

RUNNING HEAD: Juvenile Delinquency

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In the United States, juvenile delinquency has grown to extraordinary proportions which have profound effects on the safety of society and the children themselves. The contributing factors to this social and criminal problem can be linked to several subsequent factors most of which begins very early in life and manifests throughout a child's life cycle. The juvenile justice system is equally to blame in its inability to effectively deter youth crimes, rehabilitate offenders, and sustain juvenile prevention programs that promote law-abiding behavior. Delinquency developed in minors is a direct result of their environment—poor parenting, improper child development, and a broken juvenile justice system which has compounded the problem. The resolutions and ideas to address this ongoing problem begin with a historical overview, theories, identifying the problems, and finding methodologies for five factors: Parental Development, Childhood Development, Juvenile Justice Policies and Programs, Reentry Program, and Social Services. The overarching problematic issues with juvenile delinquency will continue to degrade if preventive measures and governmental policies and initiatives are not addressed, modified, or changed.

Before an analysis can be conducted on the prevention of juvenile delinquency, it is important to take a look at the definition and history of juvenile delinquency, the Juvenile Justice System, juvenile delinquency's implications on public safety, and theories that may explain the problem. Juvenile delinquency, as defined in Merriam-Webster Dictionary, is "conduct by a juvenile that is characterized by antisocial behavior beyond parental control and therefore subject to legal action (Merriam-Webster, n.d.)." Essentially, children under the age of 18 are considered juvenile delinquents if they are alleged to have broken the law. The Minnesota Judicial Branch (MJD) describes juvenile delinquency cases as youth crimes involving simply curfew violations

to murder. Delinquency matters include any petty misdemeanors, misdemeanors, gross misdemeanors, or felony offenses allegedly committed by a person less than 18 years old (MJD, n.d.).

Historically, juvenile delinquency was first reported in first part of the 1800s. According to an article by David W. Springer, Albert R. Roberts, Patricia Brownell, Melissa Torrente, Anigie Del Prado Lippman, and Michele Deitch (n.d), *A Brief Historical Overview of Juvenile Justice and Juvenile Delinquency*, explains during colonial times youths that committed criminal acts were labeled as rowdy and out-of-control individuals that were punished through court-observed whippings, mandated assistants as farmer's helpers, or placed in appalling rat-infested prisons along with hardened adult offenders. In 1825, the city of New York implemented the "New York House of Refuge", a separate institution designated specifically for juvenile offenders. Soon after, the cities of Boston and Philadelphia opened similar juvenile facilities in 1826 and 1828 respectively. During this timeframe and towards the end of the century, social workers and social welfare institutions became directly integrated into reforming juvenile delinquents within correctional institutions. In 1899, the first juvenile court opened in Cooks County, Chicago, Illinois which played pivotal roles in juvenile justice reforms, victim assistance programs, and major policy shifts during the Progressive Era (Springer, Roberts, Brownell, Torrente, Lippman, & Deitch, n.d.).

Before the establishment of juvenile courts, according to an excerpt from Cynthia H. Roberts (2005), *Juvenile Delinquency: Cause and Effect*, a child's age played a big factor when criminal acts were committed by a minor. Children in the colonial era under the age of seven were never held responsible for criminal acts and children between the ages of 7 to 14 were thought to be incapable of criminal misconduct and children over the age of 14 could be charged

and handled the same way as an adult. Today, the juvenile justice system has set age limits in how youth crime cases are handled. Youths who are under the age of 18 are considered juveniles and each subsequent criminal case, depending on the severity, will be treated as a juvenile or an adult. However, some states have set the limit to 16 or 17. Every state in the United States has a separate court system for juveniles. There are two different groups of juveniles each court generally handles: the delinquent offender and the status offender. Typically, a delinquent offender commits crimes normally associated with adults under federal, state, and local law—crimes such as burglary, robbery, and assault. Status offenders commit illegal acts which are not considered crimes. The status offenses include refusal to obey parents, skipping school, bullying, or engaging in underage drinking (Roberts, 2005). The primary mission of the juvenile courts across the country are designed to provide fair and impartial decisions in cases that administer justice through comprehensive services to children and families, restoration to victims of crime, and community function in the best interest of children. Juvenile delinquency is more than just a court problem it is the problem of the Juvenile Justice System as a whole.

The function of the Juvenile Justice System is primarily handled by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which assumed responsibility of the Juvenile Justice System in the 1970s. In the early 1920s, the federal government began collecting cases processed from juvenile courts in the United States which was intended to track the number of delinquencies, status offenses, dependency, traffic and special proceeding cases that the courts handled during the reporting year. Unfortunately, collecting this information and getting all the juvenile courts to comply with the reporting process led to dismal results which therefore led the U.S Department of Justice in creating the OJJDP. This department is responsible all matters pertaining to juvenile delinquency and its prevention which include tracking juvenile population

characteristics, juveniles as victims, juveniles as offenders, juveniles justice system structure and processes, law enforcement and juvenile crimes, juveniles in courts, juveniles on probation, juveniles in corrections, and juvenile reentry and aftercare programs (OJJDP, 2013). Statistically speaking, the Juvenile Justice System has been ineffective and the impact of juvenile delinquency and the crimes committed by youths have placed the United States in state of unrest.

As with all crime committed in the United States, crimes committed by youths is a sensitive and complex issue namely because the general public believes children to be innocent and incapable of crimes normally acted out by adults. Delinquent and criminal behavior among young people, as they transcend from childhood to adulthood is a multifaceted and confusing world, but the reality is juvenile crime is problematic and concerning. The good news is, according to the OJJDP, *Juvenile Arrest Rate Trends*, juvenile crime has actually declined by 43% since 1996. Juvenile arrest rates from 1980-2010 reached its highest levels in 1996 with law enforcement reporting over 8,500 arrests. In 2010, there were 4,857 arrests by law enforcements agencies. However, while these trends look promising, juvenile crimes continue to occur with many of these crimes going undetected and unanswered. That means the public's confidence in law enforcement is diminishing—leaving them vulnerable to victimization.

Recently, youths have been responsible for some of the most heinous crimes every reported in the United States. In a CBS News Report (August 20, 2013), Chancy Allen Luna, 16, James Francis Edwards Jr., 15, and Michael Dewayne Jones, 17 from Duncan Oklahoma decided that their day was full of humdrum boredom and out of fun, indiscriminately shot and killed an Australian baseball player, Christopher Lane, while he was innocently jogging by one of the suspects homes. Witnesses rushed to assist Lane as he staggered and then collapsed from a single gunshot wound to the back by a .22 caliber bullet. He died before emergency services could

respond (CBS, 2013). There is really no explanation for this callous act and the bigger question is why? What propels youths to commit delinquency? What is the root cause of this problem? Who is responsible for leading these youths astray? There are many theories that may explain why children act antisocially, but which one more accurately pinpoints the problem?

The theoretical perspectives of scholars, psychologist, and criminologists have attempted to find and explain the causation of delinquency. Some believe that delinquency is caused by freewill with others contending it to be a variety of biological, genetic, and socio-environmental factors. For this discussion, the criminological paradigm theories of Classical School and Positive School of criminology may explain the potential causes of delinquency. Under the Classical School paradigm, scholars believe people who choose the path of crime do so out of freewill. According to a dissertation by Chantal Faucher (2007), *Bad Boys and Girls, Yesterday and Today: A Century of Print Media Perspectives on Youthful Offending*, assumes crime to be a choice acted out by rational individuals who weigh the potential cost of committing a crime against the potential gain. This perspective suggests that individuals are self-indulgent and will pursue crime to fulfill a utilitarian goal and will risk detention and punishment with minimal concern for those they commit crime against. It is also believed that individuals will take full responsibility and accountability for their actions. In addition to self-indulging behavior, the perspective also suggests that people are pleasure-seekers and due to inadequate laws and law enforcement, offenders will take more risks with committing crimes against society (Faucher, 2007).

A theory that falls within the Classical School of Criminology is the Rational Choice Theory. In reference to a textbook by Clemens Bartollas and Stuart J. Miller (2011), *Juvenile Justice in America*, the Rational Choice Theory, a primary utility model used in economics has

been adopted in criminology as primary perspective to address maladaptive behaviors in youths. It makes the assumption that delinquents choose to break the law out of free will through calculated choices before they act out crimes. In its purest form, the rational control theory is an extension of the deterrence theory found in the classical school that include incentives as well as deterrence that focus on the calculations of payoffs and costs before delinquent behavior and crimes are committed. However, theorists who support this theory as a causation of delinquency, the rational choice theory does not assume that all or even the most delinquent acts of crime result from clear, planned, well-informed, and calculated choices (Bartollas & Miller, 2011). It is these circumstances that juvenile delinquent, through routine activates, focus on crimes of opportunities freely choosing suitable targets in the presence of motivated offenders.

The other perspective is the Positive School Theory of Criminology. Theorists embrace determinism and scientific methods that recognize the roles of natural forces, in this case youths that cannot control or may not be aware of in regards to criminal behavior. The positive school has three basic approaches theories in which to explain juvenile delinquency: biological positivism, psychological positivism, and sociological positivism. The development of positivism began by saying human behavior is but one or more facets of a universe that is part of a natural order, an order determined by natural laws. Some believe that the natural order of things cannot be altered which therefore means human behavior cannot be changed. However, theorists and scientists alike agree just as laws that operate in the medical, biological, and physical sciences, laws govern human behavior and can thereby be used and studied to alter human behavior. Positivism became a dominant perspective of juvenile justice at the time the juvenile court was established in the Progressive Era of 1890-1920s (Bartollas & Miller, 2011).

The positivist theory of biology was first applied by Cesare Lombroso, the “father of modern criminology” during the end of the 19th Century where his work gained much notoriety in the field of criminology. In the early interpretations of Lombroso’s theory insisted that criminals were born atavistic revealing unique characteristics of primitive human beings. These physical signs that Lombroso claimed were born criminals were discounted through extensive studies revealing that criminals were not born that way but instead a product of their social environment and poor nutrition rather than a constitutional make-up. In the latter part of the century, sociobiologist linked genetic and environmental factors claiming that criminal behaviors have both a biological and social connection. The relationship between the two with antisocial behavior have been investigated through studies specifically with twins and adoption, chromosomal abnormalities, electrodermal activity and psychopathy, minimal functioning, intelligence, physique, and chemical imbalances in the body. The result of the study was later investigated and the perspective of maladaptive behavior and delinquency was linked to neurological factors. Terrie E. Moffit, a neuropsychologist, contended that delinquency was a bi-product of temperament and negative behavior which proceeds through two developmental paths. One path, a child develops a life-long pattern of delinquency as early as the age of three and progresses through adulthood. Moffit extends that children who follow this delinquent path continue to do so because of the conditions and situations they face. The other path is based on genetics. Children may have deficit disorders or hyperactivity such as ADD or ADHD or have learning disabilities in schools that may preclude them from having normal law-abiding behavior (Bartollas & Miller, 2011).

Psychological Positivism is a popular theoretical perspective used extensively in investigating juvenile offending in the United States (Bartollas & Miller, 2011). According to an

article in *Psychologist World* (n.d.), *Sigmund Freud*, Sigmund Freud, an Austrian neurologist, developed the psychoanalytical explanation and based his theories on a biological determinist view of behavior. His views shaped the handling of juvenile delinquents by determining that child development occurs in three psychosexual stages which related directly to a person's personality traits developed in early childhood. It is Freud's theory of personality that involves id, ego, and superego of unconscious operations. In the Id stage, represents primary process thinking—our most primitive needs, drives, and instincts. The Superego represents a person's conscience and counteracted the ID with moral and ethical thinking. The Ego stage balances our primitive needs and our moral and ethical beliefs. Theorists believe that a healthy ego plays a crucial role in adapting to reality and interaction with the outside world in a way that accommodates both Id and Superego (*Psychological World*, n.d.).

Additionally, Freud identified oral, anal, and phallic stages of child development are one of pleasure which contributes to personality development. The oral stage, normally associated with newborns, achieves pleasure through eating. The anal stage, occurring between ages one and three, receive pleasure through bowel and urinary movements, replacing sucking pleasure. In the phallic stage, a child receives pleasure from the genitals—occurring between age three to six. It is these stages that determine personality characteristics and behaviors and by age five, what a child experience earlier in life will affect the child for the rest of his life. Delinquent behavior in this case is theoretically tied into neurological development in personality and is linked to desire and behavior—meaning a child may feel guilty about a socially unacceptable desire and resort to situations of punishment that leads to inappropriate and self-defeating behavior. Freud attributes delinquent behavior to a defective Superego that results in underdeveloped nature to feel guilt, to learn from experiences, or affection for others—commonly associated attributes of psychopathy

or sociopathy. Conversely, an overdeveloped Superego to suppress negative emotional feelings throughout a childhood leads to explosive acts of violence in adolescent years. Ultimately, Freud claims that unlawful activities in youths is related to compensatory gratifications that occur because of deprived development at early age (Bartollas & Miller, 2011).

The last Positive School theory to be analyzed is the Sociological Positivism. Social structure, social process, and conflict theories are the primary divisions in sociological explanations of delinquency and crime. These sociological theories do not interpret an individual's problem but rather they address the underlying social and cultural conditions that give rise to youthful offending. The theories take note of the relationship and overall crime picture that require collective solutions for the social problems. The social structural theories use statistical data as a guide with theorists claiming that social disorganization, cultural deviance, and status frustration induce lower class individuals to become involved in criminal and delinquent behaviors. Disorganization theorists contend that a breakdown occurs in social control by primary groups, such as parents, families, friends, or neighborhoods. The dysfunction of communities, poor policing, poverty, deteriorating infrastructure, and heterogeneous populations leads to higher rates of delinquency in youth and other social issues. The cultural deviance theory suggests that lower-class citizens have a historical culture that accepts criminal activities as a norm which deviates from normal social values, morals, and behaviors associated with the upper-class. Finally, the status frustration theory explains delinquency occurs when society blocks lower-class individuals from achieving their goals. Society, specifically the upper-class, strains the lower-class by not allowing subcultures to achieve middle and upper-class statuses. This inequality and lack of opportunity breeds discontent among the lower-class

and favors destructive and delinquent behavior as a result of the failure to meet these statuses (Bartollas & Miller, 2011).

There is no one theory that really has the answer to why juvenile delinquency occurs or a direct solution to its prevention but each presents its own unique perspectives into the problem. Delinquency is a culmination of many issues specifically within the confines of the Juvenile Justice System. It is vitally important to study youth crimes and offer theoretical views to compile data, initiate studies, and apply theoretical practices in order to begin delinquency prevention. Scholars, psychologists, and criminologists will continue to seek solutions and offer resolutions to keep youths out of trouble, but the best possible answer in preventing juvenile delinquency begins with proper parenting, childhood development, substantive changes within the juvenile justice system, and improved social programs.

The first problem to address juvenile delinquency is parental development. It is no secret that youths suffer an array of negative circumstances that place them at risk to be offenders—one being directly related to parents who lack the essential tools needed to begin and sustain development of their children. Adults, especially young adults, may inadvertently bring children in the world without any notion of the challenges that await them. Impoverished and violent neighborhoods, social instability, financial constraints, drug or alcohol abuse, and other challenging issues may certainly leave them ill-prepared to raise their children effectively. One idea of providing parenting programs to combat juvenile delinquency began decades ago and started with governmental intervention. According to an article by Stephen J. Bavolek (2000), *The Nurturing Parenting Programs*, in 1979, the National Institute of Mental Health (NIMH) funded a 2-year program, a project aimed at developing and reaching a family-centered parenting program to help curb the growing problem of child neglect and abuse. The cases of child abuse

and neglect grew from 1.42 million to 3.81 million from 1986 to 1993. The results of children being abused can be linked to high rates of antisocial and delinquent behavior. The majority of abusing parents were abused victims themselves when they were young—replicating the abusive behaviors when they became parents. The program professionals developed nurturing methodologies that educate parents and youths, establish self-image initiatives, and roles and responsibilities to adults before they become parents (Bavelok, 2000). The idea is to bolster family strength initiatives to ensure parents are capable, responsible, and effective mentors to the children they bring into their lives absent of fear and retribution and filled with love, attachment, and support.

The second juvenile delinquency prevention idea lies with effective childhood development. Youths and especially those transitioning into adolescence are going to be exposed to a variety of social interactions specifically in schools that may elevate risks of maladaptive and antisocial behaviors. It is not uncommon, especially those attending schools in substandard less fortunate communities, that kids may show early signs or patterns of antisocial behavior, which if left unattended, elevates risks to delinquency. One such idea to intervene can be found in a 2012 What Works Clearing House (WWC) Intervention report, *First Step to Success*. This program of early intervention was developed by Hill M. Walker (2012), a professor at the University of Oregon, and was designed to assist children who are at risk for developing aggressive and antisocial behavior. It consisted of multiple behavioral coaches who worked with teachers, parents, and class peers for a period of three-months. The program included interconnected module: screening, classroom intervention, and parent training. Of the 243 children studied the effectiveness of the *First Step to Success* program showed positive results with a narrow report of significant important negative effects. Children who participated

in the study showed improved signs of emotional and external behaviors, social interactions, and academic performance (WWC, 2012). The extent of the effectiveness of this study is small, but promising, meaning if more communities implemented or had access and funding to these types of programs, the chances of having a positive outcome on quelling delinquent behavior grows with them.

The obvious problem with combating juvenile delinquency and its ever growing problem can be directly tied into the juvenile justice system. The public outcry for justice is not helping matters either. When communities feel threatened they turn to the law to negate the problem. The problem with this thought process is the public did not take in consideration the long term effects that confinement would have on youths and their inability to assimilate back into society. Instead, the juvenile justice system is left to deal with the problem. According to an abstract by Charisa Smith Esq (n.d), *Nothing About Us Without Us! The Failure of the Modern Juvenile Justice System and a Call for Community-Based Justice*, the present day juvenile system is failing society. Literary review of arrests, court processing, and incarceration have been highly criticized with inefficiencies.

The Juvenile Justice System has done little in reducing recidivism rates and is riddled in dismal policies, racial disparities, human rights violations, cultural incompetence, and fails to effectively impact, empower, and reform individuals directly affected. The answer to curb the juvenile justice system problematic issues is the institution of community-based methodologies that bring far more promising outcomes. The empowerment of communities can reach out to youths more effectively by being actively involved in dealing with problems with poverty, under-performing schools, violence, and health services. Community-based services can also address disparities in justice, hold governmental agencies accountable, and ensure human and

cultural rights are not violated. Statically speaking, community-based approaches fair better in reducing crime, cost less, establish social bonds, prevent civic fragmentation, and empower those who are directly affected (Smith, n.d). The problem of the Juvenile Justice System continues to be a subject of concern but more pressing is the reintegration of youths back into society after release from incarceration.

The juvenile justice reentry programs, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), *Reentry*, are designated to prepare youths to reintegrate back into the community. The comprehensive reentry process generally begins after sentencing, during incarceration, and into a period after release which include formal and informal social networks and community involvement. The effectiveness of these programs has not met the desired outcomes and does little to correct delinquent behavior or reduce recidivism rates. As a matter of statistics, researchers have concluded that while juveniles show improvement with maladaptive behavior while incarcerated, once released the positive progress quickly evaporates because of dysfunctional communities where old habits are easily obtained (OJJDP, 2013). One promising solution to dismal juvenile justice reentry programs can be found in an article by Gabrielle Nygard (2013), *Implementation of OJJDPs Tribal Green Reentry Programs*, a new approach backed by OJJDP in helping youths reintegrate. This program utilizes traditional tribal and cultural activities that involve environmental education, horticulture instruction, and hands-on practice at garden plots. An evaluation of the green reentry program found that youth engagement was positive and during an interview process, youths expressed that they enjoyed the green activities, learning, education, and counseling (Nygard, 2013). As with all reentry programs, once completed, youths may require supervision and additional social services for mental, physical, or behavioral care to prevent revocation and delinquency.

The Juvenile Justice System is directly responsible for administering social services to delinquent youths during and after incarceration. They have a vested interest in numerous entities that are aimed at preventing juvenile delinquency. In a report by socialworkers.org (2012), the major stakeholders that partake in these prevention measures include federal and state juvenile justice policymakers. The juvenile court, probation agencies, law enforcement, child welfare agencies, public schools systems, advocacy groups, and service providers are collaborate together in an effort to reduce juvenile youth crimes and rehabilitate youths to become productive citizens. Social workers who supervise juveniles deal specifically with troubled youth who may have experienced traumatic events in their lives and are trained to recognize signs of posttraumatic and pre-delinquent behavior. However, there are discrepancies within many jurisdictions lack the funding and resources to sustain and effectively address these issues. The results of these disparities lead to negative outcomes with receiving proper education, substance abuse treatment, mental health services, and employment (socialworkers.org, 2012). The Juvenile Justice System recognizes the problems with current policies and the continued movement toward assisting youths and children will need to be revamped with more emphasis placed on evidenced-based policies and practices with inputs from stakeholders, communities, and families to rectify the problem (Socialworkers.org, 2012).

In summary, juvenile delinquency in the United States is certainly problematic and has grown significantly placing both society and children at risk. The causative factors to this social and criminal problem can be linked to several factors and youths who choose a life of juvenile offending begin to do so at a very early stage of life manifesting into adolescence and often times, into adulthood. The Juvenile Justice System is also struggling to deal with the inordinate and growing problem. The system fails to effectively deter youth crimes, rehabilitate offenders,

and reintegrate them as law-abiding citizens. The primary problem of delinquency developed in youths is directly related to dismal parenting, insufficient child development, and an inefficient justice system, all of which contributes to the problem. An in depth overview to find solutions to the juvenile delinquency was presented with a historical representation, theories, innate problems, and methodologies that including parental development, childhood development, juvenile justice, reentry, and social service programs. These suggestive methodologies, if changed, added, or modified may in fact reduce the overarching problem of juvenile delinquency especially if these programs and suggestion are adopted by everyone.

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