to privacy in the school setting.

Study Questions

1. How can problems at home lead to lowered academic performance and ultimately delinquency?
2. In what ways does dropping out of school influence delinquency?
3. What efforts have been made in recent years to reduce violence and bullying in schools?

CHAPTER 9

Drug Use among Youth

Juvenile drug use is considered a major problem by many experts. While marijuana use seemed to peak in the late 1970s and crack cocaine use peaked in the late 1980s, illicit drug use among adolescents and preadolescents remains a significant problem in America today. This chapter addresses the extent and patterns of illegal drug use among young people. The focus of the chapter will be on criminal drug-use patterns, but "status offense" types of drugs, such as alcohol and cigarettes, will also be discussed. By status offense drugs, it is meant that the use of these drugs is not illegal for adults but is restricted among minors. State laws vary, but typically, it is illegal for youths under eighteen to use cigarettes, while the restricted use of alcohol continues to age twenty-one, again, with exceptions in some states. Generally, therefore, cigarette and alcohol use is considered illegal when engaged in by minors. Many other drugs are proscribed for all citizens, regardless of age. These "criminal" drugs will also be discussed in this chapter.

Drug use among adolescents is not evenly distributed by social and geographical characteristics. In addition, studies of drug use indicate that there are historical shifts in the popularity of certain drugs, such as marijuana, while "new" drugs seem to appear during every generation. While arrest and juvenile court data can reveal important insights into the extent and distribution of drug use, self-report studies have been particularly useful in gathering information on deviant drug use among juveniles. One of the longest and most extensive self-reporting inventories of juvenile drug use has been a report named "Monitoring the Future," and analyses of these types of reports are included in this chapter.

Drug use among juvenile gangs has also been common for several generations. One issue among gangs in contemporary society is the extent to which they are engaged in the sale and distribution of illegal drugs, and this issue is also addressed in this chapter.

Treatment of drug users is difficult because of the addictive power of many drugs. Addiction may be physical or psychological. That is, one may be physically dependent on the chemical properties of a drug. The body needs—some may say craves—more of the drug in order to prevent physical reactions or withdrawal symptoms. In addition, many drug users can become psychologically dependent on the euphoric effects of a drug and on the social setting in which drug use may occur, especially among youths. They need the social excitement and feelings associated with taking a drug. Of course, some drugs may produce both effects, and a person may be both physically and psychologically addicted to the drug. Consequently, newer treatment strategies are being developed to combat drug use that may be addictive. One of these newer strategies is the drug court, including juvenile drug courts, and this concept is also discussed in this chapter.

Extent and Patterns of Juvenile Drug Use

Before the 1960s, drug use among juveniles was not much researched and did not present much of a problem to society. Even earlier gang studies did not cite drug use as a problem among juvenile gangs in the first half of the twentieth century. Not until the 1960s did adolescent drug use became a concern to American society, and the drugs that seemed to occupy most of the public's attention were alcohol and marijuana.

In 1975, the Institute for Social Research at the University of Michigan initiated annual surveys of high-school seniors throughout the country. This survey, named "Monitoring the Future" (MTF) is a self-report survey that addresses admitted involvement in delinquency, including drug use. In 1991, MTF was expanded to include tenth and eighth-grade students. For the 2015 survey, 44,900 students from 382 secondary schools were contacted in their classrooms: 13,700 twelfth graders, 16,100 tenth graders, and 15,000 eighth graders (Johnston et al. 2016, 1, 3). The results of this survey provide substantial information about the extent and distribution of drug use among American adolescents. MTF also provides information on the extent and patterns of delinquency in general (see chapter 3 of this book).

The 2015 MTF survey shows that lifetime illicit drug use started to decline in 1999, and has remained steady over the past few years at about 50 percent for high-school seniors. Marijuana is the most common illicit drug used by those surveyed and accounts for most of the lifetime usage patterns (Johnston et al. 2016, 5–6, 10–11).

For all three grades, annual marijuana use increased from the mid 2000s to about 2012, but has remained steady in the past few years. Among seniors, the annual use of marijuana peaked in 1979 and was just under 40 percent annually in the 2015 survey. Often, the higher the perceived risk, the lower the admitted use of marijuana, as one would predict. However, for the past few years, perceived risk has decreased while marijuana use has leveled off (Johnston et al. 2016, 11–13; see also Hawdon [2005, 250–51]).

Most students disapprove of using any drug, including alcohol and cigarettes, regardless of grade in school. While percentages of those disapproving of drug use may vary year by year and/or by grade in school, the majority of all students do not think drug use should be condoned (Johnston et al. 2016, 11–48).

One concern of the authors of the MTF surveys is that we may be encountering a new "generational forgetting" of the pitfalls of drug use. At different periods of time, "new" drugs become accepted among adolescents as safe and beneficial, in terms of their presumed positive effects. In the 1970s, for example, nitrite inhalants and PCP were the new popular drugs, while in the 1980s, crystal methamphetamine and crack cocaine became popular. In the 1990s, Rohypnol, GHB, and ecstasy became popular. In the 2000s, the new drugs have been inhalants, OxyContin, synthetic drugs (including synthetic marijuana), "bath salts," and "club" drugs, such as Ecstasy and Molly (Johnston et al. 2007, 7; Johnston et al. 2016, 15–36).

One of the problems with the spread of drug use among adolescents is that the supposed benefits usually outreach the known harms of the drugs because it is easy to spread the good news through rumors and friendship groups. Now, with the availability of unsupervised Internet "blogs," these kinds of rumors can spread more quickly. As Johnston and colleagues (2007, 8) suggest, "It usually takes longer for the evidence of adverse consequences (e.g., death, disease, overdose reactions, addictive potential) to cumulate and then to be disseminated." It takes concerted and intelligent campaigning to disseminate information on the true effects of a drug. Often there is a "grace period" during which a drug's known and accepted negative effects are not available and the drug becomes popular among adolescents. To counteract or reduce this grace period, objective information sharing is needed to inform the consuming public, particularly youths, of the true effects of a drug. This shortened grace-period effect seems to be occurring for the drug ecstasy. However, this kind of campaigning often has to be conducted for each particular drug because people do not transfer knowledge of one drug to another (Johnston et al. 2007, 8). Sometimes, use patterns of a drug may decline before youths actually accept the negative consequences of a drug, as has been the case with marijuana. With marijuana, for example, use patterns have not always reflected objective reasoning and consideration of known effects. A lot of information has been disseminated regarding this drug, and patterns of use among youths may have been affected by factors other than known risks associated with using the drug regularly. In addition, adolescent users may have experimented with this drug rather than taken it "regularly," so perceived harmful risks of regular marijuana use may not accurately reflect all patterns of use.

Another example of "generational forgetting" might be found with cigarette smoking, or what MTF calls a "licit" drug, although technically, cigarettes are prohibited to youths under a certain age, usually eighteen. According to the 2016 MTF survey, admitted use of cigarettes is on the decline, The MTF data indicate that cigarette smoking was high in the mid-1970s for seniors, fell off in the 1980s, and began to rise in the 1990s, peaking in 1997. Probably publicized efforts to highlight the dangers of nicotine and smoking in general led to a reduction in cigarette smoking throughout the 1980s. However, young people may have forgotten those lessons by the 1990s, and cigarette use began to increase in that decade. Renewed public concern over increased adolescent use of cigarettes in the 1990s led to new efforts to publicize to young people the ill effects of tobacco, and these efforts seem to have worked, at least for now. Decreased usage of cigarettes may also reflect increased cigarette prices. However, results of recent surveys suggest that adolescent complacency, or forgetting, may be on the rise again. The previous sharp declines in smoking began to decelerate in 2002 and negative attitudes toward cigarettes have leveled in the past few years (Johnston et al. 2016, 39).

Alcohol is another drug whose usage patterns are somewhat troubling to the authors of the MTF surveys. In 2015, two-thirds of students surveyed had tried alcohol by the time of their graduation and nearly half of seniors reported having been drunk at least once in their lifetime. Despite these concerns, however, alcohol use rates are on the decline (Johnston et al. 2016, 7–8). In addition, binge drinking, defined as "having five or more drinks in a row at least once in the past two weeks," has been declining for all three grades since the late 1990s, and the decline in binge drinking among seniors has been "substantial" since the 1980s (Johnston et al. 2016, 37). Thus, even though the patterns of alcohol use among young people are showing consistent and, in some cases, remarkable declines since the 1980s and 1990s, the prevalence rate of alcohol use is still around two-thirds among seniors.

One reason researchers are concerned about the extent and patterns of cigarette and alcohol use among teens is because these drugs are thought to be gateway drugs to other, illegal drugs such as cocaine and heroin. For example, a survey sponsored by the Robert Wood Johnson Foundation concluded that cigarette use among young females was a good indicator of future drug use while early use of alcohol among males was a predictor of drug use later in life. Furthermore, 40 percent of those who began to drink before age fourteen became dependent on alcohol, as opposed to 10 percent of those who started to drink at the age of twenty or later (Ericson 2001, 1).

Correlates of Drug Use

Geographical

Historically, drug use and abuse have been associated with urban lifestyles. One reason is that drugs have often been associated with gangs and, as is seen in chapter 10, historically, juvenile gangs have been more common in urban areas than in suburbs or rural areas. Gangs have begun to develop in small towns and rural communities and drug use among youth has also spread outside the city environment. Surveys of juvenile drug use indicate that by the late 1980s and into the 2000s, drug use among teenagers was as common, or more common, in rural communities as in larger cities. (Ruiz et al. 2005, 98).

Most of the data on adolescent drug use noted above have come from self-report surveys. Experts are not sure exactly what happened in the late 1980s to create the shift in balance of adolescent drug use from urban to rural areas, but the consistency of the conclusions from numerous national and statewide surveys suggests that the high rates of drug use among rural teens are real and must somehow be explained and understood if effective drug-prevention and treatment programs are to be developed. Some studies of youths undergoing treatment for substance abuse and/or mental health problems indicate that illegal drug use is not more common among rural youths, although substance abuse is still a problem in rural areas. However, overall, it seems that drug use and abuse among juveniles should be a matter of concern for all citizens, not just parents and officials living in urban areas.

Social

In addition to geographical patterns of juvenile drug use, there are also patterns shaped by social factors such as age, gender, and race. For example, studies often show that those who begin using drugs at an early age, before adolescence, are at greater risk of continued drug use and of abusing drugs than those who first use drugs at a later age (Ericson 2001, 1; Ruiz et al. 2005, 100). Perhaps one reason for these age patterns is that younger users may be more likely to have other problems, such as mental health problems, or to come from environments where drugs are more available and drug use is more common. Adolescents who begin using drugs at a later age may more often only experiment with drug use, especially in a group or peer context. These differences are similar to developmental patterns of delinquency, such as the life-course persistent and adolescence-limited pathways discussed in chapter 5.

Besides age, there are gender patterns of drug use among juveniles. Research has shown that males usually report higher rates of almost all kinds of substance use (Moran, Vuchinich, and Hall 2004, 572). However, females more often than males experience problems with drug use, including mental health problems associated with drug use. Also, studies show that tobacco use among juvenile females is a predictor of other drug use for young females, while alcohol use among males is a predictor of other drug use for youthful males (Ericson 2001, 1). The MTF 2015 survey also concluded that generally males have higher prevalence rates of drug use but that the rates are more similar for girls and boys for alcohol and cigarette use. Actually, MTF data indicate that eighth- and tenth-grade girls have higher prevalence rates of alcohol use than boys (Johnston et al. 2016, 49).

Another social variant for juvenile drug use is race. Studies often show that drug use and drug abuse are lower among nonwhites, especially African American youths, than among white juveniles. The 2015 MTF survey concluded that, compared to whites, African American youths had "substantially lower" rates of drug use, with the exception of marijuana and heroin use, at all three grade levels. Cigarette use was particularly lower among African American youths than among white youths. Hispanic youths were between white and African American students in prevalence rates of drug use, although illicit drug use among Hispanic students is increasing (Johnston et al. 2016, 49–50). Moreover, African American youths are less likely to meet necessary dependence criteria for substance abuse treatment (Ruiz et al. 2005, 100).

Explanations of Juvenile Drug Use

Explanations of juvenile drug use often parallel general explanations of delinquency. However, the following discussion is about explanations specifically focused on juvenile drug use. The discussions are divided into three levels, starting with large, macro explanations, followed by social-psychological concepts, then personality factors.

Macro Explanations

Macro explanations of juvenile drug use maintain that the basic contributing factor to such behavior lies in the large social structure or in some larger context, of which juveniles represent one part. In an excellent sociological discussion of the history and patterns of drug use in the United States, for example, James Hawdon makes a persuasive argument for the relationship between drug use and general patterns of societal development. Basically, Hawdon's argument is that with social development, or modernization, patterns of drug use become more similar across social categories, including age. Hawdon states, "More recently, in lesser-developed, or peripheral, nations, drug use remains highly gendered and limited to adults" (Hawdon 2005, 233). Moreover, Hawdon hypothesizes that with modernization, emerging patterns of drug use are more related to achieved statuses than to ascribed statuses. That is, people are differentiated in terms of their drug use more by what they have accomplished and achieved in life, such as education, occupation, and income, than by what they were born with, such as age, race, or gender (Hawdon 2005, 239–47).

Another macro-level explanation of juvenile drug use focuses on cohort size as an important contributor, especially with regard to marijuana use. For example, Mireille Jacobson (2004) argues that as the size of a birth cohort increases in number, the chances of drug use among individuals, including juveniles, in that cohort increase. Conversely, as the size of a youth cohort decreases, there are corresponding decreases in the number of youths who report using drugs, the number of youths who have been arrested for drug possession and sales, and even the street price of drugs. However, Jacobson concludes that the most important reason for the positive association between cohort size and drug use among youth is the increase of drug supplies when an age group is large. Related to the factor of supply and drug availability is the increased presence of drug users, distributors, and dealers at schools. The larger the group of drug users and sellers who appear on a school's campus, the less likely that any one person will be caught and arrested for drug use. Specifically, Jacobson states, in reference to marijuana use, "A teen's decision to use marijuana may be more directly affected by youth in the immediate vicinity" (Jacobson 2004, 1492). This relationship between cohort size and its related effects is stronger than other important contributors, such as parental use of drugs, although part of Jacobson's argument is that large cohorts create more drug permissiveness, which is then handed down from one generation to another. This intergenerational inheritance, however, is magnified when the succeeding generation of youth is large, especially when a drug-using subculture emerges among youth (Jacobson 2004, 1487–94).

Social-Psychological Factors

While macro factors help explain the availability and societal acceptance of drugs, these variables provide little explanation of how individuals or small groups of juveniles decide to use drugs and to continue using them. Another set of explanations for juvenile drug use is needed to help address this question. One such set of factors can be described as social psychological. Social-psychological variables focus on the interaction between a juvenile and his or her environment. These kinds of factors are exemplified by the social-development and social-process explanations of delinquency discussed in chapters 5 and 6. In addition to these more general explanations of delinquency, some have suggested specific social-psychological precursors to juvenile drug use.

A common theme among social-psychological variables as contributors to juvenile drug use is learning theory, or the idea that drug use is a learned behavior (Triplett and Payne 2004). According to learning theory, behavior is modeled after people we admire or with whom we associate, as discussed in chapter 6 (see also Akers [1998). Drug use is often connected with learning patterns among peers, friends, and associates of one's age. Learning theory can also incorporate modeling behavior patterns as well as justifications for behavior from any person or in any setting. One important feature of the learning-theory approach to drug use is the inclusion of rewards and punishments as two primary factors in the decision not only to use drugs but also to continue using drugs. Those who continue to use drugs are able to associate rewards, social and nonsocial, with using the drug rather than associating the negative consequences of such use (Triplett and Payne 2004, 618–19). Again, an important setting here is the definition of what the drug should do and how it may enhance one's status in the community and/or among friends. In addition, public perceptions of drugs and their effects may also influence one's decision to use drugs (Hawdon 2005, 250–59). In addition, some research suggests that parental controls, including parental objections to drug use, can have significant impacts on juvenile drug use, especially among white youth (Fagan et al. 2013).

Consistent with a problem-solving, stress-reduction explanation of adolescent drug use is the connection between expression of anger and the use of avoidance as a method of coping with stress and substance abuse. Studies have shown that among incarcerated adolescents, outward expressions of anger and the use of avoidance-coping behavior as a means to relieve or handle stress are significantly associated with substance abuse. However, both reactions to stress are independently connected with drug use and are only part of the overall explanation of adolescent drug use (Eftekhari, Turner, and Larimer 2004).

Another factor related to learned patterns of drug use is the idea that drug use is a problem-solving approach to difficulties in one's life. It has long been known that people use drugs to relieve stress and pain in their lives, but now this idea is being couched in terms of learning theory (Triplett and Payne 2004). Problems for a juvenile can be of numerous kinds, including the death of a family member, poor grades in school, violence and conflict in the home, being bullied in school, early physical maturation—essentially many of the issues raised in other chapters of this book (Triplett and Payne 2004, 619–20). In many ways, this perspective is similar to Agnew's revised or general strain theory of delinquency, discussed in chapter 6. Agnew's argument is that youths are exposed to a variety of strains, primarily social-psychological strains, many of which stem from their status as minors and students in society, and these strains are often handled by turning to delinquency. Although Agnew does not spend a lot of time analyzing drug use in relationship to general strains, others have, and the connection seems reasonable from both a strain and a learning perspective (Brezina 2000).

Earlier, in chapter 7, the issues of child abuse or maltreatment and its connection to general patterns of delinquency were discussed. Some have focused specifically on child abuse and its connection to drug use. One study, for example, surveyed 2,187 students in grades 10–12 in a rural county in Oregon and found significant associations among three kinds of abuse and admitted use of several types of drugs (Moran et al. 2004). Emotional, physical, and sexual abuse were all highly associated with tobacco and alcohol use as well as use of illicit drugs. Of the three kinds of abuse, emotional abuse had the lowest correlation with drug use, while a combination of physical and sexual abuse had the highest association. Although few gender differences in the patterns were observed, male youths seemed slightly more negatively affected by physical and sexual abuse, and females were more negatively affected by physical abuse (Moran et al. 2004, 572).

Personality Factors

Some feel the explanation of drug use can better be understood through analyzing the personalities of drug users. This explanation is part of the individualistic theories of delinquency discussed in chapter 4, only in this case, personality variables are being connected specifically with drug use. Investigations of drug users have typically characterized them as selfish, troubled youths who are using drugs in order to achieve chemical highs. Howard Kaplan and his associates, for example, have conducted several analyses of longitudinal samples of youths to demonstrate that drug use and general patterns of delinquency among youth are, at least in part, a means to boost low self-esteem created by unhappy and negative experiences with peers and others (Kaplan 1978; Kaplan, Martin, and Johnson 1986).

Others have noted that juvenile drug users tend to score higher on some personality scales than do non–drug users, such as Eysenck's scales on neuroticism and psychoticism (see chapter 4). However, often these studies use incarcerated populations of juvenile offenders (Sigurdsson and Gudjonsson 1996).

Psychological explanations of adolescent drug use are increasingly turning to a "problem-behavior" model that incorporates personal as well as social, or environmental, factors. Using a problem-behavior model, juvenile drug use is seen as part of a larger constellation of difficulties facing young people, including troubles at home, at school, and with peers, as well as individual difficulties such as learning and emotional problems (Jones and Heaven 1998; Zhang, Wieczorek, and Welte 1997). Another way of expressing this approach to understanding teen drug use and delinquency is to describe youths as “at risk” of encountering behavioral, social, and legal problems as adolescents and beyond. The more problems youths have, the higher their “risk,” and this includes the risk of drug use (Dryfoos 1990, 1998).

The inclusion of personal factors associated with drug use among a constellation of other problem or risk behaviors and situations is consistent with many contemporary psychological explanations of delinquency in general. However, just as with explanations of delinquency, this trend dilutes the identification of unique personality variables that clearly differentiate drug users from nonusers, especially in any kind of sequential pattern. Identifying unique personalities of youths who will become drug users or abusers may be difficult, just as such identification of potential delinquents in general has been difficult. Interestingly for personality explanations of substance abuse, a common conclusion in this literature is that the most predictive factor in teen drug use is peer influence—that is, teens tend to use drugs most with their friends. However, the selection of peers can also be influenced by the bond between parent and child, among other factors, and the kinds of values and behavior favored by parents can have important effects on the friends their children select during adolescence (Garnier and Stein 2002).

Since some researchers estimate that nearly 90 percent of juveniles have reportedly used a drug, including alcohol and tobacco (Eftekhari et al. 2004, 1001), trying to establish unique personality patterns of drug users seems problematic at best. Rather, the more likely contribution of this approach to understanding juvenile drug users is to concentrate on drug abusers and those who maintain drug-using lifestyles for extended periods of time. In this sense, the approach would be similar to distinguishing between adolescence-limited and life-course persistent patterns of delinquency, as discussed in chapter 5, focusing on drug use in particular (see also Towberman [1994).

Drug Use and Delinquency

Within the problem-behavior model, drug use can be seen as either the beginning of more problems for youths later in life or as part of a larger set of deviant consequences of early entry into delinquent behavior. Juveniles in the juvenile justice system usually have a history of drug use and/or abuse. In the early 2000s, for example, of over 1.7 million juveniles adjudicated as delinquent, 60 percent were substance abusers (Watson 2004, 211). In 2013, 13 percent of delinquency cases handled by juvenile courts were drug offenses (Hockenberry and Puzzanchera 2015, 6). In an extended analysis of risk factors for adolescents, Joy Dryfoos (1990, 29–60) indicates that committing delinquent acts can have the short-term effect of drug use and a long-term impact of drug abuse, while drug use itself can lead to school dropout in the short term and criminal behavior in the long term. In other words, the relationship between drug use and delinquency is interactional. There is no clear, direct unidirectional path between early drug use and later delinquency, but both seem intertwined in a setting of social and personal problems. That is, early drug use predicts delinquency, and early involvement in delinquency predicts drug use later in a youth's life (Zhang et al. 1997).

Besides the relationship between general patterns of delinquency and drug use, researchers have been interested in the connection between drug use and sales and membership in delinquent gangs (see also chapter 10). While most studies of gangs show that gang members are frequent users of drugs, especially marijuana (Katz, Webb, and Decker 2005, 60, 81), the literature is mixed. If self-report studies of gangs are used, the results often demonstrate that gang members not only use drugs but also sell them. However, studying gangs by observation methods or using arrest figures often shows little to no connection between gang membership and drug use or sales (Katz et al. 2005, 59–61). Some argue that street gangs are too disorganized to set up and maintain consistent drug sales operations, at least for any extended period of time (Klein 1995, 119–31; Delaney 2006, 233–35). However, it is often suggested that individual gang members or cliques within gangs may be more into drug use and sales than the gang as a whole, and that is one reason why studies of gangs overall do not typically conclude that gangs, per se, are heavily into drug sales (Katz et al. 2005, 59; Delaney 2006, 230–31). Of course, some gangs do become more involved in drug sales than others, but the notion of "drug gangs" seems more hypothetical and stereotypical than real (Delaney 2006, 229). Another hypothesis is that so-called drug gangs are typically composed of older, perhaps former gang members but not current, active members of juvenile street gangs (Klein 1995, 131–35). Furthermore, drug-selling operations among juvenile gangs is done more for small profits needed to party and have fun than for long-term gain and increased drug sales (Delaney 2006, 231). As Delaney (2006, 233) states, "The vast majority of gangs are not drug traffickers."

Longitudinal studies of gangs suggest that gangs may attract youths who are at a high risk for drug use and dependence but that gang membership itself tends to increase the availability, justifications, and actual patterns of drug use and sales, and this effect may last a couple of years beyond gang membership (Thornberry et al. 2003, 109–12; Katz et al. 2005, 64–65, 82–83). Sometimes, however, gangs will specifically force members out of the gang or deny drug users membership in the gang because of their drug use. The effects of drugs may make a gang member ineffective in terms of fighting or criminal activity, and thus unreliable (Delaney 2006, 230).

Treatment and Prevention of Drug Use among Juveniles

Treatment of drug users is often tailored to the individual situation of the user. Experimental drug use may well dissipate with age and new experiences. Drug use connected to gang membership would be more difficult to alter, given the circumstances of the user. Drug dependency might well be the most difficult form of use to alter because of the dependent nature of the user on the drug and the setting in which the drug use occurs. Consequently, identifying effective treatment strategies for all drug users is unrealistic, and any treatment option will have different expected outcomes for different styles and patterns of drug use (Checinski and Ghodse 2004). Overall, experts suggest that true recovery from addictive drugs is difficult to obtain. In part, the degree of success for drug treatment is affected by the type of drug used, the drug of choice. One review, for example, suggests that six months of treatment for alcoholism is effective for 40 to 70 percent of patients, with effectiveness defined as a one-half reduction in use. In addition, six months of treatment for cocaine users is successful, or effective, for 50 to 60 percent of patients and 50 to 80 percent of opiate users (Ericson 2001).

Effectiveness of drug treatment can also be influenced by the motivation of the user, and this can be a difficult factor to overcome. The motivation of the patient can also be affected by the attitude of the therapist and the relationship developed between the therapist and the patient. The issue of motivation can be particularly difficult for those who are forced, in one way or another, to seek treatment within the criminal or juvenile justice system (Casselman 2004).

Drug Courts

Drug courts are one of the newer treatment strategies for substance abusers. Drug courts are often referred to as drug-treatment courts to emphasize the treatment focus of such programs. In the past, drug therapy and the criminal or juvenile justice systems were thought to be incompatible, or at least difficult to merge (Casselman 2004). In part, this view reflected the idea that treatment emphasized individual growth and change, while criminal justice concerns emphasized issues of custody and control. If a person's progress in terms of recovery from substance abuse put custody concerns at risk, there emerged serious issues of conflict with criminal justice priorities, which often made treatment difficult to continue.

In 1989, the first drug court was established in the Miami area, in part to overcome the difficulties thought to exist between treatment and criminal justice emphases, as well as to create a better system of dealing with drug offenders than simply locking them up for extended periods of time. The first juvenile drug court was established in 1993 (Belenko 2001, 5). In December 2014, there were over three thousand drug courts in all fifty states plus the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Of the 3,007 existing drug courts, 420 were juvenile drug courts (National Institute of Justice 2016).

Drug courts attempt to integrate treatment and judicial concerns in the effort to reduce drug use and crime as well as foster employment and stable families among their participants. While these programs may vary in some details, they all essentially operate according to the following ten principles:

1. Integration of drug treatment with criminal justice services and case processing
2. Use of a noncombative approach to case handling while maintaining the due process rights of participants
3. Placement of participants into the program as soon as possible in order to begin treatment
4. Provision of a range of treatments and services tailored to each participant
5. Use of random and frequent drug testing and monitoring of participants
6. Emphasis on coordination and information sharing among the members of the drug-court team
7. Close judicial monitoring of each case
8. Assessments and evaluations of the effectiveness of the program
9. Provision of continuing education and updating of information for drug-court team members
0. Creation of partnerships and cooperation among treatment specialists, justice agencies, and local community agencies (National Drug Court Institute 1999, 3–6)

Drug-court programs essentially operate as probation programs with a special emphasis on close case monitoring and individualized substance-abuse treatment. Participants are usually drug offenders with a record of arrests and convictions for crimes related to substance use and/or abuse. Participation is voluntary, although the alternative is a conviction and possible prison time. Participants are convicted (or found delinquent in juvenile court) of their offense by pleading guilty and then placed into the program. As indicated in the ten principles, participants are encouraged to apply for the program as soon as possible, which in practice often means within two or three weeks after they have been arrested. The programs are designed to last at least twelve months, although some extend to eighteen months or longer. Successful participants—that is, those who "graduate" from the drug court—are given reduced sentences or may have their convictions dismissed entirely. Unsuccessful participants, those who leave the program or are forced out before graduation, face implementation of the sentence for the conviction, which may be imprisonment (Shoemaker and Toussaint 2003).

Drug court participation includes all of the usual rules associated with probation but includes random drug testing, regular appearances before the presiding judge, and close monitoring of all of the participant's daily activities, including family, school (for juveniles), and employment (for most). While participants are represented by an attorney before entering the drug court, defense attorneys are seldom seen at court appearances, and their role is limited while participants are in the program (National Drug Court Institute 2003).

Most drug courts operate according to phases, with decreased monitoring and supervision for each phase. For example, in phase one, participants may be required to submit to drug testing several times a week and to appear before the judge once a week. In phase three, the final phase before graduation, drug testing may decline to once a week and court appearances to once a month. Sanctions for failure to abide by the rules are usually graduated, beginning with additional urine screens or drug tests, to closer probation and/or judicial supervision, to reassignment to an earlier phase, to brief periods of incarceration, to eventual dismissal from the program (Shoemaker and Toussaint 2003).

One interesting feature of drug-court programs is the development of a diverse, yet integrated team for each participant. Members include the judge, defense and prosecuting attorneys, probation officer, treatment specialists, counselors and school personnel (for juveniles), and others deemed important for a particular case. These teams meet regularly, usually before each scheduled court appearance, to discuss the particulars of the case, and they continue to meet as a whole or in selected groups until the participant finishes the program (Shoemaker and Toussaint 2003). While all members of this team are essential for a successful outcome, some argue that the most significant member is the judge, whose weekly or monthly presence in each case is something not usually seen in most juvenile or adult criminal cases (Marlowe, Festinger, and Lee 2004).

Evaluations of drug courts generally find them to be successful (Belenko 2001; Gottfredson and Exum 2002; Shoemaker and McDonald 2003; Wilson, Mitchell, and MacKenzie 2006). Most participants graduate, and those who do finish the program usually have lower rates of return to crime, or recidivism, fewer substance-abuse problems, and higher rates of employment. In addition, evaluations of drug courts typically conclude that they are cost effective, meaning that it costs less to put an offender through a drug court than to incarcerate him or her. However, some studies show that drug courts are not effective or that the results are mixed (Miethe et al. 2000; Listwan et al. 2003).

Evaluations of juvenile drug courts are less common than those of adult drug courts, but earlier evaluations generally concluded that these drug courts were also effective (Belenko 2001, 43–47; Shoemaker and Toussaint 2003; Pitts 2006). Juvenile drug courts are somewhat more difficult to evaluate than adult courts, in part because juvenile drug courts often involve more personnel than do adult courts. As mentioned earlier, juvenile drug courts typically include counselors and school-based personnel, in contrast to adult courts. In addition, many juvenile drug courts employ multisystem therapy, or MST, as part of their treatment program, and MST usually involves inputs from different segments of the community, thus making a complete evaluation of the drug court more complicated (Randall et al. 2001).

Although most evaluations of drug courts conclude that they are effective in reducing substance abuse, crime, and unemployment, the true impact of the courts is not certain. For one thing, many studies do not use true comparison groups, involving participants and nonparticipants. In part, this lack of comparisons reflects judicial policies that do not favor randomized selection procedures for the purpose of evaluative research (Johnson and Wallace 2004). In addition, the true impact of treatment on the outcomes of participants is not clearly known (Randall et al. 2001; Shoemaker and McDonald 2003).

Continued evaluations of juvenile drug-court programs have attempted to address some of these issues and conclude that juveniles who complete juvenile drug-court treatment programs demonstrate lowered drug usage and criminal behavior than youths who do not receive drug-court treatment (Ives et al. 2010). In addition, research on juvenile drug courts is beginning to establish the importance of family bonds and the involvement of family members, or other caregivers, in the treatment process in connection with the success of juvenile drug courts (Marlowe 2010; Schaeffer et al. 2010; Salvatore et al. 2010). Other research, including meta-analyses of existing studies, conclude that juvenile drug courts, or drug-treatment courts, contribute to lower crime-recidivism rates for drug-court graduates compared to nongraduates (Marlowe 2010; Stein, Deberard, and Horman 2012; Hiller and Saum 2014, 220–21). Also, some research suggests that drug courts are more cost effective than traditional probation programs, especially if judges do not overuse incarceration sanctions as part of the drug-court program (Marlowe 2010).

Not all of the research is supportive of the effectiveness of juvenile drug courts, especially when compared to adult drug courts (Mitchell et al. 2012). An evaluation of nine drug courts, located in several regions of the United States, concluded that only three of them were effective in reducing crime and delinquency among the participants, compared to a comparison group of youth on probation. Overall, the conclusion of the researchers was that juvenile drug courts had limited impact on crime and delinquency among participants. This study also concluded that most of the juvenile drug courts studied did not properly assess the needs of participants, but when such assessments were conducted, the results were not shared with treatment agencies (Blair et al. 2015).

Some studies suggest that juvenile drug courts are more effective for females, whites, and youths who are less involved in drug use and criminal activity before entering drug courts (Stein et al. 2012). More research needs to be done concerning the differential effectiveness of drug-treatment courts by such demographics as race and gender. It is possible that treatment strategies will need to be more refined for drug courts to be effective for all juveniles. Some research also suggests that judge–client interactions need to be refined in order for drug courts to become more effective. In particular, one suggestion is that for juvenile drug courts, judicial responses should be more sensitive to rewards for compliant behavior, rather than sanctions for noncompliance (Salvatore et al. 2011). However, other analyses suggest that one reason juvenile drug-treatment courts are not as effective as adult drug courts is that juvenile drug courts tend to be "less demanding" of participants than adult courts (Mitchell et al. 2012, 69), a comment that would suggest that judicial responses to noncompliance in juvenile drug courts should be harsher and the programs more rigorous.

Another factor in evaluating drug courts is the issue of coercion. While drug courts operate on the basis of plea bargains and the maintenance of legal rights for participants, the fact remains that the alternative to a drug-court experience is a conviction, likely accompanied by some period of confinement. Some maintain that coerced treatment is counterproductive, while others suggest that coerced treatment is not a hindrance to effective drug treatment. Sally Satel (2000, 20), for example, concludes that longer stays in treatment are more effective and that coerced "patients" stay in treatment programs longer than do noncoerced patients. Others, however, argue that a continuum of coercion exists and that the impact of coercion on treatment effectiveness is dependent on a variety of circumstances, including patient motivation (Longshore, Pendergast, and Farabee 2004). Whether juvenile drug-court participants stay in programs longer than participants in other drug-treatment programs, the fact that they receive some treatment, and, according to some studies, effective treatment, contributes to drug and crime reduction among youths, which is an important goal of drug-treatment programs (Ives et al. 2010).

Despite the numerous caveats and concerns connected with juvenile drug-treatment courts, continued studies suggest they can be effective in reducing postprogram recidivism and drug use. Moreover, research suggests that drug courts are less costly to administer than alternative programs, although this benefit of drug courts is less studied than other consequences. However, some call for increased use of evidence-based practices, or EBPs (see chapter 15), to more accurately assess the effectiveness of juvenile drug courts (Hiller and Saum 2014, 221; Blair et al. 2015; Yelderman 2016). Despite some negative assessments of juvenile drug-court effectiveness, the numerous positive evaluations of juvenile drug courts, with respect to their impact on crime recidivism and drug use and their cost savings, suggest they will continue to exist and be an important component of treatment and prevention programs involving drug use and delinquency.

Preventing Drug Use among Youth

Some argue that it is better to prevent drug use from occurring in the first place, as opposed to treating use and abuse patterns that have already been established. Some promising community-based youth drug-prevention programs have been attempted in the past few years. These projects have often included parental involvement as part of the prevention effort. One such program is Preparing for the Drug Free Years (PDFY), which began in Seattle, Washington in the late 1980s. PDFY is based on the idea that strong child–parent bonds are effective means for preventing adolescent drug use. Parental involvement is a vital and necessary part of this program. The goals of PDFY include showing parents how better to communicate with their children, reducing family conflicts, fostering better supervision and discipline patterns for children, and demonstrating clear goals and role models for children. The project in Seattle has been replicated in other communities, including rural communities, and with families of diverse backgrounds. Preliminary results indicate that the programs have been successful in reaching the goals of improving parent–child bonds and improving parent–child communication, which are praiseworthy accomplishments. In addition, children in these families have shown improved behavior patterns, although the specific impact of PDFY on drug use and/or abuse, short or long term, has not been established (Haggerty et al. 1999).

Another promising drug-prevention program is Project Towards No Drug Abuse (Project TND) (Sussman, Rohrbach, and Mihalic 2004). Project TND is part of the Blueprint for Violence Prevention program located at the University of Colorado. Project TND is a drug-prevention program based on the presentation of twelve sessions that include drug-abuse awareness, listening and communication skills, making responsible choices in life, and thinking through the consequences of poor choices, including using drugs. Two sessions focus on tobacco and marijuana use. Each session is designed to be delivered to students in a regular classroom setting, lasting forty to fifty minutes (Sussman et al. 2004, 25–36). The program has been implemented and evaluated in three California school settings, including regular and alternative high schools, involving over 3,300 students, mostly from Latino and Anglo backgrounds. Results indicate that, compared with control groups, Project TND students in all three settings were less involved in "hard" drug use (including heroin, hallucinogens, and cocaine) one to two years after the program. The reduction in drug use ranged from 25 percent to 55 percent (for the two-year study). Reductions in alcohol, tobacco, and marijuana use were less consistent. In addition, experimental groups showed reductions in carrying weapons and crime victimization, compared with the control groups (Sussman et al. 2004, 17, 23–45).

D.A.R.E. (Drug Abuse Resistance Education)

One of the more popular drug-use-prevention programs is D.A.R.E., or Drug Abuse Resistance Education. Begun in the 1980s in Los Angeles, D.A.R.E. is now offered in over eight thousand schools throughout the United States. Its budget has taken up 5 percent of the national monies allocated for the Drug Free Schools program. The basic premise of D.A.R.E. is to offer drug-education classes, often through local police departments, to elementary-school students, usually fifth and sixth graders, with the goal of reducing drug use and abuse among these youths when they become adolescents. Classes are capped by the awarding of certificates and pledges by participants not to use drugs as they get older (Dryfoos 1990, 158, 1998, 162–63). According to D.A.R.E.'s website, each year educational programs are offered to over twenty-six million children in 75 percent of school districts in the United States and in fifty-eight countries throughout the world.

Despite the consistent popularity of D.A.R.E., earlier evaluations of its success have not been very promising. The results of studies of the program often conclude that the program produces moderate positive effects, especially for alcohol and cigarette use, and more for males than for females. Analyses of several evaluations conclude that "graduates" are no less likely to become drug users or abusers than those who do not participate in the educational classes (Rosenbaum 2007). Furthermore, after the D.A.R.E. programs became popular and politically supported, reports of attempts to influence evaluations to produce more favorable results began to emerge (Dryfoos 1990, 158, 1998, 163; Lundman 2001, 67–91).

In response to the criticisms and negative conclusions of the program's effectiveness, administrators of D.A.R.E. programs decided to revamp the curriculum. The Robert Wood Johnson

Foundation awarded a five-year, $13.7 million grant to the University of Akron to assist D.A.R.E. officials with the design and evaluation of new course and educational material, highlighted by interactive and computerized instructional methods. Named "Taking Charge of Your Life," the plan has been to provide more opportunity for students to see and experience, via high-tech equipment, the impact of drugs on their health and safety. In addition, in the late 2000s, D.A.R.E. began to utilize another drug-education curriculum, called "keepin' it REAL." This new curriculum is aimed mostly at middle-school youths, and addresses the needs of a larger population of juveniles, especially minority youths. Despite some claims that these new curricula have resulted in significant drug awareness and reduced drug use among program participants, few independent analyses have been published to allow researchers an opportunity to truly assess the effectiveness of these programs, but some evidence suggests the new curriculum is producing more positive results than were found for earlier versions of D.A.R.E. (Nordrum 2014).

It is unrealistic to expect any one treatment or prevention program to have a truly significant impact on drug use and abuse among juveniles. Since drug use is often within a social setting and is affected by family and peer influences, it is reasonable to expect that more significant results will be achieved with programs that focus on the social circles of juveniles and not just on the youths themselves (Dryfoos 1998, 171–76). In addition, any intervention involving youths must be realistic and not judgmental or punitive. Youths encouraged to use drugs are already vulnerable and at risk for other harmful behavior patterns, so attempts to help them by demeaning them or using simplistic slogans are facing serious communication barriers from the start (Dryfoos 1990, 168–71). Newer treatment and prevention strategies are employing these methods and ideas, which suggests the possibility for significant reductions in juvenile drug use and abuse in the future.

Summary

Juvenile drug use and abuse has been on the decline in recent years, but surveys still show that most youths admit to using drugs at least once in their lives by the time they are high-school seniors. Alcohol and cigarettes remain popular drugs, but inhalants and OxyContin are becoming popular among youth today.

Research indicates that drug use among youth is primarily a social kind of behavior. Most often, youths are influenced by their peers in decisions to use drugs and in the kinds of drugs used. Of course, other factors play a role in juvenile drug use, such as parental attitudes and behavior patterns, but peer groups remain the single most important influence on juvenile drug use.

The relationship between drug use and delinquency is reciprocal, meaning that both influence each other. In one respect, drug use is illegal for juveniles in that most legal drugs, such as alcohol and tobacco, are restricted to adults and all illicit drug use is criminal, whether committed by adults or juveniles. However, using drugs is strongly correlated with overall patterns of delinquency. In addition, drug use is common among members of youth street gangs. Drug abuse and the selling of drugs, however, are not common among youth gangs. Some gangs have expelled or excluded people known to have drug problems. There are what some term drug gangs, but these gangs are not always the same as youth gangs. Drug gangs tend to be more organized and consist of older members than typical youth gangs.

There are many explanations for juvenile drug use, but the more persuasive ones focus on patterns of social development and social connections between youths and their community, especially parents and peers. Treatment and prevention options are abundant. A newer treatment strategy that is promising is the drug court, which combines treatment and punishment in graded steps or phases. Juvenile drug courts have been in existence since 1993, and they have usually, but not always, received positive evaluations. Juvenile drug courts incorporate team members from the juvenile justice system, the schools, and the community, which is one reason they are often successful.

One of the more highly publicized juvenile drug-prevention programs is D.A.R.E., or Drug Abuse Resistance Education. D.A.R.E. focuses on elementary students, usually grades 5 or 6, and has existed for over twenty years. Evaluations of its effectiveness, however, are mixed. More recent evaluations have tended to conclude that the program does not work well in preventing drug use. D.A.R.E. has recently begun to use new educational programs aimed at using modern means of instruction such as computers and high technology and focusing on broader populations of youths, especially minority juveniles. However, little independent published evaluation of these new ventures has appeared to allow researchers to truly assess the effectiveness of these new curricula. Overall, truly effective drug-treatment and prevention programs must be inclusive of community components and the wider social circles of youth. In addition, such programs must be realistic to youth and not appear as punitive or judgmental in order to improve effectiveness, and newer strategies appear to be incorporating these ideas into their programs.

Study Questions

1. What are some patterns of cigarette, alcohol, and illicit drug use among American adolescents?
2. How do drug courts combine elements of reform and punishment to combat the problem of juvenile drug use?
3. What is D.A.R.E., and what do studies conclude regarding its effectiveness in preventing adolescent drug use?

CHAPTER 10

Juvenile Gangs

The topic of gangs often conjures images of street thugs or hoodlums, intent on wreaking havoc and destruction around them, with no regard for the rights and safety of others. This stereotypical image, of course, has some basis in reality, for some gangs and gang members do engage in this kind of predatory behavior. However, there are several other types of youth gangs, as is discussed below. One objective of this chapter is to identify different kinds of juvenile gangs and their commitment to crime and delinquency. Delinquent, or criminal, gangs clearly do have an objective of making money or getting by in their communities by committing crimes of theft and/or violence. However, not all gangs are as criminal, and some may be considered social gangs in that their members interact with one another much like members of a social club or a clique. Some gangs may be seen as violent in that their behavior and criminal patterns are oriented toward violence and the ends that violence are thought to gain.

It is often the case, however, that no matter what the specific organization or goal of a gang may be, participation in gang life and activity increases the delinquent and criminal behavior of its members (Thornberry et al. 1993; Thornberry et al. 2003, chap. 6; Barrows and Huff 2009, 678; Hennigan and Sloane 2013, 8). Even being associated with a gang member can increase a person's chances of being victimized by gang violence (Papachristos et al. 2015).

Juvenile gangs are defined differently by research investigators, law-enforcement specialists, and newspaper investigators. Most often, gangs are defined according to suspected criminal behavior and organization—that is, gangs are thought of as being organized for criminal enterprises. This view is described by some as a "law-enforcement perspective" of gangs (Shelden, Tracy, and Brown 2004, 20). However, as mentioned above and discussed below, not all gangs are organized for criminal behavior. Sometimes gang members may act on their own and not as a part of gang behavior to commit a crime (Shelden et al. 2004, 21–22).

Sociologically, a gang is defined according to the characteristics and attitudes of its membership. One of the first sociological definitions of gangs came from Frederick Thrasher in a study of gangs in Chicago in the 1920s. Thrasher considered gangs to be conflict (although not always criminal) groups that tended to develop in interstitial areas of a city—that is, areas in between or near more stable, developed sections of a city. Specifically,

> The gang is an interstitial group originally formed spontaneously, and then integrated through conflict. It is characterized by the following types of behavior: meeting face to face, milling, movement through space as a unit, conflict, and planning. The result of this collective behavior is the development of tradition, unreflective internal structure, esprit de corps, solidarity, morale, group awareness, and attachment to a local territory. (Thrasher 1927, 57)

Gangs are often defined as peer groups—that is, groups consisting of members who share similar social characteristics such as gender, social class, age, and ethnicity. Most gang members are male and from working- or lower-class backgrounds, although there are also all-female and mixed-gender gangs as well as middle-class gangs, as is discussed below. In addition, gang members typically range in age from twelve or thirteen to late adolescence, although, again, some gangs consist of members who are younger or older. Contemporary gangs are often composed of young people in their early twenties (McGloin 2005, 608). Gang members also typically come from the same ethnic background. However, the ethnic background of gang members in the twenty-first century is very different from the background of gang members a hundred years ago.

In addition to sharing similar socioeconomic characteristics, observers have argued that gang members also identify with the gang and express such identifications through displays of certain styles and colors of clothing, hand gestures, and the gang name on their clothing. This kind of display is called representing and is discussed later in this chapter.

Juvenile gangs have been around a long time, at least going back to the fourteenth and fifteenth centuries in Europe and the nineteenth century in America. The first youth gang in America is thought to be a gang called the Forty Thieves, which developed in New York City in the 1820s. Gangs began to proliferate from the 1830s to the end of the nineteenth century. Even before the Civil War, some cities, such as Philadelphia, claimed that they were being "plagued" by gangs. By the end of the nineteenth century, some of the more notorious gangs in New York City, such as the Bowery Boys, the Pug-Uglies, and the Dusters, were located in the Five Points area of the city, although it is not clear just how many of these gangs were actually "youth" gangs (Shelden et al. 2004, 1–2).

Today juvenile gangs exist in all parts of the country, mainly in cities but also in suburban and rural communities (Shelden et al. 2004, 32–36; Howell and Egley 2005; McGloin 2005, 608). There have been many studies of gangs and analyses of their behavior. The next section of this chapter discusses several of these studies, from the first one conducted in the 1920s in Chicago to the recent national surveys of gangs and gang membership.

Studies of Youth Gangs

Thrasher's Study of Gangs in Chicago

While numerous newspaper investigative stories and government reports discussed gang problems in America's cities throughout the nineteenth century, it was not until the 1920s that detailed sociological studies of gangs began to appear. The first of these was conducted by Frederick Thrasher, published in a 1927 book titled The Gang: A Study of 1,313 Gangs in Chicago. Thrasher conducted a qualitative observation analysis of gangs in Chicago over a period of seven years, mostly in the 1920s. As part of his research, Thrasher observed the gangs in their natural settings, or turfs, and interviewed some of their members. This is an important study because it was the first to detail gang life and development, even if confined mostly to one city. Many of Thrasher's observations and conclusions can serve as a kind of baseline set of information with which to compare more contemporary studies of gangs. Thrasher's findings included the following:

1. Most gangs were relatively small in size; while the range was from as few as three up to two thousand members, most gangs consisted of twenty or fewer members (p. 319).
2. While many gangs were composed of youths and adults, most were youth gangs, and the typical age range was eleven to seventeen, followed by sixteen to twenty-five (pp. 72–75). Often, if population size were large enough, younger members of a neighborhood would assume names and identifications related to gangs with older members, such as "midgets," "juniors," and "seniors" (p. 76).
3. While many gangs were composed of members of mixed nationalities, most gangs were of European descent, mainly Polish, Italian, and Irish (less than 8 percent were African American) (pp. 191–93). Gang members usually came from poor immigrant backgrounds (p. 191).
4. Most gangs were all male. "Gangs composed entirely of females are exceedingly rare" (p. 28), and the usual role of females in a gang was either to be "tomboys" and act as males or to serve as sources of support, often sexual in nature, for male gang members (pp. 221–47).
5. While fighting was common among gangs, gang members were not often in possession of guns, and violence did not often result in death or serious injury. There was one report of a gang capturing a rival gang member, cutting him with a penknife, and then rubbing salt in the wounds (p. 18). However, Thrasher did record several fatalities of youths as a result of gang warfare, not only in Chicago but also in other cities, such as St. Louis and New York City.
6. Drug use was not common among gangs. In fact, there is virtually no mention of the word "drugs," generally or specifically, in the entire volume. The only "stimulants" identified were tobacco and alcohol (pp. 100–101).
7. There was a kind of "natural history" to gang development. A gang usually began as a social clique or play group—that is, as a social gang, which had little involvement in crime or delinquency except for minor offenses; then, if the gang encountered perceived discrimination or unfair treatment and labeling at the hands of others in the neighborhood, other gang and nongang youths, school authorities, police, business owners, and so on, it developed into a delinquency-oriented gang with an esprit de corps among its members and a distrust of outsiders (pp. 45–57). This last point is interesting because Thrasher's study allowed for a longitudinal perspective on gang growth and development. Conflicts with others in the community often resulted in stronger group loyalty among gang members and created a kind of "outlaw" mentality within the gang. As Thrasher states, "It often happens that boys expelled either as individuals or as a group from some formal organization are drawn together to form a gang. They have become outlaws, and it is the old story of Robin Hood against the state" (p. 34). In addition, he observed,

   > Whether the gang always fights openly as a unit or not, it usually seems to carry on warfare against its enemies. It is as a result of collective action and particularly of conflict that the gang, especially in its solidified form, develops morale. (pp. 54–55)

8. Gangs were involved extensively in racketeering and organized crime activities as well as in local politics. However, most of this involvement occurred among older or adult gang members (pp. 409–86).

Whyte's Study of Gangs in Boston

In the 1930s, William Foote Whyte conducted another detailed study of gangs, only in this research the focus of attention was on one gang, the "Norton Street Gang," and in one city, Boston, or "Eastern City" (Whyte 1955). Whyte's methodology was participant observation. He not only observed the activities of the gang in its natural setting but also lived in the same neighborhood as the gang and participated with the gang in its daily activities. According to Whyte, it took nearly two years of groundwork before he actually started the study of the gang, and then only because he was able to enlist the support, and eventually friendship, of its leader, "Doc" (Whyte 1955: 283–98).

Whyte's study of the Italian gang occurred in the 1930s, during the Great Depression. One consequence of this time period for gang structures was the presence of a greater number of older gang members than was typical a decade earlier. Of the thirteen members of the Norton Street Gang, none was younger than twenty, and Doc was twenty-nine (pp. 13–14). In addition, Whyte revealed a rather strong gang structure, with an identifiable, although changing, power structure. This power or status structure seemed to hold up in recreational activities, such as bowling, a major pastime of the gang (pp. 13–35).

One significant feature of the Norton Street Gang was the relative absence of violence among the gang members or between them and other gangs. One reason for this lack of violence was because the gang members, particularly Doc, had established their fighting prowess as youths. Doc was the leader of a youth gang, and this leadership continued into adulthood and the eventual formation of the Norton Street Gang (pp. 3–12).

Another significant feature of the gang studied by Whyte was the absence of females in the gang structure. Dating and interaction with girls, especially members of a social club named the Aphrodite Club, was common among the members of the gang, and marriage was one reason for exiting the gang, but otherwise, women had little role in the gang's activities (pp. 25–51).

The Norton Street Gang was also active in local politics and in the numbers rackets and other forms of gambling, again a feature of the gang probably related to the older ages of its members (pp. 147–252). Again, drugs, other than alcohol and tobacco, were not mentioned in this study.

Whyte's analysis of the Norton Street Gang revealed some similarities with the gangs Thrasher studied a decade earlier, such as lack of drugs and lethal violence, immigrant and low socioeconomic status, and relative absence of women in the gang structure. However, the gang members Whyte studied were older than typical youth gang members, and their gang seemed more organized and more involved in politics than the gangs Thrasher observed.

Yablonsky's Study of Violent Gangs in New York City

The issue of gang violence became an important concern in America's large cities after World War II. In New York, for example, the mayor commissioned a study of gang violence, violence that was more vicious than heretofore seen and relatively random—that is, not aimed at rival gangs or their individual members or at enemies of gangs. The commission concluded that, indeed, the city was experiencing a growth in "bopping gangs," or gangs that committed random violence on others. One suggested solution to the reduction of these gangs was the development of a social-work position called the "detached street worker." The detached street worker was assigned to an office in the neighborhoods of the gangs, in part to serve as a go-between or mediator among the gangs, and also to help alert authorities of impending gang conflicts and fights, or rumbles (Yablonsky 1970, 166–67, 282–90). As a detached street worker, Lewis Yablonsky worked with the gangs in the streets of New York for several years. From the advantage of working with street gangs, Yablonsky conducted an analysis of street gangs, especially violent gangs, from 1953 to 1958 (Yablonsky 1970, 8).

Yablonsky classified gangs into three categories: social, delinquent, and violent (p. 192). Social gangs are composed of "tough youths" who hang out because the gang serves to further their interests in social activities. The members may engage in delinquent activities, but not often violent crimes or serious criminal activities. They tend to have a long life, and sometimes their members become lifelong friends, forming adult clubs or social gangs. They are not typically seen as a threat to the community, and their members are emotionally stable and healthy.

Delinquent gangs are composed of youths who organize to commit crimes, albeit mostly property crimes. They also wish to have social relationships as members of the gang, but their interest in social activities is secondary to their criminal pursuits. Delinquent gangs are tightly structured around their members. They are good examples of primary groups (see chapter 6, "Social Process Theories"). They also have a degree of permanence, but they are not as long lasting as social gangs, and their memberships tend to break up when their members are arrested and/or put into jail or prison. Like members of the social gang, the members of a delinquent gang are considered emotionally stable and commit violence when it is needed for profit making, but not as an end in itself.

Violent gangs represent the most serious threat to public safety of all types of gangs. As mentioned earlier, violent gangs are relatively recent in the history of gangs in the United States. While many gangs have been involved in fighting and other types of conflicts since gangs have been observed and studied, the violent gangs that Yablonsky worked with and studied were thought to be more vicious than those in the past. The members of violent gangs are considered emotionally immature and focused on violence for violence's sake. That is, these gang members are constantly looking for fights and opportunities to engage in wanton violence. According to Yablonsky, "Violence is the theme around which all activities center" (p. 190).

A central feature of the violent gang, aside from its inclination toward violence, was the instability of its structure and leadership. According to Yablonsky, violent gang members are psychologically unstable, especially their leaders. Leadership of these gangs is based on physical prowess and assumed bravery, and any sign of weakness in these areas is a reason for the swift departure of the individual from a position of leadership. Challenges to positions of leadership are constant, fueled by members' own presumed superiorities and abilities (pp.190–95). As Yablonsky put it, "A considerable amount of the gang boys' time is spent in sounding, a pattern of needling, ridiculing, or fighting with other members; consequently a great deal of their 'social' participation is of a negative nature. . . . There is a continual verbal and sometimes physical attack and defense going on, regardless of the subject" (p. 191). In essence, the members, again especially the leaders, of a violent gang are considered to have sociopathic or psychopathic personalities (pp. 200–201; see chapter 4). However, this kind of personality is considered as having a learned origin as opposed to being inborn. The sociopathic personality characteristic of a violent gang member is thought to be created by living and growing up in a "disorganized slum," the background of the violent gang members studied by Yablonsky (p. 268).

Significantly related to the instability of the violent gang members' personalities is the structure, or lack thereof, of the gang itself. According to Yablonsky, the violent gang is better conceived as a "near group." A near group is a pseudogroup, taking on the appearance of a group (through such items as a name and identification, specific membership, and the appearance of cohesiveness, structure, and interaction) but lacking in permanence or direction that would qualify it as a "cohesive group." In terms of structure, the near group rests midway along a continuum of organization, between a mob and other gangs, such as social and delinquent gangs. The result is a kind of "paranoid pseudocommunity" that can never assume real stability and structure because of the psychological instability of its members (pp. 265–77).

Surveys of Gangs: The 1970s to the Present

Miller's National Survey of Gangs in the 1970s

While concerns over gang violence seemed high in the late 1940s through the 1950s and early 1960s, during the early to mid-1960s not much was heard about gangs in the United States. Media accounts of gangs, especially gang violence, declined. Scholarly research on youth gangs also became negligible (W. Miller 1975, 1–2; J. Miller 2001, 3). Whatever the reason for this decline in attention to gangs, the notions that gangs were not a problem and that gang violence was a thing of the past were changed during the 1970s. During that decade, renewed evidence of gang development, especially violent gang activity, and renewed interest in gangs began to appear. In the mid-1970s, the government commissioned a national study of gangs conducted by Walter Miller. Miller's study represented a change in gang research methodology from conducting in-depth, often longitudinal, observational studies of gangs in local communities to embarking on large, national studies of gangs using a cross-sectional design, or looking at the subject at one point in time. While localized, in-depth studies of gangs still appear, much of the current evidence about gangs comes from national surveys.

Miller's research utilized interviews with key figures thought to be knowledgeable of gang activity in fifteen cities. Most of the information came from interviews with police, government, juvenile court, and school officials in twelve cities that these respondents considered to have at least a moderate gang problem at that time. More study and detailed interviews were conducted with officials in six cities where officials were nearly unanimous in seeing gangs as a problem in their city: Chicago, Detroit, Los Angeles, New York, Philadelphia, and San Francisco (W. Miller 1975, 3–19).

Among the conclusions of Miller's study were the following (pp. 21–53):

1. Most gang members were between twelve and twenty-two years of age, with a modal age of sixteen to seventeen. However, in all six cities, satellite gangs composed of younger-aged youths were found. Common terms for these younger gangs was "midgets" or "pee-wees."
2. Most gangs were all male. The most common form of gang participation for females was as an "auxiliary" for male gangs in a neighborhood. Roughly 90 percent of all gangs were all male. For example, in the Bronx and Queens areas of New York City, only six all-female gangs were found. The auxiliary status of the female gangs was partially exemplified by the names of these units, such as "Cripettes" or "Lady Disciples."
3. Most gangs were homogeneous with respect to race and ethnicity. A significant point of this characteristic of gangs was that while most gangs were composed of youths from lower and working-class immigrant backgrounds, the specific race and/or nationality of gang members had changed significantly between the late nineteenth century and the 1970s. In Miller's study the majority of known gangs were composed of youths from African American and Hispanic backgrounds. As Miller stated, "The social observers of New York City in the 1880s, when the city was swarming with Irish gangs, would be incredulous had they been told that within the century the police would be hard put to locate a single Irish gang in the five boroughs of the city" (p. 27).
4. Most gang members were arrested for violent crimes at a much higher rate than the general adolescent population, but random attacks on innocent people were not becoming more common. Also, violence in the 1970s had become more lethal than in previous decades, in part because gang members now had access to firearms more than in the past.
5. An important change in the context of gang violence from the 1950s to the 1970s was the increased use of violence on school grounds. Previously, gangs rarely carried out gang activity on school property. But in the 1970s, Miller found that that had changed. Again, using his words, "To a degree never before reported, gang members have 'territorialized' the school buildings and their environments—making claims of 'ownership' of particular classrooms, gyms, cafeterias, sports facilities, and the like—in some cases applying ownership claims to the entire school" (p. 52).

Klein's National Survey of Gangs in the 1990s

In the early 1990s, Malcolm Klein conducted a national survey of gangs in the United States, along with more detailed analyses of gangs in Los Angeles. Klein's methodology for the national survey consisted of phone interviews with police officials in 261 "notable gang cities." Most of the police contacts interviewed by Klein were gang officers (Klein 1995a, 32).

Some of the conclusions of Klein's study are as follows:

1. As opposed to previous studies, gangs in the 1990s were composed of older youths (reminiscent of Whyte's study of gangs in the 1930s). Klein suggested calling gangs "youth gangs" or "street gangs" as opposed to juvenile gangs to highlight the increasing ages of gang members. According to Klein's data, "Nowadays, a surprising number of gang members are in their mid and late twenties, some in their thirties, and a few in their forties" (p. 22). However, the "average" age of a gang member in this study was "probably around 20 years of age," with a typical range of twelve to thirty years of age.
2. As an addition to the natural history concept, Klein observed that a "tipping point" for the transformation of a social or "play" group to a street gang consists of (1) identification of the gang members with a criminal orientation—not necessarily a criminal way of life, but an inclination toward crime and delinquency—and (2) belief of the gang members that their group is a gang, set apart from others, which is in large measure a reflection of how gang members perceive that others in the community think of them (pp. 29–30).
3. Gangs tended to exist primarily in large cities. Of gang officers interviewed in cities of one hundred thousand people or more, 94 percent said there were street gangs in their cities. This figure is compared with another survey conducted by Klein in which officials in several small towns indicated the presence of gangs, but not to the same degree as those from large cities (pp. 31–32).
4. Gangs have increased in number during the past few decades. Of the 261 cities surveyed, 139 experienced gangs for the first time since 1985 (p. 32). The increase is somewhat related to gang "migration," but Klein observes that most migrations have occurred from gangs in Chicago or Los Angeles, and even then, the migrations have been largely limited to nearby cities and locations. As he states, "Most cities are experiencing indigenous street gangs—homegrowns, not imports" (p. 31; see also Maxson [1998). Furthermore, most cities reported having a few gangs. Although metropolitan Los Angeles reported over one thousand gangs, 60 percent of the cities surveyed indicated the presence of ten or fewer gangs (p. 33).
5. Most gangs were all male. All-female gangs were estimated to represent from 0 to 30 percent of gangs in the cities surveyed.
6. Most gangs were homogeneous with regard to race and ethnicity. Most were either Hispanic or African American, but an increase in Asian gangs was noted in some cities (p. 29). Interestingly, on this issue Klein makes the point that the predominance of specific racial or ethnic populations among gangs in a city depends largely on the patterns of immigration for that city. For example, African American gangs predominated in Chicago before Hispanic gangs, but the reverse situation occurred in Los Angeles. In Hawaii, Asian, especially Pacific Islander, gangs have been predominant for years (pp. 105–9).
7. Most gangs were loosely structured, but some had stronger organization than others. Related to this issue were the estimated sizes of gangs, which ranged from twenty to forty to over four thousand, although the vast majority of police estimates placed gang sizes at under five hundred. Part of the reason for this wide range of gang sizes comes from the existence of satellite gangs in a neighborhood, "wannabes" and "midgets," as well as various forms of membership, including "hard-core," "fringe," "broader-core," and other types of member status (pp. 33–36, 100–104). Klein did note that large super-gangs or parent gangs seemed to be on the decline, and smaller, autonomous gangs appeared to be increasing, but the evidence for this conclusion was not strong. It does appear likely, however, that reported gang sizes of four thousand or five thousand members are either exaggerated or atypical.
8. While most gangs and gang members used drugs, including alcohol, drug dealing and migration patterns related to drug selling and distribution were not common among the gangs. One major reason for the lack of organized drug dealing by gangs was their relative lack of structure or organization to conduct such business (pp. 36, 119–35). To be sure, some gang members deal drugs, and new drug-selling gangs have appeared in the past few decades. But to characterize the typical street gang as a drug-dealing gang seems unwarranted at this point. As Klein put it, "Drug distribution requires good organization, and most street gangs are not well organized" (p. 127).
9. Gangs not only tend to emerge in urban locations but also typically arise in areas of the city considered "underclass," lacking in educational and/or employment opportunities and

characterized by "persistent poverty" (pp. 193–95). This point is also stressed in Martin Jankowski's study of gangs in New York, Boston, and Los Angeles (Jankowski 1991, 21–34).

National Youth Gang Surveys

In the mid-1990s, the National Gang Center began to collect data on gangs. Since 2001, the surveys, called National Youth Gang Surveys, have been based on responses to questionnaires distributed to over 2,500 police and sheriff's departments in (1) all cities of 50,000 people or more, (2) all suburban areas, (3) a random survey of cities with 2,500 to 24,599 people, and (4) a random survey of rural communities (National Gang Center 2012). Most of the data collected in these surveys are estimates provided by police department respondents. The last national survey was conducted in 2012. The results of the 2012 survey were as follows:

1. The estimated number of gangs in the United States has been increasing since 2003. In 2012, the number was 30,700.
2. The estimated number of gang members has been increasing since 2009. In 2012, the number was 850,000. Comparing the number of gangs with the number of gang members results in an average estimate of about twenty-seven members per gang.
3. Large cities and suburbs had the highest numbers of gangs and gang members, representing 67 percent of all gangs and over 80 percent of all gang members.
4. Most gang members were adults. Police officials estimate that about 60 percent of gang members were age eighteen or over.
5. Most gang members were male. Less than 10 percent of gang members were thought to be female. There was little evidence of a significant increase in female gangs or female members of gangs. Female gang members were more common (percentage-wise) in smaller communities than in large cities.
6. Nearly half of gang members (46.2 percent) were Hispanic/Latino. A little over one-third (35.3 percent) of gang members were African American, 11.5 percent were white, and 7 percent were of other racial/ethnic backgrounds.
7. Large cities had some evidence of gang migration, compared to smaller communities. Even in big cities, however, there was little evidence of international organizational influences on gang development or activities. Rather, gang migration was more influenced by social reasons, such as family moves or employment, than by illegitimate or criminal factors. Thus, gang problems in a city or community were more commonly the result of local, homegrown, conditions and situations, rather than the migration of other gang members into an area.

Summary of Gang Studies

The studies and surveys of gangs reveal several common characteristics of gangs and their members:

1. Gangs tend to form in interstitial areas of cities, and urban areas are most often where gangs are found.
2. Gangs tend to be relatively small in size, typically averaging about twenty-five to thirty members, although some gangs, called "supergangs" (Shelden et al. 2004, 45–46), claim to have over one thousand members.
3. Street gangs with criminal orientations will often emerge from play groups or cliques because of negative reactions to their activities by members of the community.
4. Some gangs are found in small towns and rural areas, but these tend to be short lived, partly because not enough potential gang members live in rural areas for a long-standing gang culture to form (Klein 1995a, 198–99; Howell and Egley 2005, 1).
5. Gangs can be specialized, but drug-dealing gangs tend to be rare.
6. Often, satellite gangs will emerge in a neighborhood, composed of "midgets" or younger juveniles who are influenced by older gang members.
7. Gangs tend to be loosely organized, operating much like primary groups, but gang organization can vary.
8. Gang violence started to become a problem in the late 1940s and remains a problem for society today.

9. Most gang members are male, and the typical role of female gangs is as an auxiliary to male gangs.
0. Most gang members are fifteen to twenty-four years of age, although the ages of gang members tend to increase during times of economic hardship, and in general, gang members today are older than gang members in previous decades.
1. Most gang members are from lower-income and ethnic minority backgrounds, although the specific ethnic backgrounds of gang members change over time and from region to region to reflect specific patterns of immigration.
2. Gangs became more numerous in the 1970s through the 1990s, leveled off in the early 2000s, but have been increasing since about 2003. However, gang problems are thought to be primarily rooted in local conditions, as opposed to being a product of gang "migration."

MS-13: A "New" Gang Problem?

All of the more recent gang surveys address the issue of gang violence. Most conclude that violence is a major concern of communities due to the youth gangs that develop in cities and other locations. Some, such as Miller, suggest that gang violence is no more common today than it was in the 1950s, but only more lethal (see the discussion of Miller's 1975 survey above). Gang violence often spurs public attention and calls for tougher gang laws, as happened in the United States and in Virginia in the early 2000s. According to police reports and other accounts, a gang known as "MS-13," or Mara Salvatrucha, has spread from the West Coast to the East Coast, particularly in northern Virginia and metropolitan Washington, DC. Some maintain that an emerging center of MS-13 activity on the East Coast is Charlotte, North Carolina (Delaney 2006, 178). This gang is reportedly made up of youths and young adults primarily from El Salvador. Its origin in the United States is thought to be in Los Angeles, particularly the Thirteenth Street section of Los Angeles, during the early 1980s. Many Salvadoran refugees fled to Los Angeles from El Salvador as a result of that country's civil war in the 1970s. The Salvadoran youths living in that section of Los Angeles referred to themselves as la mara loca, or "the crazy neighborhood," and later became identified as mara Salvatruchass stoners, mara Salvatrucha, the "Salvadoran neighborhood," or MS. The "13" part of the name came from the street location (Delaney 2006, 175–76; Ward 2013, chap. 1–4). This gang has developed a particular reputation for violence and was connected with machete mutilations and stabbing and shooting deaths in the northern Virginia region in the mid-2000s. One death involved a teenage girl, Brenda Paz, who was reputedly an informant and federal witness against the MS-13 gang in northern Virginia. She was found stabbed to death in July 2003. According to some police investigators, in the mid-2000s MS-13 was responsible for ten murders in northern Virginia and 90 percent of the gang crimes committed in Fairfax County, Virginia. At that time, it was estimated that the greater Washington, DC area contained five to six thousand members of MS-13, with fifteen hundred living in Fairfax County, Virginia (Roanoke Times 2004; Zimmerman 2004).

The existence of MS-13 and its reputation for violence have continued to the present, although its estimated numbers have declined. Authorities now estimate that there are about two to three thousand members of MS-13 in the northern Virginia area. In May 2016, six members of a northern Virginia MS-13 gang, all in their early to late twenties, were convicted of the 2013 and 2014 murders of three men, and attempted murder of another man for being suspected of theft, being informants on the gang, or belonging to a rival gang (Hawkins 2016).

Gangs such as MS-13 represent a new kind of threat to communities that have not experienced gang problems until now. In the case of this gang, its reputed violence and large size have unsettled community members even more. Another issue with this gang, and one that may portend a new view of gangs, is the reputed illegal-immigrant status of its membership. As a result of the published accounts of this gang's, and others', reputed size and use of violence and the assumed illegal entry status of its membership, the US government established laws in the mid-2000s that focused on gang-related violence and immigration issues (Carlson and Gallagher 2015). In Virginia, one such law allows authorities to keep a suspect in jail for up to seventy-two hours if he or she has been previously convicted of a felony, been deported, and returned to America illegally (Zimmerman 2004; Roanoke Times 2004; Koper et al. 2013).

Despite the history of MS-13 and its reputation for violence in areas where it exists, not much is really known about this gang, its membership, or its inner workings. One recent ethnographic report has shed some interesting light on the inner workings and structure of the gang (Ward 2013). One point Ward's analysis makes clear is that MS-13 became a gang in Los Angeles. It was not imported from El Salvador (Ward 2013, chap. 4).

The illustration of MS-13 is used here to highlight the continued concern about gang violence and its spread to cities and communities that have not had much of a problem with gangs in the past. It is also used to indicate the readiness of people to turn to repressive methods, or suppression, to handle gangs and gang violence, even when not much is known about the gangs in an area or those who are really responsible for the actions attributed to the gangs.

Continued research on MS-13 gangs concludes that the suppression, or mano dura (hard hand), methods used to control this gang, as well as other violent gangs, often do not work (Wolf 2012; Carlson and Gallagher 2015). Moreover, more careful research on MS-13 gangs reveals that they are more a product of "urban marginality"—that is, minority status accompanied by poverty, lack of education, and discrimination—than of illegal immigration (Wolf 2012; Ward 2013).

It should be emphasized again that immigration is not the reason for joining gangs. Nor should it be assumed that immigration is a major cause of crime in a country. It is true that most gangs are composed of youths or young adults who are from minority backgrounds, and this social characteristic of youth gangs has been true ever since the first studies of gangs appeared in the 1920s. However, it is not immigration, per se, that contributes to the minority backgrounds of many gang members. Rather, it is the collection of social disadvantages connected with immigration that contributes to the minority status of youth gang membership. Numerous studies have concluded that the relationship between immigration and crime, including juvenile crime, is often inverse; that is, as immigration increases, crime decreases (Koper et al. 2013; Kubrin and Desmond 2015). In addition, among immigrant populations, it is often the second generation that demonstrates the highest rate of crime, including delinquency (Hagan and Palloni 1999; Sampson 2008; Stowell et al. 2009; DiPietro and McGloin 2012; Miller 2015). One explanation of an increase in criminality among second-generation immigrants is the social and emotional difficulties experienced by these groups as a result of cultural differences, or conflicts, between the immigrants and the host country. Among youths, these cultural differences not only may cause strife between parents and children but also may contribute to problems adjusting to school and a greater need of peer acceptance among immigrant youths (Bui 2009; DiPietro and McGloin 2012). Peer influences, strained relationships in the family, especially between parents and children, and problems at school have all been theoretically linked to delinquency, as was discussed in chapters 6, 7, and 8. Another discussion of culture conflict theory is presented in chapter 12.

Gang Identification

While gangs may share many common characteristics, as indicated above, gangs dominated by members from specific ethnic or racial backgrounds are thought to have certain characteristics, especially with respect to criminal behavior. Before describing gang identifications, it should be noted that these are general characteristics that may not apply to a specific gang. In addition, by discussing criminal behavior patterns of gangs, it should not be concluded that street gangs are always committing criminal acts. While it is true that being in a gang will likely increase a young person's involvement in criminal behavior, most of the studies discussed earlier suggest that criminal activity is only one part of a gang's lifestyle and occupies less of their time than just hanging out. Since crime carries a lot of public attention and concern, the criminal behavior of a gang sometimes is used to categorize all of the gang's behaviors and motivations, and this can easily become stereotypical of the gang (Klein 1995a, 28–29).

Representing

Gang members often associate membership in a gang with a sense of belonging and identification with a group, or "set," of people who are thought (by the gang member) to be respected and protective. One way to establish identification with one's group and to be set apart from all others is through open expressions of group membership. These kinds of outward presentations are called "representing" (Shelden et al. 2004, 22). Representing can be manifested through the wearing of colors, such as blue for Crips and red for Bloods; wearing certain clothing, such as bandannas, floppy hats, baggy pants, and earrings; "talking smack" through street-coded language and gestures; using hand signals; and creating graffiti (Jankowski 1991, 83–84; Klein 1995a, 30; Shelden et al. 2004, 54).

In the late 1970s, Chicago prison gangs reportedly organized into two dominant groups or "nations," People and Folks (Shelden et al. 2004, 45–46). Some contend that representations and graffiti from these two groups now constitute the majority of gang identifications in the country (New River Valley Community Services 2004).

Graffiti and Hand Gestures

Gang members commonly display their gang memberships and identifications through written messages on walls and public buildings (graffiti) and hand gestures or signals, which can be presented or flashed in any public setting. According to some police intelligence, these public displays of membership and identification can be divided into People and Folk nations. For example, People gangs are associated with the left direction and a five-pointed star, while Folk gangs are represented by the right direction and a six-pointed star. People gangs are depicted by a downward pitchfork, while the Folk nation is associated with an upward pitchfork (New River Valley Community Services 2004). A summary of these signs is presented in Table 10.1. While not all gangs can be so neatly divided into these two categories, many can be, and the presentation of two different nation's gangs in a single area can be the sign of existing or impending trouble between and among street gangs.

Table 10.1 Gang Nation Representations

People	Folk
Left	Right
Red Color	Blue Color
Five-Pointed Star	Six-Pointed Star
Downward Pitchfork	Upward Pitchfork
Dog Paws	
Examples:	Examples:
Latin Kings	Gangster Disciples
Vice Lords	Black Disciples
Bloods	Crips

Sources: New River Valley Community Services (2004); Shelden et al. (2004, 102).

Another Look at Female Gangs

It has already been mentioned that most street gangs are composed of males. Previous research depicted independent female gangs at around 10 percent of all youth gangs (Curry and Decker 2003, 109; Maxson and Whitlock 2002, 21; J. Miller 2002, 177–80). As indicated above, the latest national gang survey of police departments' assessments of gang activity in their communities also concluded that about 10 percent of gangs are female-only groups. Studies of gangs which rely on self-report methods estimate that as many as one-third of gangs may have female members, or affiliates (Howell and Griffiths 2016, 127–28).

In earlier studies of gangs, females have often been classified as peripheral members of male gangs or as members of female gangs that were auxiliary to male gangs. Some have argued that this perception of female gangs is sexist and becoming outdated (Campbell 1984). For example, in a study of gangs in St. Louis and Cleveland, Jody Miller maintains that female gang members did not primarily become involved with gangs because they had boyfriends in a gang. Most of the girls in the gangs studied by Miller were attracted to the gang because they were abused in their homes, they knew relatives who were in a gang, and/or they lived in low-income neighborhoods where the presence of gangs was a visible reminder of ways to get out of what seemed like hard economic conditions and depressing lifestyles. In many ways, the gang offered a girl a chance to "be somebody" (J. Miller 2001, 35–63). The issue of physical and sexual abuse of female delinquents, including gang members, has also been discussed at length by others (Moore 1991, chap. 6; Moore and Hagedorn 2001; Chesney-Lind and Pasko 2004, chap. 2 and 3; Chesney-Lind and Shelden 2014, chap. 3 and 4; Howell and Griffiths 2016, 131–33).

Stereotypic assessments of female gangs and gang members may have been reinforced by earlier studies, which tended to focus on male gang members and their perceptions of the roles of females in gang life (Moore and Hagedorn 2001, 1–2; Curry and Decker 2003, 114–22). However, more recent studies of female gangs and gang members present the role of females in gangs from the perspectives of the female gang members themselves. These studies tend to challenge or at least modify the traditional view that female gang members are little more than objects and targets of male gang members in a neighborhood.

Attempts of females to "be somebody" and to be released from the threat of physical violence and abuse can sometimes drive young women to join gangs, especially mixed-sex gangs, in which the relationship of female gang members to male counterparts can be one of dependence, similar to the stereotype of female gangs from years past. Often, the victimized girl will turn to male gangs and desired membership in such gangs as a form of protection (J. Miller 2001, 155–59; Curry and Decker 2003, 129–35). However, these relationships frequently result in further victimization of females by males, and female gang members can become sexual tools and objects for male gang members (J. Miller 2001, chap. 7; Chesney-Lind and Shelden 2014, 90–93; Ward 2013, chap. 5). A significant feature of this kind of abusive situation between male and female gang members is the "sexing in" initiation ritual that some male gang members engage in with females who wish to join a gang. Sexing in means the prospective female must engage in sexual relations with all or most of the male gang members before being accepted as a member of the gang. Sometimes, the sexing in practice is a trick, and the girl thus treated realizes she is not a member of the gang after all. In addition, other female gang members, who might have been beaten or physically coerced into joining a gang, might look down on a girl who participated in sexing in as a condition of membership in the gang (J. Miller 2001, 171–76). However, the fact that the practice occurs, and never its reciprocal (that is, males being "sexed into" a gang by females), exemplifies the potential for sexual abuse of females at the hands of male gang members.

In many ways, female gang-member characteristics are similar to those of male gang members. They tend to come from impoverished and minority backgrounds and from neighborhoods where gangs exist. They also tend to have difficulties in school and negative attitudes toward schoolwork and the value of an education for their future (Chesney-Lind and Shelden 2014, chap. 4). Female gang members also typically have low attachments to family members or at least difficulties in the home. However, as mentioned earlier, these family difficulties stem from abusive situations, sexual and physical, more often than for male gang members. In addition, female gangs tend to have structures with leadership roles, definite physical boundaries or turfs, and identifications symbolized by colors and signs (J. Miller 2001, chap. 4 and 5). Furthermore, some studies conclude that female delinquents are at higher risk of mental health problems, such as depression, compared to male delinquents. The connection between mental health problems and gang involvement is highlighted by a connection between depression and violence. Thus, for girls, mental health issues, including reactions to abuse, become more of a risk factor for gang involvement, compared to boys (Chesney-Lind and Shelden 2014, 37–44, 83–85; Howell and Griffiths 2016, 1632–34).

As with male gang members, being involved in gangs also increases the delinquency of females. However, most studies of female gangs indicate that female gang members are less violent and less involved with dealing drugs than are male gang members, although they are much more involved in these activities than are nongang females (J. Miller 2001, 37, chap. 6; Chesney-Lind and Shelden 2014, 75–78). For example, Miller reports that while the majority of the female gang members she studied committed some serious acts of crime, such as fighting, carrying concealed weapons, and selling drugs such as marijuana and crack cocaine, the most common admitted offenses were smoking marijuana and skipping class, and gang members were much more likely to admit committing offenses than nongang girls (J. Miller 2001, 124–25).

Overall, the emerging picture of a female gang in the twenty-first century is of a gang becoming more independent of male gangs but still connected with males for protection and identity. While some studies suggest that female gangs are increasing, many studies suggest the proportion remains around 10 percent of all youth gangs. Female gang members are definitely involved in serious crimes, including fighting and other kinds of violence, but they more often commit status and drug-using offenses. Female gang members tend to share similar characteristics with male gang members, but they come from abusive homes, especially physically and sexually abusive, more than do males. The abuse of females in mixed-sex gangs often continues, as exemplified by the practice of sexing in females as initiations for gang entrance. Modern studies of female gangs differ from previous ones in that female gangs are becoming more the focus of research, rather than an afterthought. Consequently, knowledge and detailed information on female gangs is becoming more available, which will help to continue sharpening our understanding of female crime and delinquency within a gang context.

Why Do Youths Join Gangs?

The question of why a gang is attractive to youths can be addressed in two parts: (1) why are there such gangs in the first place, and (2) why are youths attracted to such gangs wherever they exist? The answer to the first question is based on structural and sociological concepts.

Structural Factors

One sociological explanation for the existence of gangs is social disorganization theory, developed by Clifford Shaw and Henry McKay in the 1930s and 1940s. Social disorganization is the lack of effective institutional controls on the youths in a community or the inability of the leaders of a community to meet its needs and problems (Shoemaker 2010, 102). According to Shaw and McKay, social disorganization occurs when a neighborhood or community undergoes rapid transition in terms of population movement, including immigration, and/or economic change (Shaw and McKay 1942; Shoemaker 2010, 102). Social disorganization can create weakened social bonds for youths in a community, leaving them vulnerable to the attractions of deviant forces and groups in a neighborhood.

In their studies of gangs and delinquency in Chicago and other cities, Shaw and McKay concluded that delinquency rates were higher in the center parts, or zones, of a city than in the outlying areas. In particular, delinquency rates were highest in the central business district and the zone in transition, both of which were located in or near the central city (Shaw and McKay 1942, 1969). Gangs were also prevalent in these areas. The presence of gangs and the lack of organized activities for youths, plus weakened social bonds between youths and institutions such as the family, school, and church, made gang life more attractive to the youths living in these areas. Gangs usually develop as play groups, as Thrasher's earlier study of gangs in Chicago revealed, but they often become a substitute for the institutional bonds lacking in a youth's life, as has been discussed in this chapter. They can become oppositional and delinquent prone when community representatives, such as school officials, police officers, store owners, and adults in general, begin to label them as troublemakers and delinquent youths. However, the major impetus for gang attraction, according to social disorganization theory, is the absence of constructive forces and institutional controls in a young person's life, absences that a youth comes to feel can be occupied by the gang.

A similar structural argument for gangs is the urban underclass explanation. The urban underclass is a term coined by William Julius Wilson (1987) to describe inner-city life in Chicago, but it has been adopted to explain gang development in cities throughout America (Jankowski 1991, 22–23; Klein 1995a, 193–97). A central feature of the urban underclass is "persistent and pervasive poverty" (Klein 1995a, 192). Persistent poverty—that is, poverty that seems to recur generation after generation—can engender hopelessness and a structural situation that leads to fewer resources and attractions to conventional life pursuits. Tax bases decline, resulting in fewer services and less school funding. Manufacturing jobs and people with higher educations and incomes move out of the inner city to suburban locations. The inner cities become dominated by service-oriented jobs and racial and ethnic segregation. Gangs develop in part to fill the voids left by the economic and social declines from poverty (Klein 1995a, 194–95). In effect, they become the avenue of upward mobility, or at least the perception of mobility, for young people living in this situation. As mentioned earlier, gang members are becoming older, and this explanation of gangs would predict that to happen, as legitimate opportunities for education and employment become harder to obtain.

Studies continue to document the importance of neighborhood characteristics in the explanation of crime and delinquency, including delinquent behavior not connected with gangs. The Moving to Opportunity study reported by Kling and colleagues (2005) and discussed in chapter 7 demonstrates the impact of neighborhood characteristics on delinquency (see also Howell and Griffiths [2016, 137–38]). The Project on Human Development in Chicago Neighborhoods (PHDCN) is a longitudinal study of over six thousand youths and nine thousand adult residents living in eighty Chicago neighborhoods characterized by physical deterioration and social disorganization. These youths and their parents/caregivers were interviewed from 1995 to 2001. In addition, researchers observed social interaction and behavior patterns in these neighborhoods. Reports from these interviews have appeared from 1997 to the present. These analyses document the impact that neighborhood characteristics, including poverty and social disorganization, have on delinquency. One earlier analysis by Robert Sampson and others (1997), for example, indicated that disorganized neighborhoods are characterized by a lack of collective efficacy. "Collective efficacy" refers to the expectation that neighbors share common values, goals, and concerns over the welfare of their youth and that these neighbors would intervene in a situation involving crime and delinquency among the youth in an area. Sampson et al. (1997) conclude that a lack of collective efficacy is associated with higher rates of crime and delinquency. Another study by Sampson et al. (2005) concluded that neighborhood characteristics were more important than ethnicity and marital status in the explanation of self-reported violence among youth.

Related to the themes of social disorganization and urban underclass is the concept of differential opportunity. Differential opportunity occurs when a significant segment of the population, such as the lower class, are less able to take advantage of educational opportunities and legitimate avenues of employment (Cloward and Ohlin 1960). Crime and delinquency, therefore, become the accepted means of achieving success, at least economic success, for some lower- and working-class youths. Differential opportunity is similar to social disorganization and the urban underclass, but it does not focus on persistent poverty, and it describes societal conditions more generally, although the impact of less opportunity is magnified in low-income areas, especially in cities. This idea was introduced as an explanation of crime and deviance in general by Robert Merton and was associated with a societal condition of anomie, or structured normlessness in society (Merton 1957, chap. 4 and 5). The importance of anomie and differential opportunity as explanations of delinquency, gang related or not, is the assumption that poverty by itself is inadequate to explain criminality without considering the cultural values of a society. As Merton explains, crime becomes acceptable when the culture extols economic success but offers limited avenues for achieving it legitimately for a large number of people —again, such as those in the lower class (Merton 1957, 146).

The notion of differential opportunity was used to explain gang development by Richard Cloward and Lloyd Ohlin (1960) in their analysis of gangs. Cloward and Ohlin argue that gangs are specialized, similar to what Yablonsky maintains, but using a different conceptualization. According to Cloward and Ohlin, gang members come from lower- and working-class backgrounds, but the types of gangs that develop depend on the organization of the neighborhoods in which the gangs appear. Their contribution to an understanding of gang development is that opportunities to commit crime are not evenly distributed but depend on opportunities afforded by neighborhood structure and characteristics. They maintain that there are three types of gangs: criminal, conflict, and retreatist (Cloward and Ohlin 1960, chap. 6 and 7). A criminal gang is organized around crimes of theft. It tends to develop in neighborhoods in which criminal organization exists, exemplified by the presence of organized crime. Its members are not seriously disturbed psychologically, but they have limited opportunities, or at least perceived limits, for success and advancement through legitimate activities. Consequently, the members of the gang turn to illegitimate means of success, again exemplified by adult criminal figures living in the neighborhood.

A conflict gang emerges in neighborhoods where there is an absence of adult organization. In these areas, gang youths are left to express anger, resentment, and general youthful indulgences with no respected adult supervision. Thus, disagreements and conflicts are often settled through violent means.

In either type of neighborhood, members of former gangs sometimes merge to form another kind of gang—a retreatist gang. Retreatist gangs are focused on the use and sale of drugs. They have left or been dismissed from another gang, partially because of their drug use. In effect, they become social dropouts or, in the words of Cloward and Ohlin, "double failures," in that they have not only failed to develop a successful life through conformist means, such as education, but they have also failed as successful gang members (Cloward and Ohlin 1960, 179–84).

Another structural explanation of gang development comes from Albert Cohen, who theorizes that working- and lower-class gangs develop from a collection of youths who find themselves in a position of wanting to achieve success by middle-class standards, but not being able to do so through legitimate means (Cohen 1955). According to Cohen, middle-class values emphasize such things as property ownership, punctuality, ability to communicate through writing and reading, planning ahead and being ambitious, and control of physical aggression. Furthermore, these values are not only learned at home but also embodied within the school system, through teachers and school administrators (Cohen 1955, chap. 4). Since class values are taught at home and since middle-class values and standards are emphasized in school (and school attendance is compulsory in every state at least to the age of sixteen or so), lower-class youths, especially male youths, are using a middle-class measuring rod by which to compare their progress and achievements, particularly within the school setting, and by doing so, they frequently come up short.

While virtually all lower-class youths are in this situation, some are able to work their way out of it and become successful despite their surroundings and background. These youths are referred to as college boys, a term adapted from Whyte's study of gangs in Boston. College boys have adopted the middle-class standards by which all youths are measured, and they tend to do well at it. They may have superior intellect and/or good educational role models provided by parents, other relatives, or teachers. College boys aspire to succeed and become upwardly mobile within the middle-class system and are not good candidates for delinquency (Cohen 1955, 104–19).

A more typical response of the working-class boy to the problem of adjusting to middle-class standards is to become the corner boy, another term adopted from the work of Whyte. The corner-boy response is a type of accommodation to the situation. This person may or may not become criminal or a member of a gang, but he will likely remain conformist for the most part but not particularly upwardly mobile (Cohen 1955, 104–19, 131).

The last response of the lower- or working-class youths to this situation is the "delinquent solution," or by implication, becoming the delinquent boy (Cohen 1955, chap. 5). The delinquent boy is characterized by "nonutilitarian, malicious, and negativistic" behavior (p. 25). This person and the gang with which he associates are full of anger and resentment toward middle-class society. It is as if the delinquent boy has developed a "reaction formation" in which he targets for hatred and spite the very things he may want but cannot achieve—that is, acceptance, achievement, and respect by middle-class standards as expressed through the school system (pp. 132–33). The rules of society are not to be followed; they are to be "flouted" (p. 28). School attendance and work are not to be respected but degraded (the practice of some delinquents of breaking into a school and defecating on a teacher's desk is an example of this attitude). Classmates are to be terrorized and harassed at playgrounds and in gymnasia. Stealing and vandalism are not done for profit but often "for the hell of it" (p. 26). In effect, the world of the middle-class value system is to be "turned on its head" (p. 28). Of course, violence and aggression are included in the delinquent boy's attitudes and behavior.

Cohen's argument is couched in terms of conflicts of class values, expressly highlighted within the school system. Another class-value-based explanation of gangs is offered by Walter Miller, who also maintains that gang life is dominated by a conflict between middle-class and lower-class values. However, Miller's argument is not that gang delinquents are full of hatred and resentment toward middle-class society. Rather, he suggests that gang youths (especially boys) are merely acting according to the value system that surrounds their everyday life, the "lower-class value system" (Miller 1958). These values are expressed as "focal concerns." According to Miller, lower-class lifestyles are influenced by six focal concerns in particular: trouble, toughness, smartness, excitement, fate, and autonomy. Trouble refers to being involved with the police or courts and, for males, difficulties associated with drinking. Toughness is connected with the attitude that to be a man is to be physically tough and brave. Smartness refers to street smarts, not book learning. Excitement is associated with partying and the emotional highs generated from drinking and using drugs as well as sexual relationships. Fate means to believe one's future is out of one's hands. Things are left to fate or chance. Autonomy is opposite to fate in that it refers to the value of being independent, being "one's own man," and not having to take anything from anyone.

Collectively, these six focal concerns can lead one into a life of crime or contacts with the juvenile or criminal justice systems just by going along with what has been learned in growing up, not necessarily because of resentment or hatred of middle-class society. In effect, the lower-class lifestyle has in many ways become criminalized by middle-class-dominated laws and systems of justice. However, Miller contends that lower-class lifestyles are often characterized by the absence of the father in the home. Consequently, young males gravitate to the gang in part to seek male companionship and leadership—that is, masculine roles that are missing in their lives. According to Miller's observations of gang members, gang youths, including leaders, are often stable and characterized by leadership qualities, not hotheads or psychopaths, as Yablonsky and Cohen would argue. That they have become involved with gang life is a part of their cultural value system, not internalized conflict with society.

Another cultural explanation of gangs posits that gangs tend to form because their members share common cultural conflicts created by language and cultural differences between their social environment and the background of their parents (Sellin 1938). In this case, the differences in culture between teens and their parents are augmented by definite cultural differences between the sending, or immigrant, country, and the host country (the United States). This explanation fits squarely with the immigrant background of many gang youths, as has already been discussed. However, as mentioned above, research on this theory suggests that the real conflicts for immigrant youths tend to occur with second-generation immigrants, who experience conflicts between their parents' ways of living and those of their American classmates. These studies also indicate that delinquency, though not necessarily gang delinquency, tends to increase with cultural assimilation of immigrants into American society, a finding consistent with the theory (Smith 1937; Young 1967; Sheu 1986, chap. 5; Wong 1997).

Structural explanations of gangs tend to come from the experiences of previous generations, prompting the concern that they are no longer relevant to today's gangs. However, some of these explanations, such as social disorganization theory, have modern counterparts, such as the urban underclass concept. In addition, many of the concepts in these explanations still have a ring of truth to them when analyzed in accordance with the characteristics of gangs and gang members from current research. Gangs still typically develop in urban areas and the interstitial areas of the city. Gangs are also still dominated by male youths who often come from minority backgrounds. Gang members still tend to have weakened social bonds with the family and school. Thus, in many ways, the traditional structural explanations of gangs have merit for understanding gangs in modern society.

However, despite the utility of structural explanations of gangs, some important shortcomings should be noted. For example, studies of gangs have not systematically followed the categories provided by theorists such as Cloward and Ohlin or Yablonsky. One study of gangs, for example, divided criminal gangs into "racket" and theft gangs, drawing attention to the more specific role of organized adult criminal activity on the shape and focus of youth gangs (Spergel 1964; see also Short and Strodtbeck [1965). In addition, studies of gangs have failed to identify a specific drug or retreatist gang as described by Cloward and Ohlin (Shoemaker 2010, 155–62). While drug use is common in gangs and some gangs are heavily into selling drugs, a gang composed of double failures and dropouts whose lives are organized around using and selling drugs has been hard to locate. Thus, gang specialization does occur, but not always in predicted ways. While some, such as Cohen and Klein, contend that gang specialization is weak, it is likely the case that gangs do sometimes become specialized, such as with gangs that do deal in drugs, "entrepreneurial gangs" (Klein 1995a, 131). Even here, there is controversy concerning exactly how entrepreneurial street gangs can be and whether differences between drug gangs and street gangs are too significant to put them into the same category. Drug gang members, for example, are thought to be older than typical street gang members. The gangs tend to be smaller in size and more cohesive than street gangs, as well as more into the business of selling drugs (Klein 1995a, 132). While almost all street gangs engage in some type of violence, there are some gangs that have a stronger inclination toward violence, such as that associated with the MS-13 gangs.

A second difficulty with the structural explanations of gangs is the admitted fact that many, if not most, youths living in structured situations of inequality or limited opportunity for legitimate advancement do not become involved with gangs (Klein 1995a, 79). Shaw and McKay's data, for example, indicated that in the areas with high rates of delinquency, less than one-third of the juvenile residents had a court record of delinquency (Shoemaker 2010, 112), and it can be assumed that fewer than this number were involved with gangs. In Miller's analysis of female gang and nongang members in St. Louis and Columbus, Ohio, there were clear indications that many of the girls living in conditions of poverty or economic stress or in areas where gangs existed chose not to join gangs as a way out of their difficulties (J. Miller 2001, 38–62).

A third problem with structural explanations of gangs is their common assumption that structural conditions primarily, if not exclusively, affect those in lower- or working-class areas. This assumption seems based on the existence of official data at the times these explanations were developed, and as shown in chapter 3, official data on crime and delinquency often implicate the predominance of those from lower- and working-class backgrounds. However, since the 1950s, sociologists have been keenly aware of the existence of middle-class crime and delinquency. This point was also raised in chapter 3, and there have been several useful publications detailing the existence of middle-class delinquency since the 1960s (for example, Vaz 1967; Wooden and Blazak 2001). Some, such as Cohen (1955, 157–59) and Bohlke (1967), attempt to explain the existence of middle-class delinquency by suggesting that middle-class delinquents come from homes where lower- and working-class values are still predominant, but this explanation has not been supported.

Information on middle-class gangs is even more limited than data on middle-class delinquency in general. We know that such gangs exist. The discussion of William Chambliss's (1973) research on a middle-class gang called the "Saints," in chapter 12, is one example of research on middle-class gangs. In that discussion, the motivation for the behavior of the Saints seemed to be boredom, but Chambliss did not provide much information on this topic. Wooden and Blazak (2001) also give an account of middle-class gangs, but not much detail is provided, and often their discussion blurs the distinction between social class and "youth culture." In those cases where middle-class gangs have clearly been identified, not much is provided in terms of why these kids join gangs. One former female member of a suburban high-school gang gives a clue to the kind of behavior committed by these youths: "They were like a nonviolent gang. They had a full initiation ceremony to become a Byrd, and the quest was for sex" (Wooden and Blazak 2001, 59). A type of middle-class gang that specializes in graffiti and vandalism is called a "tagger" gang, crew, or posse. While some feel original taggers are not true street gangs (Klein 1995a, 210), it is clear that some taggers have become "tag-bangers" and involved with crimes of theft and violence (Klein 1995a, 208–12; Wooden and Blazak 2001, 117–28). Again, however, not much is known about these youth groups or the processes of changing from a tagging crew to a tag-banging street gang. Whatever the motivations or prevalence of middle-class gangs, their existence is real and must be accounted for in ways that do not focus on structured inequalities that characterize lower- and working-class lifestyles.

Psychological and Personal Reasons for Joining a Gang

While sociological factors play an important role in the explanation of why gangs exist, individual and personal factors seem to better explain why youths join the gangs that do exist. As discussed earlier, gang researchers have often referred to gang members in psychological terms, although these attributes have not been used to explain why a person joined a gang in the first place. Some have described gang members in terms of psychological pathology, such as sociopathic personality (Yablonsky); being negative, malicious, and hedonistic (Cohen); or being conflicted (Sellin), while others, such as Miller, have suggested that gang members are psychologically normal. Some prefer to identify particular personal characteristics, which are much like personalities, that tend to encourage membership and involvement in gangs. According to Jankowski, for example, gang members can be described as having a "defiant individualism" characteristic. In addition, gang members are socially isolated, self-reliant, wary, and competitive (Jankowski 1991, 23–28).

The personality characteristics attributed to gang members are often conflicting, a point made clear in Miller's analysis of focal concerns. Part of the differences in assumed personality characteristics of gang members may come from the often-reported existence of different types of "members," from core members to fringe members to "wannabes," as has been noted (Klein 1995a, 57–62). Studies of gangs do not always clearly differentiate personality characteristics of fringe members, but core members are often described in terms of more psychological problems, as noted by Yablonsky. Whatever the real personality profile of gang members may be, it is usually suggested that potential members think being in a gang can facilitate the personality and make a person comfortable, maybe even a leader, in a group, whereas before he or she was not accepted in conventional group settings.

Comparisons of gang and nongang members in similar environmental circumstances suggest that gang members have different motivations for joining gangs, and these motivations may or may not coincide with specific personality patterns. In Miller's study of female gangs in Cleveland and St. Louis, gang members were more likely to have experienced violence, including family violence, than were nonmembers. In addition, gang members were more likely than nongang youths to have experienced drug use and abuse in their homes (J. Miller 2001, 45–47). Given the violent context of many female gang members' lives, it is not surprising to learn that many of the gang members personally said they joined a gang for "protection," particularly from male violence (J. Miller 2001, 155–59). Protection, or self-defense, is also mentioned by members of male gangs as a reason for joining a gang (Klein 1995a, 79).

Others join a gang just to belong, as was suggested above. The need to be accepted and to belong "somewhere" is a powerful motivator for joining any group that will accept you, even a delinquent gang. As one gang member stated, "Why we join, see . . . is because we wanna belong to something. We can't belong to the school band, to the school council" (Klein 1995a, 78).

Another reason for joining gangs is to obtain the rewards membership can bring. The reward can be financial (albeit often illegal) profit, and money can bring power, respect, and material possessions. Related to the prospect of making money illegally is the “thrill” of committing crimes and the possibility of getting caught coupled with the camaraderie associated with fights with other gangs or committing daring and/or illegal acts with others (Klein 1995a, 78–79).

Recent investigations identify factors connected with joining gangs that may separate females from males. For the most part, this research suggests that the reasons for joining gangs are much the same for both genders (Maxson and Whitlock 2002, 25). However, some differences have been noted. For example, it has already been mentioned that females often join a gang because of abuse in the home. While abuse can be common among male gang members, the subject of sexual abuse is rarely mentioned in the backgrounds of male gang members. In addition, one study noted that female gang members predominantly joined a gang because “family and friends were involved” or to “get a reputation.” Often-cited reasons for joining gangs among males were “excitement,” territoriality, “protection,” and “belonging” (Maxson and Whitlock 2002, 32). A study of youth gangs in Rochester, New York, an “emergent gang city,” concludes that males are attracted to a gang if they are of a minority, from a poor background, and from a home with low parental education and with the absence of at least one of the natural parents. For females, these factors are important but not significant. Females are predicted to be good candidates for gang involvement if they have parents who do not support education, especially the encouragement of a college degree, and if they have started dating at a relatively early age in life (Thornberry et al. 2003, 65–69).

Why Do Gang Members Leave the Gang?

Another approach to understanding gang involvement is to look at why youths leave gangs. This topic has received little attention in the studies of gangs, but research that does exist suggests that some gang members may not wish to leave the gang because of the social and economic rewards of gang membership (and it seems the financial rewards become more important during times of economic downturns). Some gang members may die in violent conflicts or overdose or end up in prison, and prison is a common occurrence for gang youths who are involved with drug distribution (Moore 1978). Some gang members may move on to other criminal activities, either outside the original gang context and individually, or as part of smaller "crews." Others perhaps move on to organized crime, while others get legitimate jobs and leave the gang (Jankowski 1991, 61–62).

Studies suggest that most gang members stay in a gang less than one year (Pyrooz 2013; Ward 2013, 175). Females join gangs at an earlier age than do males and tend to stay in gangs for a shorter time (Chesney-Lind and Shelden 2014, 89). In this sense, gang cessation is similar to moving away from delinquency in general, as the turning point theory of delinquency would predict (see chapter 5). However, some gang members stay in a gang for several years, so not all members leave a gang, at least not in a short time period (Pyrooz et al. 2013). Again, gang members tend to stay with the gang longer during times of economic downturns, or when jobs in the conventional workforce may not be so easily obtained. Overall, however, not much information exists on the reasons why gang members leave a gang.

One perception of gang life is that membership is so binding that members who wish to leave are either punished or sometimes killed for fear of their reporting the criminal activities of the gang. However, those who have examined this subject argue that while these retaliations do occur or are threatened, they are more myth than reality (Decker and Lauritsen 2002, 60–61; Pyrooz and Decker 2011). In some gangs, such as MS-13, a member may be assaulted by other gang members if they perceive him or her as leaving the gang "too early"; that is, before "paying dues," and too early may mean before three or four years (Ward 2013, 97). However, as indicated above, most gang members leave the gang well before three or four years, so it is uncertain how often this "too early" rule is enforced. In addition, most of the members of MS-13 studied by Ward eventually left the gang, mostly for reasons related to maturing, such as getting married and starting a family and getting a job. Basically, the members just start to chill out, or, in their words, "become calmado" (Ward 2013, chap. 7).

One study of gang exits in St. Louis found that many gang members left the gang because they moved to another city, while others got married and started to raise a family and/or found a job and just "quit." As one former gang member put it, "I just quit. I stopped hanging out with them." Another ex-gang youth said, "Just stopped claiming" (Decker and Lauritsen 2002, 59). However, the major reason for leaving a gang was the fear of getting hurt or killed by violence or getting tired of the worries associated with violence (Decker and Lauritsen 2002, 58–66).

Although this line of inquiry is promising, part of the problem is determining whether a gang member has really left the gang. As one "ex-gang member" put it, "I never did quit. You can never get out of the gang" (Decker and Lauritsen 2002, 60). Of course, some do entirely quit the gang, and even this informant said that can happen. However, for some, perhaps most, gang members, leaving the gang is not cut and dried. It can be accompanied by social and psychological impacts because of attachments to gang members and their lifestyle, as well as by financial setbacks (Decker and Lauritsen 2002, 64–67). This situation is what John Hagedorn (1994) referred to in his study of gangs in Milwaukee. Hagedorn distinguished between "legits" and "homeboys" as types of ex-gang members. Legits were those who successfully exited the gang, while homeboys were those who tried to leave the gang but kept coming back, especially for economic reasons. However, the utility of Hagedorn's study is somewhat limited to the understanding of youth gangs because the gangs in his research were adults and involved in drug use and selling.

However, other analyses of youthful gang departures also conclude that the picture is not so clear-cut as some imagine, and for many of the reasons identified in Hagedorn's study (Pyrooz and Decker 2011). In addition, research suggests that the depth of a gang member's involvement in a gang, or gang "embeddedness," helps to explain a member's decision to leave a gang. According to one five-year study of self-reported gang involvement in Philadelphia and Phoenix, most who left a gang left within six months. However, the more one associated with other gang members, identified with the gang and its values, and in other ways was embedded into the gang, the longer that person stayed with the gang, as one would expect. Gang embeddedness, in turn, was more likely for those with low self-control (see chapter 5) and among minority males. One possible reason for this association again connects with real or perceived opportunities for living an alternative, more conformist lifestyle outside the gang context (Pyrooz et al. 2013).

While the individual and social characteristics and reasons for joining or leaving gangs have been identified in studies, these characteristics often reflect statistical probabilities and tendencies. Certainly, many youths who possess few or none of these factors may become members of a gang. In addition, the more of these characteristics possessed, the greater the likelihood that a young person will become a member of a gang if one exists in the neighborhood. As Thornberry and colleagues (2003, 75) put it, "It does not appear that gang membership is associated with a single developmental domain; on the contrary, gang members have multiple disadvantages in multiple domains of their development." Gang youths have multiple difficulties, and in the theoretical terminology of researchers such as Thornberry and colleagues, as well as developmental theorists in general, they have developmental difficulties beyond those of other youths, and gangs serve as a major source of fulfilling those deficiencies in a gang youth's life. Consequently, it should not be expected that eliminating gangs, or even significantly reducing their presence in a community, will be a simple or easy task, and that is the next topic of discussion.

Attempts to Prevent or Control Gangs

In some ways, efforts to prevent gangs from being formed altogether or to reduce their activities reflect the reasons people think gangs form in the first place and why some youths are attracted to these gangs. However, in reality, most gang-prevention efforts are not based on specific theories. In addition, it should be emphasized that no matter what effort or program has been tried to prevent or reduce gang activity in a city, almost all efforts have come up short of hopes and expectations. In addition, according to some researchers, few gang-prevention programs have been carefully designed or analyzed, so the true impact of the programs is not clearly known (Thornberry et al. 2003, 201).

Gang Suppression

Efforts to suppress gangs usually involve increased police patrols and arrests along with stronger penalties for gang behavior. Although a clear theoretical basis for suppression is not always easy to identify, it seems better connected with the concept of deterrence; that is, crime must be stopped by making criminals "pay." At times, these efforts attempt to outlaw gang membership altogether, although this approach borders on unconstitutionality and is difficult to enforce. A more recent tactic is to enact "civil injunctions" against gangs or gang members, which focus not only on the gangs but also on the residents of neighborhoods. Civil injunctions involve surveillance of gang members and their movements but also focus on the cooperation of neighborhood residents in providing information about the gangs to the police. While these newer efforts may avoid the complications of outlawing a whole gang and have shown some degree of success, they also have potential constitutional issues and difficulties of enforcement (Maxson et al. 2005, 2006). Recent research suggests that civil injunction programs which focus on gangs as groups may reinforce group cohesion within a gang and thus defeat the purpose of the injunction. Programs that focus on individual gang members may have a better chance of breaking up gangs and reducing gang identification and criminal gang behavior (Hennigan and Sloane 2013). Some have suggested that gang intervention programs, including detached street workers (see the discussion of Yablonsky's research above) can reinforce gang solidarity (Klein 1971), but others suggest that intervention efforts may not always reinforce gang cohesiveness or escalate gang violence (Hughes 2013).

Suppression is probably the most common and popular approach to the control of gangs. The popularity of suppression is associated with the common view that deterrence works (see chapter 4). In addition, its attraction may stem from the lack of societal interest in treating or rehabilitating gang members, who typically come from poor minority backgrounds (Bjerregaard 2006, 390–91).

As mentioned above, few gang-prevention programs are carefully evaluated, let alone properly evaluated, and this conclusion applies to suppression programs as well. As Klein observes, "Gang suppression is asserted to be the 'right' thing to do, and because it is 'right,' it requires little further justification and absolutely no research evaluation to assess its effects" (Klein 1995a, 151).

Sometimes, suppression bleeds over into other areas of society, such as immigration. The earlier discussion of Virginia's antigang laws supports this point. If gangs and gang violence are thought to be reflective of illegal immigration and lax efforts in enforcing immigration laws and policies, then the passage of "tougher" laws and restrictions on immigration as one way to control gangs would logically follow. However, these laws are often passed with little or no real information on gang membership or activity. Rather, as with the case of the MS-13 gangs in Virginia, information is often provided by newspaper accounts and police estimates of gang memberships and motivations, rather than on detailed, time-consuming studies of gangs. Threats of gangs are perceived, sometimes correctly so, to be of immediate concern and needing immediate action. Given this scenario, the most logical approach to many is to enact stronger penalties for crimes involving gangs or gang recruitment, which is exactly how suppression efforts work. Often, this legislation, referred to as "STEP" legislation because of its original wording in California (Street Terrorism Enforcement and Prevention), attempts to create stronger penalties for gang-related crimes. Such laws are subject to the same kinds of problems that outlawing gangs can create—namely, issues of constitutionality and difficulty of enforcement. Knowing who is a gang member at any one point in time, who actually committed a crime, and in whose name or organization a crime has been committed are not always easy questions to answer (Klein 1995a, 178–82; Bjerregaard 2006). Even if short-term results can be noted, long-term changes may be harder to assess, and often, it seems, public attention focuses elsewhere so that follow-up studies or reports on gangs in a city or area may not develop unless new "gang-related" incidents occur.

Most suppression efforts are focused on police programs (Klein 1995a, 161), and this seems logical, given that the police are the frontline units charged with enforcing laws and keeping the public safe. Police suppression programs include "sweeps," where members in gang areas are rounded up in a mass effort to arrest or disrupt as many gang members and activities as possible at a given time. Other suppressive techniques include "hot spot targeting," which involves intensive patrols and harassment or arrests of known or suspected gang members, even if these charges are dismissed. In addition, some departments may use what some call "caravanning," or using several patrol squads simultaneously, to create greater visibility and police presence in a gang area (Klein 1995a, 161).

One of the difficulties with suppression programs is the lack of cooperation and communication among law enforcement agencies charged with controlling gangs. There are multiple law-enforcement units—local, state, and federal—potentially involved with antigang efforts but also several governmental divisions—namely, police, courts, and correctional agencies (Klein 1995a, chap. 6).

While it may be difficult to force cooperation among the police, courts, and correctional agencies, communication and cooperation among local police units is more achievable, at least to a degree. However, it has become increasingly clear that communication concerning gangs needs to be improved at the national level. The goal of creating a unified data system on gangs is behind the creation of a gang data collection and sharing system called Gang Reporting, Evaluation, and Tracking system, or GREAT. GREAT began in Los Angeles in the mid-1980s but has spread to over 150 other communities in several states, as well as to the Bureau of Alcohol, Tobacco, and Firearms (ATF). The GREAT system contains 150 lines of information on any individual gang member, many of which can easily be accessed through a computer (Klein 1995a, 190–91). Other localities have developed similar tracking systems and with the common use of computers, this kind of tracking and surveillance system seems certain to gain popularity.

However, problems with sharing information among divergent law-enforcement units as well as agreeing on common definitions of gangs and gang-related crimes have already created problems in the useful sharing of information through the GREAT system. In addition, ambiguities of gang and gang-member identifications raise the prospect of constitutional issues and civil rights protections. In 1995, Malcolm Klein stated, "We now stand, it seems, on the threshold of a national gang roster system, based on GREAT, without anything approaching evaluation of its utility to law enforcement or its endangerment of civil liberties" (Klein 1995a, 193). In the aftermath of 9/11 and increased government surveillance of immigrants and suspected terrorist groups and individuals, such problems may be expected to increase.

Community-Based Prevention Programs

Community-based programs have been around at least since the 1930s, when Shaw and McKay instituted the Chicago Area Project (CAP). CAP was designed to work with community leaders and gang-prevention workers (later detached street workers) in specifically targeted areas of Chicago that had high rates of crime and delinquency, including youth gangs. The project was designed to offer more recreational opportunities and neighborhood-improvement programs, as these were identified as needs by local neighborhood leaders and organizers (Lundman 2001, 102–8). While CAP addressed the prevention of delinquency in general, it also focused on gangs in the targeted neighborhoods.

Although Shaw and McKay did not formally evaluate the first CAP, there have been general analyses of these projects over the years (Kobrin 1959; Finestone 1976; V.I.P. Examiner 1992; Lundman 2001, 108–12). These evaluations have concluded that the program generally results in improved perceptions of crime and delinquency reduction but provides little statistical data to support those conclusions. One indication of continued support for these projects is the extension of CAP to other communities in Illinois (V.I.P. Examiner 1992). However, there is little information to support the conclusion that CAPs actually reduce gangs and gang-related crime in a neighborhood or city. Additional information on CAP may be found on their website, http://www .chicagoarreaproject.org.

The Boys & Girls Clubs of America (B&GCA) have also become involved in several community-based gang-prevention activities. One initiative is the Gang Prevention through Targeted Outreach program. This program provides educational, occupational, and recreational opportunities for "at-risk" youths who live in areas where gangs are present or who are thought to be vulnerable to gang recruitment efforts. The focus is on youths who are not yet in gangs or are fringe members, and the goal is to encourage these youths to avoid gang contact and involvement in favor of following school and community programs, particularly those sponsored by B&GCA. Evaluations of the program indicate it is achieving some success in improving school attendance among targeted youth, but not much information on gang reduction has been provided (Esbensen 2000, 7–8; Boys & Girls Clubs of America 2002).

School-Based Gang Prevention

Some gang-prevention programs assume the school is a source of gang recruitment and involvement, and the literature suggests this is an accurate assumption. Consequently, the focus of attention should be on the school and school settings as the location of antigang efforts. One of the better-known of these school-based gang-prevention programs is Gang Resistance Education and Training, or G.R.E.A.T. (not to be confused with the Gang Reporting, Evaluation, and Tracking system, known as GREAT, discussed above). G.R.E.A.T. began in 1991 with pilot projects in Phoenix, Mesa, Tempe, and Glendale, Arizona, initiated by police officers and members of the ATF. Now the program is national in scope and offers intensive gang-prevention information to middle-school students over a nine-week period. The training is offered by over 2,400 police officers in virtually every state in the country, and the officers themselves must first receive gang-prevention training before providing the courses to the students. Classroom instruction involves conflict-resolution skills and techniques, establishing goals and ways of achieving them, drug and gang information, and assuming personal responsibility for one's actions, highlighted by formal "graduation" ceremonies at the end of the instruction (Esbensen and Osgood 1997, 1–2).

As a concept, G.R.E.A.T. has received strong support from the schools and the community. It is sponsored by police departments at the local and national levels and has been sanctioned by public schools and local communities virtually everywhere it has been offered. It is also one of the few gang-prevention programs that have received rigorous evaluation.

In one evaluation, 5,935 eighth-grade students who completed the training in eleven cities were contacted one year after the program to monitor their behavior and attitudes. The G.R.E.A.T. youths were compared with a group of 3,207 children who had not taken the program. The results of this survey concluded that those students who had completed G.R.E.A.T. had less criminal and delinquent behavior, including gang affiliations, and more positive attitudes toward the police and friends and less positive attitudes toward gangs than did the comparison group (Esbensen and Osgood 1997, 2–5).

Another national evaluation of G.R.E.A.T., a longitudinal study, however, did not conclude that the program produced positive effects. This study examined a sample of 1,817 youths who completed G.R.E.A.T. in six cities during the 1995–1996 school year, compared with a control group of 1,697 students who did not complete the program, and contacted them one and two years after completing the program. The researchers concluded, "We found no systematic differences between G.R.E.A.T. students and the control group" (Esbensen 2006, 379). For the moment, it is clear that some students completing G.R.E.A.T. demonstrate positive effects compared with control groups, but it is less clear that the program uniformly produces positive results. G.R.E.A.T. is still a promising gang-prevention effort, and its popularity suggests it will continue to be provided to school youths, but it needs to be evaluated in more depth before firmer conclusions about its effects can be made.

In response to the mixed results of the initial G.R.E.A.T. programs, program administrators revised the curriculum to be more focused on skills and strength-building concepts. In addition, the program revisions involved more attention to the larger environmental contexts in which youth gangs develop, including families, schools, and local organizations, such as Boys and Girls Clubs. Some refer to the new program as G.R.E.A.T. II.

The revisions of the G.R.E.A.T. curriculum were implemented in 2003 and evaluations are beginning to appear. One such evaluation reported on a one-year outcome of G.R.E.A.T. II programs administered with random treatment and control groups in thirty-one schools, mostly middle schools, in seven cities involving 4,905 students (Esbensen et al. 2011). The results indicated that the students who were exposed to the G.R.E.A.T. II curricula demonstrated significantly more positive attitudes toward the police, less positive attitudes toward gangs, more resistance to peer pressure, better use of resistance skills, and less gang involvement than students who were in the control group. However, the results did not indicate any significant differences between students in the treatment and control groups relative to self-reported delinquency (Esbensen et al. 2011, 64). Overall, this evaluation of G.R.E.A.T. II concluded that the program is producing desired results, at least in the short term.

Another analysis of the revised G.R.E.A.T. program studied short-term (one-year) and long-term (up to four years) results across seven sites. The evaluation concluded that positive long-term effects of the program were evident. In addition, this study noted a reduction in self-reported gang involvement one year and up to four years after participation in G.R.E.A.T. However, the evaluation failed to demonstrate any significant reduction in self-reported criminality, including violent crime, as a consequence of G.R.E.A.T. Nor were the positive results uniform over the seven sites studied (Esbensen et al. 2013; Pyrooz 2013). Continued evaluations should shed more light on the ultimate effectiveness of this gang-prevention program, but, for now, the results are basically positive and it seems that G.R.E.A.T. will be an important part of gang-prevention efforts for the near future.

Comprehensive Gang-Prevention Efforts

In the past several years, gang-prevention programs have begun to assume a multifaceted approach, particularly those funded or supported by federal agencies. Multipronged efforts make sense because it is known that the causes and contributors to gangs and gang-related crimes are numerous and diverse. Consequently, it is logical that truly effective gang-prevention programs should also be multifaceted.

In the 1980s, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) initiated the National Youth Gang Suppression and Intervention Program. Gang-prevention programs were identified and supported across the country, based largely on what some call the “Spergel Model.” The Spergel Model encourages partnerships and cooperation between and among police and community agencies and families to formulate a multipronged approach to the reduction of gangs in an area. The highlight of this model is that it encourages cooperation and mutual respect among all of the agencies utilized in any gang-prevention effort, rather than favoring a specific type of program, and such cooperation promises to achieve important results in the long run. A good discussion of this model and programs supported by OJJDP, as well as other gang-prevention programs, is provided by Fearn, Decker, and Curry (2006).

One example of these kinds of programs is the Violence Reduction Strategy (VRS) program in Chicago, which is similar to the Operation Ceasefire program in Boston. VRS combines a police-based suppression strategy with a more community-based emotional appeal focus, in which the gang members are urged to turn away from crime and toward a conformist lifestyle. The program is aimed at reducing gun violence among gangs in the city. A central feature of VRS is a “call-in,” which involves a one-hour meeting between gang members and the police and representatives of the community, including families of the victims of gang violence, and social service agencies. Gang members known to be involved in violence and suspected of planning additional violent attacks are called by the police to attend the meeting and informed that the police are aware of their past and planned future violent activities and that if any future gun violence occurs involving these gang members, they will be prosecuted fully. The gang members are then approached by community and social service members and offered an opportunity to turn away from gun violence, sometimes on the spot. Early evaluations of this program conclude that it is effective in preventing planned gun violence against targeted victims, but that it does not significantly reduce overall levels of gun violence, since many of the perpetrators of gun violence are not known to the police. In addition, the program does not solve many of the underlying contributions to gang involvement and gang-related violence, such as many of the factors discussed earlier, including poverty and lack of education and employment, since it focuses on a specific aspect of gang behavior, that is, gun violence (Papachristos and Kirk 2015).

Gang-prevention programs all share one thing in common, the goal of reducing gang activity in an area. In terms of successful results or even evaluations of such results, however, most gang-prevention programs are disappointing. Many efforts have shown some positive results, some more so than others, but none has demonstrated overwhelmingly successful outcomes. Gang members can certainly be removed from the streets, but new members and new gangs seem to emerge in their place. Sometimes a program can produce the undesired effect of making a gang more cohesive by creating an image of “importance” among them because somebody is looking at them, and this can happen with suppression or prevention efforts (Klein 1995a, 43–49), which can be very discouraging to gang workers. Even when one has identified a particular factor as an important contributor to leaving a gang, such as fear of violence, it is cautioned that concentrating on such fears in order to encourage gang members to leave a gang may actually have the reverse effect of augmenting a gang's attraction by highlighting a kind of "macho" violent image for the gang (Decker and Lauritsen 2002, 66–67).

In addition, some gang researchers observed that gang development and gang behavior tend to run in "cycles." In some cities, such as Boston, Chicago, and New York, gang activity has traditionally peaked in the summer months, while in cities such as Los Angeles, gang activity is lowest in summer months. Gang activity can even be cyclical within the borders of cities. Gang membership also tends to be cyclical, or "epochal," as Klein puts it. That is, gang membership tends to swing in cycles involving as much as five or ten years (Klein 1995b, 222–23). The point of considering gang cycles is that efforts to curb, reduce, or prevent gang activity may reflect cyclical patterns of gang membership and behavioral patterns as much as the efforts of the gang-prevention programs. As Klein says, "Gangs come and go; gang activity waxes and wanes, including the violence that so effectively draws our attention" (Klein 1995b, 233).

Some gang-prevention efforts are hampered by intense rivalries between existing gangs, which can make it difficult for truce pacts or agreements to develop (The Urban Institute 2010). Unrestrained violence between and among rival gangs can impede the progress or success of any crime- or violence-reducing program targeting gangs. More recent gang research indicates that gang violence is often triggered by assumed or evident incursions of gangs onto each other's turf, or territory (Papachristos 2009; Papachristos, Hureau, and Braga 2013). Furthermore, gang violence, including murder, is associated with reciprocity, or paying back previous violence against gang members, as well as gang members living in close proximity to one another, or turf rivalry (Papachristos et al. 2013).

Given these problems and circumstances among gangs, it would seem nothing short of concentrated efforts to address the basic social and structural roots of gang development and growth can be expected to produce significant and long-term effects on gangs. Many recent gang-prevention programs are focused on the multidimensional nature of gang causation and gang behavior (Howell and Griffiths 2016, chap. 9). Whether these new programs fare any better than previous ones remains to be seen, but at least they are being developed in recognition of the complexity of gangs. In addition, evaluations of prevention programs are becoming more common.

Summary

Juvenile gangs have existed for hundreds of years, although systematic studies of gangs in the United States did not appear until the 1920s. The estimated number of gangs has been increasing since 2003. Gang violence became a problem in American cities after World War II, but gang violence today is commonplace. Gangs tend to reflect characteristics of their neighborhoods as well as contemporary immigration policies. In the 1920s, most gangs were composed of youths from European backgrounds, whereas contemporary youth gangs are largely composed of Hispanic and African American juveniles. Regardless of ethnicity, many studies conclude that second-generation immigrant youths are most vulnerable to involvement in gangs and delinquency in general.

Most gangs develop in the interstitial, or in-between, areas of cities, although some recent surveys suggest that rural and suburban areas are also experiencing growth in gangs. These kinds of gangs seem to be more the result of local conditions and individual motivations of local youths, as opposed to gang "migrations" from large metropolises to small towns. Gang members also tend to stay with gangs for longer periods of time when economic situations worsen, and this seems to be occurring more often today than in the past.

Many gangs have core members and fringe members, who participate with gang members on occasions. In some neighborhoods, younger juveniles form satellite gangs and take on names signifying their junior status to a "parent" gang, such as "midgets" or "pee-wees." In addition, many female gangs tend to identify with male gangs in an area, although some researchers contend that separate, independent female gangs are increasing in number.

Explanations of gangs involve sociological, structural factors, particularly social disorganization and economic decline, but also social and economic inequalities that can lead to a sense of frustration and discouragement with mainstream society and its accepted means of achieving success and recognition. In addition, most gang members lack strong social bonds with family and school, and the gang becomes a substitute for these bonds in society. Some join a gang for protection or because friends and relatives were gang members, and some research suggests these factors can differ for male and female gang members. Female gang members, for example, tend to suffer from sexual abuse in the home more than male gang members.

Attempts to prevent gangs also focus on sociological and individual factors. Suppression, or the use of stronger laws and increased police activity, is the most popular means of preventing or controlling gangs. Some have developed preventive efforts that focus on societal contributions to gangs in the first place, again such as social disorganization and social and economic inequalities. However, no particular effort has produced dramatic or long-lasting results. Gangs are difficult to reduce. Putting gang members in prison will definitely get them off the street, but it does not eliminate the existence of gangs in a neighborhood or a city. Truly effective gang-prevention programs should integrate multiple factors, social as well as individual, along with suppression, and should acknowledge the diversity of gangs, their members, and the reasons for their existence.

Study Questions

1. What are some of the major findings from early (pre-1950) and contemporary studies of gangs in American cities?
2. What factors influence young people to join, and leave, a gang?
3. What are some of the prevention programs designed to reduce gang activity in schools and communities?

CHAPTER 11

Female Delinquency

Throughout the 1980s and early 1990s, violent crime rates for both juvenile males and females increased dramatically. The notion of the super-predator was characterized by both academics and the mass media as a new breed of juvenile offenders who were more ruthless than any previous generation (Mulvey, Sickmund, and Blumstein 2000). The concept of the super-predator never materialized as the number of juvenile violent crimes peaked in 1993 and has steadily declined since. However, what does remain with us is a genuine fear of juvenile offenders. This caused the juvenile system to move from its original intent of rehabilitating and treating young offenders to punishing juveniles through "get tough on crime" policies such as juvenile transfer and juvenile boot camps (Mulvey et al. 2000). Girls have not been immune to this shift in the juvenile justice system and are often an afterthought within the system owing to their small numbers. In 2013, for example, girls were only 14 percent of all juveniles in residential placement (Hockenberry 2016, 11).

The ramifications of this have been that whatever is perceived as the problem and/or solution for male juvenile delinquents is then assumed to be the problem and/or solution for female juvenile delinquents. This has led to harsher policies dealing with delinquent acts such as assault and girls being increasingly incarcerated for more serious crimes than before. In this chapter, we explore who female delinquents are, what their offenses are, and the theories that have been used to explain female delinquent behavior.

Who Are Female Delinquents?

Delinquent girls range from thirteen to eighteen years of age. As noted above, girls make up a small percentage of residents in juvenile correctional facilities. However, girls who are incarcerated tend to be younger than male residents. In 2013, for example, there were more girls in custodial facilities under the age of sixteen (38 percent) than boys (30 percent) (Hockenberry 2016, 11). These data suggest that girls enter into delinquent behavior at a younger age than boys, at least as far as juvenile institutional records are concerned.

African American and Hispanic girls are the fastest-growing segment of female delinquents in juvenile institutions and are significantly more likely to be referred to institutions than white girls (Bloom et al. 2003). In 2013, among girls who were confined in institutions, 32 percent reported their race as Caucasian, while 39 percent reported their race as African American and an additional 19 percent stated they were Hispanic (Hockenberry 2016, 12).

Class or socioeconomic status also affects girls in the juvenile justice system. Girls with few economic resources are more likely to end up being placed in a juvenile facility (Bloom et al. 2003). If one has money, her parents will be able to afford a private attorney, which often results in having charges dropped or reduced. Money also affects whether one has private insurance or not. Those who have private medical insurance are less likely to be placed in detention centers because they are generally allowed to remain in the community. In their communities, they can receive treatment that their insurance will cover, such as counseling and substance-abuse treatment. Those who do not have private insurance are more likely to be placed in detention centers, where few resources are available to them. When examined together, race and class help to further explain the overrepresentation of minority females in juvenile institutions. White children are the least likely to be living in poverty, while 38 percent of all African American and 32 percent of all Hispanic children are living in poverty (Kids Count 2016). Therefore, fewer African American and Hispanic children will have the choice to hire a private attorney, and fewer will have private medical insurance.

Girls and Status Offenses

Girls are more likely than boys to be charged with and placed in detention for status offenses. Status offenses are acts that would not be considered criminal if one were an adult. However, because one is under the age of eighteen, these offenses are handled by the juvenile justice system. Status offenses include underage drinking, being incorrigible, truancy, and running away from home. In 2013, 4 percent of males and 11 percent of females were incarcerated for status offenses (Hockenberry 2016, 11).

Girls who have been arrested for status offenses are typically arrested for curfew violations and running away from home (Chesney-Lind and Shelden 2014). Most girls, when asked why they ran away, stated that someone within their home was abusing them, and often the abuser was the girl's father or the mother's boyfriend. If the victim told a family member that she was being abused, she was often ignored, since the male who was abusing her was supporting the family financially. Therefore, the girl was left with two options: to allow the abuse to continue or to run away from home (Chesney-Lind and Shelden 2014).

The rate of girls incarcerated for the status offense of running away, an offense that if they were eighteen would not be a crime, has changed very little since the 1970s (Chesney-Lind and Shelden 2014). Girls are still arrested for running away because there is concern that a young girl alone on the streets could be further victimized. Research on juvenile court processes suggests that males and females are treated equally in juvenile court for status offenses. However, this research also concludes that minority females are more often adjudicated for status offense charges, compared to Caucasian females, so there is evidence of racial and ethnic discrimination in the court processing of females for status offenses (Freiburger and Jordan 2016, chap. 9 and 10). However, the juvenile justice system is not a replacement for a healthy home environment. In detention, there are few opportunities for treatment and counseling because of overcrowded facilities and the lack of funding. Therefore, girls who run away are being victimized not only at home but also by a juvenile justice system that is not prepared for the specific needs of female delinquents.

Despite the overrepresentation of females in official records of status offenses, some data suggest that females are increasingly being arrested and referred to courts for delinquent acts, especially violent offenses (Chesney-Lind and Irwin 2008, 163). However, some analyses suggest that these increases in violent crimes are as much a product of redefining female behavior as actual increases in violent criminal activity among juvenile females, especially serious violent crimes such as murder and robbery. Now, for example, arguments between girls and their parents might be interpreted as simple assault, instead of a status offense, such as disobeying parents. Brushing by a parent during an argument might now be classified as simple assault rather than incorrigibility (Chesney-Lind and Irwin 2008, 174–75; Zahn et al. 2008; Feld 2009; Chesney-Lind and Shelden 2014, chap. 8; Freiburger and Jordan 2016, chap. 9 and 10). As one analysis of the increasing classification of girls' behavior as violent put it, "The rise in girls' violence, it appears, is more a social construction than an empirical reality" (Steffensmeier et al. 2005, 397).

That this reclassification of offenses may not be a small matter in the lives of many girls is somewhat exemplified by the large number of girls who admit to fighting with their parents. For example, in figure 3.2 (in chapter 3 of this book), it is noted that in the Monitoring the Future surveys, over 90 percent of girls admit to fighting with their parents at least once within the year prior to the survey. Female aggression and violence more often involves family members than violence committed by males. Furthermore, status offense charges against girls, particularly charges involving aggression and "incorrigibility," are also reported to the police and courts by school officials, neighbors, and parents (Kempf-Leonard 2012, 495–96, 503). If female aggression and defiance are increasingly being reinterpreted as criminal behavior, rather than as status offending, then it is likely this reinterpretation is coming from girls' immediate social settings, especially the family and school.

Additional considerations of gender issues in the juvenile justice system are discussed in chapters 13–15. In addition, considerations of gender are also discussed in chapter 15, on the topic of prevention and treatment programs. The next section of this chapter, however, focuses on explanations of female delinquency.

Girls, Delinquency, and Theory

Since girls make up a small portion of all juvenile delinquents, most research and theory development have been conducted focusing on the characteristics and needs of male juvenile offenders. This has left a gap in our understanding of female delinquents, their characteristics, and their needs. To fill this void, theories that have been used to explain male juvenile delinquency are often applied to girls and their delinquent behavior without considering the differences between the two genders. This section of this chapter focuses on theories that have been used to explain girls' delinquent behavior while pointing out with current research why some theories work better with girls than others.

Biological Explanations

Cesare Lombroso (1835–1909), an Italian physician, was the first to study crime using a scientific approach (Lombroso and Ferrero 2004; originally published in 1893). Lombroso was heavily influenced by the work of Charles Darwin, the scientist who proposed that humans had evolved from a single-cell species into their current form over millions of years. Darwin believed that the strong survived and evolved because the traits that made them stronger were passed from parent to offspring, thereby increasing the offspring's chance for survival. Lombroso applied this concept of evolution to his own theory of crime. He compared the cadavers of "normal" noncriminal men and women to those of criminal men and women and concluded that there were differences between criminal and noncriminal people's physical traits. Lombroso then stated that criminal men and women who possessed these physical traits were throwbacks to an earlier stage in the evolutionary scale, what he referred to as atavism. These atavistic men and women were not as developed as "normal" noncriminal men and women and were therefore born criminals (Lombroso and Ferrero 2004).

Lombroso (Lombroso and Ferrero 2004) was one of the first to attempt to explain female criminality. He did this by comparing the cadavers of criminal women, "normal" noncriminal women, and prostitutes to examine how these women differed physically. He found that criminal women tended to be short and have dark hair and moles. Lombroso did not find criminal women and prostitutes to be as marked physically as male criminals. This might suggest that women were less criminal than men because they possessed fewer atavistic traits. However, Lombroso explained this difference between criminal men and women by stating that women had to be more attractive than men to survive. Noncriminal women, he concluded, had to be attractive, passive, and maternal because these were characteristics that noncriminal men looked for when obtaining a mate. Lombroso believed that criminal women and prostitutes also had to be attractive because they would need to be able to seduce a man in order to have an accomplice. Lombroso explained that women committed less crime than men because men reproduced with only attractive women. Therefore, there were far fewer born-criminal women (Lombroso and Ferrero 2004).

Lombroso (Lombroso and Ferrero 2004) believed that normal men were the most advanced, followed by criminal men, then normal women, and criminal women. Lombroso believed that men, whether criminal or not, were superior to women physically and intellectually. He attributed this to men having to fight for mates, which as they evolved made them physically and intellectually superior to women. He believed that because women spent the majority of their time raising children, this made them passive and did not allow them the time needed to advance their bodies physically or mentally. However, Lombroso predicted that women's crime rates would increase as women gained more education and advanced mentally (Lombroso and Ferrero 2004).

Lombroso produced two books regarding his findings, one pertaining to women and one about men. The book Criminal Woman, the Prostitute and the Normal Woman was published in 1893 in Italian and was translated into English in 1895 (Rafter and Gibson 2004). The book Criminal Man was published in 1876 and was not translated into English until sixteen years later. Its findings were disputed, and researchers proposed that environmental and social influences were more relevant than biological influences when examining criminal behavior. The same arguments were made regarding his book on women; however, this book had a more lasting impression because there had been little research conducted on women and crime (Lombroso and Ferrero 2004).

Lombroso was not the first person to tie sexuality and criminality together, but he was the first one to support this assumption with scientific research. This influenced the work of psychologists and sociologists who continued to try and explain girls' delinquency through their sexuality. Sigmund Freud, for example, claimed that girls committed crime because they were envious that they did not have a penis and were rebelling against being female. In the 1950s, the British researcher Katharina Dalton argued that premenstrual syndrome was tied to violent crimes by women, suggesting that women were more likely to commit violent crimes during this part of their menstrual cycle (O'Connor 2004). Dr. Dalton testified in the 1980s on behalf of women charged with violent crimes, asserting that it was related to their menstrual cycle. Even as recently as 1991, in Pittsburgh, Pennsylvania, a woman who worked in a nursing home who beat, choked, and stabbed to death an elderly patient argued in court that she committed her crime because she had been experiencing hysteria due to premenstrual syndrome (Cuddy 1991). Others also espouse a biosocial view of female criminality, based, at least in part, on biological and psychological differences between males and females (Walsh 2011).

Social Role Theory

W. I. Thomas was a sociologist who studied delinquent girls in an attempt to explain and treat their behavior (Dummer 1923). Thomas was particularly concerned with prostitutes, as was the rest of the country, during the early 1920s. During World War I, it had been discovered that a large number of soldiers had contracted a venereal disease before they entered the service. This led to the government's placing women suspected of prostitution in jails and hospitals. Thomas used case studies of young prostitutes to examine and explain their criminality while also providing suggestions on how to treat these young women (Dummer 1923).

Thomas believed that women's criminality was directly tied to their sexuality (Thomas 1923). He suggested that women who came from middle-class and upper-class backgrounds had learned through their families, peers, community, and teachers that they were to remain chaste. By remaining chaste, these women were securing their role in society to become wives and mothers because a man would never marry a woman if she were not a virgin. Thomas suggested that this was why wealthier women did not commit crimes (Thomas 1923).

Thomas illustrated through his case studies that women from working-class families were also taught to remain chaste through their friends, families, communities, and teachers (Thomas 1923). Working-class women often worked in shops where they made enough money to support themselves, but not enough to indulge in the luxuries that married, wealthy women were able to purchase. These working women were often tricked into having sexual relations with men who enticed them by promising marriage. The promise of marriage always fell through, and the girl was left without her most prized possession—her virginity. Many of these women, upset with men and with their position in life, became prostitutes in order to purchase luxuries they otherwise could not afford. These women justified this behavior by stating that they had better use men before men attempted to use them (Thomas 1923).

Finally, Thomas discussed girls in poverty who became prostitutes (Thomas 1923). He illustrated through case studies how these girls came from not only extremely poor but also dysfunctional families, which often faced problems of substance abuse and domestic violence. These girls also came from disorganized communities, where there was no social support. Therefore, they did not get the chance to learn from their parents, teachers, communities, and/or peers the proper role of a woman in society—to marry and have children. The only jobs available to these girls were hard labor in a factory or in a person's home as a servant, where they were treated as though they were inferior. These girls often left home at a young age looking for excitement, which led them to prostitution. They then were able to obtain their excitement through using men for sex and money (Thomas 1923).

The working-class prostitute confined her business to men of higher status who often were married (Thomas 1923). These business transactions took place indoors. However, the poorer prostitute often did her business on the streets with soldiers, which put her at risk of being arrested and placed in jail. There were also some programs that placed young girls in the home of a well-to-do family with the hopes that their values and morals would rub off on the girls. However, Thomas found that girls placed in these homes usually ran away. Instead of jail or the homes of the wealthy, Thomas suggested that these girls be placed in structured environments, where they could be educated and taught how to be good girls (Thomas 1923).

Thomas would have been considered very liberal in his time (Dummer 1923). He suggested that girls' delinquency originated with family problems, poverty, and a lack of community support. He argued that those who committed crimes were not biologically inferior and notes several female criminals who were considered intelligent. Thomas influenced the way we examine girls' delinquency and moved it toward social rather than biological factors (Dummer 1923). Thomas did, however, tie girls' sexuality and criminality together, suggesting that the solution to girls' delinquency is to teach girls how to better fill traditional roles. This way of thinking can still be seen in women's prisons and girls' detention centers, where vocational training often means training for stereotypical low-paying jobs such as hairstylists or secretaries (Schramm 2002). It can also be seen in the way girls are treated when they arrive at a detention facility. Delinquent girls, for example, are often forced to undergo a gynecological exam because it is assumed that delinquent girls are also sexually active and possibly carrying diseases. Boys, however, are not examined for sexually transmitted diseases upon their arrival at detention (Schramm 2002).

Liberation Theory

During the 1960s and 1970s, women argued that they should be treated equally with men in the home and in the workplace. Many women during these years began to move from the traditional housewife role to one of workingwoman. This transition was made easier by advances in technology such as oral contraceptives and appliances that made housework less tedious (Adler 1975). Young girls were also now freed from time-consuming chores, allowing time for education and leisure. However, other changes for women and girls were also occurring, such as rising crime rates (Adler 1975).

Prior to these social changes, female crime had consisted primarily of prostitution or shoplifting, but now women could be found committing violent crimes as well (Adler 1975). There were instances of female bank robbers, for example, who pulled guns and got away with large amounts of cash, and those who worked in the criminal justice system began to express concern about the growing problem of female crime and delinquency (Adler 1975).

Criminologist Freda Adler, in her 1975 book Sisters in Crime: The Rise of the New Female Criminal, attempted to explain the increase in female crime through interviews with women offenders and those who worked with them in the criminal justice system. Adler discovered that handguns had evened the playing field for female criminals by allowing women who were once thought too weak the opportunity to commit a violent crime. Adler also concluded that these new female criminals believed that they could do anything men could do and seemed to enjoy the excitement of committing crimes (Adler 1975).

Adler (1975) concluded women's and girls' crime and delinquency rates would continue to rise and would one day be as high as men's and boys' rates. This increase would be caused by the newfound freedom women and girls had gained as a result of the women's movement. Women would enter the workforce enabled by new home appliances that considerably cut down the time needed to do household chores and a new sexual freedom because of technological advances in oral contraceptives. This meant women no longer had to define themselves through their virginity, which previously had been needed to attract a mate to support them. Women would then be out in public more often due to their new employment and freedom, which would also give them more opportunities to commit crimes at a rate comparable to that of men. Therefore, women's crime rates had been previously low because women were restricted in society, confined primarily to their homes and limiting their opportunities to offend (Adler 1975).

Adler (1975) also concluded that girls' rates of delinquency would increase and eventually be comparable to boys' rates. Adler believed that the changes in women's roles due to the women's movement would be a period of confusion for girls as they watched their older sisters and tried to understand what was expected of them. She noted that previous to the women's movement, girls were prosecuted for delinquent offenses that were tied to their sexuality, while boys were prosecuted for delinquent offenses associated with aggressive behavior. Adler predicted that as it became more socially acceptable for girls to be sexually active, they would be charged with delinquent offenses related to their sexual behavior less often. However, she hypothesized that girls would be prosecuted more often for delinquent offenses associated with aggressive behavior because girls were now expected to learn to be competitive and aggressive in order to compete in a man's world. Once this occurred, girls would have rates of delinquency that would approach the rates of boys (Adler 1975).

Women's rates of incarceration have increased at a rate higher than men's since the late 1980s. This has been primarily due to more women being brought into the criminal justice system for drug and/or property offenses, often related to their own drug addictions and/or partner's drug selling. One in four women incarcerated stated that she committed her crime in order to obtain money for her drug habit (Greenfeld and Snell 2000). These are probably not the women Adler had in mind because Adler had hypothesized that women would be committing more violent crimes similar to those of men. Adler (1975) does discuss drug addiction but states that women's drug addictions will increase as middle-class women face discrimination at their new jobs, while women from lower-class statuses will begin to experience divorce and poverty, leading to their drug abuse. However, Adler could never have predicted the war on drugs, which is responsible for the massive increase in the number of nonviolent women serving time.

Women's rates of white-collar crimes such as embezzlement did increase as women began to enter the workforce, and women's rates for embezzlement are now higher than men's. However, this may be more because of the type of job one holds than anything else (Britton 2000). Women, for example, are more likely to hold a lower-status job within a company, where there are many security checks. Therefore, women are more likely to be caught embezzling than men, who are more likely to hold management positions where there are fewer security checks.

Adler (1975) had predicted that girls' offenses would move from those tied to sexuality to violent offenses as girls gained more opportunities. In the 1970s, research studies showed there was a high percentage of both boys and girls in detention for status offenses (Schwartz et al. 1990). In 1971, for example, 21.5 percent of boys and 58.6 percent of girls were being detained for a status offense. In 1974, the Juvenile Justice and Delinquency Prevention Act was passed with the goal of decreasing the number of status offenders who were held in detention. This act did decrease the number of status offenders for both boys and girls who were held in detention; however, the act had a more direct impact on boys. In 1987, for example, 3.3 percent of all boys detained were held for a status offense, while 17.7 percent of all girls were being detained for a status offense. Often female status offenders were being abused in their homes and ran away to escape the abuse; however, running away is a status offense. This act was supposed to help these girls and provide alternatives for them other than detention, but due to the lack of alternatives, available status offenders are still placed in detention for their own protection (Schwartz et al. 1990).

The number of girls being arrested for simple assault has increased over the past several years. This trend does appear to be related to society's not tolerating girls' aggressive behavior, as many of these girls would have been previously arrested for status offenses (Chesney-Lind 2001). Girls, for example, are now being arrested for simple assault for fighting with parents when previously they would have been charged with being incorrigible—a status offense (Chesney-Lind 2001).

It does appear that women have more opportunities to commit crimes, such as in the workplace, and that girls are arrested for delinquent offenses that do involve more aggressive behavior. However, girls' and women's delinquency and crime rates are nowhere near the rates of boys or men. In the early 2000s, only 1 in 17 of all children in custodial institutions were girls, and women were only 6 percent of all adults incarcerated in state facilities (Bloom et al. 2003). In 2010, the incarceration rate for juvenile females was 61 per one hundred thousand, while the custody rate for juvenile males was considerably higher—380 per one hundred thousand (OJJDP Statistical Briefing Book 2010). In addition, as discussed in chapter 10, all-female gangs still seem to be relatively rare and not increasing in large numbers.

Power Control Theory

In 1985, John Hagan and his colleagues (1985) developed the concept of power control theory. This theory was heavily influenced by the notion that as women began to enter the workforce, their role within their homes would change, directly affecting how they supervised their own children. It was hypothesized that as women gained more control in the workplace, this power would transfer into the home, and women would begin to take a more active role in supervising their sons. The changes in supervision, more intense for boys and less intense for girls than previously, would cause boys' delinquency rates to decline and girls' delinquency rates to increase (Hagan, Gillis, and Simpson 1985).

Prior to the women's movement, families in the United States tended to have a patriarchal structure. This structure occurred when the husband/father went to work, supported the family financially, and made the majority of decisions regarding how the household was run, including how the children were disciplined and supervised (Hagan et al. 1985). Women in patriarchal families tended to be stay-at-home mothers who had the opportunity to closely monitor their daughters. Girls, through close contact with their mothers, learned how to rely on others for social support, a skill that would be valuable later as an adult. This focus on relationships then accounted for girls' lower rates of delinquency because girls did not want to damage their relationships and good reputations by behaving delinquently. However, boys in patriarchal families were not as closely monitored as girls and were encouraged to be independent and to take risks. This type of parental supervision would later in life help the boy to succeed in the workplace, where he would be expected to be independent and willing to take risks. Hagan et al. (1985) suggest that these differences in supervision explain why boys commit more delinquent acts than girls. First, boys have more opportunity because they are supervised less closely. Second, girls fear losing the close relationships that they have built with their mothers, while boys are encouraged to take risks, which often leads to delinquent behavior (Hagan et al. 1985).

After the women's movement, more women began to enter the workforce. Many women began to enter positions of power at their jobs, and some were even beginning to make more money than their husbands. Hagan et al. (1985) suggested that these changes in the workforce and in the home would directly affect how children were supervised and disciplined and would have a direct impact on delinquency rates.

Hagan et al. (1985) examined three major family types to explain changes in delinquency rates due to shifts in power and status in the workplace and home. In the patriarchal family, the father's job had more status and better pay than the mother's job. The father's power from work was then transferred to the home, allowing him to control most of the functions within the home. The sexist ideas that girls should be protected and boys need to be independent were then passed from father to family as the mother implemented the supervision style advocated by the father.

The second type of family structure involved the matriarchal family. In this family structure, the mother's job had more status and higher pay than the father's job, which allowed her to transfer her power from the workplace to the home. Therefore, the mother controlled most of the functions within the home. The matriarchal mother tended to be less involved in the direct supervision of her daughter in comparison with the patriarchal family, while she may or may not have increased the direct supervision of her son.

The third family type was the egalitarian family. In this situation, both parents had jobs that were equivalent in status and pay, and both made decisions within the home equally. In this type of family structure, the daughter received less supervision than if she were in a patriarchal family, while the supervision of a son increased in comparison with the patriarchal family (Hagan et al. 1985).

Hagan et al. (1985) examined only two-parent families when exploring power control theory. They argued that families that have ended in divorce still fall into one of the three family types and that one can determine one's family type by examining the structure of the home before the divorce. There were also many families headed by single parents that had never involved two parents. Hagan et al. (1985) argued that these families would fall into the matriarchal family type. However, the hypotheses regarding single parents and divorced parents have not been examined.

Hagan et al. (1985) hypothesized that as the family structure moves from patriarchal to egalitarian, boys' rates of delinquency will decrease, and girls' rates of delinquency will increase. In other words, as women begin to gain more power in the workforce and home, they will have more say in how their home functions, including how their children are supervised and disciplined. This will cause a shift in ideology within the home, where girls and boys will be treated more equally in regard to supervision. This shift in power will cause girls to be supervised less directly and boys to be supervised more intensely, changing the rates of delinquent offenses for the two genders (Hagan et al. 1985).

A study conducted by McCarthy and colleagues (1999) tested power control theory using high-school students in Toronto. A survey was distributed to determine their delinquency rates, family structure, and amount of supervision. There were few families that fell into the matriarchal family structure, so the researchers decided to examine families as being either more or less patriarchal. The researchers discovered that family structure did impact delinquency. As hypothesized, girls in patriarchal families were more heavily supervised, while boys received less direct supervision. Boys in patriarchal families then tended to have higher rates of delinquency because they believed that they would not get caught. Families that were categorized as being less patriarchal had mothers who did increase the direct supervision of their sons. In this family structure, boys tended to not be as delinquent because they feared getting caught. Girls' delinquency rates for the two family types did not change, but girls within the less-patriarchal families did tend to hold more equitable views on family and work (McCarthy, Hagan, and Woodward 1999).

The results of the study conducted by McCarthy et al. (1999) suggest that there have been changes within the family due to changes in women's roles within the workforce. However, this change seems to have had the largest impact on boys' rates of offending because boys were being monitored more by mothers who had a greater say in how their homes functioned. The increase in supervision had directly affected boys' rates of offending because boys were noticing that they were being monitored and feared getting caught. The changes in the workforce and home seem to have had the least impact on girls' rates of delinquency. Girls' delinquency rates did not change due to the decrease in supervision, but girls in less-patriarchal homes did have a more favorable view of women within the workforce and home (McCarthy et al. 1999).

Power control theory attempted to explain that girls had lower rates of delinquency than boys due to girls' being more heavily supervised. It was then hypothesized that girls' rates of delinquency would increase as girls received less supervision, while also being socialized to take risks. However, boys' rates of delinquency would decrease as boys received more supervision and consequently had fewer opportunities for risk taking. This hypothesis did hold true for boys, but girls' rates of delinquency did not change as they were less directly supervised. This suggests that there is something distinct about being male and female in our society that affects delinquency rates and that the amounts of supervision girls receive or one's parenting style is not enough to account for these differences.

Feminist Perspectives

Prior to the 1960s, criminology theories regarding women and girls had focused on sex or biological differences and gendered stereotypes (Holsinger 2000). These theories had been driven by the prevailing belief that women and girls were inferior to men and boys and focused on three themes: females as biologically inferior, female crime being motivated by sexual drive, and treatment that included teaching women and girls how to better fill the traditional female role (Holsinger 2000).

During the 1960s and 1970s, as the women's movement began to evolve, the way we viewed women and girls in society began to change as women demanded equal rights and opportunities. This movement also had an impact on criminology and the explanation of girls' and women's delinquency and crime, as feminists began to point out biases in criminology theory (Britton 2000). The majority of theories in criminology had been developed to explain males' criminal and delinquent behavior and then were later adapted to cover female criminal and delinquent behavior. Females were ignored in criminology theory because they were only a small percentage of all criminal and delinquent offenders. Feminists also emphasized the need to consider gender and not focus solely on one's sex when explaining female criminal and delinquent behavior. Previous theories had focused on biological differences, while not taking into consideration gender differences between males and females and their roles in society (Britton 2000).

Female criminologists then began to conduct research to explain female criminal behavior, and books such as Freda Adler's Sisters in Crime and Rita James Simon's Women and Crime began to emerge (Britton 2000). During this period, research on rape and domestic violence also became more prevalent, which changed the way women were treated as victims of these crimes. Prior to the 1970s, rape was thought to be a struggle of lust and sexual desire; however, feminists were able to redefine rape as a power struggle between two people. This new definition had an impact on how women were treated in the courtroom as victims and the definition of rape as a criminal act. Feminists were also able to expose the problems of domestic violence by making people aware of the struggles these victims faced. This exposure led to changes in the way police and the courts handle this crime (Britton 2000).

During the 1960s and 1970s, feminists had primarily focused on white middle-class women, assuming that their experiences were universal (Daly 1997). However, during the 1980s, feminists began to become aware that some voices had been previously excluded. Feminists then began to explain how women from different classes and races have different life experiences. It is important to consider these differences when explaining female criminal and delinquent behavior and when trying to understand how laws and policies impact women differently (Daly 1997). Meda Chesney-Lind, for example, is a scholar and advocate for girls and women in the criminal justice system who is dedicated to examining criminal justice policies and their implications for girls and women from different races and classes (http://www.chesneylind .com). Chesney-Lind has been recognized numerous times for her work and has brought national attention to the problems experienced by girls and women in a juvenile and criminal justice system built for boys and men.

Chesney-Lind's work with girl delinquents began with her master's thesis, in the early 1970s, where she examined the records of girl delinquents and discovered that girls were receiving vaginal exams after being arrested (Belknap 2004). Chesney-Lind then applied the feminist perspective by showing how vaginal exams were being used to regulate sexual immorality in young girls. In the 1980s, Chesney-Lind worked with women inmates as a teacher at a prison in Hawaii. It was there that she began to hear the women's stories and to realize that many of these women had been abused as children. She then began to conduct research with women inmates to better understand their prior victimization. "Thus, through her scholarship, Chesney-Lind is not only responsible for identifying sexual abuse in the form of vaginal exams forced on girls apprehended for delinquency but also for documenting the sexually and physically abusive backgrounds of many delinquent girls and incarcerated women" (Belknap 2004, 15).

In the late 1980s, Chesney-Lind began to focus on girls in gangs (Belknap 2004). She conducted many interviews with these girls to try and understand who they were and why they were involved in gangs. To her surprise, Chesney-Lind found that girls in gangs were not all that different from girl delinquents not involved in gangs. Chesney-Lind's research continues to focus on the plight of girl delinquents, but her focus has shifted toward understanding the experiences of girls' lives on the streets and in their homes (Belknap 2004).

The directions and suggestions that feminist criminologists have made and followed are referred to as the feminist perspective because this is not one theory, but rather a perspective that is still evolving (Britton 2000). This perspective asks criminologists, when studying females, to remember that most criminological theories have been developed to explain male criminal and delinquent behavior. Therefore, one should not directly apply these theories to females without taking into consideration the differences between males and females—both biological differences and gender differences, or what it means to be male or female in our society (Holsinger 2000). When studying females, it is also important to remember that inequalities in power between men and women are just as important as inequalities caused by race and class (Daly 1997).

The feminist perspective is recognized for its emphasis on the circumstances of girls and women that contribute to their offenses. However, some contend that although abuse, particularly sexual abuse, is more common among female offenders than male offenders, most victims of abuse do not become serious delinquents or adult offenders.

Thus, we need to look for additional explanations, including traditional theories, in an effort to combine or integrate existing explanations of female offending with feminist ones, in order to obtain a more complete explanation of offending (Giordano 2010, 23). In fact, developing integrated theories is a technique that is becoming popular in general explanations of crime and delinquency, not just explanations of female criminality (Shoemaker 2010, chap. 12).

Additional Considerations

Despite the promise of examining female delinquency from new theoretical perspectives, including a feminist biosocial perspective (Walsh 2011), research continues to stress the importance of applying existing theoretical insights to analyses of delinquency among females and males. For example, in chapter 5, it was mentioned that some investigations of the pathways to delinquency have suggested that among most female offenders there is both an adolescence-limited and a delayed onset into adolescence-limited delinquency. In addition, for a small set of female delinquents, there is an early-onset pattern of life-course-persistent delinquency. Also in chapter 5, it was noted that girls have different motivations for turning away from crime than do boys. In addition, in chapter 7, it was found that females respond differently than do males to the Moving to Opportunity experiment.

Partly in response to increased recognition of the need to consider special conditions and situations that might affect female delinquency and proper societal responses to female delinquency, in 2004 the Office of Juvenile Justice and Delinquency Prevention Programs (OJJDP) established an interdisciplinary research and think-tank team called the Girls Study Group. One of the publications of this group was a special consideration of the causes of female delinquency (Zahn et al. 2010). In many areas, the study concluded that the contributions to female delinquency were similar to those of males, such as have been discussed not only in this chapter but also in other chapters of this book.

Factors such as poverty, peer groups, lack of parental supervision, child abuse, and exposure to violence were important contributors to both male and female delinquency. However, the correlates of delinquency frequently impact girls differently than boys. For example, this study concluded in part that "early puberty, coupled with stressors such as conflict with parents and involvement with delinquent (and often older) male peers, is a risk factor unique to females" (Zahn et al. 2010, 12, emphasis added). In addition, this study concluded that females tended to respond more positively to the program Moving to Opportunity, as was also discussed in chapter 7.

Summary

Early theories that attempted to explain women's and girls' crime and delinquency rates tended to focus on sex and gendered stereotypes. Due to the women's movement and the increase in the number of feminist criminologists, the field of criminology became aware that its theories had been biased and were typically theories used to explain male behavior applied directly to female behavior. Criminologists are now beginning to understand that girls commit crimes for different reasons than boys and that girls' delinquency is often tied directly to their histories of abuse and victimization, although it is recognized that victimization is not the complete explanation of female criminality.

The delinquent offenses that girls tend to commit are nonviolent offenses, such as status and property offenses, although there are signs of increasing violent crimes among populations of female offenders. In recent years there have been governmental efforts to address female delinquency and societal responses to it. The Juvenile Justice and Delinquency Prevention Act of 1974, for example, attempted to decrease the number of status offenders held in detention. This act did decrease the number of boys held in detention for status offenses; however, for girls it was not quite as successful. In 2004, the Office of Juvenile Justice and Delinquency Prevention Program established a research group, called the Girls Study Group. Their efforts produced a number of studies on the causes, treatment, and prevention of female delinquency. Research is providing a better understanding of why girls commit crime and delinquency, including status offenses. However, there is still a real need to implement programs in these girls' communities and in juvenile institutions that specifically address their needs, such as nutrition and parenting classes for pregnant girls and counseling for those who have been victimized. As we learn more of the particular circumstances and situations that negatively affect the lives of girls and young women, we can hopefully begin to address more adequately the consequences of these situations and thus help to reduce the instances of delinquency among females, which is a goal of all delinquency treatment and prevention programs.

Study Questions

1. In what ways are female delinquents distinguished from male delinquents?
2. How did early theories (late nineteenth and early twentieth centuries) explain female delinquency?
3. What are the "causes" of female delinquency, according to feminist theory?

CHAPTER 12

Labeling and Conflict Theories

Labeling and conflict explanations of delinquency focus on divergent social groups and alliances in society and the power these different groups exert on the passage and enforcement of laws. In general, these views of crime and delinquency identify offenders as more or less healthy and normal individuals who are responding to situations that are difficult to control. Juveniles, for example, may be labeled according to the groups or peers with whom they associate, and they have relatively little social power to change or alter these perceptions or legal actions based on the views of others.

A common assumption of labeling and conflict theories is that the enforcement of laws by the police and courts is neither uniform nor based strictly on legal issues. Minority suspects and, in general, people from politically and socially weak backgrounds are assumed to be disproportionately processed through the juvenile and criminal justice systems. Some of these issues have already been addressed, especially in chapter 3, and they are discussed again in the chapters concerning the juvenile justice system. However, issues of discrimination are theoretically grounded in labeling and conflict theories.

In addition to the notion that more powerful groups in society seem to have the largest impact on laws and law enforcement, labeling theory also focuses on the result of having been identified as a criminal or delinquent by authorities such as the police and courts. In particular, labeling theory addresses the negative consequence in one's self-concept and ultimately behavior patterns as a result of having been labeled a delinquent or a criminal by official criminal and/or juvenile justice agents and organizations. For example, rather than desisting from criminal activity as a result of having been arrested or found delinquent in juvenile court, a juvenile might develop a hardened attitude toward the juvenile justice system and society in general, and become even more involved in delinquency. This emphasis on the reactions of suspects or offenders to the actions of official agents of social control and of members of society in general is used to name labeling theory a societal reaction, or interactionist explanation of crime and delinquency.

Key Concepts of Labeling Theory

Labeling theory is often identified with the works of Edwin Lemert and Howard Becker. However, many of its basic ideas can be found in the earlier writings of other scholars, such as C. H. Cooley, George Mead, and Frank Tannenbaum. Cooley, for example, coined the term looking-glass self (Cooley 1964). This concept argues that we obtain an image of ourselves by reacting to what we perceive others to be thinking of our behavior. As applied to labeling theory, the looking-glass self offers a basic understanding of how our self-concept may change because of the actions of the police or courts toward our behavior.

George Herbert Mead introduced the concept of generalized other as another term to describe the development of people in society (Strauss 1964). The generalized other is like our conscience, a view of what we should be doing according to what we think general society expects of us. As associated with labeling theory, the generalized other can be seen as a set of expectations and norms we pick up as we are socialized into society that can influence not only what we do but also how we react to the responses of others to our behavior. We may resist the label, try to change it, or accept it, depending in part on our notion of a generalized other.

Labeling theory is also evident in Frederick Thrasher's study of gangs in Chicago in the 1920s (Thrasher 1927), as discussed in chapter 10. However, Frank Tannenbaum, in a book titled Crime and the Community (1938), clearly identified labeling as one consequence of being processed through the juvenile justice system. Tannenbaum introduced the term dramatization of evil, through which he indicated a person can become the epitome of what he has been labeled. As Tannenbaum put it, "The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of" (Tannenbaum 1938, 19–20).

The person who is generally credited with making labeling theory a contemporary perspective on crime and delinquency is Edwin Lemert, who discussed the theory and two of its more important terms in a book titled Social Pathology, published in 1951. In this volume, Lemert introduced the terms primary deviance and secondary deviance. Primary deviance (or delinquency) is that which is committed without a public label being attached. The act may be noticed by one's family or close friends, or even by strangers in public. However, there is no formal processing of the individual in connection with primary deviance. The behavior is primary in the sense that it comes before an official label has been applied.

According to Lemert and many advocates of labeling theory, the causes of, or contributions to, primary deviance are several and varied. In effect, proponents of labeling theory downplay the importance of trying to understand the factors contributing to primary deviance in favor of emphasizing the consequences of tagging or labeling the act as criminal or delinquent and those who commit these acts as criminals or delinquents.

Secondary deviance is that which occurs after primary acts of crime and delinquency have been labeled. It is possible for a person to continue committing primary delinquency and never be caught or labeled as a delinquent. Strictly speaking, therefore, the continued commission of delinquency without formal labels having been applied represents primary deviance. Once the person has been caught and labeled as a delinquent, however, the process toward secondary deviance has begun.

Lemert envisioned secondary deviance as a process, involving several steps and potentially taking a long time to complete. The process includes committing the behavior, getting punished for it, reacting to the punishment or ignoring it altogether, continuing to commit acts of crime or delinquency and receiving punishment, and ultimately changing one's self-image to conform to the implications of the label (I am a "bad" kid) and continuing to commit deviant acts in accordance with a definition of deviant ("Everybody thinks I am a delinquent, so why not act that way?"). The exact place within this process wherein a person actually becomes a secondary delinquent is not clear, but the notion of changing one's self-concept to correspond to a label of delinquency and committing acts of criminality in connection with this definition are clear. That is the gist of secondary deviance.

Discussion of the Theory

Since the introduction of these concepts more than fifty years ago, there has been considerable discussion of these two terms and of labeling theory in general. Some, such as Ronald Akers (1968), suggest that the theory is too rigid in its depiction of how people come to accept a label placed on them by others. We may not easily accept condemning labels of who we are, and the acceptance of such pejorative terms thus becomes problematic and conditioned by a host of situations and variables. For example, some may look upon a label as a sign of importance, especially among those considered minorities when the label is applied by representatives of the dominant population, as mentioned in chapter 6, when self-concept was discussed in connection with containment theory.

In addition, there is the problem of how to deal with the seemingly contradictory existence of "hidden" crime and delinquency, that which goes unreported and undetected by officials. Is such behavior still criminal, or does it take an official label to make it criminal? Howard Becker (1973), for example, attempts to handle this issue by referring to hidden crime and deviance as "rule breaking," meaning behavior that is wrong but not technically labeled as criminal. It is still likely, however, that offenders realize their behavior is illegal, even though they have not been caught. Why go to lengths to conceal or justify criminal and delinquent behavior (see the discussion of neutralizations in chapter 6) if it is considered acceptable and normal?

It should also be remembered that, powerful as a label of crime and delinquency may be on one's self-concept and/or behavior, the reasons for committing delinquent acts in the first place may still exist. For example, if a child is involved with a delinquent peer group and begins to get into delinquent behavior, and if he or she is caught and labeled, continued involvement in crime might still be strongly influenced by the peer group—except that now there are additional problems of dealing with a label of "delinquent," or perhaps a label of "gang member," that were not there in the beginning. In some cases, simply being associated with a gang might be justification for the police to stop and perhaps arrest someone, regardless of what they have actually done. The distinctions between primary and secondary deviance and their connections to crime and delinquency are presented in figure 12.1.

Primary Deviance (caused by many possible factors and *not* labeled) → Possible Detection and Labeling of the Behavior as Delinquent, by Public Officials → Processing through the Juvenile Justice System → Public Identification as Delinquent → Acceptance of Delinquent Identification ⟷ Continued Delinquent Behavior (Secondary Deviance)

FIG. 12.1 Labeling Theory and Delinquency

Labeling and Self-Concept

Self-concept was discussed earlier, in connection with containment theory. In that theory, self-concept is seen as a precursor to delinquency, a factor contributing to delinquency. With labeling theory, the self-concept is also important, but in a different way. Self-concept is thought to change in accordance with the label of one as a criminal or a delinquent. Presumably, the self-concept before the label was applied was normal, or at least not problematic. The evidence in support of this assumption is mixed. Some research tends to support the assumptions of labeling theory, but it seems more of the research refutes or questions these assumptions.

Case studies and qualitative analyses sometimes support the tenets of labeling theory. In a comparison of two gangs in a small Midwestern town, for example, William Chambliss concluded that labeling was a significant factor in the attitudes and behaviors of the two gangs, one lower class and one middle class. The lower-class gang (termed the "Roughnecks" by Chambliss) had a reputation for violence and crime in general, and their arrest records seemed to confirm that reputation. In contrast, the middle-class gang (the "Saints") were considered basically good kids by those in the community (in part because they tended to commit their delinquent acts in other towns) and had no arrest records, even though they were almost as involved in delinquent acts (based on Chambliss's observations) as were the Roughnecks. Furthermore, the boys' own attitudes seemed to agree with their reputation in the community (Chambliss 1973).

Other, more quantified research, however, does not systematically support the hypothesis that official labels create changes in self-concepts of delinquents. Some studies, for example, indicate that while delinquents tend to think of themselves as delinquent more so than do high-school students, this difference is not automatically caused by being arrested or sent to juvenile court (Gibbs 1974). In addition, official delinquents do not always view their lives or their reputations in the community as having been significantly affected or changed as a result of having been caught and labeled for their delinquent activity (Foster, Dinitz, and Reckless 1972). Other studies conclude that the overall situation of a juvenile's life, such as social-class position and actual involvement in delinquency, have more to do with self-concept than does the existence of a formal label (Hepburn 1977).

Official labels may have more impact on middle-class youths and first offenders than on other youths (Jensen 1972, 1980; Mahoney 1974). Presumably, youths in these situations are more traumatized by the first time they are arrested or by the relatively low presence of police and court involvement in their neighborhoods. It may also be the case that being arrested by representatives of the dominant class (such as middle-class whites) can be seen as a kind of badge of courage and something to be proud of among minorities, particularly youths.

Labeling and Behavior

Does being labeled change one's behavior? Is labeling by official agents of social control the catalyst for a major change in one's behavior? Finding answers to these questions is not easy, in part because, as mentioned above, the behavior of delinquents is explained by many factors, and these contributors to behavior do not disappear just because one has been arrested or referred to court. Membership in gangs often leads to an increase in delinquency, as discussed in chapters 6 and 10, so we know that certain social circumstances can contribute to increased risk for committing delinquent acts.

Qualitative studies, such as the Saints and the Roughnecks study mentioned previously, provide some support for the continuation of delinquency based upon labels or reputations in the community. In addition, there is evidence that being transferred to the criminal justice system may actually increase the risk for greater involvement in crime and delinquency, and this may be the result of labeling (Bishop et al. 1996). Additional studies conclude that labeling from agents of social control, such as the police, can have negative impacts on youths and thus contribute to delinquency (Hannon 2003). Even being stopped and questioned by the police, as well as being arrested, can lead to increased delinquency, especially because being stopped or arrested can lead to increased associations with delinquent peers and increased use of neutralizing feelings of guilt (see chapter 6) (Wiley, Slocum, and Esbensen 2013). In addition, increased attention of law-enforcement agents to juveniles arrested the first time may lead to a greater chance of those youths being rearrested, regardless of any changes in their actual offending behavior (Liberman, Kirk, and Kim 2014).

However, there is also evidence that labeling does not increase delinquency. For example, the oft-noted "maturation effect," discussed in chapter 3, runs counter to the predictions of labeling theory. Instead of labeling leading to more crime and delinquency, there is often a cessation of criminality with age, including among those who have been officially labeled as criminals or delinquents. Of course, there is the hard-core group of delinquents to be considered, the chronic offenders in the cohort studies. These offenders repeat their offenses and there is some evidence that the severity of their crimes increases somewhat as they repeatedly offend (Tracy, Wolfgang, and Figlio 1990, chap. 10). Chronic offenders are definitely labeled, since they have been contacted by the police at least five times during their juvenile years. However, the direct impact of labeling on the "careers" of these juveniles is difficult to assess within the reports of the cohort studies.

It is also the case that the behavior of the Saints and the Roughnecks, referred to above, was consistent with the labels and reputations each gang had in the community. All of the Roughnecks had been arrested, but none of the Saints had a police record, so labeling was definitely occurring in that study.

Also, some research suggests that labeling may increase delinquency, but this effect is temporary. For example, the aforementioned longitudinal study of over 2,700 juveniles referred to the adult court system in Florida concluded that waived youths were more delinquent than a matched sample of

2,700 juveniles who were not transferred to the adult system, and that this increase in criminality may have been attributed to labeling (Bishop et al. 1996). However, additional observations of these youths concluded that after a few years, the rate of crime among both samples of offenders was about the same (Winner et al. 1997), indicating that even if labeling had occurred previously, its effects were reduced over time, again somewhat contrary to the predictions of labeling theory.

Although Lemert and other labeling theorists concentrated on the effects of labeling within the criminal or juvenile justice systems, the impact of names and labels can also be felt when applied by other significant people in juveniles' lives, such as parents, teachers, or even peers. Some research suggests that these more informal sources of labeling can have strong impacts on delinquent behavior. In analyses of the National Youth Survey, for example, Ross Matsueda and colleagues conclude that negative labeling by parents (such as whether their child is well liked or is a troublemaker) is associated with lowered self-esteem and increased delinquency among children. In addition, these studies conclude that delinquency and labeling can be interactive—that is, delinquency can lead to labeling, which can lead to more delinquency, and so on (Matsueda 1992). Negatively labeled youths may start to see themselves as what they have been labeled and act accordingly—that is, developing "reflected appraisals," especially among males (Heimer and Matsueda 1994; Bartusch and Matsueda 1996). The results of these analyses are only suggestive of a negative impact of labeling because they are based on conclusions and opinions of parents and children rather than on direct observations of parent–child interactions. Still, these results tend to support the basic ideas of labeling theory, except that the labeling is coming from parents as opposed to the police or court officials.

The studies by Matsueda and associates also suggest that delinquency can weaken the social bond between parents and children (see chapter 6 and social control theory), which can lead to further involvement in delinquency and further alienation between parent and child (see also Triplett and Jarjoura [1994). This idea suggests that labeling may have an indirect impact on delinquency because it weakens bonds of youths to conventional adults in society such as parents and teachers. Howard Kaplan and his colleagues also suggest that the impact of labeling may indirectly lead to delinquency because labeling can lead to lowered self-esteem or self-rejection, which can lead to more involvement with delinquent peers (see chapter 6 and differential association theory), which can then lead to delinquency (Kaplan and Johnson 1991; Kaplan and Fukurai 1992).

Connections with Juvenile Justice

Despite the uneven research support for labeling theory, it has been the theoretical basis for several juvenile justice concepts and practices over the past twenty years or so. For example, diversion is currently a popular method of handling young offenders, especially first offenders and those charged with minor criminal offenses or status offenses. Diversion is discussed in more detail in the next chapter, on juvenile justice, but essentially it involves placing an offender in programs or agencies that are not directly within the formal juvenile justice system. One rationale behind this practice is that identifying juveniles as delinquent by processing them through the formal system of juvenile justice is potentially harmful to them by stigmatizing them and by placing restrictions on their successful return to conventional pursuits such as school and work. Some diversion programs operate at the police level —that is, youths are diverted from the system at the point of arrest or being taken into custody. Other diversion programs are introduced later in the system, such as after referral to the juvenile court.

Another feature of juvenile justice is deinstitutionalization, and this practice is also partially based on labeling theory. Deinstitutionalization means deemphasizing institutions as a response to delinquency. In its purest form, it is the total or near total removal of youngsters from juvenile correctional institutions, such as the "Massachusetts Experiment" initiated by Jerome Miller in the 1970s in Massachusetts (Miller 1991). Other examples of deinstitutionalization include significant reductions in inmate populations or the closing of a few institutions in a state. Deinstitutionalization is discussed again in chapter 15, on juvenile institutions.

A third aspect of juvenile justice that is at least partially based on labeling theory is restorative justice. This concept essentially seeks to reconcile the differences between an offender and his or her victim(s), including members of the community who may also be affected by the crime or act of delinquency (Krisberg 2005, 185–89). In part, restorative justice is based on the concept of reintegrative shaming (Braithwaite 1989). Reintegrative shaming maintains that attempts to reconcile, or reintegrate offenders back into the community, may help not only to produce more law-abiding behavior in offenders but also to promote order and conformity within the community. Thus, labeling offenders may produce more desired results in terms of reduced crime and delinquency if such labeling efforts are conducted with an eye toward shaming for the purpose of repentance on the part of offenders and acceptance of offenders back into the community. Reintegrative shaming and restorative justice are discussed in more detail in chapter 15, in connection with prevention and treatment programs.

While diversion, deinstitutionalization, and restorative justice programs may not always significantly reduce delinquency, they are likely to remain a part of society's response to delinquency, and to that extent, the impact of labeling theory on juvenile justice practices is significant.

Conflict Theories

Conflict theories of crime and delinquency are similar to labeling theory in that they also identify differences between and among groups and components of society as having a major impact on the development and enforcement of laws and on criminal or delinquent behavior as well. However, conflict theories do not focus on the impact of labeling on one's self-concept, as is the case with labeling theory.

For this discussion, attention focuses on those conflict theories that attempt to explain delinquency. Conflict theories can be categorized by the type of conflict thought to contribute to delinquency. One kind of conflict theory, for example, looks at the conflict between cultures as an important explanation of delinquency. This is called culture conflict theory. As proposed by Thorsten Sellin, culture conflict theory argues that norms and laws in society are better interpreted as conduct norms (Sellin 1938). Conduct norms are prescriptions for behavior that are based on cultural values. They may be included in laws, but they can exist outside of laws as well.

Sellin argues that people immigrating to other cultures, especially countries that are economically and politically stronger than that of the immigrants, are at risk of becoming involved in criminal or delinquent behavior because of the confusion and misunderstandings derived from differences in conduct norms, or basic cultural values. As discussed in chapter 10, second-generation immigrant youths are especially vulnerable to such conflicts, primarily because they are exposed directly to at least two different, often conflicting, cultures, that of their parents and that of the new country. The values of the new country are expressed in the school system, which these youths are almost always forced to attend, at least for a while (Wirth 1931). The kids caught in these situations may have real problems handling the conflicts, frustrations, and confusions between what they are learning at school and what they hear and see at home, especially if different languages and values are involved. These confusions can become even more critical when compounded by the effects of peer interactions (see chapter 6). The desire to be accepted by one's peers can be much more difficult when major cultural and language differences are involved.

Culture conflict theory seems particularly appropriate as a partial explanation of gangs, discussed in chapter 10. It can also, however, be used to help understand the behaviors of many troubled and conflicted youths, especially immigrants, who are not necessarily involved with gangs but who may be engaged in other delinquent activity, such as status offending, using drugs, and theft (Sheu 1986; Wong 1997).

Another conflict theory is that identified with the ideas of Karl Marx. Although Marx never explicitly posited a theory of crime or delinquency, many of his ideas have served as a basis for a conflict theory of criminality. In particular, theorists have argued that a prime or basic cause of crime is capitalism. Willem Bonger, a Dutch criminologist, was one of the first to offer a Marxian theory of crime in 1916 (Bonger 1969). However, Bonger did not separate the basic cause of crime by age, and his ideas tended to apply to adults or to the general population more than to juveniles. More contemporary Marxist or, better, neo-Marxist (Shoemaker 2010, 296) theorists also fail to specify the relationship between capitalism as a basic cause of crime and its effects on juveniles (Chambliss 1975; Quinney 1980).

However, David Greenberg does try to connect neo-Marxist ideas with delinquency, although his explanation seems to combine other explanations along with neo-Marxist views. Greenberg (1977) argues that juveniles are economically disadvantaged by capitalist economic systems. However, even for juveniles, money and economic power are coveted and important for their social lives. Respect and friendship can sometimes be "bought," so the lack of money impedes these sources of satisfaction for many juveniles. Also, success at school is limited for some juveniles, especially those from working- and lower-class backgrounds, and this becomes another incentive for turning to crime. This scenario seems to stretch the connection between capitalism and the motivations for behavior among youths. Furthermore, to the extent that such a connection does exist, it makes more sense for the explanation of crime among lower-class youths and thus seems to be less useful as an explanation for middle-class delinquency, as others have noted (Klockars 1979).

In addition, as Greenberg's theory implies and as we have seen elsewhere in this book, it is not clear that juveniles are as influenced by money and jobs as they are by social status and peer acceptance, among other less-economic measuring sticks. In that sense, the neo-Marxist approach seems less persuasive as an explanation of delinquency than other theories. The emphasis on capitalism or socialism as a basic cause of criminality also ignores or downplays the existence of delinquency in socialist nations such as Cuba, the People's Republic of China, and the former Soviet Union (Shoemaker 2010, 308).

The focus of attention in neo-Marxist criminology has also been on the effects of capitalism on the enactment and enforcement of laws. As indicated above, this topic is addressed again in chapter 14. For the moment, however, note that while analyses of the child-saving movement and the development of juvenile justice in nineteenth and early twentieth-century America indicate the partial influence of social class (see chapter 2), several other studies of delinquency laws and juvenile courts do not support the neo-Marxist claim that delinquency laws are made and enforced on the basis of social-class privilege or influence. Rather, it seems that a combination of many factors, which sometimes may include social class, tend to collectively result in the passage of delinquency laws (Hagan and Leon 1977; Sutton 1985). In addition, the operations of the juvenile court are often individualized and may as much reflect the interactions among legalities, personalities, and interpersonal communications as the effect of structural and class-based considerations (Bortner 1984).

Largely because the suggested solution to crime lies in radically altering the socioeconomic systems of capitalist societies, this perspective has become known as the radical perspective or theory of crime and delinquency. However, even some earlier Marxist criminologists did not accept this point of view and opted for a less radical solution to the problem of crime and delinquency (Gordon 1973). More recently, many neo-Marxists have developed what has become known as the "left realist" position on crime control and prevention (Schwartz and DeKeseredy 1991; Young and Matthews 1992). Left realism focuses on more realistic goals for crime reduction, goals that seem more compatible with other explanations of crime such as social disorganization and social-control perspectives (Groves and Sampson 1987). For some, the ultimate goal may be the eventual elimination of capitalism (Lynch and Groves 1989, 126–30), but even then, the emphasis on more manageable problems and workable solutions seems favored over the radical restructuring of the socioeconomic system.

Summary

Labeling and conflict theories share a common interest in the understanding of how laws are made and enforced. In particular, these perspectives on crime and delinquency assume that laws reflect the interests of some, especially the more powerful in society, and that the enforcement of laws is also based on these influences. In addition, labeling theory addresses the important issues of the impact of being labeled a delinquent on one's self-concept and behavior. An important distinction within this theory is the difference between primary and secondary deviance. Primary deviance is deviance committed without an official label, while secondary deviance is based on the consequences of being labeled a deviant or delinquent, especially in terms of self-identification and subsequent involvement in crime or delinquency.

Attempts to examine these two theoretical perspectives on delinquency have not been uniformly positive. While there is ample evidence that many laws are enacted through the influences of interest groups, consistent with conflict theory, there is less evidence that delinquency laws have emerged through similar interests. The interests of middle-class women were particularly evident with the passage of the first delinquency laws in the nineteenth century. Even with these laws, however, there is evidence of some degree of consensus regarding the need for the protection of children from victimization by adults and other youths. In addition, anecdotal evidence is consistent with labeling theory's predictions that an official label of delinquency tends to change one's self-concept and self-identification and that repeated involvement in delinquency can develop in reaction to such labeling. However, more quantified data provide mixed evidence regarding this prediction. In particular, the often-noted maturation effect, in which most youths seem to move away from crime and delinquency, suggests that while labeling may have some impact on youths, its effects are not long lasting.

Of course, the intention of labeling young people as delinquent is to correct their behavior, and in some (perhaps many) cases this happens. However, it is also true that labeling may have a reverse effect in that it may create more problems than existed in the first place and thus make it more likely that a juvenile would reoffend. Or it may be the case that labeling may have little direct effect on a child's attitudes and behavior apart from the many influences on behavior discussed in previous chapters.

Although the evidence concerning the predictions and assumptions of labeling and conflict theories is inconsistent, current practices in the juvenile justice system are sometimes based on these perspectives, especially labeling theory. Diversion, deinstitutionalization, and restorative justice programs, for example, are based in large part on the ideas of labeling theory. In addition, these views on crime and delinquency have the important value of sensitizing society to the potential for inequality and abuse in the operation of the juvenile justice system and other institutions designed to handle delinquent or troubled youths. In this sense, labeling and conflict theories provide invaluable knowledge and understanding, not only to the motivations for delinquency but also, and perhaps more importantly, to the understanding of society and its institutions, especially the juvenile justice system.

Study Questions

1. How can the application of a deviant label lead to secondary deviance?
2. What are some current juvenile justice policies that are based on labeling theory?
3. How does culture conflict contribute to delinquency, especially among immigrant youths?

CHAPTER 13

The Contemporary Juvenile Justice System

As discussed in chapter 2, the juvenile justice system is rooted in historical context that includes concepts and developments from Europe and the early years of American society. However, the contemporary form of juvenile justice in the United States is barely one hundred years old and is based on the model created by the first juvenile delinquency laws passed in Chicago and Cook County, Illinois in 1899.

From the legal inception of the first juvenile justice systems in various states until today, one of the cardinal features of justice for the young is the establishment of separate procedures and concepts designed to relate to the characteristics and situations of young people, including appropriate responses to their illegal actions. Central to these procedures and concepts is the notion that judgments and societal reactions should be based on the best interests of the child, often to include policies based on treatment and rehabilitation rather than societal punishment.

Within thirty years of the creation of the first juvenile court system in Illinois, virtually every state had developed some kind of juvenile court concept with attendant policies and programs. In 1912, the US government created the Children's Bureau, which, in part, was given oversight responsibilities for all of the several juvenile courts in the country. For several decades, that agency was also responsible for collecting and reporting statistical data on juvenile courts and juvenile institutions. Today, that function rests with the National Center for Juvenile Justice.

The modern system of juvenile justice is divided into three major units, or subsystems: the police, the courts, and correctional institutions. The purpose of this chapter is to present an overview of juvenile justice within this framework as well as to discuss basic terms, concepts, and procedures within the juvenile justice system. The chapters to follow concentrate more specifically on the role of the police, juvenile courts, and correctional institutions as the major components of the overall system.

An Overview of the Modern Juvenile Justice System

To describe juvenile justice as a "system" is, to some, a misnomer, in that the various parts and components of this system sometimes (perhaps often) do not mesh well and seem to be more fragmented than integrated (Bartollas and Miller 2005, 28–30). That is, the various components or units of the juvenile justice system are often not interconnected such that information about a case or a juvenile flows evenly and smoothly from one unit to another. One common complaint heard from practitioners in the juvenile system is lack of communication between members or representatives of different units. This problem is often heard when referring to different organizations within one component of the system, such as the lack of communication between or among different police departments in one geographical area.

Regardless of the nature of the elements of juvenile justice, a major factor in the decision to handle a case in the juvenile or adult system of justice is the age of the accused. Usually, those under eighteen are under the original jurisdiction of the juvenile courts. This age restriction is true for most of the states. But in some states, juvenile court jurisdiction ends for youths at the age of seventeen or sixteen. In most states, however, once a juvenile has been sent to the juvenile court and handled within the juvenile system, supervision of that juvenile may extend to his or her twenty-first birthday, although in some states, the upper age of juvenile court jurisdiction extends to age twenty-four (see Table 13.1). Several states also specify a lower age of original juvenile court jurisdiction. The lower age ranges from six to ten, but many states do not specify this lower age (Sickmund and Puzzanchera 2014, 93). As was mentioned in chapter 1, by common law, the youngest age of criminal responsibility in the United States is seven. However, the juvenile court retains jurisdiction over status offenses, as well as cases of neglect and dependency, so the lower age of criminal responsibility does not always apply. Thus, in states that do not identify a lower age of jurisdiction, presumably courts are allowed discretion over which cases involving very young children they will receive, or have the authority to refer cases to other agencies. Even in states that specify a lower age of court jurisdiction, it may also be presumed that there are provisions, such as social services intervention and counseling, for handling cases of crime or delinquency involving younger-aged youths.

The entry level for the juvenile justice system can either be through the police or some other source. As was mentioned in chapter 3, over 80 percent of the referrals to juvenile court come from the police. The police have several options when witnessing or being told of an offense by a juvenile. They can, for example, issue a warning, or citation, and let the juvenile go. They may take the youth to his or her parents as part of the warning. Or they may decide to arrest the child—that is, take him or her into custody. This procedure involves making a record of the event, entering it in the files of the department, and taking physical profiles of the juvenile, such as fingerprints or photographs.

Table 13.1 Oldest Age for Original Juvenile Court Jurisdiction and Retention for Delinquency Cases, by State

Age	State (as of the end of the 2015 legislative session)
15	New York, North Carolina
16	Georgia, Louisiana, Michigan, Missouri, South Carolina, Texas, and Wisconsin
17	All other states, plus the District of Columbia
Oldest Age Over Which the Juvenile Court May Retain Jurisdiction for the Disposition of Delinquency Cases, as of 2010	
18	Alaska, Iowa, Kentucky, Nebraska, Oklahoma, Rhode Island, and Texas
19	Mississippi
21	Florida and Vermont
22	Kansas
24	California, Montana, Oregon, and Wisconsin
Until the Full Term of the Disposition Order	Colorado, Hawaii, and New Jersey
20	All other states, plus the District of Columbia

Source: OJJDP Statistical Briefing Book. Available at http://www.ojjdp.gov/ojstatbb/structure_process/qa04101.asp?qaDate=2015. Released on April 29, 2016. Accessed on September 8, 2016; and Sickmund and Puzzanchera (2014, 93).

Cases involving arrest usually are referred to the juvenile court system, not necessarily a juvenile court judge right away, but to the system. The first step in the juvenile court phase is intake. Intake involves information gathering by an officer of the court, usually a probation officer, concerning the specifics of the case. Typical attendees at intake are the officer of the court, perhaps the arresting police officer, the child and representatives of the child (such as parents or an attorney), and the victim (if one can be found), as well as representatives of the victim. The intake officer can dismiss the case, hold it for continued review, which usually means some type of informal probation, or refer the case to the juvenile court judge. Formal referrals to the court from the police or to the juvenile court judge by the intake officer are called petitions. A petition is a formal charge against the juvenile, one that lists the type of offense committed and the known particulars of the case, such as when and where the offense was committed, the victim, and other relevant information. Often the petition from the police is carried over, with possible modifications, as a petition to the juvenile court judge.

Once a case is petitioned to the juvenile court judge, a juvenile court hearing is established, which may be weeks or months removed. At this point, another kind of hearing is often scheduled, a detention hearing. The purpose of the detention hearing is to determine whether the juvenile should remain in custody pending the court hearing. This detention hearing is often presided over by the intake officer and may elicit information from a variety of caregivers of the youth as well as from representatives of the community and the juvenile justice system. Detention centers are similar to jails except that they hold only youths. In addition to those awaiting a hearing, however, detention centers may also hold youths awaiting transfer to the adult system or to a correctional institution or those awaiting placement in the community after having served time in a correctional institution.

The court hearing of a case is called an adjudicatory hearing, which is similar to a trial in the adult court system. The term adjudication means that a case has been referred to a judge for a hearing. The purpose of this hearing is to determine the merits of the case and whether the accused is likely to have committed the offense. The traditional nature of juvenile court hearings has been informal, with the goal of reaching a reasonable judgment concerning the best interest of the child, balanced with the interests of the community and the victim in the case. As such, then, adjudicatory hearings are not considered adversarial, as they are in the adult system, but, rather, informational. Thus, if the judge determines culpability in the case, the finding is considered a finding of delinquency rather than a finding of guilt. However, as discussed in the next chapter, several Supreme Court rulings have altered the nature of the juvenile court, collectively making contemporary juvenile court proceedings more formal and legalistic. Nonetheless, the basic assumption that juveniles in juvenile court are not being attacked by the state, but rather are being examined by court officials, is a central feature of juvenile courts and one that separates juvenile proceedings from those of adults.

The informal nature of the juvenile court operation is also exemplified by the options available to the judge upon a finding of delinquency. These options are often called dispositions. Dispositions include informal probation, or taking the case under advisement for a period of time to see whether the offender is able to change his or her behavior. The judge can also order the child to pay restitution to the victim, such as repairing damaged property or giving the victim monetary compensation for losses. The offender may also be ordered to pay a fine to the court or the community. All of these dispositions may be included as part of probation, formal or informal. Under formal probation, the offender is ordered to be supervised by a probation officer and to adhere to specific rules and regulations, such as attending counseling sessions, observing curfews, and attending school. At the end of a specified period of time (six months to a year, for example), the offender is brought back to court and his or her behavior is once again examined. At this point, however, the particulars of the original case are less relevant than the subsequent behavior of the offender, as attested by the supervising probation officer.

Besides restitution and probation, all of which occur in the community, juvenile court dispositions include placements outside the offender's home. One type of placement is an order to live with another relative or perhaps a referral to the state's foster care system. The most restrictive disposition is commitment to the state system of juvenile correction. Almost always, this disposition is not to any particular institution, but to the system. Many states, such as Virginia, demand that committed juveniles first be examined in diagnostic and reception centers for careful evaluation before assignment to a particular type of institution. This process may last several weeks, but the point to remember is that the administrators of juvenile corrections, not the presiding judge, decide where the juvenile will ultimately be placed.

The length of confinement is usually determined by the administrators of the correctional system. Typically, commitments to state juvenile corrections are indeterminate, or open, and set by the administrators of the institutions. However, recent legislation has given juvenile court judges more authority over lengths of institutional confinements, allowing them in some cases, for example, to set specific periods of confinement. In almost all cases, juveniles cannot be held in confinement past the age of majority. However, some contemporary juvenile justice laws allow judges to sentence convicted defendants to specified terms in correctional institutions, subject to legislative maximum ages of confinement. Even in some of these cases, laws allow juveniles incarcerated in juvenile facilities to be transferred to adult prisons once they reach the age limit of juvenile justice jurisdiction. Often these sentencing options fall under the term blended sentence (Sanborn and Salerno 2005, 373–83; Sickmund and Puzzanchera 2014, 105–6).

An alternative sentence for juvenile court judges is the conviction and sentencing of parents of delinquents. Historically, courts have held parents of delinquent children civilly liable for their child's behavior, but laws are being passed that allow judges to place criminal charges against parents and for judges to order criminal punishments for these parents upon conviction (Pollet 2004; Sanborn and Salerno 2005, 383).

The final phase of the juvenile justice system is aftercare, called parole in the adult system. Aftercare is usually administered by the correctional component of the system and includes requirements for adhering to rules and regulations, similar to probation. One important difference with aftercare is that all of those assigned to this system have spent time in an institution, whereas probationers have avoided institutional confinement by being placed on probation in the first place. Aftercare is typically administered under the supervision of the correctional component of the system, but some jurisdictions assign aftercare cases to juvenile court judges, sometimes the same judge who committed the offender to juvenile corrections (for discussions and descriptions of these stages of the juvenile justice system, see Sickmund and Puzzanchera [2014, chap. 4]).

A dominant philosophy of the juvenile justice system is treatment and prevention, as opposed to the philosophy of the adult criminal justice system, which is punishment. Thus, many of the terms and procedures associated with juvenile justice are focused on the interests of the juvenile rather than on the interests of the state. One reason why different terms, such as take into custody and aftercare are used in the juvenile justice system is to reduce the stigma associated with arrest, trial, and imprisonment. This concern is also behind laws and regulations to protect the identity of juveniles in court as well as throughout the juvenile justice system. However, states are passing legislation that permits those with a "legitimate interest" to access the criminal records of juveniles (Sickmund and Puzzanchera 2014, 84–98).

While the traditional concern of the juvenile justice system has been the interests of juveniles, current juvenile justice practitioners are expanding the focus of concern to include others affected by juvenile offending. For example, the American Prosecutors Research Institute has adopted a "balanced" approach to juvenile justice that includes three components: the juvenile, the victim, and the community. The balanced approach is in turn supported by the Balanced and Restorative Justice Model (BARJ). According to this model of juvenile justice, the state should be concerned with the accountability of the offender for his or her actions, the protection of the community, especially any victims of the offender's actions, and the development of competencies for the offender in an effort to prevent future criminal behavior (Harp 2002; Sickmund and Puzzanchera 2014, 87).

The Processing of Cases through the System

The flow of juvenile cases through the system is not uniform. For example, nationally, about 70 percent of arrests are referred to the juvenile courts (Sickmund and Puzzanchera 2014, 146). This figure is significant because as was mentioned above, over 80 percent of the cases received by juvenile courts are sent by the police. As the data in figure 13.1 indicate, in 2013, of the 1,058,500 delinquency cases presented to juvenile courts throughout the country, an estimated 582,800, or about 55 percent, were petitioned to a judge, and this percentage has not changed in several years. Of those cases petitioned to a judge, 55 percent were adjudicated as delinquent. Among adjudicated delinquent cases, the majority were placed on probation. Of the nonadjudicated cases, 59 percent were dismissed, meaning juveniles in 41 percent of these cases were not released. Twenty-eight percent of these cases were placed on probation, which likely means informal probation.

Such discrepancies in the percentages of cases processed from one stage to another suggest that several factors are involved. Some, perhaps most, of the reasons for decision making in the juvenile justice system are not connected with the specific legal aspects of a case. Sociologically, statistical data indicate significant variations of processing by several social categories, such as age (which in some cases may reflect legal restrictions, but not always), gender, race, and ethnicity. Some of these factors have already been discussed in chapters 3 and 11. It is evident that there are disproportionate representations of minorities in the entire juvenile justice system (Sickmund and Puzzanchera 2014, chap. 5–7; Freiburger and Jordan 2016). However, the data do not uniformly document minority overrepresentation at every stage of the juvenile justice system. For example, some suggest that disproportionate minority representation is more common at earlier stages of the juvenile justice system (Leiber and Peck 2015; Freiburger and Jordan 2016, chap. 6–8).

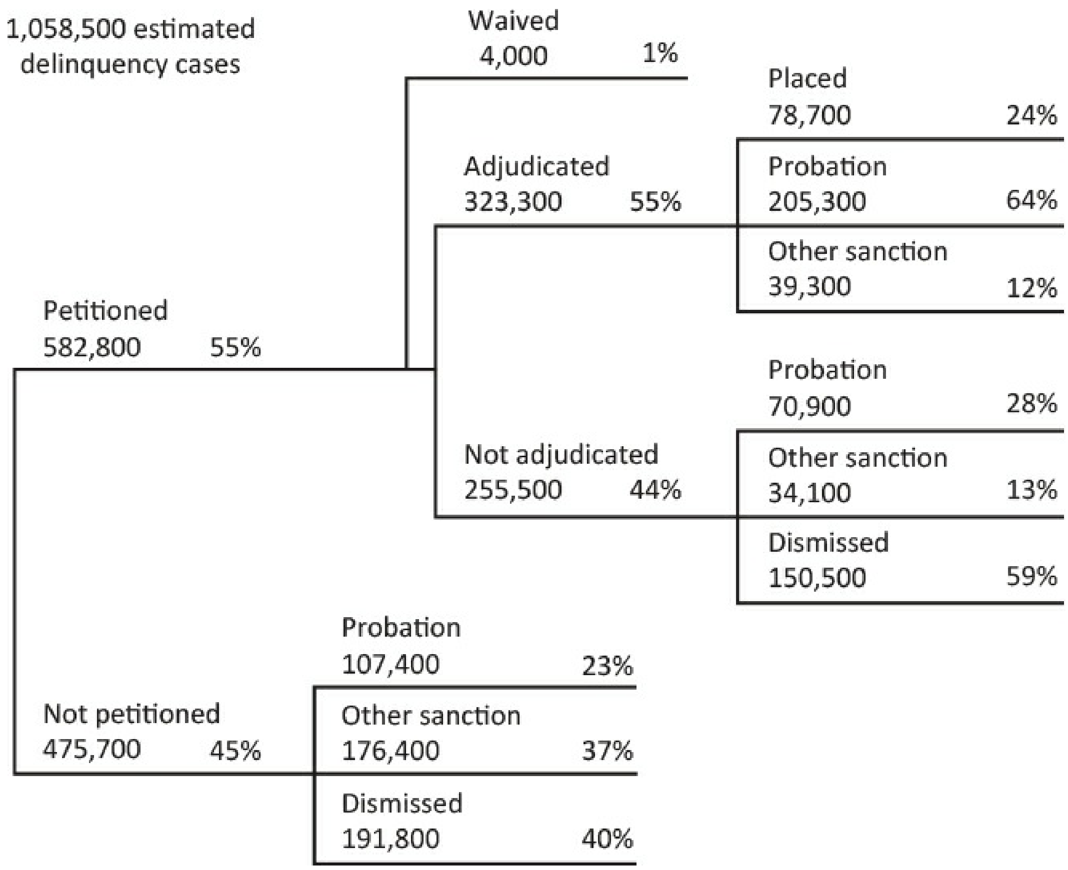

FIG. 13.1 Processing of Cases in Juvenile Courts, 2013

Source: Hockenberry and Puzzanchera (2015, 52).

Note: Cases are categorized by their most severe or restrictive sanction. Detail may not add to totals because of rounding. Annual case processing flow diagrams for 1985–2013 are available online at https://www.ojjdp.gov/ojstatbb/court/faqs.asp.

With respect to juvenile court data, in 2013, 61 percent of delinquency cases involving African American defendants were petitioned to the courts, compared with 52 percent of white cases. While whites were more likely to have their cases adjudicated than blacks (61 percent versus 56 percent), the disposition of out-of-home placement was higher for African Americans, 27 percent, than for whites, 23 percent (Hockenberrry and Puzzanchera 2015, 58). Though racial disparities in the processing of cases still exist, they are declining somewhat from previous years, but not evenly throughout the system. Since 1990, disparities have declined for detention and waiver, increased slightly for arrests, and remained the same for other stages of the system (Sickmund and Puzzanchera 2014, 175–78).

Disproportionate representation does not always indicate prejudice or discrimination as underlying motivating factors in the processing of juveniles through the system. Bias can occur through other means, such as legal factors. Even if legal factors were accounted for and bias still existed, outright discrimination would not necessarily be involved (Sickmund and Puzzanchera 2014, 175). That being said, however, it is hard to imagine the absence of discriminatory bias in the juvenile justice system, as it would be hard to conclude that such discrimination does not exist throughout society. There is too much evidence from studies of the juvenile justice system to conclude otherwise (Feld 1999; Leiber 2003; Freiburger and Jordan 2016). As Barry Krisberg (2005, 87) observes, "There is some reason to believe that the legacy of police violence against persons of color and the history of excessive use of force against minority citizens exert a profound influence on the ways in which minority youth and adults interact with the police." Such bias can be subtle and difficult to observe through analysis of collected data such as police and court records, or even through interviews with juvenile justice officials.

Lawmakers and decision makers in the field of juvenile justice are aware of minority misrepresentations in the system. Modifications of the Juvenile Justice and Delinquency Prevention Act, especially in 1988 and 2002, required states to examine minority representations in their juvenile justice systems and to take steps to reduce overrepresentations where they were found. This mandate from Congress still exists (Sickmund and Puzzanchera 2014, 87). Some impact of this legislation has already been seen in juvenile justice statistics, as was previously discussed. Despite these recent declines in minority overrepresentation in the juvenile justice system, the problem of minority misrepresentation remains a significant challenge for scholars, practitioners, and the public as a whole. Additional discussions of these issues are presented in the following two chapters of this book.

Transferring Cases from Juvenile Court Jurisdiction to Adult Court Jurisdiction

In all juvenile court jurisdictions there exists the possibility of transferring, or waiving, a case from juvenile court to the adult court system. In most instances, the decision to transfer a case rests with the presiding juvenile court judge. This procedure is often referred to as judicial waiver. However, in recent years, states have modified this procedure to allow local prosecutors discretionary judgments concerning the transfer of cases. This method of waiver is called concurrent jurisdiction. In addition, some statutes provide for automatic transfer of cases to the adult system. This process is referred to as statutory exclusion. In many states, there exists a "reverse" waiver, which means that the case is first sent to adult court and then waived back to juvenile court (Kupchik 2006, 154–59; Sickmund and Puzzanchera 2014, 110–16).

In those situations where reverse waiver occurs, where the prosecutor has concurrent jurisdiction, or where there is a statutory provision for referring a case to the adult court, the original purpose of the juvenile court as the court of jurisdiction for all juvenile cases has been removed, suggesting some dissatisfaction with the philosophy of the juvenile court and/or a desire to expose certain crimes committed by juveniles to more severe punishments than can be administered in the juvenile justice system (Sanborn and Salerno 2005, 277–78). However, juvenile courts have always reserved the right to transfer cases to the adult system, even before states began to remove that decision from the exclusive domain of the juvenile court judge (Sanborn and Salerno 2005, 277–78). As was discussed in chapter 2, the creation of juvenile courts and juvenile institutions was not without controversy and detractors. In reality, the modern juvenile justice system operates according to several models, but mostly according to principles of treatment and rehabilitation as well as punishment. In essence, there is a duality of justice, partly aimed at punishment and treatment and partly focused on the criminal justice system for adults (Shoemaker 1988). Furthermore, the emphasis on treatment or punishment seems to vacillate in what some describe as "cycles" (Bernard and Kurlychek 2010).

Regardless of the specific procedure used or the stated or unstated objectives of transfer, in almost all cases the decision to waive a case is based on at least two criteria: the age of the accused at the time of the crime and the severity of the charge(s). In addition, judges or prosecutors may often consider the possibility of treatment and rehabilitation of the accused youth; the safety of the community; the social and personal characteristics of the juvenile, including offense history; and the availability of other options besides transfer to the adult system as factors in the final decision to waive a juvenile case to the adult system (Sanborn and Salerno 2005, 282–85).

Age eligibility for transfer rests with each state. At the end of 2014, twenty-two states set no minimum age for transfer, which suggests the minimum age would be seven, since that is the typical age at which a person can be prosecuted for a crime. In three states, Kansas, Vermont, and Wisconsin, the minimum age was ten. The highest minimum age was fifteen, in New Mexico. Most states that specified a specific minimum age for transfer set it at fourteen (Daugherty 2015, 9).

In all states, the crime of murder is a transferable offense. Other offenses that might trigger a transfer include any capital offense, violent felonies or crimes involving the use of a firearm, burglary, and drug offenses such as drug selling (Sanborn and Salerno 2005, 275–313, 519–26; Sickmund and Puzzanchera 2014, 101). At the end of 2013, 1,200 youth were being held in state prisons, mostly for violent crimes (Daugherty 2015, 7–9).

Courts have always had the opportunity for transferring cases from juvenile court to adult court (Sickmund and Puzzanchera 2014, 99). Statistical data concerning juvenile court cases indicate that the use of waivers increased in the 1990s but peaked around 1994 and decreased into the 2000s. In 1994 the number of transfers was 12,100 but decreased to 7,500 by 1999 (Sanborn and Salerno 2005, 292). In 2013, the number of cases waived from juvenile court to criminal court was 4,000. The trend for the use of transfers is still downward. Moreover, less than 1 percent of juveniles aged fifteen and under were transferred and 2.1 percent of those aged sixteen to eighteen were transferred (Hockenberry and Puzzanchera 2015, 38–39). Delinquency cases petitioned to juvenile courts usually stay within juvenile court jurisdictions. Nonetheless, despite the general decline in the number of cases transferred to adult courts, most states have done little to change their laws in the past several years (Griffin et al. 2011, 9; Sickmund and Puzzanchera 2014, 102–3).

A concern over the processing of waivers is the possibility of discrimination in decisions to transfer a juvenile to the adult court system, especially in situations where discretionary judgments and decision making are allowed. In 2013, for example, females were less likely to be transferred to adult court than were males—0.2 percent of petitioned cases for females versus 0.8 percent for males (Hockenerry and Puzzanchera 2015, 40).

With respect to racial and/or ethnic minority status, many studies of transfer cases indicate the existence of minority overrepresentation in the process (Kupchik 2006, 146, 152; Daugherty 2015; Freiburger and Jordan 2016). However, in several studies, the impact of race on the decision-making process was either statistically insignificant or explained by other factors, such as offense seriousness and offense history or the marital status of the defendant's parents (Bortner, Zatz, and Hawkins 2000, 282–88; Brown and Sorenson 2014; see also Freiburger and Jordan [2016, chap. 8]). In addition, the percentage of cases waived to adult court is very small, as was noted earlier. In 2013, only 1 percent or less of petitioned cases involving white, black, American Indian, and Asian youths were waived to adult court (Hockenberry and Puzzanchera 2015, 40). Thus, while overrepresentation of minorities in transfer cases is well established, the demonstration of racial bias in such decisions is not clear. Still, thousands of youth are being transferred to the adult system every year and whatever racial or ethnic bias that does exist needs to be addressed to help assure that youth who are transferred to the adult system are not sent there because of their personal characteristics rather than their criminal behavior.

Discrimination can be subtle or nuanced, however, and may be hidden by other factors. Much research concludes that race and ethnicity interact with offense severity in regard to decision making in the juvenile justice system. However, these kinds of interactions, in which minority youths are more often involved with serious offenses than are other youths, can mask discriminatory reactions by the police and court officials based on offense stereotypes, such as stereotypes of minority drug users or gang members. Likewise, evidence indicates that discretionary decision making still exists even after a transfer decision has been made, such as processing a case to the grand jury, or in sentencing convicted offenders. In addition, discrimination may be seen when considering the race of the victim of a crime. In cases where offenders are of a minority race and victims are white, sentences are often longer for the convicted offender than when the victim is nonwhite (Bortner et al. 2000, 288–95).

Legal Guidelines for Waiver Decisions

Although transfer provisions have existed for several decades, the constitutionality of such procedures has been questioned. There have been several appellate court decisions concerning the constitutionality of waivers and, for the most part, the courts have ruled that such procedures are constitutional, provided certain safeguards and conditions are met. For example, in Kent v. United States (1966), a sixteen-year-old juvenile, Morris Kent, was arrested and charged with burglary, robbery, and rape in Washington, DC. The youth, Kent, requested a waiver hearing from the juvenile court, but none was granted. Nonetheless, his case was transferred to the adult court jurisdiction in Washington, DC, and Kent was subsequently convicted of the charges. Kent's attorney appealed the conviction, partly on the grounds that the waiver was invalid, and the case went to the US Supreme Court. The court ruled in favor of Kent, maintaining that juveniles are entitled to certain due process rights in decisions regarding waiver. Specifically, these rights include (1) a hearing on the transfer issue; (2) the presence of counsel at the hearing; (3) access to social histories and other records used by juvenile courts in reaching a decision; and (4) a written statement regarding the juvenile court judge's decision concerning waiver (Ahranjani, Ferguson, and Raskin 2005, 32–34; Hemmens, Steiner, and Mueller 2013, 76–78).

While the Kent case was a significant one in the history of juvenile rights in the courts, its jurisdiction was limited to the federal system because it occurred in Washington, DC. However, since the 1960s several other cases regarding the constitutionality of transfer laws have been heard in state courts. One of the more significant cases was Breed v. Jones (1975). In this case, a seventeen-year-old juvenile was charged with armed robbery in California. His case was heard in juvenile court, where the presiding judge found him delinquent but not "amenable" to the treatment programs offered in the juvenile system. Consequently, the juvenile court judge ordered Jones's case transferred to the adult court system, over Jones's objections, where he was tried and found guilty of the same offense. Jones, through the assistance of his mother, appealed the case on the grounds that the trial in the adult court constituted double jeopardy since his case had previously been heard and adjudicated in the juvenile court. The appeal went to the US Supreme Court, which ruled in Jones's favor. In its majority decision, the court maintained that while transfer procedures are constitutional, hearing a case in juvenile court and then trying the same case in adult court is not constitutional, but, in fact, as argued by Jones, constitutes double jeopardy, a violation of basic rights established in the Fifth Amendment. In addition, the court ruled that this decision be honored in all states (Hemmens et al. 2013, 67–69).

Confinement Consequences of Transfers

A primary objective of waiving a case to the adult court is to punish the juvenile for his or her criminal acts. Punishment, in turn, is expected to reduce the future criminal behavior, or recidivism, of the juvenile. Research has produced conflicting results concerning the length of sentences that transferred youths actually serve in prisons or other adult facilities. Some studies conclude that transferred juveniles serve longer sentences than do nontransferred youths (Feld and Bishop 2011, 829–30). Other studies reach the opposite conclusion, or else provide mixed results (Bartollas and Miller 2005, 206–7; Sanborn and Salerno 2005, 297–308; Griffin et al. 2011, 24 and 26). Some suggest that overall, youth convicted in the criminal justice system are more likely to be imprisoned and to serve longer sentences than those who are retained in the juvenile system, but that age has variable impacts at different stages of the adult court process (Jordan 2014).

However, in 2005, in Roper v. Simmons, the US Supreme Court banned the imposition of the death penalty for juveniles, regardless of the crime for which they were convicted. In 2010, in Graham v. Florida, the Supreme Court banned the imposition of mandatory life imprisonment without parole for nonhomicidal crimes. Then, in 2012, in Miller v. Alabama and Jackson v. Hobbs (Arkansas), the court ruled that it was unconstitutional to sentence juveniles to mandatory terms of life imprisonment without parole for murder. In all three cases, the decision of the court was based on the notion that these kinds of extreme mandatory sentences constituted violations of the Eighth Amendment to the US Constitution, barring cruel and unusual punishment. The court's majority opinions in these cases were also based on the notion that juveniles are not as mature as are adults, cannot as adequately reason the consequences of their actions, and have at least the potential for change and rehabilitation (Mallett 2011; Hemmens et al. 2013, 128–31; Van Erem 2014). In January 2016, the court allowed juveniles who had previously been sentenced to mandatory life in prison without parole for murder the opportunity to have their cases reviewed, including the case which was the basis of the decision, for a murder committed in 1963. Overall, it is estimated that this ruling will affect between 1,200 and 1,500 cases (Barnes 2016). These decisions reflect basic rationales for having a separate system of juvenile justice in the first place. The Supreme Court has made it clear that the transferring of juvenile cases to the adult court system has limitations in the scope of available punishments for juveniles, on the basis of their lessened developmental maturity.

Regardless of the length of sentence, however, studies indicate that even if juveniles are required to be incarcerated separately from adults in adult prisons, the kind of treatment and services they receive in these prisons is often less age-specific and appropriate than if they had been handled within the juvenile system. Furthermore, some studies conclude that juveniles serving sentences in adult prisons are at higher risk of suicide and abuse than youths confined in juvenile facilities (Bartollas and Miller 2005, 209–11; Young and Gainsborough 2000, 6–7; Feld and Bishop 2011, 824; see also chapter 14; Daugherty 2015; Freiburger and Jordan 2016, 155–56). One study of youth in adult prisons concluded that most of the sexual assaults that occurred against youth aged sixteen to seventeen were committed by staff. Sexual assaults can have long-lasting effects, including mental illness and substance abuse. Sometimes, these juveniles are placed in solitary confinement to prevent further abuse, but solitary confinement may lead to further mental and social problems, as well as to less treatment services. A national study concluded that the rate of suicide among juveniles in state prisons was nearly twice that of adults in state prisons (Daugherty 2015, 13–15).

Several studies conclude that transfer laws do not typically reduce recidivism, or return to crime, rates among juvenile offenders. One report of transfer laws and procedures across the country concluded, "Most studies have not found reductions in juvenile crime rates that can be linked to transfer laws" (Griffin et al. 2011, 26).

Many studies of the effects of transfers conclude that juveniles who have been waived to the adult court system have higher recidivism rates than those youths whose cases have remained in the juvenile system (Redding and Howell 2000, 150; Feld and Bishop 2011, 827–29; Daugherty 2015, 15; Freiburger and Jordan 2016, chap. 8). One of the more detailed analyses of the effects of transfer cases comes from a series of studies conducted in Florida from the late 1980s to the late 1990s. In the first analysis, Donna Bishop and colleagues examined the records of more than 2,700 youths who had been transferred to the adult court system and compared them with more than 2,700 youths who had not been transferred. The two samples of juveniles were matched in terms of gender, age, and offense severity in order to obtain a clearer picture of the impact of transfers on subsequent behaviors. The conclusion of this study was that the recidivism rates of those youths who had been transferred to the adult court system were higher than the recidivism rates of those who had not been transferred (Bishop et al. 1996).

Subsequent studies with these Florida samples indicated recidivism rates between waived and nonwaived youths became more similar over time (Winner et al. 1997). In the late 1990s, the researchers located some of those youths who had been transferred to the adult system for their crimes and some who had remained in the juvenile system, a total of 144 males, seventy-two in each category. All respondents were interviewed in order to determine in more depth their reactions to their experiences (Lane et al. 2002). In many cases, the transferred youths had at one time also had experiences with the juvenile system. The results of these interviews indicated that those juveniles who had been sent to the adult prisons felt the experience benefited them to some extent but that they often felt prison left them with little hope for a better life. However, among both groups, it was felt that the best impacts, in terms of changing attitudes and behaviors, were derived from juvenile programs that involved not only incarceration but also life-skills or other educational training along with counseling that lasted from more than nine months to around three years ("deep-end" programs). Thus, transferring juveniles to adult courts may have some beneficial effects, but real changes in attitudes and behaviors would be better accomplished with programs that focus on juveniles and offer educational training and counseling over a number of months or years (see Bishop and Frazier [2000 for an extended discussion of the consequences of transfers).

Blended Sentences

Related to the use of transfer or waiver is the existence of blended sentencing, a concept that is growing in popularity in many states. Essentially, a blended sentence combines the use of both juvenile and adult correctional facilities and programs, as applied to juveniles. Blended sentences provide an opportunity for the juvenile justice system to retain jurisdiction and influence over a juvenile beyond the typical age of eighteen or twenty-one and into young adulthood. In part, the concept is a reaction to the interests of those who wish to retain the purpose of juvenile justice, which is rehabilitation and individualized treatment, yet also utilize the punitive approach of the criminal justice system (Redding and Howell 2000, 146–47; Daugherty 2015, 9).

The first blended sentence law was passed in Texas in 1987. From 1992 to 1997, blended sentence laws were passed in twenty states (Snyder and Sickmund 1999, 108; Redding and Howell 2000, 160–61). There are several models of blended sentences. One is called the juvenile-exclusive model, which allows a juvenile court judge to impose a sentence in either the juvenile or adult system of corrections. Another model is called the juvenile-inclusive model, in which a juvenile court judge imposes a sentence in juvenile court and a suspended sentence in adult court. A third model is the juvenile-contiguous model, wherein the juvenile court imposes a sentence in the juvenile system that is followed by the completion of the sentence in the adult system once the juvenile reaches the age of majority. Two other models originate with the criminal courts. One is the criminal-exclusive model, which allows the criminal court judge to impose a sentence in either juvenile or criminal corrections. The other is the criminal-inclusive model, which permits a criminal court judge to sentence a juvenile to both juvenile corrections and a suspended adult corrections sentence that can be used if the juvenile violates the conditions of the juvenile corrections sentence (Snyder and Sickmund 1999, 108, 2006, 115–116; Redding and Howell 2000, 152–53). A detailed, state-by-state listing of blended sentencing laws may be found in Daugherty (2015).

In general, it is argued that such laws are constitutional and do not violate one's right to avoid double jeopardy. The constitutionality of blended sentences is protected because such laws focus on the disposition or sentencing of one who has already been convicted and not on the original conviction itself (Redding and Howell 2000, 159–60).

Since blended sentence laws are relatively new, much about their actual use and effects needs to be learned, including long-term consequences (Redding and Howell 2000, 165–71). One suspected consequence is the possibility of increasing the numbers of juveniles being handled in the juvenile justice system because judges can order juveniles to be placed into programs operated by juvenile corrections agencies until a youth is past the age of twenty-one. Proponents of blended sentences argue that such occurrences are not only possible but also desired, since one of the purposes of such sentences is to avoid the exposure of juveniles to adult influences and prolonged sentences, often with little or inappropriate treatment for juveniles (Redding and Howell 2000, 160–63). The previously discussed results of the research in Florida on longer-term consequences of transfers to adult corrections versus retention in the juvenile corrections system support this view. However, the previous discussion of documented exposure to sexual abuse and other kinds of violence and the higher recidivism rates of youth confined in adult prisons suggest that the negative consequences of blended sentencing, and transferring youth to the adult system in general, outweigh the positive consequences of these kinds of sentences for youth.

Other Considerations

Diversion

While many issues concerning the contemporary juvenile justice system focus on processing juveniles through the system and transferring juveniles from the juvenile to the adult system, another consideration focuses on diverting youth from either system. Diversion refers to procedures whereby a juvenile is treated, or supervised, outside the formal procedures of juvenile courts or juvenile institutions. Diversion does not mean a youngster is not supervised at all or is free to go his or her own way. Rather, the concept means that the youth is handled by other agencies than the courts or correctional facilities. Diversion programs may themselves be formal, guided by fairly strict rules and procedures, or informal. Informal diversion is often used by the police (see the next chapter) and, as such, has been around for a long time. Formal diversion programs, sponsored by federal and state funds, began in the later 1960s and early 1970s, particularly with the JJDP Act of 1974, discussed earlier. Consequently, many diversion programs, especially earlier ones, have focused on juvenile status offenders. In addition, these programs are often characterized by the establishment of youth service bureaus (YSBs), which offer different types of programs for youths, programs that are not specifically controlled by juvenile courts (Bartollas and Miller 2005, 271–72). A fuller discussion of diversion is presented in the next chapter, which provides a more detailed discussion of the operations of juvenile courts.

Restorative Justice

Another program receiving a lot of attention within the juvenile justice system is restorative justice. Restorative justice involves mediation and conciliation between offender and victim, including relatives of victims, in an effort to create greater harmony among people living within a neighborhood or community. As with diversion, examples of restorative justice may be formal or informal. Many scholars argue, for example, that restorative justice has been a part of traditional-society settlements for centuries, such as among the aboriginal people in Australia, and that other nations have used the principles of mediation and restoration as an integral part of their systems of justice (Morris and Maxwell 2001; Zehr and Toews 2004). In the Philippines, for example, disputes among neighbors and complaints against juveniles are most often settled in local governmental forums called barangay courts, and this system of justice is established in traditional Philippine society (Orendain 1978). Restorative justice is discussed again in the last chapter, when treatment and prevention programs are presented.

Summary

The contemporary system of juvenile justice has evolved from a collection of individual programs, concepts, and practices to a more coordinated effort involving agencies and organizations representing the police, the courts, and corrections. Many of the earlier programs and institutions developed to deal with juvenile offenders were established and operated by private individuals and organizations and often funded by private resources or combinations of private and public monies. Over time, however, especially since the beginning of the twentieth century, the juvenile justice system has become more legalistic and structured, with standardized rules and procedures for processing juveniles through the system.

From its inception, the juvenile justice system has been based on the philosophy of treatment and rehabilitation of the individual. Traditionally, this philosophy has resulted in the development of informal procedures, focused more on the individual and social characteristics contributing to the behavior and attitudes of the juvenile, as opposed to legal rules and procedures. Over time, however, and particularly since the 1960s, the structure of the juvenile justice system has changed to reflect increasing judicial oversight of procedures and practices within the system and with special consideration of the constitutional rights of juveniles. This change has not come at the complete abandonment of the traditional philosophy and structure of the juvenile justice system, but instead has been created to exist alongside the traditional system. Consequently, some have suggested that the contemporary juvenile justice system is a kind of hybrid or dual system of justice, combining elements of traditional, informal procedures with formal, more legalistic rules and concepts.

There are several laws and procedures for transferring the cases of juveniles to the adult court system, especially cases involving serious crimes. Since 2005, however, the US Supreme Court has decided several cases that bar the use of capital punishment and mandatory sentences of life without parole for juveniles convicted of crimes in adult courts.

Since 1974, with the passage of the Juvenile Justice and Delinquency Prevention Act, juveniles charged with status offenses have increasingly been handled outside the formal procedures and operations of the system and placed into diversion programs or otherwise handled informally. At the same time, however, juveniles charged with serious crimes are being handled by the formal procedures of the juvenile system, including case supervision of juveniles over the age of eighteen. Many of these cases are subject to transfer or waiver to the adult system of justice, especially young people who are fourteen years of age or older, but the number of transfers is decreasing and they represent fewer than 2 percent of all delinquency cases. With the exceptions of the death penalty and mandatory sentences of life in prison without parole, juveniles who have been transferred to the adult system are subject to adult penalties and possible confinement with adult prisoners.

One important concern is the possibility of discrimination in the processing of cases through the juvenile justice system. Numerous studies of decision making in the system have been conducted, with mixed results concerning discrimination. On the one hand, most research indicates the existence of disproportionate representation of minority youths at virtually all stages of the system, including waiver or transfer decisions. On the other hand, other factors also seem to affect decisions in the juvenile justice system and racial or ethnic bias relative to minority overrepresentation is more difficult to demonstrate.

Whatever the actual amount of bias and discrimination may be in the processing of youth through the juvenile justice system, instances of minority youth being shot and killed by police indicate the extreme consequences of discriminatory processing of people, young or old, whether because of profiling or other circumstances. Examples of riots and shootings of police officers in America's cities continue to highlight the feelings of anger and distrust some have for law enforcement. Even though there is evidence of less disproportionality in the processing of minority youth through the juvenile justice system, discrimination continues to be an evident characteristic of the juvenile justice system in America. Consequently, the issue of discrimination and minority overrepresentation in the juvenile justice system remains an important topic for continued research.

Study Questions

1. What are the stages of case processing in the juvenile justice system?
2. What factors influence the transfer, or waiver, of a juvenile case to adult courts?
3. What are important issues facing the operation of the juvenile justice system today?

CHAPTER 14

Police and Courts

The Police

The police represent the most visible public sign of formal justice in society. Their physical presence signals society's concern for the enforcement of laws and the maintenance of public safety. At the same time, the police often depend on members of the public to perform their expected duties. Historically, however, juveniles were more often controlled by parents, relatives, and adults in the community rather than by police officers. Police forces were first established in response to social disorder and social changes associated with industrialization. The first police force was established in London in 1829 (Martin 2005, 169). In the United States, police departments were first created in the 1830s and 1840s in large metropolises such as New York City, Boston, and Philadelphia. By the late 1800s, all large cities and many smaller ones had a police force (Bartollas and Miller 2005, 113). Today, there are approximately forty thousand police departments throughout the United States, and these departments are found in large metropolitan areas as well as in rural areas and small towns.

While the early police departments were charged with controlling adult and juvenile crime, specialized juvenile units did not emerge until the twentieth century. In cities such as Portland, Oregon, Washington, DC, and New York, police officers were assigned details including juvenile-crime prevention. Female officers were hired, and police were seen patrolling amusement parks and other places where juveniles congregated in efforts to prevent juvenile crimes from occurring. It has been estimated that by 1924, nearly 90 percent of police departments in the United States had some kind of juvenile-crime prevention policies and programs (Bartollas and Miller 2005, 113).

Historically, police departments in the United States have been divided into three eras: the political era, the reform era, and the community-strategy era. The political era lasted from the inception of police departments until the early twentieth century. During this period, considerable discretion was used by the police to enforce laws and standards of behavior involving youths, and youngsters were often victimized by the police with little or no consequences. The reform era lasted from the early to the mid-twentieth century. This phase of police organization and behavior was characterized by concepts such as professionalism and prevention of crime as well as law enforcement. After World War II, specialized juvenile units or bureaus began to appear, particularly in large cities. The community-strategy era began after World War II and continues until today. This era is characterized by increased attempts to integrate the police into community activities, including the supervision and control of juveniles. Specialized juvenile units have become even more characteristic of police departments (Martin 2005, 169–70).

The Role of the Police in Juvenile Justice

As indicated earlier, historically, the police serve several functions in society. Some suggest that the police play three major roles in modern society: law enforcement, order maintenance, and service. Law enforcement is probably the most recognized and stereotypical role of the police. This function involves making investigations of criminal cases and arresting suspects. Order maintenance includes keeping the peace, maintaining orderly assemblies, and acting to prevent crimes from occurring. Service functions entail aiding those in difficult situations such as emergencies (Sanborn and Salerno 2005, 125).

With respect to the law-enforcement role, police actions are often referred to as "dispositions" or "interventions." However, the police do not see all the criminal activity occurring in an area. Thus, they must rely on other members of the community to assist in their role of regulating juvenile behavior and guarding the law. These areas can be divided into three main categories: family-initiated, community-initiated, and school-initiated. With family-initiated intervention, the police are asked to intervene in a situation by the child's family or the family of a crime victim. In community-initiated dispositions, the police are informed of a crime by neighbors, store owners or workers, or other community witnesses. In school-initiated dispositions, principals, guidance counselors, or teachers are the ones to report juvenile misconduct to the police (Martin 2005, 170–71).

Processing Cases

Whenever the police become aware of a crime and a suspect, either through direct observation or through witnesses or other reports, there are several options, or dispositions, available. One option is to obtain basic information about the case and the suspect and to release the suspect. Studies show that arrests (taking into custody) of juveniles occur in less than 15 percent of the encounters. Sometimes, the police take the child home to his or her parents. The police may also decide to refer a child to some agency for help or even require that the child report to them on a regular but informal basis. These two decisions are examples of informal diversion, a topic to be discussed in more detail later in this chapter. Some also refer to release decisions as "station adjustments" (Sanborn and Salerno 2005, 130–31).

Once a child has been taken into custody, or arrested, he or she is subject to other procedures. For example, those who have been arrested are typically fingerprinted and photographed, although these two procedures are somewhat controversial when applied to juveniles unless the case has already been transferred to the adult system. Both represent permanent records and can be used against juveniles for years after the arrest has occurred. Although the courts have ruled that the police may fingerprint a youth, the prints are frequently destroyed when the juvenile reaches age eighteen and/or the prints are subject to judicial oversight. In addition, the US Supreme Court has ruled that fingerprints of juveniles may not be used as evidence in courts. As indicated earlier, the public identification of juveniles is prohibited in most jurisdictions, so the exposure of a juvenile's photograph would be protected by such laws and regulations. However, photographs may be used by police and other authorities for aid in investigating criminal cases, and the concern is that such uses of photographs may unduly expose juveniles to the dangers of labeling and assumed guilt. Thus, states and courts have ruled that photographs, while legal, must be used with judicial oversight, should not be released to the newspapers or television stations, and must be destroyed when a juvenile reaches the age of majority, although such procedures are not always required or followed (Bartollas and Miller 2005, 131–32).

While police departments have always been used to control juvenile offending, since the twentieth century many departments have employed specialized juvenile units. These units or details often are found in large urban departments, which can afford to hire such officers and need their expertise. Officers in these units are educated in matters concerning child development and delinquency as well as juvenile laws and procedures. If a department has a specialized juvenile unit, consisting of several officers, they are often used to process a case involving juveniles, from taking into custody to court referral, and even serving as testifiers in a court hearing. These special units also handle cases involving gangs, although gang-related crimes may be referred to the adult system. In addition to conducting investigations of crimes involving youths, juvenile officers are also called upon to develop and implement crime-prevention efforts in the community. However, these crime-prevention roles, unless they involve gang-related work, are often devalued within police departments, and juvenile officers often share the same low status as those handling juvenile delinquency cases in general (Bartollas and Miller 2005, 134–36). In fact, the relatively low status of working with cases involving juveniles extends into other areas of juvenile justice, prompting some to refer to juvenile justice as the "stepchild" of the justice system in general (Grimes 2005, 27).

If the decision is made to arrest or take into custody a juvenile suspect, eventually a decision has to be reached concerning the further processing of a case. Sometimes, the case may be waived to the adult court system, as was discussed in chapter 13. However, as we have already seen, very few juvenile cases become waived to the adult court. Sometimes the case is dismissed because the evidence is considered too weak for court review, or perhaps because the accused and/or his or her parents have expressed considerable remorse for the act.

The role of the police in the juvenile justice system begins to decline after a referral decision has been made. Beyond completing required paperwork for cases of arrest, officers may be called to testify at juvenile court proceedings. If there are special juvenile units or bureaus in a department, those officers will often be asked to handle the paperwork and forms necessary for forwarding a case to the courts and to provide testimony in hearings. The role of the police in juvenile justice systems is considered later in this chapter, when the topic of discretionary decision making is discussed.

The Court System

Even though the police may not always refer cases to juvenile courts, statistics indicate that the large majority of cases received by juvenile courts are referred by the police. As was mentioned in chapter 13, nearly 80 percent of juvenile court referrals have come from the police. Other referrals come from school authorities, parents, court officials, social service workers, and victims (see chapter 13).

There are several juvenile court models. One type is the independent juvenile court, which is separated from other courts physically and by jurisdiction. These courts have different names, such as “juvenile court” or “juvenile and domestic relations court,” but their independent status remains. Another type of court is a designated juvenile court, which is a part of a larger court jurisdiction, such as a county or district court. A third model is the coordinated juvenile court, which coordinates duties with another court system, such as a family court. Regardless of the structure of a juvenile court, a basic purpose of the court is to establish justice within the framework of the best interests of the child. Since the inception of juvenile courts in 1899, courts have become more complex, employing people from different professional backgrounds and experiences (Martin 2005, 203, 195–201).

Important figures in juvenile courts include the judge, the intake officer or probation officer, the prosecutor (whose role has become increasingly important), and defense counsel. Certainly the most visible role in the courtroom is the judge. Juvenile court judges are elected to the position in some states and appointed in others. Standards for qualifications, selection methods, and length of office are not uniform across the fifty states. For example, although national standards suggest that juvenile court judges have law degrees, many states do not require a legal education in the list of qualifications for the position (Martin 2005, 203–4).

Few cases are actually heard by a juvenile court judge directly from the police. Rather, in most situations, a complaint against a juvenile or a group of juveniles is first heard by an intake officer in a procedure called the “intake hearing.” The person in charge of this hearing is often a probation officer. Sometimes the courts use intake officers or assessment officers who are given the task of conducting intake procedures but not other roles of the probation officer. More recently, states have allowed social service agencies to conduct intake hearings. In a few states, prosecutors are allowed to conduct the intake (Sanborn and Salerno 2005, 184).

Intake hearings are important to the traditional philosophy of juvenile courts. The purpose of the intake hearing is to determine the merits of the case, the accusations against the accused, and all relevant parties to the case. The intake officer may decide to dismiss the case or to handle it informally, sometimes in the form of informal probation. Informal probation includes continued monitoring of a juvenile but not strict supervision. The juvenile will be asked to reappear before the intake officer in some specified period of time, such as six months. If the officer is satisfied that significant progress is being made and that no further troubles will occur with the juvenile, especially with respect to the case at hand, then the juvenile is released. Another option for the intake officer is to divert the case to another agency with the provision that significant progress be made. If such progress is not made, then the case may be reviewed for further judicial action. A third option of the intake officer is to file a formal charge against the juvenile in the form of a petition. A petition is similar to an indictment or a bill of information in the adult system. Sometimes a petition is called a “complaint.” The petition goes to the juvenile court judge. Increasingly, states are allowing, sometimes requiring, prosecutors to file petitions in juvenile court, which is further demonstration of the trend toward criminalization in the juvenile court system (Sanborn and Salerno 2005, 186–201).

In recent years, nearly half of intake cases have been dismissed, diverted, or handled informally. In 2013, the percentage of cases petitioned to the juvenile court was fifty-five (Sickmund and Puzzanchera 2015, 52; see chapter 13 and figures 13.1 and 13.2).

During intake proceedings and throughout the rest of the juvenile court process, a defense attorney is usually present. The attorney may be privately retained, court appointed, or part of a public-defender system. Traditionally, defense attorneys have been present in juvenile court proceedings where issues of custody or child abuse or neglect have been present. In these situations, the role of the defense attorney has been that of guardian ad litem. However, the role of the defense attorney has become increasingly important in the juvenile justice system, particularly since a number of US Supreme Court rulings in the past forty years have collectively transformed the tenor of juvenile court proceedings from “kindly parent” in nature to more legalistic or adversarial in tone. Several of these cases are discussed later in this chapter. While the presence of defense attorneys is part of the legal rights of juveniles in juvenile court, some judges may not welcome the appearance of defense attorneys, especially if the judge sees the role of the juvenile court in traditional terms. Thus, some juveniles may go unrepresented in juvenile court proceedings not because they do not have the right of counsel, but because some judges discourage the presence of defense attorneys in court proceedings (Martin 2005, 206).

After a case has been referred or petitioned to the juvenile court judge or during the deliberation of this issue, the question of what to do with the youth until a hearing can be scheduled is considered. Specifically, should the juvenile be released to his or her home, or should the child be placed in confinement or detention? This question addresses the danger of the juvenile to the community or his or her risk of fleeing before any further court hearings may occur. The decision to detain or release the juvenile is usually made at the detention hearing. The detention hearing is conducted by the probation officer or intake officer in charge of the preliminary proceedings. Usually, a judge is the final authority in detention decisions, but sometimes detention home supervisors, the police, and/or prosecutors are allowed to make such decisions. In many states, detention policies have been created that remove discretionary detention decisions from probation officers. Juveniles charged with any of a list of crimes, such as using a firearm during a felony, homicide, rape, and robbery, are automatically presumed dangerous and must prove their harmlessness or trustworthiness in order not to be detained (Sanborn and Salerno 2005, 222). Detention homes are discussed in more detail in the next chapter.

The actual hearing of a case is referred to as the adjudicatory hearing. In this stage, the purpose is to determine whether the accused actually committed the charge(s) (Bartollas and Miller 2005, 182). In keeping with the traditional, informal nature of juvenile justice proceedings, the adjudicatory hearing is often closed to the public, and the information presented in such hearings is protected. In most cases, the deciding figure in the adjudicatory hearing is a juvenile court judge, but twenty-four states allow a "master" or "referee" to conduct the hearing. The decision of a master is not a true verdict but a recommendation to the juvenile court judge, which prevents the juvenile from being exposed to two "trials" and thus to double jeopardy (Sanborn and Salerno 2005, 328–35). An affirmative decision is often termed found delinquent, or a finding of fact, which is similar to a finding of guilt in a criminal court. The difference in these terms is somewhat semantic but is also reflective of the traditional philosophy of the juvenile court to work in the best interests of the child (while also considering the interests of society), not with punishing a guilty offender, as is the case in criminal court (Martin 2005, 210–15).

If there has been a finding of fact in a case, another duty of the probation officer is to gather information on the juvenile, a social history. Social histories are also called predisposition or presentence reports or investigations. The details of a social history may vary, but most contain information on the juvenile's family situation, school progress, and criminal record. Family life includes the past and current status of family members, whether they are married or divorced, where they live, what they do for a living, and so on. School information includes the child's grades in school, attendance and behavioral records, and any other information available from the school. Criminal record often includes prior arrests and convictions as well as known associates in criminal behavior. Most reports also delve into a juvenile's personal information, such as attitudes and mental health. Sometimes probation officers seek information on the neighborhood where the juvenile lives and neighbors' opinions of the juvenile. These investigations are so important that cases of finding a youth delinquent in which presentence reports were not conducted have been overturned by appellate courts (Bartollas and Miller 2005, 182–83, 231–32; Martin 2005, 215; Sanborn and Salerno 2005, 350–55).

The decision of what to do with a case of delinquency is usually called the disposition hearing. Almost always, this decision is rendered by a juvenile court judge. The hearing may sometimes be an extension of an adjudicatory hearing and occurs immediately following the adjudication. If this happens, the presentence report must be ready at the time of the adjudication in case the juvenile is found delinquent. More commonly, the disposition hearing is held at a later date than the adjudicatory hearing, maybe several weeks or months later. In this case, the presentence report is truly a postadjudicatory report (Bartollas and Miller 2005, 183–85).

The disposition options available to the judge are numerous and include both informal and formal judgments. Informally, the judge can decide to take the case under advisement and review the case and the juvenile after a certain period of time. More commonly, the judge will order a formal, supervised disposition, ranging from performing community service and/or paying fines and restitution to commission to the state department of juvenile corrections. Another option is to remove the juvenile from her or his home and place the juvenile in the home of a relative or in foster care.

According to most studies of juvenile justice, the most common form of disposition is probation. Probation is the supervision of someone who has been adjudicated delinquent, but the supervision is conducted in the community. However, many jurisdictions combine some period of confinement with probation, usually beginning with confinement followed by probation. Not only is probation the most common disposition given to adjudicated juvenile offenders, but almost all juveniles processed through the system see a probation officer at some point, usually starting with intake. Thus, some refer to probation as the "workhorse" of juvenile justice (Torbet 1996). In addition, probation can either be a "front-end" or a "back-end" disposition. That is, probation may be given to offenders who are at the beginning stages of the system, perhaps first offenders considered to be low risks for reoffending. Or probation may be given to repeat or more serious offenders but whose next step in the system would be incarceration (Torbet 1996; Martin 2005, 208–10).

The use of probation is thought to have begun in the 1840s with the work of a Boston shoemaker named John Augustus. Augustus worked with convicted offenders, adults and juveniles, to give them an opportunity to reform while under his supervision in place of going to jail or some other place of confinement. By the time of his death in 1859, Augustus had worked with two thousand convicted criminals in Boston. Probation first became a legally recognized part of juvenile justice in 1869 in Massachusetts. The first probation officer was hired in that state in 1878. By the end of the 1920s, every state had enacted probation laws. In 1925, Congress passed the National Probation Act, which authorized the hiring of probation officers for convicted offenders in the federal system (Martin 2005, 263; Shoemaker and Wolfe 2016, 165–66, 283–85). Probation functions are most often performed under the supervision of local juvenile court judges, but with restrictions and guidelines provided by state departments of juvenile corrections. Some states are turning to private contractors to provide the services of probation, especially for intensive counseling of clients (Bartollas and Miller 2005, 229–30).

Sometimes young offenders are committed to correctional care or confinement. The topic of juvenile institutions will be discussed in chapter 15. Once youthful offenders have been released from incarceration, the next, and usually final, step is aftercare. Aftercare is similar to the adult concept of parole. In some ways, aftercare and probation are highly similar. For example, both utilize supervision of delinquents in the community. One major difference between the two, however, is that probation usually occurs before incarceration, whereas aftercare follows incarceration (Martin 2005, chap. 9).

Decision-Making Factors

The preceding discussions and the discussions presented in chapter 13 clearly indicate that not all cases that come to the attention of the police and/or courts continue to be routed through the juvenile justice system. Some cases are dismissed, some are continued, or held for further observation and reflection, and some are processed to the next stage of the system. Theoretically, or perhaps ideally, all juvenile cases would be processed on the legal merits of the case, such as the nature of the charge and the extent of the criminal history of the defendant. Also, since juvenile justice proceedings are supposed to operate according to the best interests of each child, one might expect to find individualized case processing, which would not yield statistical patterns of association with any one factor or set of factors, with the possible exception of legal considerations. Factors associated with decision making in the juvenile justice system were discussed in chapter 13. The next sections of this chapter present additional considerations of this issue.

The Police

One important factor to remember when discussing police decision making is that the police often use visual cues when determining the probability that a suspect has committed an offense. Even though the police often rely on witness or victim information about a suspect, much of the information they have to go on, especially in field situations, is based on visible signs. Thus a person's gender, age, or race/ethnicity can be determined or roughly guessed by visual appearance. In addition, a person's class status can be roughly determined by appearance, although in this matter, appearances can be deceiving. Besides the nature of the charge, the police often do not have much more information concerning legal factors when deciding what to do with a suspect when a decision is made in the field. In the modern age of computers, criminal histories might be readily available, but that is neither certain nor uniform across all police departments.

Given the nature of police work, it is not surprising that studies often single out what might be considered physical features as having an impact on the decision to arrest, release, or "adjust" a case. In chapter 13, it was pointed out that race and ethnic minority status are often significantly associated with police decisions. Gender also plays a role in such decisions. Studies indicate that police often treat females leniently, except for status offenses. However, race and gender can interact to produce countertrends. When females behave contrary to "middle-class standards" of acceptable female behavior such as politeness and submissiveness, or when girls are suspects in violent crimes, then chivalrous behavior gives way to harsher treatment and higher arrests for girls (Visher 1983; Sealock and Simpson 1998). Meda Chesney-Lind and Randall Shelden provide rich data on how race and gender interact to produce stereotypes and attitudes in the community, including the police (Chesney-Lind and Shelden 2014, chap. 8; see also Leiber and Peck [2015 and Freiburger and Jordan [2016, chap. 9]).

Overall, with respect to race and ethnicity, studies are not uniform in their conclusions. While numerous studies conclude that minorities are significantly overrepresented in police decisions to arrest juveniles, the results are not consistent (Sanborn and Salerno 2005, 135–36). In addition, some research concludes that the race of the officer and the suspect interact to affect arrest decisions. For example, in a study of police experiences with more than one thousand delinquent youths in Boston, Merry Morash (1984, 108) concluded that white youths were more often arrested than black youths, in part because most police officers were white. Overall, however, Morash concluded that male youths who associated with delinquent peers were most likely to be arrested, while girls who interacted with all-female groups were least likely to be arrested (Morash 1984, 107).

Racial and Ethnic Profiling

Over the past few years, the topic of profiling has been discussed widely, particularly in connection with police behavior. Criminal profiling occurs when a person is selected for questioning about possible criminal activity because of certain traits, personal and behavioral, that the person possesses and that seem to fit a "profile" of characteristics believed to be associated with criminal behavior (Harris 2002, 16). As such, profiling has been around for probably as long as police work has existed. In general, the right of the police to stop and search people and their possessions has been validated by several Supreme Court decisions. In a case decided in 1968, Terry v. Ohio, the Supreme Court ruled that the police have the right to detain and quickly search people whom they "reasonably" suspect of having committed a crime. Later, in Florida v. Bostick (1991), the Court concluded that police have the right to ask for one's consent to search his or her car or personal property. Of course, people can refuse such consent but then may find themselves being cited for any number of "violations," so often people in these situations provide their consent to have their vehicles or other personal possessions searched. A third recent case is Whren v. United States (1996), in which the court ruled that police can pull one over for a traffic offense on the pretext that a crime has been committed. In other words, the police have the right to stop a vehicle and then look for incriminating evidence even if they had no reasonable grounds for suspecting that the occupant(s) of the vehicle were engaged in criminal behavior in the first place (Pampel 2004, 9–10).

The long-standing practice of profiling and recent Supreme Court decisions permitting stop-and-search practices among the police have led to an increased concern for the potential of racial and/or ethnic profiling. The sole use of race or ethnicity in developing a profile is often considered racial profiling, and as such is illegal and in violation of the Fourteenth Amendment to the US Constitution (Pampel 2004, 7). Profiling can occur almost anywhere, such as on the highways ("driving while black"), in streets when looking for ethnic gang members, and along borders or in customs sections of airports for drug trafficking suspects and illegal immigrants (Harris 2002, chap. 2 and 6; Pampel 2004, 12–23). President Clinton said of racial profiling that it is "morally indefensible. . . . It is wrong, it is destructive and it must stop." On the subject of racial profiling, President George W. Bush declared in his State of the Union address in January 2001, "It's wrong, and we will end it in America" (Pampel 2004, 31).

Racial profiling has existed throughout the history of the United States, including Jim Crow laws in the nineteenth and twentieth centuries and the internment of Japanese Americans during World

War II (Pampel 2004, 10–11). In contemporary times, some may justify the use of racial profiling in counteracting terrorism, but even then, it can be argued that such tactics may be not only inefficient in identifying terrorists but also potentially harmful to the maintenance of cooperative relations and attitudes among the vast majority of loyal and law-abiding Arab Americans in the country (Pampel 2004, 20–39).

The extent of racial profiling in American police work is virtually impossible to ascertain with certainty. Anecdotal (personal, subjective) data clearly indicate that minority populations have been the victims of profiling in recent years (Pampel 2004, 39–42). Surveys of the American public reveal numerous instances of racial profiling among minorities, especially among middle-class African Americans (Weitzer and Tuch 2002). Perhaps this latter finding reflects greater sensitivity and awareness of racial profiling among the better-educated minorities, but that is not certain.

Studies have attempted to identify instances of racial and/or ethnic profiling by observing police behavior connected with traffic violations. These studies conclude that African American motorists are detained more than twice as often as white drivers. One study of the New Jersey State Police concluded that African American motorists constituted 13.5 percent of the motorists on the highways during the course of the study but 73.2 percent of those arrested for traffic violations. Similar results were found in Maryland in the same study (Harris 2002, 55–68; Dunn and Reed 2011, 68–69). Another study of racial profiling in North Carolina concluded that race was a significant variable in the decision to stop motorists by local police, but race was not significant in the decision to stop motorists by state police (Warren et al. 2006).

Analyses of police records in thirteen states and observations of motorist and police activity in Cleveland also provide substantial evidence of racial profiling, including spatial profiling, which means profiling in areas considered predominantly African American or some other racial/ethnic category. One important conclusion from the research in Cleveland is that motorists tend to receive disproportionate numbers of traffic tickets when they are driving in areas where their race is a minority. However, blacks tend to receive greater attention and thus higher ratios of traffic citations than do whites, again providing evidence of minority racial profiling (Dunn and Reed 2011, 39–100).

One drawback to observational studies concerning racial profiling is that police may be aware of such observations and modify their behavior during the course of the study. Findings such as the one noted above on the New Jersey State Police suggest that this does not always occur, but still, it is a valid criticism of observation-based studies. One attempt to correct for this effect is to analyze computer-based mobile data terminals (MDTs), which reflect police officer activity before a vehicle is pulled over. One such study concluded there is “systematic evidence of profiling,” especially for African American drivers in white neighborhoods or “out of place” areas (Harris 2002, 69–71). Thus, this study concluded that profiling can occur before the police confront a suspect or pull over a car to obtain information on the driver and/or occupants of the vehicle. Even if observers cannot detect evidence of racial profiling by observing police traffic pullovers, it can occur during earlier stages of the police–citizen interaction and observation process. Thus, more accurate measures of profiling and determining specific police officer motives are difficult to achieve.

Some research has shown that being the victim of profiling or even suspecting that it occurs has a detrimental effect on the perception of the police (Weitzer and Tuch 2002; Tyler and Wakslak 2004; Rengifo and Fratello 2015). So in addition to the possibility of identifying the wrong suspect in a case, profiling can cause citizens to lose respect for the legitimacy and authority of the police and the system of justice they represent. As some of the theoretical discussions presented earlier indicate, when respect for law and authority is eroded, it is easier to justify committing crimes. Studies indicate that only a small proportion of officers engage in racial profiling. The aforementioned study of MDTs, for example, indicated that only 10 percent of the officers most often used racial profiles. Nevertheless, among other deleterious consequences attributed to racial profiling, its existence can also contribute, at least indirectly, to increased levels of crime and delinquency (see Dunn and Reed [2011, 101–12]).

Several cases of minority males, young and older, being shot and killed by the police highlight the severest consequences of racial profiling and the need to control its presence in criminal and juvenile justice. Riots and shootings of police officers in several cities and the development of the “Black Lives Matter” movement highlight the anger and sense of frustration many people feel toward law enforcement and the criminal/juvenile justice system overall. Racial/ethnic profiling is just one of the examples of discrimination and bias felt by minorities processed within the juvenile and criminal justice systems, but it is a visible symbol of bias and it needs to be addressed (see Freiburger and

Jordan [2016, chap. 5]).

Situational or Interpersonal Factors

Situational or interpersonal variables are unplanned, spur-of-the-moment factors. Such variables often occur at the point of contact between the police and citizens. Among the situational factors that have often been cited as having an influence on police decision making are the demeanor of the suspect and the preference of a victim for the police to arrest or release the suspect. Several studies have documented the influence of demeanor using research based on observational techniques (Piliavin and Briar 1964; Terry 1967; Werthman and Piliavin 1967; Black and Reiss 1970; Lundman, Sykes, and Clark 1980). These studies suggest suspects who display a hostile or antagonistic demeanor or attitude, as well as an overly polite demeanor, will more likely be arrested than those displaying a civil demeanor. This relationship is stronger for minor crimes.

Donald Black and Albert Reiss (1970) conducted a study of police–citizen interactions during the summer months of 1966 in Boston, Chicago, and Washington, DC. The observers were all trained and many came from legal and police backgrounds. They rode along with police officers during all shifts. The observations were all conducted in the inner cities. Among the conclusions of this study were that victim–suspect encounters were almost exclusively intraracial (victim and suspect were of the same race). In addition, in cases involving minor crimes, such as misdemeanors (which represented the majority of criminal cases observed in the study), African American victims more often expressed the desire to have the suspect arrested and less often to have him or her released or treated leniently, compared with whites. When there was no complainant in the case, the arrest difference between African American and white juvenile suspects was "negligible" (14 percent versus 10 percent, respectively; Black and Reiss 1970, 70).

In addition to victim preference, Black and Reiss concluded that a suspect's demeanor also had an impact on the arrest decision of the police. Suspects who were openly defiant or hostile toward the police were more likely to be arrested than were suspects who were polite and civil toward the police. In addition, among nonwhites, suspects who were overly polite toward the police were also more likely to be arrested than civil suspects. There were too few whites expressing an overpolite attitude to measure its impact on police action. Overall, however, demeanor had less impact on decision making than did victim preference, in part because so few suspects were unusually hostile or polite toward the police (Black and Reiss 1970, 74–75).

The Black and Reiss study was replicated in a Midwestern city some ten years later, using the same methodology. The results were essentially the same. Victim preference was strongly associated with police action, and African American victims (most of whom had been victimized by African American suspects) more often and more visibly pressed the police to arrest the suspect than did white victims. In addition, juveniles who displayed a hostile or uncooperative demeanor were more often arrested than were youths who acted in a civil manner with the police, although this factor was less important than victim preference. An "unusually respectful" attitude was also connected with an arrest, except in this study the relationship held for whites, largely because so few African American youths displayed an overly polite demeanor toward the police. Overall, however, demeanor played a relatively small role in police decision making, again partly because so few youths were either unusually hostile or polite toward the police (Lundman et al. 1980, 136–48).

Recent studies have debated the impact of demeanor on police decision making, in part because hostile attitudes in earlier studies did not clearly separate words and gestures from physical contact. A hostile attitude, for example, might include actual pushing or hitting by the suspect or associates of suspects. This possibility has led some to question the impact of demeanor, even a slight impact, on police action (Klinger 1994). However, continued studies of this issue maintain the modest impact of demeanor on arrest decisions, even when only hostile words are considered (Lundman 1994; Worden and Shepard 1996). In addition, David Klinger (1996) suggests that the relationship between demeanor and arrest may not be linear. Rather, there may be a threshold or breaking point involving hostile attitudes toward the police, and when that point has been reached, the decision to arrest occurs. Despite these issues, research still concludes that demeanor and victim preferences exert an important influence on police decisions to arrest juvenile suspects (Sanborn and Salerno 2005, 136–37).

Organizational Factors

Some research has concluded that organizational characteristics of police departments have an influence on arrest rates (Wilson 1968). James Wilson (1968) studied arrest rate patterns in two cities, one on the East Coast and one on the West Coast. Both cities were of similar population size, and both had similar problems with delinquency. The East Coast police department was characterized by more centralized organization and a weak juvenile bureau. Juvenile officers were not well respected within the department, and they were not used to process juvenile cases, thus making arrests of juveniles more burdensome on other officers. In addition, the officers in the eastern city did not have much education beyond high school, and most of them were brought up in the city. This department was named a "fraternal" department by Wilson. The West Coast department was more centralized in organization than was the East Coast department. Furthermore, this department had a well-organized juvenile bureau, and juvenile work was more respected than in the East Coast department. In addition, the officers in the West Coast city were college educated and reared outside the city, especially those officers in the juvenile bureau. This department was dubbed a "professional" department.

Wilson concluded that arrests of juveniles were higher in the professional department. In that city, the police indicated that they believed in the juvenile justice system and felt that juveniles needed to be arrested if the system were to work. In the fraternal department, officers had developed a "pass system," whereby the first time or two a juvenile was caught or suspected of committing a crime, he or she was passed by and handled informally. In essence, these officers had developed an informal diversion system. This reaction was particularly likely to occur in neighborhoods familiar to the officer, similar to those in which he was reared or where he knew the kids and their parents. The pass system was not used in areas undergoing racial change, essentially in areas with which the officers were not familiar.

Wilson's study indicates the potential impact organizational arrangements can have on arrest rates. However, another organizational variable to consider is the basic notion that police departments are bureaucratic organizations in general. Moreover, all police departments are part of city governance and ultimately responsive to local political issues. As William Chambliss and Robert Seidman suggest, "Law enforcement agencies depend for resources allocation on political organizations." In addition, "It may be expected that the law enforcement agencies will process a disproportionately high number of the politically weak and powerless, while ignoring the violations of those with power" (Chambliss and Seidman 1971, 269). These views remove decision making solely from the discretion of individual decision makers into a larger, bureaucratic, organizational, and political arena. Organizational factors can assume an important influence on police decisions. However, these factors, especially when compared with many of the other variables discussed, have not been well researched (Sanborn and Salerno 2005, 139).

The Courts

Decision making among juvenile court workers has also been the subject of research. One significant difference between police and court settings, however, is the fact that virtually all court decisions are made in office settings, and usually with considerable time for thought and reflection. In addition, court officials have access to much more information concerning the case than do the police. Probation officers and juvenile court judges do not need to rely on quick judgments or on information largely based on appearances when deciding what to do with a case. Consequently, court decision-making studies typically do not reflect the importance of "curbside" or spur-of-the-moment factors, such as visual appearance, demeanor, and victim preferences.

Traditional juvenile court philosophy is based on individualized justice and decisions made in the best interests of the child. However, numerous studies of courts throughout the country have cast doubt on the degree to which such ideals are truly followed in actual decisions made within the court system (Bortner 1982). While the seriousness of the offense plays a major role in the decisions of officers of the juvenile court, especially in the judge's decision (Feld 1999, 266–67), several studies of juvenile court proceedings indicate the significant impact of individual factors on the outcome of cases, including race, social class, and gender, apart from or in addition to the nature of the offense. Data presented in chapter 13 clearly indicate statistical overrepresentation of minority youths in the juvenile justice system, including the courts. While some studies also document statistical associations between minority status and the processing of cases through the system, others fail to find such associations (Bortner 1982, 149; Sanborn and Salerno 2005, chap. 14), or they find that race is less important than other factors or is more important in some communities than in others (Leiber 2003, chap. 2–6). One reason there is disagreement concerning the amount of overrepresentation of minority youths in the juvenile justice system is because there is some overrepresentation of minorities in each of the several stages of the system. Thus, a little overrepresentation at each stage seems insignificant, but toward the end of the system, the overrepresentation becomes significant or amplified (Feld 1999, 268–69; Leiber 2003, chap. 5 and 6; Sickmund and Puzzanchera 2014, 171–76; Freiburger and Jordan 2016, chap. 6).

However, connecting statistical overrepresentations with outright bias and discrimination is not an easy task. Often, these overrepresentations are explained in terms of legal factors. Thus, it is contended that minorities end up in the system because they more often commit serious offenses. However, some research indicates the presence of racial and ethnic influences on the outcome of cases regardless of offense type. In addition, decisions made at the beginning of the process can affect later decisions and can be taken as legal factors. Detention decisions, for example, may be affected by whether a juvenile was arrested, which becomes a legal factor. However, as we have already seen, the decision to make an arrest can be affected by race and social class. In addition, being detained can negatively affect a juvenile's case during the adjudicatory hearing or the disposition hearing, and it, too, can become another legal factor. Thus, what on the surface seem to be legal factors have in reality been influenced by race, class, or other extralegal factors (Bortner 1982, 23–34).

Race may also become a factor in court decision making apart from individual characteristics. Sometimes the racial composition of a community can affect the outcome of individual cases in juvenile court. A community with a large young, minority, and/or poor component may elicit fearful attitudes among adult whites in the community, attitudes that may reflect in higher minority representation in court decision making (Tittle and Curran 1988). In a national study of juvenile court decisions, for example, Robert Sampson and John Laub (1993) found that measures of racial inequality and "underclass" poverty, including families living in poverty and ratios of African American to white levels of poverty, were significantly associated with the filing of formal petitions to the court, detention decisions, and out-of-home placements or dispositions for minority youths (see also Leiber [2003, 66–71]; Sickmund and Puzzanchera [2014, chap. 7]; and Freiburger and Jordan [2016, chap. 6 and 7]). Juveniles living in poverty, high-crime neighborhoods, and other disadvantaged situations are thought by some to have "concentrated or structural disadvantage," or "cumulative disadvantage," which increases their risks of not only becoming involved in delinquent behavior, but also of being treated differently by police and court officials (Rodriquez 2013; Wooldredge et al. 2015).

Other Considerations

Ethnographic studies of juvenile courts suggest the relationship between offender characteristics and case outcomes is subtle and can occur for a variety of reasons. For example, in a study of the juvenile court in a Midwestern county, M. A. Bortner (1982) notes that the interaction between a court official and a juvenile can determine the outcome of a case. Most of the court officials in this study were white, and often they indicated an inability to understand or appreciate the background of an African American juvenile with whom they were working (chapter 9; see also Leiber [2003, chap. 8]). This lack of appreciation or understanding of minority youths' situations may lead to differential, often harsher, dispositions for minority offenders. However, Bortner's study also concluded that the parents of minority or poor youths more often pressed for their children's cases to be processed through the courts rather than through other agencies outside the court system, primarily because these parents could not afford private or alternative means of dealing with their children (pp. 150, 170–71). The issue of minority parents' access to resources to pay for the treatment of children in trouble with the law and courts continues to be an important factor in differential handling of juveniles in the juvenile justice system, including access to private psychiatric care for troubled youths (Feld 1999, 179–88; Leiber 2003, 133–45, 158–59), and contributes to "concentrated disadvantage," discussed above).

Other studies of juvenile courts emphasize the importance of the defendant's demeanor in the courtroom, similar to the impact of demeanor on police decision making. Juvenile defendants who are disrespectful, insolent, or outright defiant toward the judge or other courtroom figures may find themselves at odds with the judge and more likely to be given harsher treatment than those who are respectful and cooperative (Emerson 1969, 192–201; Bortner 1982, chap. 12). Some analyses indicate that the attitudes and perceived cooperativeness of a juvenile's family can also affect the outcome of a case (Sanborn and Salerno 2005, 353–54).

Just as limited resources may influence the range of options available to the parents and guardians of youths in trouble with the law, the availability of resources for a court or juvenile justice system may also influence the dispositions of juveniles in that system (Mahoney 1987, 66–69; Sampson and Laub 1993, 307; Feld 1999, 271). Anne Mahoney's analysis of a juvenile court also indicates the importance of time, or perceived time, available to the court and all of its participants in the decisions ultimately reached by a judge (Mahoney 1987, chap. 4). The lack of resources, facilities, or alternative programs for troubled youths in a given jurisdiction may mean that adjudicated delinquents are more often committed to correctional institutions for "treatment" than to alternative programs offered in the community, and this situation can especially negatively affect female delinquents in a community (Sanborn and Salerno 2005, 357). Sometimes, however, lack of resources may serve to reduce the disposition of offenders, perhaps resulting in a decision to handle a case less harshly. Studies suggest, for example, that in urban areas, courts may have access to more community resources than do rural juvenile courts, and judges are more inclined to deal with juveniles more severely in terms of dispositions (Feld 1999, 26).

Some suggest that the relationships among all of the key players in the system, including the police, lawyers, probation officers, and judge, may affect the outcomes of cases (Bortner 1982; Sanborn and Salerno 2005, 358). While the juvenile justice system may be a "loosely coupled" one (Sampson and Laub 1993, 286), its participants may still interact, both on and off the job, and over time, there may develop mutual expectations of what kinds of cases should be processed in a given court. These expectations and attitudes may have an influence on the outcome of a juvenile's case (Cicourel 1968). Thus, it should be little surprise to learn that judges often follow the recommendations of probation officers and others working with the court, as expressed in the predisposition report, in deciding what to do with a case (Sanborn and Salerno 2005, 350).

Summary

With all of the potential variables that could affect decision making in the juvenile justice system, both at the police and court levels, little consistent agreement has been reached on exactly which variables affect these decisions or the amount of influence they have on the outcomes of cases. However, numerous studies have indicated the presence of individual and social factors as having some impact on the decisions of the police and court officials, apart from the nature of the offense, and these findings cannot be ignored. There is too much evidence to simply dismiss the impact of these variables as immeasurable or inconsistent to the point of irrelevance. Perhaps there should always be some degree of discretion in the handling of juvenile cases. The philosophy of rehabilitation and individualized justice supports that kind of system. However, the presence of discretion should always be under review and subject to control or alteration. If juvenile cases are to be handled according to the best interests of the child and public welfare, fairness and equitable treatment must always be important goals in the deliberations involving youths brought into the juvenile justice system.

Of course, all of the research on decision making in the juvenile justice system is based on the assumption that judges, as well as other officials in the system, are dutifully and fairly performing their jobs. Such is not always the case. In the mid-2000s, authorities in Pennsylvania uncovered a kickback scheme involving two juvenile court judges in Luzerne County, Pennsylvania. The judges committed juveniles, often without legal representation, to one of two private nearby detention facilities, for cash considerations. The scheme lasted for several years and allegedly included over $2.6 million in kickbacks and thousands of juveniles who were unfairly committed by the judges. Both judges received long prison terms for their crimes and the records of hundreds of juveniles were erased by the Pennsylvania Supreme Court (Koller and Koller 2011; Neitz 2011, 98; Primrose 2011, 35–37; Freiburger and Jordan 2016, 117). Although this case resulted in severe punishment for the offending judges and the elimination of hundreds of juvenile records, it highlights the continued need to supervise and monitor all phases of the actual operation of the juvenile justice system.

Juvenile court judges have an important role to play in the control of discrimination and bias in the processing of juveniles. Juvenile courts do not have juries, so the role of the judge is more influential in juvenile court than it might be in criminal court proceedings (Mason 2015). Of course, judges are not the sole answer for controlling discrimination in the juvenile justice system, but the court system as a whole is a very important part of the system and thus should play an important role in curbing discrimination and bias wherever it may occur.

In part, the topics of the final two sections of this chapter, court cases and diversion, address the need both to supervise the processing of cases through the juvenile system and/or to provide alternative means of handling cases outside the system.

Supreme Court Cases Affecting the Rights of Juveniles Processed by the Police and Courts

As was discussed in chapter 2, judicial reviews of criminal cases involving juveniles were not very common during the nineteenth and early twentieth centuries. While the United States Children's Bureau was established in 1912 in part to oversee the interests of juveniles brought into the juvenile justice system, virtually all juvenile courts within the United States have been state based. Despite the creation of children's agencies, until the middle of the twentieth century the higher courts remained largely absent from the oversight of juveniles who had been arrested, sent to court, and committed to institutions. Since the 1960s, however, there have been dozens of appellate court cases, often involving the US Supreme Court. The decisions in these cases have largely resulted in granting juveniles increased protection while in the hands of the police and courts. Many of these cases are discussed and analyzed in a text written by Craig Hemmens and his colleagues (Hemmens et al. 2013; see also Parry [2005). Some of these cases have already been discussed in other chapters of this book. The purpose of this discussion is to present highlights of several cases that have had an impact on the arrest of juveniles and their subsequent processing through juvenile courts.

One important area of interest to the courts has been the protection of a suspect's rights during interrogation by the police, both during and after an arrest. One of the earliest cases involving interrogations of juveniles was Haley v. Ohio (1948). In this case, a fifteen-year-old boy was arrested and charged with robbery. He was questioned nonstop for several hours, from midnight until around 5 a.m., without the presence of an attorney or parent. Eventually, he was presented with a signed confession of two accomplices, whereupon he also confessed. Later, Haley argued that the confession was forced. The US Supreme Court ruled in favor of Haley's complaint and maintained that coerced or fraudulent confessions of juveniles cannot be used in court and that juveniles were protected by the Fourteenth Amendment to the US Constitution. This was a significant case in that it was the first time that the Supreme Court ruled that juveniles should be accorded the same rights of protection provided to adults in the Constitution and Bill of Rights. Although the specific rights to be protected were not outlined in this case, it set the stage for later decisions that did identify specific rights of protection for juveniles (Hemmens et al. 2013, 17–19).

In 1966, the Supreme Court handed down a decision that has probably had the most influence on police interrogation procedures over the past fifty years, Miranda v. Arizona. Probably the most important right protected with this decision was the right to an attorney at the time of police questioning or interrogation, provided the suspect was under arrest. In addition, this decision provided that the suspect be notified of the right to an attorney, whether privately retained or publicly provided, and that anything said by the suspect during interrogation could be used in court. Since this case involved an adult, there has been some discussion concerning whether Miranda applies to juveniles. However, the conclusion of jurists on this issue is that juveniles are to be included in the rights provided in Miranda, even if the Supreme Court has not specifically included juveniles in this decision (Sanborn and Salerno 2005, 146–48).

Another issue related to the Miranda case is whether others can be substituted for lawyers as legal representatives of youths. In a case decided in 1979, Fare v. Michael C., the court ruled that probation officers do not constitute lawyers and cannot serve in the capacity of lawyers. Michael C. had asked to see his probation officer instead of an attorney and subsequently confessed to a charge of murder. His confession was upheld in juvenile court because probation officers do not represent legal counsel. This decision was supported by the US Supreme Court. Other cases have granted permission for juveniles to ask for their parents, although, again, the presence of parents does not necessarily guarantee that juveniles are getting the best legal advice (Hemmens et al. 2013, 23–26; Sanborn and Salerno 2005, 148–49).

Overall, the right to notification of the right to an attorney as part of the Miranda ruling has been upheld for both juvenile and adult defendants. To some people, the issue of waiving this right may unfairly affect the outcomes of cases for juveniles since, developmentally, they may not be as aware of the consequences of such a decision as would be adults. Despite this possibility, courts have tended to hold juveniles responsible for understanding their circumstances and choosing whether to exercise their right to an attorney, or to waive such a right (Feld 2012, 666–70).

Perhaps the most significant case involving the rights of juveniles in juvenile court is one decided in

1967, In re Gault. This case involved a fifteen-year-old Arizona boy, Gerald Gault, who was charged with making an obscene phone call to a neighbor. Upon the neighbor's claim that it was Gault who had made the phone call, the police arrested him at home, without the presence of his parents, and took him to the local detention home. Before his parents learned of his whereabouts and came to see him, Gault had been referred to a juvenile court hearing by a probation officer. At that hearing, there was conflicting testimony about what Gault had said at the detention home. The probation officer indicated that Gault had confessed to making the call, but Gault maintained that he only dialed the number and that another boy had actually made the obscene comments. The judge scheduled another hearing and ultimately decided that Gault had committed a delinquent offense and committed him to the Arizona State Industrial School for an indefinite time, or until he reached the age of twenty-one, a possible sentence of six years. At no time did Gault's accuser appear during court proceedings, even though his mother had specifically requested the accuser's presence, nor had Gault or his parents actually seen the formal charges being brought against him. The case was ultimately heard by the Supreme Court, which overturned Gault's "conviction." In reaching this decision, the court noted that Gault was never represented by an attorney in the case and that the maximum penalty for his offense, if he were an adult, would have been a fine of five to fifty dollars or incarceration of up to two months. The court ruled that in all juvenile court cases involving possible confinement of youths, the following rights must be honored (Hemmens et al. 2013, 99–100; Parry 2005, 87–101):

1. To be notified of the charges
2. To be represented by an attorney
3. To confront and challenge one's accuser
4. To remain silent during questioning

In the 1970s, the Supreme Court reached other decisions affecting the rights of juveniles in the courts. Again, discussions of cases affecting juveniles from juvenile to adult court jurisdiction have already been presented. However, the court also handed down decisions that affected the procedures in juvenile court. One such case was In re Winship (1970). In this case, a twelve-year-old boy was charged with going into a locker and stealing $112 from a woman's purse. A New York family court judge found the youth delinquent on the basis of a "preponderance of evidence" that the boy committed the offense. Subsequently, the boy was committed to the state training school for an indefinite period up to his eighteenth birthday, or a possible term of six years. On appeal the US Supreme Court overturned the conviction, arguing that in cases involving criminal charges, youths in juvenile court must be found "guilty" on the basis of evidence deemed "beyond a reasonable doubt," or the same standards of evidence applied in adult criminal courts. Even though juvenile court proceedings are considered civil, the potential for having a record of delinquency and possibly being confined for extended periods of time make it essential that adjudicatory hearings be governed by the same rules of evidence used in adult criminal trials. Again, it should be noted that the court did not specify that such standards of evidence be applied to all juvenile court decisions—only to those that involved criminal charges (Hemmens et al. 2013, 100–101; Parry 2005, 102–5).

In 1984, the Supreme Court ruled that juveniles can be placed in detention as a preventive measure. In this case, Schall v. Martin, a fourteen-year-old male was arrested in New York and charged with several felonies, including robbery and second-degree assault. Martin was detained overnight after the arrest and subsequently ordered to be detained by a family court judge for several days until a hearing could be scheduled. The grounds for the detention were that Martin was deemed unsupervised and liable to commit additional crimes if not placed in detention. This decision amounted to preventive detention—that is, detaining someone on the basis of what crimes they might, or probably would, commit if released. The court ruled in this case that preventive detention is constitutional and not punitive. The issue of bail per se was not addressed in this case, since bail is not a guaranteed right for juveniles. Juveniles do not have a presumed right to freedom or liberty, as they "are always in some form of custody." Once placed in detention, they are likely to stay there until their case is resolved. While some states do provide for bail for juveniles, in juvenile court jurisdictions (and some even apply this privilege to status offense charges), the automatic right to bail is not presumed for juveniles (Hemmens et al. 2013, 70–71; Sanborn and Salerno 2005, 219–27).

In summary, the thrust of the decisions cited in this overview has been to grant more rights to juveniles during police interrogations and while they are undergoing juvenile court proceedings, even though some decisions, such as Schall v. Martin, seem to go against that direction. However, another effect seems to have been the creation of a dual justice system, one that includes both legalistic and traditional, rehabilitative ideals and goals (Shoemaker 1988; Feld 1999, 94–108). As Barry Feld (1999, 108) argues, "Courts and legislatures choose between competing characterizations of young people as autonomous and self-determining or as immature and incompetent in order to maximize their social control." Feld contends that this dual nature of juvenile justice can sometimes lead to less protection of procedural safeguards for juveniles (Feld 1999, 109–65). Legalistic procedures might protect the rights of juveniles, but they also allow authorities to treat juveniles more punitively than would occur in more traditional, rehabilitative settings. As he says, "Once states grant youths a semblance of procedural justice, however inadequate, it becomes easier for them to depart from a purely rehabilitative model of juvenile justice. Providing any procedural rights legitimates the imposition of punitive, as well as therapeutic, sanctions" (Feld 1999, 165). Although the full protection of juveniles' rights may not have been realized by Supreme Court decisions, the right to legal representation is most significant. Without this legal protection, many of the other rights and protections might not be enforced or even known by juvenile defendants. Moreover, having defense counsel is another means of reversing, or at least checking, the negative impacts of discriminatory and/or whimsical practices within the system, from the police through the courts.

Diversion

Another way of trying to deal with discriminatory handling of juveniles in the system is to develop and promote programs that divert youth away from the system. As indicated earlier, the practice of diverting juveniles away from the formal system of juvenile justice has existed for as long as police and courts have existed. It has already been noted that the police, for example, often use "informal diversion" when deciding what to do with juveniles with whom they come into contact, and most often these diversionary tactics are used instead of arresting a youth. Some have suggested that the juvenile justice system is itself a form of diversion from the punitive aspects of the adult criminal justice system (Zimring 2005, 33–48). However, the formal, state-sanctioned use of diversion in the United States began in the 1970s, after the passage of the Omnibus Crime Control and Safe Streets Act in 1968. This act was promoted by the conclusions of the President's Commission on Law Enforcement and the Administration of Justice, published in 1967 (President's Commission on Law Enforcement 1967). These sources of influence led to the creation of the Juvenile Justice and Delinquency Prevention Act of 1974, which sponsored many formal, government-sponsored diversion programs in the 1970s and 1980s (Lemert 1971, 92–95; Sanborn and Salerno 2005, 424–25). Many of these programs focused on diverting youth from the courts by using police officers as sources of referrals to diversion programs. Others focused on diversion from institutions as part of deinstitutionalization policies. No matter where the diversion takes place, however, most of these programs have been connected to the judicial system, thus making it unlikely that diversion can be a true deflector of bias and discriminatory behavior.

In many ways, diversion as a concept is supported by the tenets of labeling theory (see chapter 12). The idea is to remove juveniles from the potentially stigmatizing consequences of being labeled a delinquent. One of the more extreme positions advocated in this respect is Edwin Schur's call for "radical nonintervention," or the principle of not doing much of anything formally with all but serious and violent juvenile offenders, in the expectation that a change in behavior or attitudes will occur through some other means (Schur 1973). However, labeling theory is not the only reason for supporting diversion programs. Handling offenders within the community or home of a juvenile is another advantage for the potential rehabilitation or change of attitude and behavior for a young person. In addition, diverting youth away from the courts should lighten the caseload of probation officers and others working with juvenile courts and allow these workers to concentrate on the presumably more serious cases that come to the courts' attention. The practice of treating or supervising offenders in the community is also thought to be a cost-effective strategy, since the juvenile will not be placed in expensive confinement facilities (Roberts 1989, 170–89; Champion 1992, 340). The issue of costs associated with institutional confinement is discussed in chapter 15.

Initially, government-sponsored diversion programs were assisted by the creation of local youth service bureaus, or YSBs. These agencies were established for the explicit purpose of helping juveniles in trouble without resorting to the formal system of juvenile justice. By 1973, there were approximately 150 YSBs in the country. They offered assistance to youths in the form of runaway centers, crisis hotlines, pregnancy counseling, school resource services, employment assistance, and many other services. Today, however, while the concept of diversion remains alive and well, YSBs are virtually nonexistent (Bartollas and Miller 2005, 272).

Although initially, diversion programs focused on status offenders, some branched out to include more serious juvenile offenders. Over the years, these programs have demonstrated cost savings, compared with traditional institutional confinement costs, as well as reductions in recidivism, again compared with institutionalized youths (Roberts 1989, 170–89; Champion 1992, 337–46). Despite these advantages, one of the common occurrences associated with diversion programs is a concept known as "net widening." Net widening occurs when more juveniles are brought into the system than would have been the case without a diversion program (Roberts 1989, 183–84; Sanborn and Salerno 2005, 425–26). This situation runs counter to the expectations and benefits of diversion. Diversion is supposed to reduce the numbers of juveniles in the system, not increase their numbers. Some have suggested that net widening may actually be beneficial to the welfare of juveniles, since they would be exposed to possible benefits of treatment or rehabilitative services that they otherwise might not have received (Roberts 1989, 183–84). This result may well be true, but if so, then the value of diversion is questioned.

Others have questioned the utility of diversion on the basis of selectivity of those youths who are placed into diversion programs. Specifically, some research has suggested that diversion programs have tended to serve white, middle-class youths more than minority youths (Roberts 1989, 183). This issue has not been well researched, but its possibility raises concerns about the fairness of diversion as an alternative to the processing of cases through the juvenile justice system. Still others suggest that even if diversion programs have been class specific, minority youths will still be better served by being placed in the juvenile justice system, compared with the adult criminal-justice system (Zimring 2005, 172–74).

As a concept, diversion has been, and remains, an important component of the juvenile justice system. As a system of specific programs sponsored by governmental funds, however, diversion has lessened in scope since the 1990s. It has already been observed that YSBs have virtually disappeared. Part of this decline is related to an increased atmosphere of "accountability" and punishment directed toward youth since the 1990s (Zimring 2005, 44). While transfers of juvenile cases to adult courts are definitely a component of modern juvenile justice procedures, the practice of transfers has actually decreased over the past ten years or so, as has already been discussed in this book. Besides a trend toward more juvenile accountability, however, juvenile justice policies have shifted to more specific types of diversionary practices. In particular, there has been an increased reliance on drug courts, teen courts, mediation, mentoring, and other procedures during the past few years. Drug courts for juveniles were discussed in chapter 9. Mediation and mentoring programs are discussed in the next chapter. The topic of youth courts is discussed next.

Youth Courts

Youth courts are an alternative to the traditional juvenile court setting in which youths play important roles in the hearing of a complaint against another youth. Youth courts, also known as peer juries, teen courts, and student courts, have been in existence for several years. The constitutionality of these courts was verified in 1971, in a case known as McKeiver v. Pennsylvania. In that case, the US Supreme Court ruled that youth or peer juries may be substituted for juvenile courts (where juries do not exist). Such alternatives were not required by the Supreme Court in that case but were allowed (Hemmens et al. 2013, 101–2). After that ruling, peer juries began to appear throughout the country. By 1979, twelve states had authorized the use of peer juries (Reichel and Seyfrit 1984). It is now estimated that there are over 1,600 youth court programs throughout the world (Global Youth Justice 2016a).

All youth courts operate under the supervision of adults. All youth participants are volunteers and receive training in juvenile justice concepts and procedures before hearing cases. Juvenile volunteers are between the ages of thirteen and eighteen. In addition, offenders voluntarily enter youth court procedures. Youth courts, however, are usually restricted to minor cases of delinquency, such as truancy and other status offenses, alcohol and minor drug offenses, larceny and minor crimes of theft, vandalism, and school-related infractions, including bullying, and they typically handle only first-time offenders. However, some programs, such as those in Great Britain, are developing criteria that would allow youth courts to accept cases involving serious crimes (Stone 2015).

Studies suggest that about one-fifth of youth court volunteers are youths whose cases have previously been handled in youth court. Sometimes, these offenders are required to participate in a youth court proceeding as part of their sentencing, but some do this voluntarily (Pearson 2004, 2; Pearson and Jurich 2005, 10–12).

Most courts retain the structure of juvenile courts, and teen volunteers assume the role of intake officer, jury members, and judge, as well as other support roles in the court system, such as clerks and bailiffs. There are four basic types of youth courts: (1) the adult judge model, which is the most popular model, where the adult supervisor is a judge or lawyer and often serves as the judge in the case; (2) the youth judge model, where a juvenile volunteer serves as the judge and the adult supervisor serves only as a monitor; (3) the youth tribunal, which consists of three youth judges serving as a panel with no jury, and (4) the peer jury, which has a youth jury but an adult judge (Pearson and Jurich 2005, 13). Most often, juveniles who accept being processed in a youth court plead guilty to the charge, and the court serves primarily as a dispositional court rather than as an adjudicatory court. Most dispositions focus on accountability and youth development and include apologies to victims, community service, attendance of workshops addressing crime and drug issues, tutoring, counseling, and other personal awareness and development programs (Pearson and Jurich

2005, 8–9).

The costs of operating youth courts are less than the costs of traditional court operations. There is some evidence that youth court programs costs are declining. According to the Global Youth Justice (2016b) website, for example, the average annual cost of a youth court or youth justice program in the United States is now about $32,700.

Youth courts or peer juries have been studied and evaluated for several decades. For the most part, earlier evaluations have concluded that youth courts are successful in terms of reducing further involvement in crime and delinquency, reduced costs of operation, and acceptance among youthful offenders (Reichel and Seyfrit 1984; Pearson and Jurich 2005). One analysis, for example, concluded that among youthful offenders who agreed to appear before a youth court, only around 10 percent reoffended within one year of their youth court appearance. In addition, nearly 90 percent of young offenders successfully complete the disposition assigned by the youth court (Pearson and Jurich 2005, 15).

Recent investigations have begun to challenge somewhat the conclusions of earlier evaluations with respect to recidivism rates of offenders sent to youth court. Some of these investigations have begun to use more rigorous methods of evaluation, such as control groups as comparisons. One analysis of youth, or "teen," courts in Ohio, for example, concluded that there were no significant differences in recidivism between youth court completers and a control group of offenders who were given other forms of diversion. Although roughly 95 percent of youth court participants completed the program, the few who did not tended to have poorer postcourt records than did the completers. In addition, this study concluded that the postcourt recidivism rates were lower for older youths (over sixteen), suggesting that younger juveniles might not take the process as seriously as older youths. In addition, this study concluded that female participants fared better upon release from the youth court than did male offenders (Norris, Twill, and Kim 2011). Another study of "teen" courts in Maryland concluded that male teen-court participants had higher recidivism rates and poorer self-concepts than members of a control group, who were given other services in the juvenile justice system. In addition, this study found that there were no significant differences in recidivism rates between female teen-court participants and the control group (Wilson, Gottfredson, and Povitsky Stickle 2009). A review of existing research also reached conflicting conclusions. In some studies, teen-court participants had lower recidivism, or return to crime, rates, usually less than 25 percent, than comparison groups, and these lower recidivism rates extended several years beyond teen-court participation. Other studies, however, concluded that return to crime rates between teen-court and comparison populations were similar, or that the rates were higher for teen-court participants (Hiller and Saum 2014).

Despite some evidence that youth courts are not as effective in reducing future delinquency as was first thought, they are still very popular and growing yearly. In addition, they remain a cost-effective alternative to the processing of youths in the formal system of juvenile justice. Some have commented on the possibility of youth courts becoming so popular that they may increase the number of troubled youths under some kind of juvenile court supervision, even if not formally. This process is called "net widening," which was discussed in the previous section of this chapter. Net widening is often a consequence of diversion programs, especially ones that seem to be effective. Not only would such increased awareness place more juveniles in the overall system of juvenile justice, rather than fewer, but it might also jeopardize the cost effectiveness of youth courts in general (Norris et al. 2011, 215). In addition, research has not clearly established just what it is about youth courts that contributes to the success they do have (Hiller and Saum 2014).

As with all newly developed intervention and/or diversion programs, future studies should provide more information with which to better gauge the overall effectiveness of youth courts. For now, however, they promise to be an effective alternative to traditional, more formal, intervention efforts of the juvenile justice system. More information on youth or teen courts may be found at the website of Global Youth Justice, http://www.globalyouthjustice.org.

Summary

The formal juvenile justice system as we know it in the United States is now over one hundred years old. From the beginnings of a single court in Chicago, the "system" has grown to hundreds of police juvenile units, juvenile or family or domestic relations courts, and court service units throughout the country. While an important feature of the juvenile justice system has been individualized justice served for the best interests of the child and the community, current practices and procedures reflect diverse goals and interests, not always individualized and not always in the "best" interests of the child. Current court procedures involve several figures, each with specialized roles to perform and each having significant contact with juveniles. Some argue that these diverse units between and among police and court operations result in the existence of a collection of units rather than a true "system."

In addition to the topic of diversification and specialization within juvenile justice, an important issue is fairness and true individualized handling within the system. Specifically, there has been much discussion and research over the past few decades regarding the equal treatment of youths from diverse backgrounds within the system, from the police through the courts. While much of this research has established the existence of overrepresentation of youths from minority backgrounds in the official records of juvenile justice agencies, the actual documentation of bias and discriminatory attitudes among juvenile justice workers is more difficult to establish.

Although discrimination in juvenile justice system operations may be difficult to establish accurately, since the 1970s two major trends have occurred that together serve to supervise the handling of juvenile cases or to bypass the formal operations of juvenile justice altogether. US Supreme Court decisions have given numerous rights to juveniles, similar to the constitutional rights given to defendants in criminal court proceedings. Perhaps the most significant constitutional protection now applied to juvenile defendants in the juvenile justice system is the right to an attorney, from the point of arrest through the juvenile court adjudicatory hearing. While several other rights are now provided to juveniles, the right to an attorney helps to further ensure that other protections are honored. In addition, attorney representation helps to further provide legal supervision of operations, which can help prevent discriminatory and capricious decision making within the system, including the practice of racial and ethnic profiling.

A second trend in juvenile justice is the increasing use of procedures that provide an alternative to the formal operations of the juvenile justice system. In the 1970s, the government established formal diversion programs, often initially funded by government monies. Since the 1980s, these formal diversion programs have waned, but in their place, myriad programs have been established that help to continue the practice of providing diversionary alternatives to the formal operations of the juvenile justice system.

One example of such alternatives is the youth court, or peer court, or teen court. There are now over 1,200 youth courts operating in the United States, involving hundreds of thousands of juvenile defendants and volunteer court workers. Evaluations of these courts, especially more recent ones, provide mixed evidence of their true effectiveness in reducing postcourt recidivism. Nonetheless, they still remain cost effective and popular throughout the United States, and their presence should continue to grow.

At the same time, the formal operations of juvenile courts will also likely continue, perhaps concentrating on the more serious cases, or at least those that have not been transferred to the adult system. The continued monitoring of the handling and processing of cases as a means of reducing discriminatory practices will also likely continue for all aspects of juvenile justice, including diversion programs.

Study Questions

1. What are the major roles of the police in modern society?
2. How does police discretion influence outcomes in the juvenile justice system?
3. What are the characteristics of youth courts and how do they differ from traditional courts of

law?

CHAPTER 15

Juvenile Institutions and the Treatment and Prevention of Delinquency

As discussed in chapter 2, juvenile correctional institutions in the United States were developed in the early to mid-nineteenth century. These facilities were established and supported by both private and public funds. Most of them were considered long term in that they were designed to house residents, or inmates, for several years. In addition, most of these institutions were designed to retain custody of their charges, which meant they were built with walls and fences and with a purpose to supervise and control the juveniles in their custody. A common model for earlier examples of correctional facilities was the cottage system, in which the notion of two-parent family heads was established. Even within this system, however, institutional administrators were able to maintain an atmosphere of supervision and custody.

Today, correctional institutions can be designed for short-term or long-term accommodations. Short-term facilities are often called detention centers or homes. They typically serve populations of juveniles who are awaiting a juvenile court hearing or a transfer to the state correctional system. Long-term institutions are designed to house and care for juveniles who have been committed to the state juvenile correctional system by a juvenile court judge. The length of time served by juvenile residents in these places is often undetermined, but it is always restricted by a juvenile's age, usually age twenty-one. They are referred to by many names but more commonly are called training schools, reformatories, or juvenile correctional institutions.

The purpose of this chapter is to discuss the characteristics of juvenile institutions, both short term and long term, as well as the characteristics of their residents. In addition, this chapter discusses some of the treatment programs provided in these institutions, especially the long-term facilities. Because the historical development of correctional institutions was presented in chapter 2, the discussion in this chapter focuses on contemporary institutions.

The chapter also contains a discussion of some prevention programs that have been developed for juveniles in the community, particularly for youths who have already been identified as delinquent or who are considered "at risk" of being labeled delinquent by the courts. Many treatment and prevention programs have already been discussed in this book in connection with specific topics, such as family- and school-based or drug-prevention programs. Thus, the community-based prevention programs to be discussed in this chapter focus on general populations of youth.

Juvenile Correctional Institutions

Juvenile correctional facilities can generally be divided into two categories: short-term, or local, and long-term, or state. In 2013, slightly over half of all juvenile facilities were publicly operated. In 2013, the number of institutions for juveniles was 1,947, which declined from 2,458 in 2008 (Hockenberry, Sickmund, and Sladky 2011, 3; Hockenberry 2016, 3). The number of juvenile correctional facilities in the United States has been declining for several years. The number of youth confined in correctional institutions has also been declining for several years. In 2013, the number of youths confined in residential facilities was 60,227 (Hockenberry 2016, 3). Overall, in 2013, 173 youthful offenders were in custody in a residential facility per one hundred thousand juveniles in the United States, which was a decline from 225 in 2010 (Sickmund and Puzzanchera 2014, 191; Hockenberry 2016, 10). In 2013, the one-day count of juveniles in institutions was 57,532, which was a decline from 116,701 in 1997 (see Table 15.1) (OJJDP Statistical Briefing Book 2014).

Even though the rate of incarceration for youths in the United States is declining, it has historically been several times higher than the rate for other industrialized countries. In 2002, for example, the rate of institutionalization in the United States was 336 per one hundred thousand youths. The next highest incarceration rate was 69 in South Africa, while in Japan the rate was 0.1, and in Sweden it was 4.1 (Mendel 2011, 3).

Detention Centers or Homes

Juvenile detention centers or homes are comparable to juvenile jails and are most often considered local institutions. These kinds of facilities have been developed for the purpose of housing juveniles who are waiting for a court appearance, as opposed to having been committed to the facility by a juvenile court judge (Snyder and Sickmund 2006, 200, 202). However, in the past few years, detention-center populations have included many residents who are awaiting transfer to juvenile correctional institutions or placement in community programs after having spent time in a correctional institution. The average length of stay in a detention home is about three weeks (Hockenberry 2016, 14).

Table 15.1. One-Day Count of Juveniles in Residential Placement Facilities, 1997–2014

Type of Facility	1997	1999	2001	2003	2006	2007	2010	2014
All residents	116,701	120,563	117,814	109,094	104,819	98,128	79,166	57,532
Juvenile offenders	105,055	107,493	104,219	96,531	92,721	86,814	70,792	50,821
Other residents*	11,646	13,070	13,595	12,563	12,098	11,314	8,373	6,711
Juvenile offenders in public facilities	75,600	76,222	73,328	66,210	64,163	60,624	49,112	36,110
State	46,516	47,347	43,669	37,335	34,658	31,539	24,881	17,200
Local	29,084	28,875	29,659	28,875	29,505	29,085	24,231	18,910
Juvenile offenders in private facilities	29,455	31,271	30,891	30,321	28,558	26,190	21,681	18,910

Source: OJJDP Statistical Briefing Book. Available at http://www.ojjdp.gov/ojstatbb/corrections/qa08201.asp?qaDate=2014&text=yes. Released on August 11, 2016. Accessed on August 30, 2016.

* Includes youths age 21 or older and those held in the facility but not charged with or adjudicated for an offense.

Notes: The census reference dates were October 28, 1997; October 27, 1999; October 24, 2001; October 22, 2003; February 22, 2006; October 24, 2007; February 24, 2010; and October 22, 2014.

Since juvenile detention centers are supposed to keep the residents in custody until their release date, their design is characterized by single-cell construction, with a common dining area and recreational facilities, as permitted by space and location. Detention centers are often required (or at least expected) to provide their residents with some kind of education while in confinement. Consequently, they are also characterized by some type of classroom facility.

Detainees may be temporarily housed in a detention home because of the presumed emergency of the situation, such as a youngster suspected of being high on drugs or in a dangerous state of mind. In addition, a child may be placed in a detention home because of the time of day at which the child is apprehended, such as at midnight or on a weekend, when other facilities such as shelters may not be available. In these cases, the detention usually can last no longer than one or two days. After that time, a detention hearing is scheduled, and a final decision of detention is ordered by a juvenile court judge.

As discussed in chapter 13, one issue with detention homes and correctional facilities in general is the mental state of many detainees. One analysis concluded that 60 to 70 percent of confined youth exhibited at least one symptom of a psychiatric disorder and suicide is several times higher for institutionalized youth than other young people (Scott, Underwood, and Lamis 2015). An analysis of 1,829 youths detained in the Cook County (Chicago) Detention Center from 1995 to 1998 concluded that 66.3 percent of the males and 73.8 percent of the females in the study exhibited one or more psychiatric symptoms within six months of the study, and females were more likely to exhibit two or more psychiatric symptoms. When conduct disorders, many of which included status offenses, were excluded, the results were similar (Teplin et al. 2006). If these data were extrapolated to the entire country, the authors of this study suggest that on any given day, as many as seventy-two thousand youths in detention in the United States would have at least one psychiatric disorder and twelve thousand juveniles would have both a serious psychiatric disorder and a substance abuse disorder. This situation is sometimes described as "dual diagnosis" or "comorbidity"—that is, a combination of behavioral and psychiatric problems.

In the study of Cook County detainees, the most common psychiatric diagnoses found among the detainees were substance-use disorder and disruptive behavior, and this was true for both males and females. Additional studies of juveniles in custody reveal significant incidences of psychiatric disorders, and the disorders become more common from detention to institutional confinement (Scott et al. 2015). The psychiatric disorders exhibited by juvenile detainees present additional responsibilities for administrators and staff workers at detention homes because these workers must attend to the disorders of those in their custody (Teplin et al. 2006; Scott et al. 2015). What makes the situation more difficult for custodial staff and their detainees is that many youths are held in detention centers because there is no other place for them to go. That is, there are no community mental-health facilities in their area to which they can go for assistance (Pear 2004; Rodriguez 2013).

Correctional Facilities

Juveniles who have been found delinquent by a juvenile court judge face the risk of being committed to a correctional facility. As indicated in chapter 2, the history of these institutions dates back to the middle of the nineteenth century in the United States. Historically, the purpose of correctional institutions for youth has been to rehabilitate or treat residential inmates sent there, as well as to retain custody of these youths while they are in the facility. Also historically, judges have committed youths to these institutions for an indefinite period of time or until they reach the age of majority. In the past, this age was twenty-one, and even today, many states allow juvenile facilities to retain custody of juvenile offenders until the age of twenty-one. Because of the possibility of retaining an inmate for several years, these institutions are sometimes referred to as "long-term" institutions, while detention centers are called "short-term facilities."

Types of Correctional Institutions Traditionally, long-term juvenile institutions were known as industrial schools, training schools, or reform schools. Today these kinds of institutions still exist, but there have also developed other kinds of juvenile facilities. For example, in several states, there are forestry camps, wilderness programs, ranches, or other challenge facilities (Sanborn and Salerno 2005, 468–69). These facilities can be either privately operated or part of the public correctional system in a state. Often, the facilities are open or minimally secured, meaning no fencing or constant surveillance. The programs focus on teaching youths to be more self-reliant and aware of their need to depend on others for successful completion of projects. For example, in a 2012 survey of juvenile institutions, 25 percent of administrators of wilderness facilities reported the use of one or more confinement features, other than locked sleeping rooms, compared to 95 percent for training schools. However, these kinds of residential facilities are relatively rare compared with the total number of facilities in the country. In 2012, 3 percent of the 1,985 facilities surveyed were ranch or wilderness camps (Hockenberry, Sickmund, and Sladky 2015, 3–4).

One example of a wilderness program that has existed for several decades is Vision Quest, or VQ.

VQ was established in 1973. It emphasizes emotional balance and greater self-control as objectives for effective rehabilitation. Although VQ offers several types of treatment opportunities, such as group homes, sea experiences, and alternative schools, one traditional element is a wagon-train trek across many western states and into Canada. This experience is expected to teach juveniles self-reliance skills but also the need to work with others in some situations. However, some contend that the wagon train and other VQ programs operate more like boot camps and expose youths to harsh, sometimes degrading conditions. Although general evaluations of wilderness types of programs have not concluded that such experiences have a major impact on recidivism, VQ claims to have a one-year postprogram recidivism rate between 14 and 31 percent (Sanborn and Salerno 2005, 468–69; Martin 2005, 300–301; also http://www.vq.com).

Another wilderness or challenge experience is Outward Bound. Outward Bound began in Colorado in 1962 and emphasizes character development and self-confidence improvement through a number of challenging exercises, including rock climbing, hiking, and similar outdoor activities. In addition, Outward Bound emphasizes education and stresses that outdoor experiences should be combined with school-related settings, including exams concerning what was learned from the challenges. A variation of Outward Bound is Homeward Bound, which combines daytime and nighttime experiences similar to those offered in Outward Bound, but over a period of six weeks (Martin 2005, 299–300).

Other kinds of juvenile correctional institutions include group homes and halfway houses, which serve as a community-based alternative to confinement in long-term institutions. In addition, these facilities serve to help integrate the juvenile into the community or serve as a location for treatment and rehabilitation services outside the home and neighborhood where the child previously lived. They also serve as an alternative to home-based probation or house arrest dispositions. In 2012, about 21 percent of all institutional facilities identified were group homes/halfway houses, compared with a figure of 9 percent for training schools (Hockenberry et al. 2015, 3).

Characteristics of Correctional Institution Residents As indicated earlier, the number of inmates in juvenile institutions has been declining for several years. Most residents or inmates of correctional institutions are juveniles who have been found delinquent of a criminal offense, especially violent crime. In 2013, only 5 percent of the total population of residents were found delinquent of a status offense. The number of juveniles confined for status offenses is larger for private institutions, compared with public facilities. However, the number of status offenders in juvenile facilities is decreasing, in part because of the Juvenile Justice and Delinquency Prevention Act, which restricts the use of incarceration for status offenders., The number of juveniles confined in all residential facilities for status offenses has been declining since 1997 (Sickmund and Puzzanchera 2014, 189).

The majority of institutionalized juvenile offenders are male. In 2013, males represented 86 percent of institutional residents, and girls represented 14 percent. However, the percentage of females confined for status offenses was higher than for males, 11 percent versus 4 percent, respectively (Hockenberry 2016, 11). In 2013, the custody rate for males was 290, versus 50 for females (OJJDP Statistical Briefing Book 2014).

The overrepresentation of minority youths in different stages of the juvenile justice system has been discussed in previous chapters of this book. The disproportional representation of black or African American youths occurs in all stages of the juvenile justice system, including juvenile institutions (Penn 2006; Snyder and Sickmund 2006, 176).

The racial and ethnic composition of those in institutions is now of predominantly minority status, mostly African American or Hispanic. In 2013, 68 percent of residents in juvenile institutions were of minority racial and ethnic backgrounds and the institutional commitment rate per one hundred thousand was 294 for black juveniles, 111 for Hispanics, and 254 for American Indians, compared to 69 for white youth (Hockenberry 2016, 12–13).

However, racial and ethnic statuses do not vary much among the offenses committed by youths in institutions. In 2013, for example, 93 percent of white inmates and 97–99 percent of minority inmates were incarcerated for delinquent offenses, while 7 percent of whites and 3–7 percent of minorities were placed into institutional confinement for a status offense (Hockenberry 2016, 12).

Minority overrepresentation and discrimination in the juvenile justice system are important issues to address. Modifications of the 1974 Juvenile Justice and Delinquency Prevention Act and the efforts of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have contributed to more awareness of minority overrepresentations, as well as gender issues, in all areas of juvenile justice

(Snyder and Sickmund 2006, 188; Chesney-Lind and Irwin 2008, 179; Freiburger and Jordan 2016, 3–27).

The OJJDP has initiated a program named "Disproportionate Minority Contact," which is focused on continued concern for the overrepresentation of minorities in the juvenile justice system. This emphasis extends previous programs by examining disproportionate minority contact, rather than disproportionate confinement. Thus, the new concern of OJJDP now addresses more of the juvenile justice system instead of just the topic of incarceration (Hanes 2012; Freiburger and Jordan 2016, 24–26).

Despite these efforts by OJJDP and other agencies to monitor and correct minority bias in the juvenile justice system, it is recognized that political issues are still important in the allocation of funds and resources to address these concerns. Some contend there are still efforts to resist significant alterations in the ways in which minority youths are handled in the juvenile justice system (Leiber 2006; Feld 2006).

Characteristics of Long-Term Institutions

The purpose of all long-term correctional facilities is to retain custody of residents or inmates and to provide some type of treatment or rehabilitation services. Long-term facilities are expected to offer programs and services that require several months or perhaps even years of placement or confinement. Government surveys often classify these kinds of institutions as group homes, boot camps, ranch or wilderness camps, and training schools. Group homes and wilderness camps are considered community based, while the others are more restrictive in their philosophies and schedules of operation (Sickmund 2006).

Even community placements can be categorized according to their philosophies concerning custody or treatment. According to one typology, community-based facilities can be divided into three categories. One type is referred to as restrictive community placement. This kind of facility is characterized by restrictions in movement and definite property boundaries, although not necessarily fences. Group homes are an example of these kinds of institutions. A second type of facility is called a benign community placement. This kind of community placement is characterized by greater flexibility of movement than the restrictive facility, almost to the point of total freedom of movement. Of course, since the resident is confined to this place, total freedom of movement is not to be expected, but the flexibility of the resident's schedule reflects the philosophy that the resident is to be trusted to remain in the placement for as long as an agreement maintains. A good example of this type of placement is a foster home. A third category is experiential community placement. This type of facility is often located in rural or sparsely populated areas with the expectation that the resident participates in character-building exercises, such as those that are offered in wilderness programs. Each of these placements is geared to long-term stays, meaning at least several months and possibly more than one year. In addition, the length of stay is open, or variable, except for wilderness programs, which may have fixed lengths of placement (Martin 2005, 296–301). Overall, the average length of stay in correctional institutions in 2009 was from six to eighteen months (for boys), but this figure varied widely by state (Mendel 2011, 15).

Structural Organization

Traditionally, reformatories or training schools have been organized according to the cottage system (Polsky 1962). A cottage is a residential facility located on the grounds of the institution. It serves as a general meeting place for the residents as well as a place for recreation and sleeping. A cottage is often headed by a team of cottage parents, who are in charge of the daily supervision of the youth. They live in the cottage, often in a separate efficiency apartment, separated from the living quarters of the residents by a common room. In essence, then, the cottage becomes a kind of home to the resident. Of course, it is difficult for any institutional setting to truly replace the atmosphere and structure of a child's home, but this system attempts to approximate such an atmosphere.

Total Institutions In many ways, correctional institutions are total institutions (Goffman 1961, xiii–124). A total institution is a physical place, such as a prison or reformatory, that must meet the total needs of its residents. These needs are mostly physical and can include health and nutrition, clothing, shelter, and so on. In addition, juvenile institutions must meet the educational and treatment needs of youth. The totality of the care provided in institutions is also reflected in the twenty-four-hour, around-the-clock confinement of the residents, including weekends. Residents are to be supervised and accounted for virtually every hour of the day and night, either individually or in terms of block schedules, such as sleeping (Bortner and Williams 1997, 19–21).

Inmate Social System Those who have studied institutions and their characteristics often cite the tight schedule and total supervision of residents as one reason inmates tend to develop accommodative responses to the deprivation of freedom such routines create. A typical accommodative response is called an inmate social system or subculture. The inmate social system, or subculture, is a set of rules and codes that influences the lives of almost every resident in a long-term institution (Barker and Adams 1959; Giallombardo 1974; Bartollas, Miller, and Dinitz 1976; Feld 1977; Propper 1981; Bortner and Williams 1997).

The inmate code contains proscriptions for talking with cottage parents or other institutional staff members. It also prohibits inmates from informing on others. Specific examples of the inmate code include "Exploit whomever you can," "Be cool," "Don't rat on your peers," "Don't kiss ass," and "Don't buy the mind-f***" (Bartollas et al. 1976, 62–64). It is easy to see that adhering to these codes will undermine treatment efforts developed by the staff. Specific efforts to establish treatment-oriented cottages and subcultures, especially group-treatment strategies, can offset the negative influences of the inmate social system, but these effects can be fragile and quickly reversed if the staff does not monitor and closely manage the treatment culture (Polsky 1962; Street 1965; Street, Vinter, and Perrow 1966; Feld 1977, 167–69, 200).

The inmate social system sometimes reflects gender differences. Among male residents, for example, the system often revolves around concepts related to physical force and intimidation. It is used to bolster the power and influence one inmate, or more likely, a group of inmates, may have over others. In recent years, the male inmate system has taken on racial overtones. Some researchers have argued that nonwhite inmates often control and manipulate white inmates because nonwhites are more organized and are more powerful than whites inside the institution (Bartollas et al. 1976, chap. 4–7; Feld 1977, 180–85).

Among females, however, the inmate social system typically includes roles and relationships related to the family system, including parents, children, and more distant relatives (Propper 1981, chap. 7). Within some institutions, authorities have discovered marriage contracts and divorce settlements among inmates. Marriage among inmates is highly prized and can serve to confirm one's higher status among inmates. According to Giallombardo (1974, 172), "The inmates who marry are those who have been successful in their respective roles. The major goal for the Eastern inmates is marriage; hence, to attract an individual and to marry—in the face of considerable competition on campus—is an achievement of sorts. For this reason, inmates sometimes make it a special point to invite rivals to the wedding." Despite alliances with pseudofamilies, females tend to adapt to institutional life differently from males, with females following more conformist attitudes and institutional adjustment lifestyles than males (Sieverdes and Bartollas 1980).

There are two views concerning the existence of the inmate system. Some argue that it is imported into the institution by inmates, who have learned this system in the streets, in gangs, and elsewhere in the community. Other scholars maintain that the inmate social system is caused by the deprivation of freedom and other human needs that occurs within an institution. Thus, the system develops as a means of survival and coping among inmates confined in a restrictive and exploitative social setting (Sykes 1958; Grosser 1968; Giallombardo 1974, chap. 1; Bartollas et al. 1976, 68–69; Feld 1977, 171–81; Propper 1981, 11–20, 179–81). Studies have documented the influence of both models or interpretations of the inmate social system, so it is not easy to say that one or the other is the true cause of the social system. It would seem safe to argue, however, that regardless of the sources of inmate social systems, the existence of such a subculture within a correctional institution necessitates strategies for dealing with this system if effective treatment goals are to be realized. Bortner and Williams (1997) remind us that the attributes of race, social class, and gender often interact within the restrictive environments of institutions to produce strong effects on the identities and behavior of inmates, whether in the context of coping with a closed and sometimes violent setting or in the context of responding to treatment programs. As they put it, "The racial, class, and gender dimensions of youths' identities are related intricately to their delinquent behavior. They all affect how the youths make sense of the social world and their places in it, including how they see themselves and how others see them. . . . Minority youths are especially aware of the racialized context of their existences" (Bortner and Williams 1997, 46).

Effectiveness of Correctional Institutions

An important concern about juvenile institutions is what happens to those released from the custody of such facilities. In other words, does the experience of living in a correctional institution change a young person's attitudes and behavior? For the most part, this question is answered in terms of the future behavior of the individual. The behavior of concern is typically continued delinquency or criminality, and this concept is frequently measured in terms of recidivism figures. Recidivism means a return to crime or delinquency. When applied to the postrelease behavior of former residents, recidivism has been measured in a variety of ways: rearrest, referral to court, reconviction, and/or reincarceration (Snyder and Sickmund 2006, 234). According to one report, the average rearrest rate within one year for juveniles released from institutions was 55 percent. The average recidivism rate for referral to court was 45 percent; for reconviction, the rate was 33 percent, and for reincarceration, around 25 percent (Snyder and Sickmund 2006, 234). Another survey of recidivism in Virginia found similar rates in 2003 and 2004. In that survey, 52.1 percent of those released from juvenile correctional institutions were rearrested within one year of release; 37.6 percent were reconvicted; and 21.2 percent were reincarcerated (Virginia Department of Juvenile Justice 2005, 183). Other studies conclude that the rearrest rates, for any offense, range from 68 to 82 percent within two years, reconvictions for any offense range from 38 to 58 percent after two years, and returns to a correctional facility for a new offense range from 15 percent to 46 percent after two years (Mendel 2011, 10). Arrest figures are higher than the numbers for the other measures because many of those arrested are never convicted or incarcerated. In addition, some may argue that arrests are not proof of guilt and that truer indications of criminal behavior are found in conviction or incarceration rates.

While the recidivism rates for those released from institutions may seem high to some, it should be noted that experiences within institutions may not be the only factors involved in the recidivism of former residents. The conditions that contributed to their delinquency before they were incarcerated may still be affecting their behavior upon release. In addition, these preincarceration factors may now be interacting with postrelease variables in the community to further compound the delinquency-producing forces in a child's life. One of these postrelease variables may well be the stigmatizing effects of being labeled an ex-offender or an ex-inmate (see chapter 12).

However, one analysis of recidivism among institutional residents in Arizona and Pennsylvania controlled for sixty-six effects on juvenile behavior before and after institutionalization, and included social, psychological, and legal factors. The results of this study led the researchers to conclude that length of stay in an institution, at least for three to thirteen months, had little measurable impact on postrelease self-reported recidivism, and this conclusion was the same for public or private facilities (Loughran et al. 2009, especially pp. 726–29). Other studies conclude that long-term commitments do not reduce recidivism rates, including recidivism for serious violent offenders (Re-Examining Juvenile Incarceration 2015, 3).

Another way to gauge the effectiveness of institutions is to look at their costs. National data suggest that the per-resident annual costs of institutions are very high. For example, an analysis of secure institutional confinement for youth in Pennsylvania concluded that in 2004 the cost per resident was $306 per day, or $111,690 annually (Nagin et al. 2006, 640). In 2008, the estimated annual cost of confining one juvenile was $252,000 in California, and in New York, in 2010–2011, the annual cost was $242,725 per youth (Mendel 2011, 21). In Hawaii, the average annual cost for confining juveniles was $179,000 in 2013. In Georgia, the annual cost was over $91,000 in 2013 and in Virginia, the annual cost was over $85,000 in 2012 (Re-Examining Juvenile Incarceration 2015, 4).

Others point to abuses of authority within institutions, numerous accounts of violence and assaults on residents by other inmates as well as by staff, and instances of neglect by institutional authorities as evidence that institutions do not always protect or rehabilitate residents. Exposés and government reports of abuse and neglect within institutions as well as in other parts of the juvenile justice system have appeared for decades (Murphy 1974; Wooden 1976; Ahranjani, Ferguson, and Raskin 2005, 282–88).

In the early to mid-2000s an institution in Florida, the Dozier School for Boys (which is now closed), became the subject of concern and investigation regarding allegations of physical abuse and cover-ups of brutality and neglect for decades. An investigation by Florida authorities determined that there was not enough evidence to press criminal charges against any of the institution's officials or workers, but allegations of abuse by former residents, known as the "White House Boys" (a reference to a building located on the grounds of the institution where the alleged abuses were reported to have occurred), continue to appear (Allen 2012).

Scholarly studies of institutions and institutional life continue to document abuse and neglect within the walls and on the grounds of juvenile facilities (Bartollas et al. 1976; Feld 1977; Bortner and Williams 1997). Residents are exposed to abuse not only from other inmates but also from institutional staff members.

In 2003, Congress passed a law called the Prison Rape Elimination Act, or PREA. One of the provisions of that act was a requirement that the government take annual surveys of sexual assault in prisons, including assaults on juveniles. A 2010 government survey of sexual abuse in juvenile institutions reported that 12 percent of a sample of institutionalized youths reported having been sexually victimized by staff or other residents in the year before the survey (Mendel 2011, 6–7). The surveys suggest that the number and rate of sexual assaults are increasing, and that the risk of sexual victimization is greater for juveniles confined in large and security-based institutions (PREA 2016; Sickmund and Puzzanchera 2014, 217). However, some feel that because states are confining youth for shorter periods of time and moving to less-secure residential placements, sexual violence and sexual victimization are on the decline (Sickmund and Puzzzenchera 2014, 217).

Victimization of juveniles may be more common, at least more expected, among juveniles who are imprisoned with adults, as might be the case in some blended sentences (see chapter 13). Studies of juveniles incarcerated with adults often document physical and sexual abuse of juveniles in adult facilities, jails, or prisons (Mulvey and Schubert 2012, 846–48).

Some jail and prison policies place juveniles in separate, sometimes solitary, confinement, in an effort to reduce juvenile victimization at the hands of adults. However, a study conducted by Human Rights Watch and the American Civil Liberties Union (ACLU) concluded that juveniles confined in adult institutions (again, jails or prisons) often suffer psychological, social, and physical damage as the result of solitary confinement. Juveniles are not as psychologically able to handle solitary confinement as are adults. Furthermore, juveniles are at risk of losing physical growth because of the lack of exercise and adequate nutrition while in solitary confinement. In addition, juveniles in solitary confinement are often separated from their families (Human Rights Watch/ACLU 2012).

Whether incidents of violence, assault, abuse, and neglect are intentional—and sometimes they are —or the result of oversight or carelessness, their impact on the quality of life for the residents is negative. In addition to the countervailing influence of the inmate social system on the rehabilitation of residents, the stressful, intimidating, and often violent atmosphere of many institutions also contributes to the difficulty in achieving meaningful positive change in their behavior and attitudes.

The Massachusetts Experiment While many suggest that juvenile institutions do not do an adequate job of rehabilitating residents, and are expensive to operate, few have gone so far as to advocate the elimination or closing of institutions. However, this is what was done in the 1970s by Jerome Miller, then director of juvenile corrections in Massachusetts. Miller was hired by the governor to develop changes in the juvenile correctional system. Changes were thought to be needed because the system was characterized by political patronage and charges of abuse and neglect of residents (Miller 1991, 48–49, 170).

Miller's first actions were to reform the system. For instance, he advocated relaxing some of the strict rules for the residents, such as requirements for clothing and hair length. Over two or three years, however, these reform efforts were resisted by those in the system, including cottage parents. Consequently, the decision to close the reformatories in the state was made as a kind of last resort (Miller 1991; Lundman 2001, 226–27).

Analyses of the results of the Massachusetts Experiment have concluded that recidivism rates have remained about the same as they were before the decision to close the institutions. In those areas characterized by the presence of community-based treatment programs, the recidivism rates have been lower than before 1970 (Miller 1991, chap. 17). In addition, the system of juvenile corrections became based on community-treatment models, with private provision of services. Youths are still wards of the state, but their care and custody is being provided by private agencies with state oversight (Ohlin, Miller, and Coates 1977, 12–18; Miller 1991, chap. 13). Studies also estimated that the state was gaining considerable economic savings by moving to the community-centered, private system of services. One early analysis of Harvard researchers concluded that by the mid-1970s, the cost of community care and treatment was about $50 per week per youth, compared with an estimated $145–$290 per week for intensive residential care (Ohlin et al. 1977, 16).

Despite these favorable results, the Massachusetts Experiment remains, as the title suggests, an experiment. Miller recounted continuous efforts by politicians and others in the state to undermine his efforts and to introduce legislation designed to continue the existence and funding of institutions (Miller 1991, chap. 16). Although the Harvard study concluded that the experiment was replicable in other states (Ohlin et al. 1977, 113), the virtual elimination of institutions has been tried in only one other state, Maryland, but without the documented success of Massachusetts (Lundman 2001, 233). Over time, the number of commitments to institutional facilities in Massachusetts has increased, but the rate has been far below the national average. In 2013, for example, the commitment rate in Massachusetts was 60 per one hundred thousand, compared to a rate of 173 per one hundred thousand nationwide (Hockenberry 2016, 10).

Other states, such as California and Texas, have significantly reduced their populations in correctional institutions, with little evidence of any increased delinquency as a result of these reductions. In fact, arrests of juveniles for index crimes have dropped along with the decreased populations of offenders in institutions. In California, from 1996 to 2010, the number of youths confined in juvenile institutions decreased by 85 percent, while arrests for index property and violent crimes dropped steadily from 1996 to 2009. Likewise, in Texas, the number of youths placed in juvenile institutions fell from 4,800 in 2006 to 1,800 in 2010, yet the arrests of juveniles for violent criminal felonies and overall arrests of juveniles fell 10 percent and 9 percent, respectively, from 2006 to 2009 (Mendel 2011, 26–27).

Some states are redefining their juvenile correctional policies, often in terms of reducing large institutions and developing community-placement facilities. These reforms would not expect to result in increases in recidivism rates; maybe the rates would be lowered. In addition, reducing the inmate or resident populations of large institutions and moving to more community-based arrangements would be expected to lower the annual and daily costs of juvenile corrections in a state. An analysis of daily correctional costs in South Carolina concluded that the daily cost of incarceration in a secure facility was $426, compared to a daily cost of $111 for wilderness placements, $13 for intensive probation, and $6 for regular probation (Re-Examining Juvenile Incarceration 2015, 4). A Presidential Report, issued in 2015, concluded that the average cost of institutionalizing one juvenile per year in the United States was $112,423, compared to $1,353 for a Mentoring Program and $31,231 for tuition and fees at a four-year private university (Council of Economic Advisers 2015, 18). Thus, not only does institutionalization exact a high cost per juvenile, that cost is about one hundred times the cost of a mentoring program (see the discussion below), and over three times the cost of a private university education in the United States.

Positive Views of Institutional Confinement Despite these unfavorable comments and views regarding the effectiveness of juvenile institutions, some suggest that institutions do result in positive outcomes for youths, at least for some juvenile offenders. The results of the cohort studies discussed in chapter 3, for example, concluded that institutionalization of some offenders, particularly chronic offenders, might reduce some crime and delinquency (Wolfgang, Figlio, and Sellin 1972; Lundman 2001, 260–72). For example, one analysis of these data concluded that confining all the 982 chronic offenders in the first (1958) cohort would have eliminated 72 percent of their contacts with the police (Lundman 2001, 267). Other longitudinal studies have also concluded that institutionalization can be good for some offenders. John Laub and Robert Sampson's follow-up analyses of the youths studied by Sheldon and Eleanor Glueck in Boston (Glueck and Glueck 1950) concluded that confinement could sometimes be considered a positive "turning point" (see chapter 5) in the lives of some youthful offenders (Laub and Sampson 2003, 129–30).

Some point to a relative reduction in recidivism as a result of incarceration. This reduction is referred to as a "suppression effect" (Murray and Cox 1979, 31; Lundman 2001, 280–81). Researchers recognizing the suppression effect argue that the complete elimination of delinquency is impossible, so studies should concentrate on the relative decline, if any, in delinquency after release. In essence, this approach focuses on the positive rather than the negative impact of incarceration (Snyder and Sickmund 2006, 235). For example, in one longitudinal study of institutionalized offenders in Illinois, researchers noted that among a sample of 317 youthful offenders confined to institutions in the state, there was a drop of average arrest rates from 6.2 in the year preceding incarceration to 2.3 in the year following incarceration (Murray and Cox 1979, 118; Lundman 2001, 280–83). Of course, this analysis is flawed in that part of the decline in arrests was due to the restrictions of confinement, as opposed to the results after confinement. Nonetheless, the idea of a suppression effect is a useful concept with which to evaluate the impact of any program, whether it is focused on custody or treatment.

Treatment and Prevention Programs

Programs focused on the treatment or prevention of delinquency have been addressed in previous chapters, such as those focusing on the family, schools, drugs, and youth gangs. In the following discussions, the emphasis is on more general examples of treating youths already involved in the juvenile justice system, as well as a few programs focused on general delinquency prevention. There is also a discussion of the effectiveness of treatment and/or prevention efforts, and issues that should be considered in the evaluation of delinquency prevention programs.

Treatment Programs within Institutions

As discussed in chapter 2 of this book, the development of juvenile justice and the creation of juvenile courts were historically based on a medical model of behavior. This model presumes delinquent behavior is symptomatic of underlying conditions that will likely worsen over time and lead to increased criminal behavior and increased severity unless the individual is treated or rehabilitated. Even though, historically, juvenile institutions and other juvenile justice agencies have incorporated the treatment model into their programs and policies, the right to treatment for juveniles in confinement has been confirmed by various court decisions since the 1960s. That is, juveniles who have been placed in the custody of juvenile correctional systems must be provided some sort of treatment and rehabilitation while they are in the care of the correctional institutions (Hemmens, Steiner, and Mueller 2013, 132–33).

Consistent with the medical model of delinquency, efforts to change the behaviors and/or attitudes of juveniles confined in institutions have tended to focus on individual change. Many programs have tried to accomplish such changes by focusing on the individual resident—that is, his or her personality, behavioral patterns, social skills, education, or other person-centered attributes. Other programs have attempted to effect significant changes among residents by developing group-centered efforts. The focus in these programs is still ultimately on the individual, but the approach to changing individual attitudes and/or behavior is through social pressure or example—that is, the group-centered approach.

Individual Treatment Individual treatment programs for institutional residents have focused on counseling techniques, which may differ according to the theoretical basis of the program or the presumed causes of delinquency. For example, some individual treatment efforts have focused on techniques and strategies informed by psychoanalysis (chapter 4). One example of such therapeutic techniques is transactional analysis. Transactional analysis, or TA, is based on the idea that the "patient," whether adult or child, should be able to understand the bases of his or her attitudes or behavior from a realistic vantage. In this approach, it is important for the treated individual to be aware of the underlying reasons for his or her choices and behaviors. It is not absolutely necessary for the individual to actually confront and resolve internal conflicts that may shape behaviors, but only to be aware of these conflicts and to develop methods to manage them in everyday life and decision making. Often, transactional analysis is practiced through group therapy, but it may be used in individual treatment as well. In addition, TA is used in the treatment of noncriminal or delinquent people, and, according to some advocates, it has been useful in the treatment of individuals thought difficult to reach, such as psychopaths (Berne 1961).

A related individual-based treatment strategy is known as reality therapy. Reality therapy was developed in the 1960s by William Glasser (1965). It rejects the medical assumption often seen in psychiatric treatment programs that the delinquent child suffers from some kind of psychopathology. Rather, reality therapy assumes that behavioral problems commonly result from two conditions: the person lacks love in his or her life, and the person lacks self-esteem or a sense of self-worth (Glasser 1965, 9; Rachin 1974, 49). Reality therapy focuses on the need to recognize the reality of our world and the basic needs underlying our behavior. It stresses the importance of confronting the reality of a situation and the strengths and weaknesses of each person, as well as the need to respect the needs of others. In addition, reality therapy stresses the importance of people taking responsibility for their actions and their situations as well as recognizing the need to address the underlying causes of their behavior. Supporters of reality therapy argue that this form of treatment is more effective for juveniles and others who have not benefited from traditional psychiatric therapies, although factual support for these claims is lacking (Rachin 1974, 49–53).

Another individual method of treating delinquency is focused on treating the delinquent behavior. This method is popularly known as behaviorism or behavior modification. Behaviorism is based on the psychological principles of learning and can be traced to the learning experiments of psychologists such as Ivan Pavlov, John B. Watson, and B. F. Skinner (Bandura 196, chap. 1 and 3; Milkman and Wanberg 2005, 205; Sanborn and Salerno 2005, 478–79). In this connection, behavior modification is similar to the ideas of differential association theory (see chapter 6). One difference between these two perspectives is that behavior modification focuses on the individual, while differential association focuses on the group context in which behavior is learned. Consistent with the idea that behavior is learned is the notion that it can be relearned, especially through the use of positive and negative reinforcement. A positive reinforcement includes the introduction of a consequence after a behavior has occurred. A negative reinforcement involves the removal or withholding of something (Sparzo 1999, 18–20). For example, a situation in which a person learns that drinking milk is pleasant and so decides to continue drinking milk exemplifies positive reinforcement. However, a person who covers his ears in order to block unwanted noise exhibits negative reinforcement. Both illustrate principles of learning and behavior modification, but in different ways. In the first case, one learns from what has happened and seeks to continue doing the things associated with the consequences of the behavior. In the second situation, the person has learned that loud noises are obnoxious and that covering the ears (removing sound) can reduce obnoxious noise.

Behavior-modification programs tend to focus on the behavior rather than on personality or attitudinal characteristics that may underlie the behavior. As such, behavioral programs are attractive to administrators and supervisors of institutional facilities, especially ones that emphasize custody and control functions. Often, these programs use what is known as a "token economy," which replaces monetary exchanges with increased privileges or rewards for conformist behavior. Thus, a resident may expect to receive extra hours of free time or extra meal privileges in exchange for "good" behavior (Sanborn and Salerno 2005, 478–79). Behavioral programs can help maintain order and discipline within an institution by continuing to reward those who obey institutional rules. Some argue that this method of control can also be used to help increase the effectiveness of other treatment programs by focusing the attention of residents on the efforts of treatment administrators (Sanborn and Salerno 2005, 479).

Behavioral programs have existed since the 1950s and 1960s, and some contend that their use in modifying behavior is successful (McGuire and Priestley 1995, 16–19). Others contend that behavioral methods are effective with youths when combined with other, more inclusive methods, such as multisystemic or multifamily strategies (Milkman and Wanberg 2005, 249–57). Although behavioral programs may reduce unwanted behaviors in the short term, their long-term effectiveness is questionable. The issue of retention of desired behaviors is particularly problematic when the resident returns to his or her home or community. Unless the underlying or environmental sources of the behavioral problem are addressed, the chances of long-term successful behavioral change are reduced when the individual returns to the setting that has contributed significantly to the behavior (Mace et al. 1993, 94; Sanborn and Salerno 2005, 479–80). If a child is influenced by his or her peers in a community or is having trouble with parents and/or siblings at home, returning to these settings might easily trigger delinquent behaviors, even if acceptable behavior has been "learned" in an institutional setting.

The need for individual, anger-related treatment is becoming more important for incarcerated youths. One national survey concluded that 60 percent of youths confined in residential programs had problems with anger management (Mendel 2011, 22). This same survey also concluded that 30 percent of institutionalized youths had attempted suicide at least once and that over 70 percent of these youths had witnessed violence in their lives or had personally experienced something "very bad or terrible" (Mendel 2011, 22). These figures suggest that many of the young people confined in juvenile facilities have significant personal problems, in addition to numerous difficult social circumstances in their lives.

Group-Treatment Programs Sometimes treatment is conducted in group settings. In these situations, the focus of attention is still on the individual, but the treatment effect is expected to occur in a group setting (Empey and Lubeck 1971, 77). Some programs, however, focus more on the dynamics of the group context and the utility of using groups to effect change or rehabilitation in the individual. This is known as the group-centered approach. In the group-centered method of treatment, the group becomes a change agent, not just a setting in which change may occur. This approach recognizes that most adolescents are influenced by their peers and that much delinquent behavior occurs in a group context (Empey and Lubeck 1971, 74–77).

One example of using a group-centered approach in the treatment of delinquency is guided group interaction, or GGI. GGI emphasizes changing behavioral and attitudinal patterns within a group context. In this method, residents are scheduled to meet regularly, often for one hour a week, in groups of ten or fewer, to discuss and work through important issues in their lives. The youths are expected to interact with one another in these sessions and to point out inconsistencies and mistakes in the attitudes and justifications of their fellow group members. The youths are expected to help reform others in these group settings and are encouraged to seek meanings and motivations for their own behaviors in the process. The sessions are led by a trained and skilled adult leader, one who guides the interactions among the youths (Weeks 1958, 160–61; Empey and Lubeck 1971, 16–17). The presence of the adult leader in these sessions is important for directing the focus of the discussions to meaningful dialogue among the youthful participants. In addition, this leader can help to prevent potentially harmful consequences resulting from defamatory or denigrating comments made by members of the group toward one another.

Evaluations of the early use of GGI were generally positive. One comparative assessment gauged behavioral and attitudinal changes of youths in a project called Highfields, which was the former estate of Charles Lindbergh in New Jersey. The authors of this assessment concluded that the Highfields youths (all male) exhibited lower recidivism rates upon release from the program than a control group of juvenile offenders who had been committed to the state institution at Annandale. Lowered recidivism rates were particularly noticeable among the nonwhite youths at Highfields. However, this study did not find significant changes in the attitudes of the youths who had been exposed to GGI at Highfields (Weeks 1958).

The use of GGI has expanded to community settings, but evaluations of these efforts have not produced uniformly positive results. One of the more detailed comparative assessments of GGI conducted in a community setting occurred in a program called Silverlake, a suburb of Los Angeles. The Silverlake Experiment introduced GGI to 140 adjudicated delinquents who lived at a former orphanage for Japanese American children in Los Angeles County. These 140 youths were also enrolled in a nearby high school and lived in the community, with the exception of being allowed to go to their own homes on the weekend. The treatment program lasted three years, with a one-year follow-up. The resultant behavior and attitudes of the Silverlake youths were compared with a control sample of 121 delinquent youths committed to a state institution called Boys Republic. The results of this experiment did not confirm the effectiveness of GGI in reducing recidivism or creating significant changes in attitudes among the Silverlake youths. The authors of the study concluded that part of the reason for the ineffectiveness of the treatment was the harsh reception by the community, particularly school officials, of the Silverlake youths, who were identified by school administrators as outsiders and potential troublemakers who should not have been placed in their school (Empey and Lubeck 1971, 89; Lundman 2001, 220–24).

In the 1970s and 1980s, a similar treatment strategy to GGI emerged. This new version of GGI is called positive peer culture, or PPC (Vorrath and Brendtro 1985). Positive peer culture is particularly useful in an institutional setting because it attempts to defuse the negative influences of the inmate culture (see the discussion earlier in this chapter). At the same time, PPC tries to instill a greater sense of positive self-worth, or a stronger self-concept, in the residents. Evaluations of PPC are no more positive or encouraging than those of GGI. These programs can have some positive effect on residents, but overall, their impact is moderate. Some behaviors, such as aggression and running away, are reduced in connection with PPC, but others, such as violating institutional rules and breaking and entering, are not. Results do suggest that PPC can have a significant positive impact on academic achievement, which can lead to reduced delinquency in the long term (Vorrath and Brendtro 1985, 151–59).

Overall, programs such as GGI and PPC can be useful intervention treatments for delinquents. However, these programs do have several potential drawbacks, including the possibility of abusive confrontations among residents, confrontations that can damage self-esteem or result in physical attacks. This possibility is increased if the adult leaders are not properly trained or if they adopt an uncaring attitude toward the programs or the residents involved in the treatments (Vorrath and Brendtro 1985, 164–66).

Boot Camps In 1983, the concept of boot camps for correctional treatment of adults emerged in the United States. By the early 1990s, the concept had spread to include correctional treatment for juveniles (Lundman 2001, 238). Boot camps are generally considered "tough" alternatives to traditional rehabilitation programs based on changing attitudes and behaviors of youths and adults. They usually, though not always, incorporate the stereotypic military style of basic training for new recruits and attempt to instill discipline and toughness in those exposed to this "treatment." Many of these programs are confrontational and employ adult leaders who exemplify a hard, no-nonsense stance toward offenders. Some defend this style of treatment for juveniles on the idea that boot camps help prepare youthful offenders for more extensive treatment later in their correctional experience. In addition, these supporters argue that boot camps foster a more secure environment for juveniles than they might experience in other juvenile facilities or in their home communities. Others suggest that boot camps present a threatening atmosphere for juveniles and one that might serve to shake already weakened self-concepts or social ties to adults and authority figures in their lives. Some supporters of boot camps argue that they must "break down" a youthful offender before they can build him or her back up again. However, detractors suggest that females and juveniles who have been abused are particularly more likely to react negatively to a stressful boot-camp experience (Lundman 2001, 238; MacKenzie et al. 2001, 281–83).

There have been several evaluations of boot-camp effectiveness for juveniles, many of which are comparative in format. One detailed evaluation occurred with three pilot boot camps for youths, initiated in the early to mid-1990s. Three cities were chosen for the locations of these boot camps: Cleveland, Ohio; Denver, Colorado; and Mobile, Alabama. The youths sent to these camps were thirteen- to seventeen-year-old males, most of whom were minority youths and most of whom had been adjudicated on property or drug-related offenses and were headed for institutional confinement. However, all three camps also accepted juveniles adjudicated on violent offenses. The camp in Mobile also accepted more youths on probation than those bound for correctional incarceration (Bourque et al. 1996; Lundman 2001, 239–48).

All three boot camps were designed to use the tough military-style approach to handling offenders, and all three camps were designed to last three to four months. However, two of the camps, Cleveland and Mobile, incorporated education and life-skills training into their program. In addition, the program in Cleveland used guided group interaction as an important component of the total treatment experience (Lundman 2001, 239–48).

Follow-up evaluations of each boot-camp program concluded that the youths sent to the boot camps fared worse than those incarcerated in traditional youth correctional facilities. In terms of postrelease recidivism, for example, boot-camp graduates from all three programs exhibited higher rates of convictions or adjudications for new offenses upon release and shorter periods of time from release until adjudication, compared with juveniles released from traditional juvenile-correctional institutions. For example, 72 percent of the youths released from the Cleveland project were adjudicated of a new offense within thirty-two months of release, compared with a rate of 50 percent for juveniles released from the control facility. In Denver, which used the most extreme, harsh, and negative components of boot camps, the figures were more comparable, but still in favor of juveniles released from the control institution; 36 percent adjudication rate for controls versus 39 percent for boot camp graduates. The overall conclusion from these evaluations and others, such as in California and Texas, is that boot-camp experiences do not result in lower rates of recidivism upon release when compared with rates for juveniles released from traditional correctional facilities (Lundman 2001, 239–56). What is more troubling for supporters of boot camps is that in all three pilot programs, aftercare placements and programs were made available to those youths who had been through the boot-camp phase of treatment. Despite these aftercare services, the youths still had higher recidivism rates than those released from traditional institutions (Bourque et al. 1996, 7).

Cost evaluations of these three boot camps concluded that their per-person costs were lower than comparable costs for traditional confinement. The average daily cost for the Cleveland boot camp was $75, compared with an estimated cost of $99 for youths confined in Ohio state correctional facilities in the early 1990s. In Denver, the average daily cost was $71, compared with a figure of $138 for youths confined to secure custodial institutions in Colorado (Bourque et al. 1996, 7–8).

Other analyses of boot camps address the effects of these experiences on the attitudes and social adjustments of the youths exposed to these programs. In the evaluations of the programs in Cleveland, Denver, and Mobile, for example, the majority of the youths surveyed indicated that they felt better able to control their behavior and emotions as a result of the boot camp experience. In addition, they expressed more positive sentiments about their levels of responsibility and honesty, their ability to get along with others, and themselves in general as a result of boot camp (Bourque et al. 1996, 6).

Additional analyses of these attitudinal and social impacts of boot camps were examined in a national study of boot camps in the late 1990s (MacKenzie et al. 2001). This study surveyed participants in twenty-six juvenile boot camps, public and private, in the United States, except Alaska and Hawaii, as of 1997. The responses of these youths were compared to those housed in twenty-two comparative traditional correctional institutions throughout the country. This methodology yielded a sample of 2,668 boot camp youths and 1,848 institutionalized youths. All of the youths were surveyed twice, once just after the boot-camp youths entered the program, and another time just before their intended release.

The results of these surveys indicated that the boot-camp youths saw the boot camps as more restrictive than did the institutional youths. However, the boot-camp residents also viewed the camps as more therapeutic and less threatening than did the control group. However, the authors noted that the boot-camp youths were more often selected because of their less-violent and "troubled" backgrounds, so the results may have, in part, been affected by these personal characteristics as opposed to the characteristics of the institutions and their programs. This study also found that youths from abusive families or backgrounds did not do as well as other youths in boot camps (MacKenzie et al. 2001, 294–305). According to this study, boot camps do not create unusual stress and tension in the youths exposed to the military style and strict discipline offered in boot camps, but young people who have been abused are sometimes further damaged by these kinds of "treatment" methods.

Continued analyses of boot-camp results conclude that the postprogram recidivism rates are the same as for those who went through other types of institutional programs. In addition, researchers have concluded that those who were sent to boot camps with a "strong treatment emphasis" tended to do a little better upon release than residents of boot camps operating in a more punitive atmosphere. Overall, however, the conclusion often reached when examining the results of boot camps is that they do not show consistent or significant reductions in recidivism among their residents, compared to juveniles who experienced other kinds of institutional placements (MacKenzie and Freeland 2012, 784; Hutchison and Richards 2013).

Despite the conclusion of research that boot camps do not increase stress and anxieties in youths, instances of abuse and tragic outcomes from boot-camp experiences have been documented. In January 2006, a fourteen-year-old male died in a boot camp in Florida. Investigations into his death led to criminal charges of aggravated manslaughter filed in November 2006 against six guards who were caught on video beating the youngster before his death, as well as a nurse who worked at the camp (Central Florida News 13 2006). While the death of an inmate is rare, the likelihood that cruel and unusual punishments may be given to inmates in boot camps is not so low. Some have examined the types of punishments doled out in boot camps and found them demeaning, humiliating, abusive, and very close to violations of the Eighth Amendment to the US Constitution, which protects inmates from being subjected to cruel and unusual punishment while incarcerated (Lutz and Brody 1999). While this constitutional issue has not been resolved in the courts, deaths such as the one reported in Florida in 2006 may well prompt a more careful judicial examination of the methods of punishment and handling of those sent to boot camps, especially youthful offenders.

Despite evidence that boot camps do not reduce or prevent delinquency, sometimes border on violations of constitutional rights, may cause physical and emotional harm, and occasionally lead to a juvenile's death, they remain a popular intervention strategy in the country. Some evaluations claim that boot camps are less expensive to operate than traditional reformatories or similar correctional institutions for juveniles, and this is a positive feature of boot camps. However, cost-saving advantages may be claimed by many other treatment and intervention strategies, especially ones focused on community or nonresidential living. It is these kinds of prevention efforts that are discussed next.

Delinquency-Prevention Programs

Scared Straight Scared Straight is a name given to prevention programs that utilize prison settings in an effort to change or "scare" delinquents or youths thought to be at risk of becoming delinquent. These programs are based on the philosophy of deterrence and are often associated with a "get-tough" attitude toward delinquency prevention. In this respect, Scared Straight programs and boot camps share similar philosophies and approaches to the prevention of delinquency. They also share what some call a “panacea” approach to delinquency prevention—that is, a program thought to offer a quick and wide-ranging solution to the problem of delinquency (Finckenauer and Gavin 1999, 1–16; Petrosino, Turpin-Petrosino, and Buehler 2003, 41–44).

Scared Straight began in the mid-1970s, in the Rahway State Prison in New Jersey. A group of inmates in prison for life formed a group called the Lifer’s Group. This group of men decided that one way for them to give something back to society was to develop a delinquency-prevention program, one that would attempt to make budding delinquents aware of the possible consequences of their behavior and of the dangers and difficulties facing youngsters in prison. In essence, the goal was for the inmates to confront these youths in group settings and literally to scare them straight (Finckenauer and Gavin 1999, 19–29).

Initial reports of the impact of Scared Straight were positive. A film was produced concerning the history and goals of Scared Straight, showing some of the confrontation sessions between inmates and juveniles. It received numerous film awards and further served to validate the success of the project. In the late 1970s, James Finckenauer received a grant to study the impact of Scared Straight by examining the post-confrontation behavior of forty-six juveniles who had been through the program and comparing these youths to the delinquent behavior of thirty-five juveniles who were used as a control group. The results of Finckenauer’s study indicated that the program did not result in a reduction of delinquency, but rather was associated with an increase in delinquency among the Scared Straight youths (Finckenauer and Gavin 1999, 45–106). For example, among the forty-six Scared Straight youths, 41.3 percent had at least one recorded act of delinquency six months after the confrontation experience. The comparable rate of delinquency for the controls was 11.4 percent. In addition, the recorded delinquent acts of the Scared Straight group were significantly more serious than those of the control group (Finckenauer and Gavin 1999, 86–89).

Although research was beginning to cast doubt on the effectiveness of Scared Straight programs, their popularity and presumed successes had resulted in the establishment of similar programs in other states. One such program in Virginia was called the Insiders Program, and it lasted from 1978 to 1984. Evaluations of the Insiders Program concluded that the court appearance rates for the experimental group (those exposed to Scared Straight tactics) were about the same as those for a group of controls. Longer periods of evaluation, from nine to twelve months, suggested that the experimental youths were faring better than the controls, but some have questioned the validity of these longer follow-up estimates of recidivism (Lundman 2001, 196–98).

Despite the popularity of Scared Straight programs, some began to express concerns about possible injuries to youths during confrontations early on. Reports of inmates manhandling or touching youths were surfacing, and questions about the ethics of the film and the emotional impact of the confrontations on the youths and their families were being raised (Finckenauer and Gavin 1999, 53–54; Lundman 2001, 192). Many states, however, continued to develop these programs, sometimes with the confrontation model and sometimes without. In California, for example, officials introduced the “Squires” program, which deemphasized the confrontation method in favor of less-threatening but still informative sessions. This program was also evaluated and found to be unsuccessful in reducing delinquency compared with control groups (Finckenauer and Gavin 1999, 130–31). In the 1990s, other countries such as Norway began to experiment with the Scared Straight model, but these, too, have not demonstrated any measurable impact on reducing delinquency. Although many of the youths who experienced the program in Norway said their experiences were “positive,” interviews with these youths indicated they were not measurably affected by the experience. In addition, although most of the youths expressed positive reactions to the way they were treated by the inmates, there were reports of physical confrontations between the inmates and the youths (Finckenauer and Gavin 1999, 143–99; Lundman 2001, 201).

Continued surveys of Scared Straight programs have consistently concluded that they do not deter delinquency (Finckenauer and Gavin 1999, 136–39; Lundman 2001, 202; Petrosino et al. 2003). In fact, the results sometimes show that such programs are associated with an increase in delinquency. The authors of one survey of Scared Straight programs offer the following conclusion: “These randomized trials, conducted over a quarter of a century in eight different jurisdictions and involving nearly one thousand participants, provide evidence that Scared Straight and other ‘juvenile awareness’ programs are not effective as a stand-alone crime prevention strategy. More important, they provide empirical evidence—under experimental conditions—that these programs likely increase the odds that children exposed to them will commit another delinquent offense” (Petrosino et al. 2003, 55, 58).

Despite these negative conclusions concerning Scared Straight programs, they remain popular in the public eye and among corrections officials across the country (Finckenauer and Gavin 1999, 136–37, 215–19; Petrosino et al. 2003, 59–60). In part, this popularity is associated with the appeal to get tough with juvenile offenders. As Finckenauer and Gavin note (1999, 218–19), Scared Straight programs continue to develop along with boot camps and other get-tough programs, such as D.A.R.E. (see chapter 9). Perhaps, they suggest, such programs speak to the need for the public to locate a simple solution to delinquency, one that offers a panacea for the problem. It is possible that one day these kinds of programs will result in true crime-reducing effects on juveniles. However, according to the available research on this topic, such a measurable impact has not been found.

Restorative Justice Some treatment programs are conducted primarily in the community setting and often include the goal of prevention as well. This situation seems to apply to two popular programs today, restorative justice and mentoring. Restorative justice involves face-to-face meetings or conferences between offenders and their victims, including the families of victims. In addition, such conferences are usually accompanied by a mediator or juvenile justice professional, who attempts to reconcile feelings and interests of both parties but with the benefit of the community also in mind. Thus, restorative justice programs attempt to integrate the interests of three parties to juvenile delinquency: the offender, the victim, and the community (Bazemore 1998, 771–72; Kurki 1999; Bazemore 2001, 199–206; McGarrell 2001, 1–2; Sullivan and Tifft 2001, 25–49).

Historically, restorative justice became popular in the United States in the 1990s, particularly after the publication of books and articles by John Braithwaite on shaming and reintegration (Braithwaite 1989, 1993; McGarrell 2001, 2), but also in conjunction with developing interest in restitution programs in general (Bazemore 2001, 204). However, examples of restorative justice can be found in practices going back to the 1970s and 1980s, especially with the emergence of restitution and victim's rights issues and concerns (Sullivan and Tifft 2001, 16–17). Others argue that restitution programs have existed for centuries and can even be found in the ancient Babylonian Code of Hammurabi in 1700 BC (Bazemore 1998, 772).

Braithwaite (1989) discusses restorative justice in terms of reintegration into the community, facilitated by processes of formal "shaming" of the offender. This type of restorative program often uses a family-group conference model, which includes face-to-face meetings between offender and victim, accompanied by a trained mediator. The offender is expected to speak in these conferences, and the focus of attention historically has been on the offender's admission of guilt and shame for the act. This type of restorative justice model began in New Zealand in the late 1980s and early 1990s, but it is now found in parts of the United States, such as Minnesota and Pennsylvania. These programs often include juveniles accused of any kind of offense except murder and manslaughter (see also Bazemore and Umbreit [2001, 8–10]). The use of conferences and the incorporation of shaming the offender in the process suggest this method of handling offenders may have a much longer history than is usually thought to be the case. For example, the mediation "conference" model is also a traditional method of settling disputes among neighbors and dealing with juvenile offenses in the Philippines that focuses on "amicable settlements" facilitated by elected officials known as Barangay captains, who serve as mediators, and which incorporates the use of shaming the offender into asking for forgiveness from the victim (Orendain 1978; Shoemaker 2006).

Restorative justice is often considered an alternative to formal juvenile-justice processing in Western societies, a kind of diversion program (Bazemore and Umbreit 2001). In some ways, restorative justice is similar to youth courts, which were discussed in chapter 14. Both use some kind of community-based intervention to deal with offenders. Both serve as identifiable alternatives to traditional juvenile courts. However, restorative justice programs tend to involve victims and community values in the process of determining dispositions of offenders, more so than do youth courts. Often restorative justice includes face-to-face meetings between victim and offender, and this does not usually happen in youth courts. In addition, restorative justice programs usually include some type of mediation, involving a trained counselor or mediator, a role not often found in youth courts.

Although restorative justice programs all share many commonalities, such as those described above, there are several examples of restorative justice that tend to differ more in terms of historical use, point of diversion origination, where the program is used, and the nature of the charges against the offender. In addition to the family-conference model described earlier, there are several other types or models of restorative justice programs. One example is the victim–offender mediation model. This type of program is one of the oldest types of restorative justice, tracing its beginning to the mid-1970s, and is found throughout the United States. Often these programs are used as alternatives to juvenile courts and use probation in connection with dispositions. Sometimes they may also be used in correctional settings. They typically handle nonviolent offenders but may also include violent offenders if the victim requests this type of procedure. Reparative boards started around 1995 and are found primarily in Vermont. They also serve the function of diversion from juvenile court, utilize probation, and usually accept nonviolent offenders into the process. In contrast to other restorative justice models, reparative boards seem to focus more on community concerns and less on victim involvement. Circle sentencing has been used since 1992 and is primarily found in Canada, Minnesota, Colorado, and Massachusetts. This program is usually a juvenile court diversion program but may sometimes be used in correctional settings. Usually, circle sentencing includes all types of offenders, especially repeat offenders, but it expects an admission of guilt and some sense of contrition on the part of the accused (Bazemore and Umbreit 2001, 2–9).

All four models of restorative justice rely on the members of the juvenile justice system for referrals, oversight, and decision making. However, it is also understood that mediators and members of boards, conferences, and circles are also to be heard and respected when making decisions about what to do with accused youths. Although it may be said that even traditional juvenile court procedures always have been concerned about the interests of the accused and the community, restorative justice programs seem to emphasize the role of the victim and the overall interests of the community more than juvenile courts do. In this way, restorative justice seeks to restore some sense of holistic balance to the community, as well as between victim and offender. The offender is expected to receive some sort of punishment as a consequence of his or her criminal behavior, but this "punishment" must also be seen as just and acceptable in the eyes of the victim and the community (Bazemore 2001; Bazemore and Umbreit 2001). Restorative justice programs are good examples of the developing interests of juvenile justice programs and procedures to achieve a sense of balance among offenders, victims, and the community (Harp 2002; see also chapter 13). One issue with restorative justice programs is that, historically, victims have been underrepresented. However, some states, such as Washington, are developing measures to involve victims more in the process (Wood 2013).

Along with the continuing popularity of restorative justice programs, some have sought to assess or evaluate their impact on offenders, victims, and members of the community. One such study was an evaluation of a family-conference program developed in Indianapolis in 1997. The program involved juveniles fourteen years old and younger who were first offenders charged with nonviolent crimes and who took responsibility for their crimes (McGarrell 2001). This was a juvenile court diversion program. The analysis covered the two-year period from 1997 to 1999 and included 232 youths who participated in the restorative justice program, compared with the experiences of 226 youths who were comparable to the restorative group but who did not participate in restorative justice and thus became a control group.

A common result of restorative justice was for the offender to offer the victim an apology for the crime. Other reparative consequences included financial restitution and community service. The results of the experiment suggested that the victims of the offenders in the experimental group were significantly more satisfied with the outcome of the case than were the victims of the control group of offenders. In addition, family-conference participants, such as offenders and victims, were more likely to support continuation of the conferencing program than were control group participants. Follow-up analyses concluded that the experimental group offenders were significantly less likely than control group offenders to be rearrested six and twelve months after leaving their respective programs (McGarrell 2001, 3–9).

Bazemore and Umbreit (2001) compared the results of the four types of restorative justice models described earlier. Their comparison concluded that each model has strengths and weaknesses, but overall, the programs seemed to be effective in enforcing the agreements reached among conference participants with the process of restorative justice. Other studies have also concluded that restorative justice programs result in reduced recidivism for offenders who participate in them. In addition, some studies show that victims of violent crimes are less likely to want to harm their attackers if they go through a restorative justice program (Braithwaite 2007, 692).

Despite the generally positive conclusions of restorative justice evaluations, some have expressed concerns and cautionary attitudes toward the future development of these kinds of interventions (Zehr and Toews 2004. For instance, there is concern that the power of the law may be reduced in favor of individual influence in restorative conferences. Less-powerful people may lose their rights and influence in conferences to those who are powerful and/or persuasive in the community. Some are concerned that the formal reach of the juvenile justice system may be extended in connection with restorative justice because these programs rely heavily on judges and court personnel for referrals. Thus, "net widening" may occur, a consequence also possible with other diversion programs, a point raised in chapter 14 (Bazemore and Umbreit 2001, 15–17). However, Gordon Bazemore (2012) argues that the use of restorative justice models in Canada and Australia has not led to net widening in those communities where limits on eligibility and use of restorative councils have been set and enforced. Another concern of these programs is that offenders may sometimes be pressured to admit to behaviors or attitudes consistent with mediator views, rather than more honestly discussing what happened between offenders and victims (Greene 2013).

Another concern about restorative justice programs is that they may not work as well as planned, in part because they seem to place more emphasis on balancing the needs and concerns of victims, community members, and offenders instead of ensuring that the offender receives due punishment for his or her offense. In some ways, this argument stems from the notion that shame and community reintegration are consistent with the values of some Asian societies and developing countries (Braithwaite 1989). However, Braithwaite (1993, 12) suggests that the goals and methods associated with reintegrative shaming (an element of many restorative justice programs) are not only consistent with the values of Asian societies but also can be effectively used in modern, developed countries. The key is to involve people who matter to the offender in the shaming, or restorative, process. As Braithwaite (1993, 15) puts it, "There is no structural inevitability about the impotence of shaming in an urbanized industrial society. Tokyo is a testimony to that. And so are Japanese, Chinese and Jewish communities within the most violent of American cities." This view is consistent with the positive evaluations of restorative justice programs in the United States discussed earlier (see also Hay [2001) as well as other considerations of such programs in New Zealand and Australia (Braithwaite and Mugford 1994; McGarrell 2012, 558–59).

Additional conceptualization on the themes of shaming and reintegration suggests that shaming is a more complex process than some may think, wherever it occurs. In essence, offending is usually considered wrong, and some sense of shame will always accompany reintegrative efforts. Even if a person has accepted responsibility for wrongful acts and been accepted back into the community, or reintegrated, there will always be some stigma and shame associated with the offender, especially if he or she chooses to live in the same community where the offense occurred. Thus, the goal should be to manage the shaming process included in restorative justice programs (Harris and Maruna 2006).

Some suggest that, overall, restorative justice programs have focused more on less-serious criminal offending. Thus, the overall effectiveness of restorative justice does not extend to serious offenses, and, consequently, restorative justice has not done much to reduce incarceration rates (Wood 2015). Some programs are trying to expand restorative justice to include those charged with serious offenses (Wachtel 2015). If more restorative justice programs extend to serious juvenile offending, their effect on incarceration rates may become more noticeable.

With continued funding and experimentation with conferences and other models of restorative justice, perhaps truly independent programs will emerge that will reduce the problems seen with many of the existing programs. In this case, restorative justice may become an innovative method of dealing with youthful offenders outside the formal parameters of the traditional juvenile justice system. More information about restorative justice programs may be found at Restorative Practices eForum, http://www.restorativepractices.org. Good resources for practices and thinking about issues concerning restorative justice are Dennis Sullivan and Larry Tifft's Handbook of Restorative Justice (2006) and an article on restorative justice in the United States by Gordon Bazemore (2012).

Mentoring A popular method of preventing delinquency is the use of volunteers, some younger, some older, who agree to work with and mentor young people. As it is commonly understood, mentoring is not a new phenomenon. Historians cite examples of adults tutoring youths as far back as 800 BC. According to Homer's epic saga The Odyssey, Mentor was a friend of Odysseus, the king of Ithaca. Mentor agreed to look after Telemachus, the son of Odysseus, while Odysseus was away fighting the Trojan War. Over time, the word mentor has become synonymous with the voluntary tutelage of young people (Baker and Maguire 2005, 14).

In the United States, the use of mentors for youthful offenders or at-risk youths is often connected with the development of an organization called Big Brothers, which later became known as Big Brothers Big Sisters of America, or BBBSA. The idea of adults volunteering their time and effort to help troubled youths is traced to 1902 in New York City. In that year, the Ladies of Charity of New York City formed a program based on the work of volunteer women to provide support for children appearing before the juvenile court in New York. That program later came to be known as the Catholic Big Sisters of New York. Also in 1902, the juvenile court judge of New York City, Julius Mayer, called for ninety adult male volunteers to help youths who had been sent to the court. This call was noted by a journalist named Ernest Coulter, who later became employed as a clerk of the juvenile court and who promoted the idea throughout the city. Initially, only forty men volunteered, but the idea was becoming popular. Coulter referred to the male volunteers in New York as "big brothers" and is credited with forming the first Big Brothers organization in New York. Around the same time, an influential businessman in Cincinnati, Irvin Westheimer, also became interested in developing an organization of adult men to help troubled boys and led the way for the formation of the Big Brothers group in that city in 1910 (McGill, Mihalic, and Grotpeter 2001, 7; Baker and Maguire 2005, 18–19).

While Big Brothers programs were rapidly developing in the country, adult women were also promoting similar programs for girls coming before juvenile courts. In addition to the Catholic Big Sisters in New York City, there also appeared the New York Jesuit Big Sisters and the Protestant Big Sisters. Around the same time, the Chicago Women's Club and administrators of Hull House in Chicago (see chapter 2) were recruiting volunteers to work with troubled girls in that city. By 1917, it is estimated that there were Big Brothers or Big Sisters organizations in ninety-eight cities in America. In 1978, the two organizations merged to form the BBBSA (Baker and Maguire 2005, 19).

By the twenty-first century, BBBSA had grown to more than five hundred clubs, serving over one hundred thousand youths (Baker and Maguire 2005, 18). The youths served by these organizations are six to eighteen years old, but most often fourteen to eighteen. Many of the youths selected for participation in BBBSA are from single-parent homes, and they meet with their volunteer three times a month for three to five hours (McGill et al. 2001, xxviii).

In addition, mentoring as a juvenile justice treatment and prevention program has grown considerably since the mid-1990s. From 1996 to the early 2000s, the US Office of Juvenile Justice and Delinquency Prevention spent over $40 million on mentoring programs. In 2004, the US Congress authorized $100 million to be spent on mentoring programs, a four-fold increase from 2003, when the budget for mentoring was $27.4 million (Blechman and Bopp 2005, 454).

In 2005, a national organization named Mentor conducted a national survey of mentoring (Mentor 2006). One conclusion of this study was that over three million adults were involved in one-to-one mentoring relationships with youngsters, and this number is increasing. In addition, this survey found that the average mentoring relationship lasted nine months, but 38 percent lasted more than one year (Mentor 2006, ii). One concern with mentoring relationships is the potential for child abuse or inappropriate relationships between adult and child. Some formal programs, such as BBBSA, take preventive measures to detect and screen out potential abusers from their programs (McGill et al. 2001, 24–25). However, it cannot be assumed that all mentoring efforts take these precautionary steps in identifying and assigning volunteers to work with youths, and this issue remains a concern regarding mentoring programs.

The 2005 Mentor survey also concluded that most mentoring was conducted informally. Formal mentors were most often associated with Big Brothers/Big Sisters, Boy and Girl Scouts, school programs, faith-based organizations, and work-related associations. In addition, mentoring was more common among middle-aged and young, nonwhite adult males. Nonwhites were more likely to be informal mentors. A little more than one-half (51 percent) of the mentoring relationships occurred in group settings. Also, the most common mentee was a child in need of special education services (38 percent). Only 16 percent of the mentees were involved in the juvenile justice system, but 67 percent of the mentors said they would consider mentoring a child in the juvenile justice system (Mentor 2006, 2–6).

Some, such as the group Mentor, argue that mentoring relationships are associated with positive results for youths involved in these relationships (Mentor 2006, 1). In 1992 and 1993, a controlled study of the impact of BBBSA on a sample of approximately one thousand children of ages ten to sixteen concluded from an eighteen-month follow-up study that those youths involved in mentoring exhibited reduced instances of drug use and hitting others, increased school attendance and better grades in school, and improved relationships between youths and their parents, as well as with other youths (McGill et al. 2001, 10). However, other evaluations of mentoring programs do not reach the same positive conclusions (Coyne, Duffy, and Wandersman 2005, 546–47; Taylor, LoSciuto, and Porcellini 2005, 290–93).

Developing research on this topic suggests that structured, or more formal, mentoring is associated with more positive outcomes among at-risk youths than is unstructured mentoring. However, research is also showing that other programs, such as skills training, are more effective in preventing or reducing delinquency than is mentoring (Blechman and Bopp 2005, 458–60). Some have attempted to analyze the cost and benefit of mentoring, but again, the results are inconsistent. Some studies maintain that mentoring saves thousands of dollars per youth (see the discussion above), but others argue that such savings are offset by higher recidivism rates among youths exposed to mentoring. Most of the cost savings are in comparison to formal juvenile justice system processes. However, when compared to other diversion or community-based programs, mentoring does not seem to produce significant savings to the community (Taylor et al. 2005; Yates 2005).

A meta-analysis of seventy-three evaluations conducted between 1999 and 2010 concluded that mentoring relationships generally produced positive effects with respect to social, emotional, and academic outcomes. As the authors put it, "The overall weight of the evidence we have reviewed supports the value of mentoring as an intervention strategy for enhancing young people's development" (DuBois et al. 2011, 70, 74). Specific positive benefits of mentoring were also noted for youths who exhibited risk behaviors or profiles, such as delinquency or school discipline issues. However, youths who had severe personal problems and/or came from high-risk environments (such as low-income or high-crime areas) tended to benefit less from mentoring. In addition, the analysis concluded that mentoring had a more positive impact on youths who had moderate relationships with their parents, teachers, and peers, as opposed to juveniles who had weak or strong social relationships. When compared to the effects of other preventive or treatment programs, the relative impact of mentoring was less significant than that of individual therapies, such as psychotherapy, but these more intensive programs have more control over the treatment setting than do typical mentoring relationships (DuBois et al. 2011).

Another meta-analysis systematically analyzed forty-six evaluations of mentoring programs, published between 1970 and 2011. These evaluations included different measures of delinquency, such as self-report responses, arrest records and juvenile court records, as well as factors related to delinquency, including aggressive behavior, drug abuse, and academic problems. The meta-analysis concluded that mentoring programs have a "significant" negative relationship with delinquency and its associated behaviors. However, the study was unable to determine the specific features of mentoring which were associated with reductions in delinquency. Thus, the study concluded that mentoring does tend to reduce delinquency, but not why or how this reduction or prevention occurs (Tolan et al. 2014).

An analysis of a national sample of school-based mentoring programs also concluded that youths who had moderate social relationships with adults and peers benefitted more from mentoring than did youths whose relationships were low or high (Schwartz et al. 2011). Thus, studies are concluding that mentoring should not be used to replace intensive counseling for severely troubled youths. In addition, mentoring may not be an effective preventive tool for well-adjusted youths who might be having ordinary development difficulties during adolescence (see DuBois et al. [2011, 76–77]).

Overall, evaluations of mentoring programs provide general support for their effectiveness (Howell, Lipsey, and Wilson 2014, chap. 4). Program administrators are using evidence-based decisions regarding matches between mentor and youth, including the backgrounds of both, and they are branching out to include more group-oriented mentoring situations and mentoring in different settings, such as school-based programs (DuBois et al. 2011; Schwartz et al. 2011). Mentoring also became a focus with the introduction of My Brother's Keeper initiative in the Obama administration. Newer developments and research on mentoring can be found at the website of Mentor, http://www.mentoring.org.

A Note on Treatment and Prevention-Program Evaluation

In 1974, Robert Martinson published a review of evaluations and studies of treatment and prevention programs for adult and juvenile offenders and essentially concluded that "Nothing works." While that judgment might seem a little harsh and overreaching, the conclusion seemed to stick, and it led to critical assessments of efforts to treat and/or prevent delinquency throughout the country for the next several years. Continued research and investigation regarding the impact of treatment and prevention programs has led to the conclusion that some programs do indeed "work," but that the matter is not as simple and direct as earlier conclusions might suggest (Palmer 1975; Losel 1995). As one reviewer of numerous treatment and prevention programs for juveniles concluded, "As a generality, treatment clearly works. We must get on with the business of developing and identifying the treatment models that will be most effective and providing them to the juveniles that they will benefit" (Lipsey 1995, 78). Descriptions and assessments of countless treatment and prevention programs now exist, all published well after the Martinson article (McGuire 1995; Giacobbe, Traynelis-Yurek, and Laursen 1999; Klopovic, Vasu, and Yearwood 2003; Milkman and Wanberg 2005).

Meta-analyses of hundreds of published records of treatment programs for juveniles conclude that psychological programs and programs emphasizing deterrence or punishment have less effect on posttreatment behavior (recidivism) than do school-participation programs or programs that focus on job-related or social skills. In addition, these assessments conclude that specific characteristics of juveniles seem to have less impact on outcome measures than do the characteristics of the treatment programs themselves. Specifically, programs that allow for at least one hundred hours of treatment and are more carefully monitored by the treatment specialist or researchers involved have the highest levels of success (Lipsey 1995).

However, another assessment of treatment programs for serious juvenile offenders suggests that individual counseling, along with training in interpersonal skills and behavior modification programs, offer the best outcomes for noninstitutionalized youths. In addition, this analysis suggests that interpersonal skill training and community-based group-treatment programs that use behavior modification have experienced positive outcomes for institutionalized youths. Programs that have resulted in little or no treatment effect include deterrence programs, wilderness or challenge programs, and vocational programs (Lipsey, Wilson, and Cothern 2000).

Continued analyses of treatment and prevention programs conclude that successful treatment programs—that is, those that show the most significant reductions in reoffending, or recidivism—involve the following characteristics:

1. a focus on high-risk juveniles—that is, juveniles with a history of delinquency or possessing characteristics that are predictive of future delinquency involvement;
2. a focus on therapeutic versus punishment and control strategies;
3. counseling programs that emphasize mentoring, group settings, or family interventions; and
4. sustained levels of treatment intervention, generally, the more hours devoted to the treatment intervention, the better the results, as well as dedication of treatment providers to the goals and methods of the program—that is, maintaining program integrity (Lipsey et al. 2010, 23–27; see also Lipsey [2009; MacKenzie and Freeland 2012, 784–91).

The last point made in the discussion above suggests other considerations. If the treatment, whatever it may be, is to be successful, it must be accepted by the receiver as well as the giver. In order to expect maximum benefits from any kind of treatment program, there should be treatment "fidelity" or "integrity" (Milkman and Wanberg 2005, 249–52; Fagan 2013, 637; Howell et al. 2014, 70–71). While there is debate in the field of counseling concerning the utility of treatment when the receiver does not want to be treated (Satel 2000), it is difficult to force a person to change against his or her will. Likewise, if the treatment giver does not really believe in a treatment program but is pushed into administering treatment as part of his or her job, such as a counselor working in a correctional facility, it is hard to imagine that the outcome of the program will be positive for the receiver.

In addition to dedication to treatment on the part of the receiver and the giver, there is the issue of trust. That is, if the receiver does not trust that the giver is working for the receiver's best interests, it is again unlikely that the results will be successful. This concern of program integrity is recognized by treatment counselors, especially with respect to racial and/or ethnic differences between treatment giver and receiver (Pope-Davis and Liu 1998). Although the element of trust is often addressed to cases of individualized treatment, the issue also applies to any kind of intervention effort, including community-based prevention programs. If the receivers do not trust the motives or dedication of the treatment or prevention specialists or givers, then it would seem a successful outcome is less likely to happen.

Although some specific treatment strategies seem to be more effective than others, continued research into the effect(s) of treatment and/or prevention programs suggests that individualized treatment and multiple treatment approaches offer more promising results than traditional "one-size-fits-all" strategies. This approach was demonstrated in the discussion of drug courts for substance abusers (chapter 9), in discussions of treatment and prevention programs for juvenile gangs (chapter 10), and in strategies focused on families and schools (chapters 7 and 8). One multiple treatment strategy that seems to be gaining popularity is multisystemic therapy (MST) (Milkman and Wanberg 2005, 254; MacKenzie and Freeland 2012, 790–91). The goal of the therapist using MST is to locate specific behavioral problems and associated treatment strategies for all of a juvenile's environment, including families, schools, and peers (McGill et al. 2001, xxix; Milkman and Wanberg 2005, 254–59). Although MST is often used in family-based counseling programs for juvenile offenders and at-risk youths, the principle of incorporating multiple levels and strategies of intervention for treatment and prevention programs is potentially applicable to a variety of settings.

Meta-analyses of treatment effectiveness identify MST as an effective, "evidence-based" treatment program for juveniles (Howell et al. 2014, 63–69), and often demonstrating significant reductions in posttreatment recidivism rates, compared to control groups (May, Osmund, and Billick 2014). In addition, cost analyses conclude that MST programs are significantly less costly to implement than traditional programs. One analysis, for example, concluded that the MST program cost was about $4,743 for each participant (May et al. 2014). Compare that figure with the cost of institutionalization, as discussed above, and the savings can become significant.

Related to the issue of individualizing or targeting treatment programs to the specific needs of juveniles is the increased recognition of the need to contextualize any treatment program to the specific needs of females in general (Van Voorhis 2012). Many of the advances in theoretical explanations of delinquency have been based on studies of male offenders, especially in the area of juvenile gangs. However, the significant advances in theoretical explanations of female delinquency in the past several decades have resulted in an increased awareness of the need to apply treatment strategies to the circumstances and situations that often involve female adolescents (see Brumbaugh, Walters, and Winterfield [2010). Analyses of research concerning female offenders concluded that treatment programs for female juvenile offenders should include attention to sexual abuse, mental health issues, and family supervision practices, to name a few differences from male-offender needs (Zahn et al. 2010, 11–12; Barrett et al. 2015; Leve, Chamberlain, and Kim 2015; Howell et al. 2014, 147–51; Walker, Muno, and Sullivan-Colglazier 2015; see also chap. 7).

One comprehensive review of published results for treatment programs concluded that some programs were more effective for males, some more effective for females, and some equally beneficial. Furthermore, several programs produced worse results, that is, the program participants were more likely to be involved in delinquency after the program than before (see discussion below). Overall, the authors of this study were unable to recommend any particular type of program as more beneficial for girls or boys; that is, no clear gender pattern of effects by program type, or length, were found (Fagan and Lindsey 2015). It is important to note, however, that many treatment or intervention programs are now including gender patterns in the analyses of program effectiveness.

Overall, research has established that treatment and prevention programs do have positive effects on receivers as well as on the community in general. Moreover, community-based programs usually cost far less than incarceration. Progress is being made in further determining which kinds of treatments or combinations of treatment/prevention programs are more beneficial for different offenders or at-risk youths, and what costs to the public are required for making these interventions available. Still, it is important to continue searching for more effective and efficient treatment and prevention strategies.

One final cautionary note. While the intended goal of all treatment programs is delinquency prevention or reduction, program developers and implementers must also be aware of the possibility of iatrogenic effects; that is effects of treatment which increase recidivism, or make the situation worse (McCord 2003), some of which were discussed earlier. Clearly, when children are physically or emotionally abused or fatally injured in connection with any kind of treatment or institutionalization, the result would seem to be beyond "iatrogenic." However, other negative effects can occur because of labeling (see chapter 12); "peer contagion," where some participants, perhaps higher-risk offenders, negatively influence others; and victimization of weaker participants by older and stronger ones. Some argue that such effects are minimal and are more likely to occur in mixed-risk settings, where more serious offenders are mixed in with less serious ones, or when treatment settings are less supervised

(Howell et al. 2014, 68). Others suggest that while small in number, iatrogenic effects can still be very harmful to some youth and, again, are more likely to occur in programs where “peer contagion” may exist, or in programs which stress severe discipline as part of the routine, such as boot camps or Scared Straight programs (Welsh and Rocque 2014).

Summary

Juvenile institutions can be divided into two primary types, long term and short term. Long-term institutions are often called reformatories, training schools, or correctional facilities. Short-term institutions are often referred to as detention homes or detention centers. Recent data indicate that minorities represent a majority of residents in public facilities within long-term institutions. Most, over 85 percent, of institutional residents are male. However, females are more often confined for status offenses than are males.

Both long-term and short-term facilities must maintain security and custody of residents, but long-term institutions must also demonstrate some type of treatment of residents in their care. Short-term facilities are primarily concerned with securing the custody of their inmates, but most offer minimal rehabilitation services such as educational assistance.

Long-term facilities are also known as total institutions. They have the task of caring for virtually all of their residents' needs, twenty-four hours a day. The stress of living in such facilities around the clock, plus the attitudes and behavioral patterns transported into institutions by residents, leads to an inmate social system. This system exerts considerable influence on the residents and tends to psychologically separate inmates from staff and others charged with the supervision and control of residents. Within institutions for females, the inmate system often conforms to family-like structures and roles. Many researchers contend the influence of the inmate social system works against receptivity toward treatment programs.

Studies of the effectiveness of juvenile institutions generally conclude that postrelease recidivism, or reoffending, is over 50 percent, based on arrest data, but usually higher than recidivism for various prevention and treatment programs. Research often concludes that recidivism rates do not significantly decline with increased length of stay. Moreover, arrests of juveniles in the community often decline with reductions in the numbers of youths in institutions. Also, per-person costs for incarceration are often much higher than costs associated with prevention and treatment programs.

Most treatment programs for institutionalized youths are individually oriented and are often based on psychotherapeutic efforts. However, many programs also utilize group-treatment techniques, such as guided-group interaction or positive peer culture.

Recent community-based prevention programs are exemplified by such programs as restorative justice and mentoring. Both have historical precedents that can be traced back hundreds of years to other cultures. However, in the United States, these prevention strategies began to appear in the 1970s and 1980s. Evaluations of these programs show some promise as delinquency prevention measures. While more research is needed for firmer conclusions to be reached, mentoring programs are increasing in popularity.

In the mid-1970s, critiques of treatment and prevention programs argued that such efforts did not work. However, in the past few decades, numerous assessments and meta-evaluations of treatment and prevention programs have concluded that these programs do work but that there should be more specificity and connection between the needs of delinquent and at-risk youths and treatment or prevention techniques available to them. Moreover, there is increasing reliance on evidence-based assessments and evaluations. In addition, there is increased recognition of the need to tailor treatment programs to the needs and circumstances of specific individuals, especially females. Current thinking on the impact of treatment and prevention suggests that multi-strategy approaches are more effective than single-focus efforts. One such approach that is gaining acceptance is MST, or multisystemic therapy.

Study Questions

1. What is the inmate social system, or subculture, and how does it differ for males and females?
2. What types of individual- and group-treatment programs have been used to rehabilitate delinquents within juvenile institutions?
3. What is mentoring and how effective has it been in preventing delinquency?

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Chapter 9

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Chapter 15

Juvenile Institutions and the Treatment and Prevention of Delinquency

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