1 What Is Delinquency and How Does It Differ from Adult Crime?

"What is delinquency?" is a relatively easy question to answer. ***Juvenile delinquency*** **refers to violations of the criminal law by minors.** In most states, a minor is anyone under the age of 18. In some states, however, minors are defined as anyone under the age of 17 or even 16. So if a minor commits an act that would be a crime when committed by an adult, that minor has engaged in "juvenile delinquency" and may be considered a "juvenile delinquent." This definition, while correct, might lead you to believe that the only way delinquency differs from adult crime is in terms of age. Delinquent acts are committed by minors while crimes are committed by adults.

But juvenile delinquency differs from adult crime in a number of major ways besides the age of the offender. In particular, we tend to view juvenile delinquents differently than adult criminals, and we tend to treat juvenile delinquents differently than adult criminals—with an important exception, which we will note.

This chapter is in four sections. First, we describe how juvenile delinquents are viewed differently than adult criminals. Second, we describe how these different views of delinquents and adult criminals have led us as a society to treat them differently. We note, however, that there has been a trend to view and treat juvenile offenders— especially older, serious offenders—like adult criminals. Third, we discuss the "invention" of juvenile delinquency. People did not always view and treat juvenile delinquents differently than adult criminals. For most of history, in fact, juveniles who broke the law were viewed and treated very much like adults who broke the law. We briefly discuss some of the factors that led society to view and treat juvenile delinquents differently. Finally, we discuss how our view and treatment of juvenile offenders continues to evolve.

After reading this chapter, you should be able to:

- Define juvenile delinquency.
- Describe the major differences in the way that society views juvenile offenders and adult offenders.
- Describe the major differences in the way that society treats juvenile offenders and adult offenders.
- List the major ways in which juvenile court differs from adult court, and discuss the reasons for such differences.
- Explain what is meant by "the invention of juvenile delinquency."
- Describe how we came to view and treat juvenile offenders differently than adult offenders.

JUVENILE DELINQUENTS ARE VIEWED DIFFERENTLY THAN ADULT CRIMINALS

On the first day of our juvenile delinquency class, we play a trick on our students. We pass out a description of a crime that has occurred: Someone walks into a bank, points a gun at a teller, and demands money. It is a toy gun, but the teller believes it is real and gives the bank robber several hundred dollars. The robber later spends most of the money on luxury items before being caught. We ask the students what the court should do to this robber. Unbeknownst to the students, the robber is described as a "7-year-old boy" in half of the descriptions and a "32-year-old man" in the other half (the actual crime was committed by a 7-year-old boy).

After the students have considered the case for a few minutes, we ask for volunteers to tell us what they think should be done to the "bank robber." Some of the students describe what might be considered "mild" reactions on the part of the court: The robber should receive counseling, should be closely monitored for a period of time, should perform some community service, or the like. Other students describe what might be considered "tough"

reactions on the part of the court; most commonly, they state that the robber should be locked up for several years. The students, of course, are confused by the responses of many of their classmates. Those with the 7-year-old robber wonder how some of their classmates could be so coldhearted as to recommend years of imprisonment, while those with the 32-year-old robber think some of their classmates are far too "soft" on crime.

We eventually tell the students that they are working with two different case studies and that this age discrepancy is the major reason for their different reactions. We then try to justify the trick we have played by telling the students that their different reactions to the 7- and 32-year-old robbers illustrate a very important point about juvenile delinquency: **Our society tends to view juvenile delinquents differently than adult criminals.**

If a juvenile breaks the law, the general public tends to view that person as immature and in need of our guidance and help. There is no precise definition of ***immaturity***, but notions of immaturity usually include one or more of the following: the individuals did not know that what they were doing was wrong; they did not appreciate the harm that their actions might cause; they could not control themselves; and they were easily led astray by others. (Data suggest that juveniles are more likely than adults to possess these traits, although there is no precise age at which individuals become "mature."[1] Rather, individuals mature in a gradual manner and at different rates—although juveniles are less mature on average than adults.)

This immaturity partly stems from a lack of experience. Older juveniles are no longer closely supervised by parents, and they must increasingly learn to make decisions on their own. They lack experience at decision making, however, and so it is not surprising that they sometimes show poor judgment in the choices they make (see Zimring, 2005). This immaturity also has biological roots. A colleague of ours at Emory University coedited a book that focuses on the development of the adolescent brain (E. Walker and Romer, 2006). A central message of the book is that the "brain circuitry for pleasure and sensation develops rapidly during adolescence, while the brain circuitry responsible for behavioral control and inhibition lags behind" (C. Clark, 2007:6). As a consequence, adolescents have more trouble exercising self-control and resisting the influence of peers.

Given this view of juveniles as immature, most people tend to feel that juveniles do not deserve serious punishment. Rather, they need our help. So when a 7-year-old robs a bank, many students state that the major response of the court should be to provide that person with counseling. **But if an adult breaks the law, we generally view that person as someone who is responsible for his or her behavior and deserves to be punished.** So most students have no qualms about sending a 32-year-old who robbed a bank to prison for many years.

Many students take exception when juveniles are characterized in this way. They state that many juvenile offenders know exactly what they are doing and that these offenders should be punished just as severely as adults. They often describe some horrifying crime committed in the recent past by a juvenile, and they state that this juvenile surely deserves the most serious punishment the law can provide.

We realize that many people feel this way. Certain juvenile offenders—especially older juveniles who commit serious crimes—are not viewed as all that different from adult offenders. And in recent decades the justice system has been treating more of these offenders like adult criminals. So when we say that society views juvenile delinquents differently than adult criminals, an important exception should be noted. Older, serious juvenile offenders are often viewed like adult offenders. We will talk more about this exception toward the end of this chapter. Aside from this important exception, the general public still tends to view juvenile delinquents differently than adult criminals. We provide our students with a few additional examples to illustrate this point.

There is the case of a 6-year-old girl in Florida who got into a fight with her 7-year-old friend. The 6-year-old girl repeatedly hit her 7-year-old friend with a piece of wood, while an older boy held the 7-year-old's arms behind her back. The 7-year-old's nose was damaged and her dress was soaked with blood by the time she arrived home to her mother. Her mother, of course, was outraged and immediately called the police. For legal reasons that we will not describe, there was some discussion of trying the 6-year-old girl as an adult. If tried as an adult, she would face a maximum penalty of fifteen years in prison and a $10,000 fine. This story made the national news, and people were outraged that such a young girl might be so severely penalized. They felt that the 6-year-old did not know what she was doing and that she needed guidance and help much more than punishment. Imagine the reaction, however, if a 30-year-old woman had committed this crime. People would be demanding the severest of penalties.

To give another example, a 6-year-old boy in California was charged with savagely beating a month-old baby. He was accused of kicking, punching, and beating the sleeping baby with a stick, possibly causing permanent brain damage. The 6-year-old was said to have done this to seek revenge against the family of the baby for allegedly harassing him. We have asked our own students how the court should respond to this boy. This is a savage crime, but the young age of the boy led many of our students to talk of his immaturity and to argue that he is in desperate need of guidance and help. Again, imagine the difference in reaction if a 30-year-old man were charged with this crime.

With the exception of older juveniles who commit serious crimes, our society clearly views juvenile delinquents differently than adult criminals. In general, juvenile delinquents are viewed as immature and in need of guidance and help, while adult criminals are viewed as fully responsible for their behavior and deserving of punishment. To illustrate, one national poll found that only 21 percent of the public said that rehabilitation should be the most important sentencing goal for adults, but 50 percent said that it should be the most important sentencing goal for juveniles.[2]

JUVENILE DELINQUENTS ARE TREATED DIFFERENTLY THAN ADULT CRIMINALS

The difference in the way that juvenile and adult offenders are viewed has led us to treat juvenile delinquents differently than adult criminals (with an important exception, to be noted). In particular, our society has created a special set of laws that apply just to juveniles in order to more closely regulate their lives. We have created a special court for juvenile offenders, a court that places more emphasis on rehabilitation and less on punishment than does adult criminal court. And we have created special correctional programs for juveniles, programs that also focus more on rehabilitation and less on punishment—at least in theory.[3]

Special Laws for Juveniles: Status Offenses

Juveniles are delinquent if they commit any act whose violation by an adult would be a crime—acts like homicide, assault, rape, robbery, burglary, and larceny. However, in most states, juveniles can be arrested and referred to juvenile court for certain acts that are legal for adults. These acts are called ***status offenses***, since they apply only to people with the status of juvenile.

The most common status offenses are running away from home, failure to attend school (truancy), refusing to obey parents (incorrigibility), liquor law violations (possession of alcohol, underage drinking), violating curfew, and engaging in certain consensual sexual activities. These activities are illegal for juveniles in all or many areas, but they are legal for adults; for example, it is illegal for juveniles to stop attending school. They can be

arrested and taken to juvenile court in most states if they do so. It is perfectly legal for you, however, to stop coming to class.

The state felt that it was necessary to regulate the lives of juveniles more closely than the lives of adults. Rather than intervening only when juveniles committed a crime, the state felt it necessary to intervene when juveniles gave indications that they might be heading down the "wrong path"—a path that might lead to crime. Status offense laws, then, are directly tied to the view of juveniles as immature and in need of guidance or direction.

These status offense laws were **taken quite seriously until the late 1960s and early 1970s.** Juveniles who committed status offenses were frequently arrested and referred to juvenile court. They were often formally processed by the court, and they could be "adjudicated," or judged, "delinquent" by juvenile courts in nearly every state. And status offenders were sometimes subject to severe punishments. In particular, about half the juveniles in correctional institutions were there for status offenses like running away and being incorrigible. Status offense laws were especially likely to be enforced against females. Females were (and are) more closely supervised than males, and their sexual behavior, in particular, is more closely regulated. Females who committed status offenses like disobeying parents, running away from home, drinking, and having sex were more likely than boys to be arrested, referred to the court, and sent to institutions for such offenses. There is some evidence that this is still the case today (see Chapter 22 for a fuller discussion).

Status offense laws **came under heavy criticism during the 1960s and 1970s.** They were **often vague.** What, for example, does it mean to be incorrigible? Virtually all juveniles disobey their parents at some point. Also, these laws **often subjected juveniles who had not committed any criminal acts to severe penalties,** such as confinement in an institution (where they were exposed to serious offenders and sometimes subject to physical and sexual assault). Further, there was evidence that **poor, minority, and female juveniles were more likely to be punished for such offenses.**

In response to such criticisms, most states developed "diversion" programs designed to divert status offenders from the juvenile court. Rather than being formally processed by the court, most status offenders were dealt with informally by the court or were referred to special programs outside the court. Status offenders who were processed by the juvenile court were **no longer classified as "delinquents" in most states.** Rather, they were classified as Children in Need of Supervision (CHINS), Persons in Need of Supervision (PINS), or similar labels. This new designation was partly designed to reduce the stigma of a delinquent label. The federal government passed a law in 1974 that **strongly encouraged states to stop placing status offenders in institutions.** And evidence suggests that this law was largely effective: There has been a dramatic decline in the number of status offenders confined in institutions. Finally, a few states went so far as to **decriminalize status offenses.** Status offenses could no longer result in arrest and referral to the juvenile court; rather, status offenses were dealt with by social service agencies.

Nevertheless, status offenses are **still illegal in almost all states.** Several hundred thousand status offenders are arrested each year. In 2013, about 109,000 status offenders were formally processed by juvenile courts, over 7,300 were detained during court processing, and 3,800 were placed out-of-home as part of their "disposition" or sentence—most often for the offense of truancy (Hockenberry and Puzzanchera, 2015). So while status offenses are not treated as severely today as in the past, they are still taken seriously in many cases.

A Special Court for Juveniles: Juvenile Court

Every state has created special courts for juvenile offenders. ***Juvenile court*** differs from adult court in several fundamental ways, with the differences between the two courts

reflecting our different views of juvenile delinquents and adult criminals. The differences between juvenile court and adult court have diminished in recent years, but they are still substantial.

First, the **goals of juvenile court are different from those of adult court.** Adult court determines whether individuals are guilty of committing specific crimes and then punishes them if they are convicted. Juvenile court was set up **not to punish juveniles but rather to guide and help them.** The court was supposed to act in "the best interests" of juveniles, providing them with the guidance and help that their parents should have provided. The court, in fact, was supposed to play the role of "superparent," assisting children whose parents had failed them. Judge Julian Mack, who helped develop the first juvenile court in the United States, said that the juvenile court should treat delinquents like "a wise and merciful father handles his own child" and that the goal of the court is "not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, [and] not to make [the delinquent] a criminal but a worthy citizen" (quoted in S. Singer, 2001:350). The goals of many juvenile courts have changed in recent years, with more courts coming to place an increased emphasis on punishing juveniles—especially older, serious offenders. Nevertheless, the juvenile court still places more emphasis on the goal of rehabilitation than does adult court. (This is not to say that the court always accomplishes or even tries to accomplish the goal of rehabilitation. As discussed later, there is often a large gap between goals and accomplishments.)

Second, the juvenile court **focuses more on the offender than on the offense.** Adult court focuses primarily on the offense(s) that the individual has committed. The punishment that individuals receive is based largely on their current and past offenses. Juvenile court is less concerned about punishing individuals for the specific offenses they have committed. Rather, it seeks to help juveniles. The court therefore focuses on the entire juvenile—not just the offense(s) that brought the juvenile to court. The court seeks to learn all it can about the juvenile, especially any personal, family, school, peer, or other problems the juvenile may have. And the actions that the court takes are supposed to address these problems—not simply respond to the juvenile's specific offense(s). Again, some changes are taking place in this area, with many juvenile courts putting more emphasis on the specific offenses that juveniles have committed and basing their response to juveniles largely on these offenses. Even so, there is still a substantial difference between juvenile and adult courts in this area.

Third, the juvenile court is **more informal and less adversarial than adult court.** Adult court provides accused individuals with numerous ***due process rights*** designed to protect them from being unfairly punished. These rights include the right to be represented by an attorney, the right to confront and cross-examine the witnesses against them, the right to proof beyond a reasonable doubt, and the right to a trial by jury. As a consequence of such rights, adult court is very formal, and it is adversarial in nature—at least in theory. The prosecution and defense attorneys are pitted against one another, arguing their cases before a judge or jury. The juvenile court, however, initially provided juveniles with few due process rights. It was felt that such rights were unnecessary, since the court sought to help rather than punish juveniles. Juveniles, then, did not need protection from unfair punishment. As a consequence, the juvenile court was more informal and less adversarial than adult court. Juveniles, for example, were not represented by attorneys. Often, the judge would simply talk with the juvenile—much like parents having a firm talk with their child. The judge might also question the police, witnesses, and others.

This informality has changed since the 1960s. In particular, a series of **Supreme Court decisions has granted juveniles most—although not all—of the due process rights available to adults.** The Supreme Court essentially argued that the juvenile court

often fails to help the juveniles it processes and it often does punish them. They are sometimes confined in institutions, for example. They therefore deserve at least some of the due process protections available to adults. So juveniles now have such rights as the right to be represented by an attorney and to confront and cross-examine witnesses (see Chapter 22 for a fuller discussion). Juvenile court is now more formal and adversarial than it once was. But juveniles do not have all the rights available to adults; most notably, they lack the right to a trial by jury. Further, juveniles frequently waive their rights—sometimes with the encouragement of the juvenile court. In many courts, for example, less than half the juveniles are represented by an attorney. So while juvenile court has changed a great deal in recent decades, it is still less formal and adversarial than adult court—a difference that reflects the difference in goals between juvenile and adult court.

There are **still other differences between juvenile and adult court. There are differences in the terminology employed.** In juvenile court, the juvenile is not found "guilty" of a particular offense like robbery or burglary. The word "guilt" implies responsibility. Rather, the juvenile is ***adjudicated*** a "delinquent," regardless of the particular criminal offense(s) he or she committed. (In the case of status offenses, the juvenile is adjudicated a Person in Need of Supervision or whatever the label is for status offenders in that court.) Once a juvenile's status has been adjudicated, the judge does not announce a "sentence," which would imply punishment. Rather, the judge renders his or her ***disposition*** of the case.

Juvenile court hearings **are usually closed to the public and the media to protect the juvenile from adverse publicity and stigma.** Likewise, juvenile court records are usually unavailable to the public and media. Further, juveniles are often able to "seal," or erase, their juvenile court records if they stay out of trouble for a certain period of time. These policies are beginning to change; the public and media are being given greater access to juvenile court hearings and records. Nevertheless, the privacy of juvenile offenders receives much more protection than that of adult offenders. Adult court hearings are open to the public, adult court records are available to the public, and adult court records remain permanently available except under certain very special circumstances. The juvenile court tends to view delinquent acts as the mistakes of immature children, and it wants to minimize the damage that might result from such mistakes. One way to do this is to protect the privacy of juvenile offenders and to allow them to "erase" their records in certain cases.

There are also **differences in the sentences given out by juvenile and adult courts.** In particular, juvenile courts cannot impose the death penalty, and there are limits on the length of time for which juvenile courts can confine juveniles. Most juvenile courts cannot confine juveniles beyond their twenty-first birthday. This age limit often angers people because it means that juveniles who commit serious crimes cannot be confined for more than a few years (unless they are transferred to adult court). This age limit, however, has changed somewhat as many states have made it possible for juvenile court judges to confine juveniles for longer periods (and made it easier to try certain juvenile offenders as adults). Nevertheless, the sentences given out by juvenile courts are generally milder than those imposed by adult courts. There are still other differences between juvenile and adult court, and excellent summaries can be found in Bernard and Kurlychek (2010) and H. Snyder and Sickmund (2006).

Special Correctional Programs for Juveniles

Finally, the **view of juveniles as immature beings in need of guidance and help has led us to develop special correctional programs for them.** Juvenile correctional institutions protect juveniles from contact with adult criminals, who might exploit and corrupt them. And these institutions are more concerned with rehabilitation than with punishment.

Unfortunately, juvenile institutions often do not live up to their stated aim of rehabilitation. Again, there is often a large gap between goals and accomplishments. Nevertheless, juvenile institutions place more stress on the goal of rehabilitation than do adult institutions. Juvenile institutions are not called "prisons"; rather, they are called ***youth development centers*** or ***training schools*** or similar names that reflect their supposed emphasis on rehabilitation. A range of community-based programs designed to rehabilitate juveniles has also been developed. This is not to say that there is no concern with the rehabilitation of adult offenders, but rather that rehabilitation is a greater concern in the juvenile justice system.

In summary, the general public and the justice system tend to view most juvenile delinquents differently than adult criminals and tend to treat them differently as a result. As noted, however, our view of delinquents—especially older, serious offenders—has changed in recent years. And, related to this, our treatment of delinquents—especially older, serious offenders—has started to resemble our treatment of adult criminals.

HOW CAN WE EXPLAIN THE INVENTION OF JUVENILE DELINQUENCY?

It may sound strange to speak of the ***invention of juvenile delinquency***. We do not mean to imply that juveniles did not commit delinquent acts in the past. Juveniles have always committed those acts we now label as "delinquent" and "status" offenses. In fact, there is reason to believe that some of these acts, such as fighting, drinking alcohol, and engaging in sex, were much more common at certain points in the past than they are today (see Empey et al., 1999).

When we speak of the invention of juvenile delinquency, we are referring to the special way that society views and treats juvenile offenders. As discussed in the preceding pages, the general public tends to view juvenile offenders as immature and in need of guidance and help. And juvenile offenders tend to be treated differently as a result: they are subject to a special set of laws that apply only to juveniles, they are sent to a special court, and they are placed in special correctional programs. Compared to adult criminals, much more emphasis is placed on their rehabilitation and much less on their punishment. **Juvenile offenders have not always been viewed and treated differently than adult criminals, however.**

Juvenile offenders were viewed and treated very much like adult offenders until the 1800s. There were no separate correctional facilities for juveniles in this country until the early to mid-1800s. The first juvenile court did not appear until 1899, and it was not until 1945 that all states had juvenile courts. Many status offense laws are also of recent origin. Laws requiring school attendance, for example, did not emerge until the late 1800s and early 1900s in most places. Even the word "delinquent" was not used until the 1800s. So the special way that we view and treat juvenile offenders is relatively new, having emerged in the last 100 to 200 years. As one of the first juvenile court judges stated, prior to the 1900s:

> No matter how young, . . . children [who committed crimes] were indicted, prosecuted, and confined as criminals, in prison, just the same as were adults. . . . The State kept these little ones in police cells and jails among the worst men and women to be found in the vilest parts of the city and town. (quoted in Zimring, 2005:35)

Criminologists have recently tried to explain the invention of juvenile delinquency—that is, why society and the law started to view and treat juvenile offenders differently than adult criminals over the last 100 to 200 years. Space prevents us from providing a full answer to this question, but we will describe the key features of the answer that has emerged from the research.[4]

Changing Conception of Children

Part of the answer has to do with our changing conception of children. Children past the age of 6 or 7 were not viewed much differently than adults until a few hundred years ago. The fact that children were viewed as adults is reflected in paintings from the 1600s and earlier, where the children have adult features and are dressed and posed like adults. The children, in fact, look like miniature adults. Children were also treated like adults: They lived and slept in large rooms with adults, drank alcohol, engaged in sexual behavior (willingly and unwillingly), began work at an early age, and were subject to severe punishments if they misbehaved. In fact, children were routinely subjected to treatment that would be classified as abusive today. Children who broke the law were treated very much like adults who broke the law. They were tried in the same courts and given the same punishments, including the death penalty and confinement in the same institutions as adults. Very young children, however, were usually exempted from state punishments, and older children sometimes received lighter punishments than adults.

However, **people's view of children began to change in the 1500s and 1600s.** Children began to be seen as different from adults—as immature and dependent on adults for guidance and protection. There are a variety of reasons for this change. The decline in the death rate of children is viewed as a major factor. Prior to this time, perhaps as many as two-thirds of all children died before the age of 20. Partly as a consequence, parents did not form strong attachments to their young children—it was emotionally risky to do so, since the children were not likely to live very long. Very young children were viewed with indifference, while older children were viewed as adults. The decline in the death rate, however, made it easier for parents to form close attachments to their children. As they formed such attachments, they were more inclined to view children as different from adults—as less developed and more in need of their special care and protection. Another factor contributing to this new view of children was the extension of education to broader segments of the population. Several factors increased the need for a formal education, including the increase in industry and trade and the invention of the printing press and subsequent spread of printed materials. Formal education also highlighted the immaturity and dependence of children because it widened the gap between what children knew and what adults knew. Still other factors can be listed, but the central point is that the new view of children paved the way for the invention of juvenile delinquency. **As people came to view children differently than adults, they were more inclined to view and treat juvenile offenders differently than adult offenders.**

Major Social Changes, Especially the Growth of Urban Slums

The new view of children, however, was not the only factor that led to the invention of juvenile delinquency. Also important were the major social changes that occurred in the United States during the 1800s and early 1900s (and in many other countries at the same or somewhat different times). The United States underwent a radical transformation during this time, moving from a largely rural to a largely urban society. Further, the urban areas that developed were populated by a large number of poor people, including many recent immigrants to the United States, and these areas were plagued by a range of problems, including crime. Before describing how these changes contributed to the invention of juvenile delinquency, let us first provide some more information on the nature of these changes.

At the end of the 1700s the United States was largely a rural society. In 1790, only 5.1 percent of the population lived in urban areas. There were only a few cities with populations over 2,500. By 1920, over 50 percent of the population lived in urban areas. Many cities experienced a tremendous increase in population over a very short period of time.

Chicago, for example, had a population of 5,000 in 1840. By 1890, it had a population of 1 million. This rapid growth in urban populations was largely due to the industrial revolution. Technological advances were improving farming techniques, so fewer people were needed to work the land. Many rural residents then moved to the city, hoping to find work in the newly emerging industries. Likewise, many people came to the United States from abroad, hoping to find work in those industries. In fact, it is estimated that in 1920 about half the residents of major urban areas were immigrants or the children of immigrants.

Many of the new urban residents were poor and they were not always able to find work, or at least work that paid a decent wage. As a result, **large slums began to appear. These slums suffered from a variety of problems:** poor housing, overcrowding, sanitation problems, health problems, and much crime and vice. **Many individuals became especially concerned about the children living in slums.** These children often spent much time on the streets, frequently stealing things and committing other crimes to survive. Their families and neighborhood residents seemed unable to control them, and there was concern that they were being corrupted by the "unwholesome" environment in which they lived. Some, however, felt that there was hope; they believed that with proper guidance from adults, the children in the slums might be diverted from a life of crime.

There are **two interpretations,** however, **about how this concern over poor children contributed to the invention of juvenile delinquency.** The first interpretation argues that **reformers were genuinely concerned about the plight of poor children growing up in the city.** These reformers were primarily middle-class women, many of them involved with charity or social welfare organizations. They felt that slum children needed protection from the evils of city life and should have more guidance and direction than they were receiving. So they lobbied to get special laws passed, laws that would more closely regulate the behavior of these children (e.g., status offense laws like those requiring school attendance). They also lobbied for the creation of a special court and special correctional facilities that would provide these children with the protection and guidance they needed. According to this view, then, the invention of juvenile delinquency sprang from the **desire of middle-class reformers to help children, especially poor urban children.**

A second interpretation argues that **many upper-class people were disturbed by the large concentration of poor people—especially immigrants—in the city.** They were concerned that people they frequently referred to as the "dangerous classes" might become a disruptive force in society. The upper class wanted to ensure that the poor did not threaten their privileged position, and one way they did this was by exercising greater control over their children. They lobbied for laws requiring slum-dwelling children to attend school so that they would be properly socialized. They lobbied for other laws designed to more closely regulate the children's behavior. The juvenile court was the institution designed to enforce these laws, even if it meant removing the children from their parents. And juvenile institutions were designed to teach proper discipline and respect for authority. According to this view, the invention of juvenile delinquency resulted from the **desire of upper-class people to protect their privileged position in society.**

Which interpretation is correct? A number of historians and criminologists have examined what is called the "child-saving movement." That is, they have examined individuals and groups who worked to pass status offense laws and create a separate juvenile court and juvenile correctional institutions. Each state and major city in the United States had its own group of ***child savers.*** Researchers have looked at whether the leaders of the child-saving movement were members of the middle or upper class. They have tried to examine the motives of the child savers on the basis of what they said and what they did. For example, do their statements indicate a genuine concern about the plight of children, or do they simply express a desire to control poor children and thereby protect "society"?

Were these children helped and protected or simply subject to greater control? Studies have examined the child-saving movements in such cities as Chicago, Los Angeles, New York, and Memphis (see the sources cited in note 7). Different studies reach different conclusions about which interpretation is correct, and there is no clear resolution of the issue yet. But it seems likely that both interpretations have some merit, with the invention of delinquency being partly motivated by a genuine concern for poor children and partly by a desire to control such children because of their perceived threat. (As an analogy, you might think of the response to the homeless in many urban areas today. Many individuals and groups truly care about the homeless and genuinely want to help them. Others, who view the homeless as dangerous and a threat to business activity, are more interested in controlling the homeless. A given city's response to the homeless is often motivated by both sets of concerns.)

Gender, Race, and the Invention of Delinquency

While the child-saving movement focused on both genders, there were certain important differences in how males and females were viewed and treated. Most notably, the child savers were more concerned about protecting females and their sexuality from the "evils" of city life. Consequently, females were more likely to be arrested and punished severely for sexual activity and acts that might put them at risk for sexual activity, such as running away from home (see Chavez-Garcia, 2007; Chesney-Lind and Shelden, 2004; Feld, 2008). The sexual activity of male juveniles, however, was often ignored or excused. As discussed in Chapter 22, there is still some evidence for a sexual double standard in the juvenile justice system, with females in many jurisdictions being more likely than males to be arrested and sanctioned for acts such as sexual behavior, running away, and being incorrigible.

The efforts of the child savers described in the preceding section focused on white youth. The child savers had little interest in black youth; and the justice system, during the 1800s and first part of the 1900s, was dominated by the racist belief that black offenders were brutish and could not be rehabilitated (Ward, 2012). So during this time, black youth who broke the law were sent to adult prisons, placed in convict-lease programs—where they engaged in forced labor, were subject to corporal punishment and execution, and, in certain cases, were sent to juvenile facilities that held only blacks. The latter facilities were inferior to those that held white youth and placed little emphasis on rehabilitation. Also, black juvenile offenders were excluded from many of the community treatment programs that were being developed, such as probation and apprenticeships. A black child-saving movement developed in response to this racist treatment, with the members of black women's clubs playing the major role. The black child savers tried to convince state officials to send black youth to the recently created juvenile facilities, but they were often unsuccessful given their limited political power. So the black child savers also worked with churches to create programs to help black juvenile offenders. Eventually, the efforts of the black child savers, along with those in the larger civil rights movement, put an end to the segregated juvenile justice system. But, as discussed in Chapter 22, there is still much work to be done. While there is no longer a "separate and unequal" juvenile justice system for black juvenile offenders, black juveniles are disproportionately involved in the juvenile justice system— even after controlling for race differences in offending (see Chavez-Garcia, 2007; and Ward's, 2012, excellent book, *The Black Child Saver: Racial Democracy and Juvenile Justice*).

In sum, it is important to remember that we did not always view and treat juvenile delinquents differently than adult criminals. Juvenile delinquency is a social invention—although there are important differences in how juvenile offenders from different gender and racial groups were (and are) viewed and treated.

OUR VIEW AND TREATMENT OF JUVENILE OFFENDERS CONTINUES TO EVOLVE

How we view and treat juvenile offenders continues to evolve (Bernard and Kurlychek, 2010). In the late 1980s, there was a dramatic shift in our view and treatment of juvenile offenders, especially older juveniles who commit serious crimes. Many argued that such offenders were a major threat, were little different from adult offenders, and should be punished as adults. But in the early 2000s, there was another shift, with many emphasizing the differences between juveniles and adults and the need to retreat from the harsh penalties that were imposed during the 1980s and 1990s. These trends are described next.

"Getting Tough" with Juvenile Offenders (Late 1980s Through the Early 2000s)

There was a dramatic increase in serious juvenile violence from the late 1980s to the mid-1990s. Further, many of the violent crimes committed by juveniles received massive publicity, such as the shootings committed by gang members in certain cities. Many people came to feel that this violence was not the work of "immature" juveniles who needed guidance and direction, but rather the work of "younger criminals" and "stone cold predators."[5] Also, many people came to feel that the juvenile court was not equipped to deal with such violence. In particular, they came to feel that such juveniles should be treated and punished like adults.[6] In a 2003 national survey, for example, 59 percent of respondents agreed that "juveniles between the ages of 14 and 17 who commit violent crimes should be treated the same as adults in the criminal justice system" (Pastore and Maguire, 2003).

As a consequence, there was a major movement to more severely punish juveniles, especially older juveniles who committed serious crimes. The goals of the juvenile court shifted, with more emphasis placed on holding juveniles accountable for their behavior and imposing punishment. The juvenile court became more likely to confine offenders in residential facilities. The number of confined juveniles increased during the 1980s and 1990s, peaking at 108,802 in 2000, even though juvenile crime started to decline in the mid-1990s (Sickmund, 2010). New methods of punishing juveniles came into wide use. One example is boot camps, which are military-style facilities that place much emphasis on discipline and physical labor. Another example is zero-tolerance policies in school systems, which mandate severe punishments—usually suspension and expulsion—for certain offenses. But perhaps the major thrust of the new get-tough initiatives involved making it easier to try older juveniles who committed serious crimes as adults. By 2000 the large majority of states had passed laws stating that older juveniles who committed certain serious offenses should be automatically sent to adult court (Griffin et al., 2011). Many of these juveniles were subsequently punished with confinement in adult prisons, some receiving sentences of life with no possibility of parole. The get-tough initiatives, it should be noted, disproportionately affected black and Latino youth (see Chapter 22).[7] The two cases described in Box 1.1, as well as the two cases that follow the boxed text, illustrate this shift in our view and treatment of juvenile offenders, especially older, serious offenders.

Case #1. One evening in 1997, a husband and wife were driving home with their two young children. They stopped at a convenience store in a crime-ridden neighborhood to buy soda. The wife got out of the car to make the purchase, while the husband and children remained in the car with the engine running and lights on. The parking lot adjacent to the store was a popular location for drug sellers. A 13-year-old known in the neighborhood as "Little B" approached the husband and told him to turn off his car lights (which were illuminating the drug market). The husband refused. Little B felt that he had been "disrespected" in front of the older drug dealers. He got a rifle that he had hidden nearby and

Box 1.1 Child or Monster? Changing Views of Serious Young Offenders Over Time

The get-tough initiatives of the late 1980s and 1990s focused on older juveniles, yet there were also some efforts to get tough with *younger offenders*, although such efforts met with less success. Attempts to "throw the book" at very young offenders tend to provoke public outrage and face important legal obstacles, making it very difficult to treat members of that population like adult criminals. Nevertheless, the cases that follow help illustrate the change in attitudes toward serious juvenile offenders that occurred in the 1980s and 1990s. These two cases involve similar offenses that occurred about 25 years apart.

In 1971, in the Bay Area of San Francisco, a horrific scene was discovered. The body of a 20-month-old baby boy was found in a neighborhood play area. The baby had suffered a brutal beating—he had been pounced on and hit on the head with a brick—resulting in a ruptured liver, internal bleeding, and death. The police later determined that juveniles in the neighborhood were responsible for the killing, including two brothers, ages 7 and 10.

The oldest juvenile claimed that their intent was not to kill or injure the baby. Rather, while they were all playing together, the baby started to cry. The crying would not stop, so the brothers got mad and eventually hit the baby to make it be quiet. From there, he said, things just "got worse" (see transcripts from the *FRONTLINE* documentary "Little Criminals" at http://www.pbs.org/wgbh/pages/frontline/shows/little).

The public was shocked and saddened by news of the tragic death, but, for the most part, it was thought to be an anomaly, and few people could imagine charging the brothers with murder. This view was shared by one of the detectives involved in the case:

> [Kids] need supervision, period, and apparently these guys ran amok, and it's not their fault, really. . . . I think it would be criminal to [incarcerate] a 7-year-old and a 10-year-old. . . . We don't even do that to animals, for crying out loud. (quoted in Ferdinand, 1997)

Even the mother of the deceased infant shared this view. She emphasized that the two juveniles involved were just kids, and she expressed the hope that they would receive proper treatment. A juvenile court judge ruled in favor of therapy, ordering that the two brothers be placed "in a special home, where for two years they received extensive counseling and psychotherapy before being returned to their mother's custody. Their names were never made public" (Ferdinand, 1997).

About 25 years later, in the 1990s, a similar tragedy came to light in the Bay Area. This time, the juvenile believed to be responsible was only 6 years old. He had entered a neighbor's home with some other boys in search of a toy and came across an infant sleeping in a crib. He was accused of "mercilessly beating" the infant with a stick. Although the beating in this case did not result in death, the infant victim was left bloody, unconscious, and likely suffered permanent brain damage.

By the 1990s, the general public had become less patient with juvenile offenders. Reflecting a new get-tough stance toward youth crime, the 6-year-old suspect was informed of his legal rights and interrogated by seasoned detectives. Based on the facts of the case, the prosecutor decided to charge the boy with attempted murder. The prosecutor explained his decision in the following way: "It doesn't matter whether you're 6, or you're 106. If you do something that hurts somebody else, with knowledge of the wrongfulness of it, you're responsible for it, period."

(*Continued*)

(*Continued*)

Although members of the public protested the prosecutor's decision, the attention of court officials turned to a key legal issue: Was a 6-year-old boy competent to stand trial on an attempted murder charge? Could a 6-year-old understand, for example, the nature of a trial proceeding, such as the role of the judge and the possible outcomes? And what about the 6-year-old in this particular case? After all, he had been described as "mildly retarded" and had repeated kindergarten.

To resolve this legal issue, the juvenile court judge appointed several mental health experts. After interviewing the boy, one expert determined that he was indeed competent to stand trial, as he understood the "essentials" of a trial proceeding. The boy understood, for example, why he was being tried and that, "if things didn't go his way, he might not go home to see his mommy for a very long time." Furthermore, the expert expressed his opinion that the boy had all the characteristics of a "psychopath in the making." This novel diagnosis cast doubt on the ability of the boy to change and suggested that he would likely remain a threat to public safety. (Note: In the 1971 case, the outcomes of the juvenile offenders were mixed; the older boy avoided further trouble with the law, while the younger boy did not.)

A second expert for the court strongly disagreed. This expert did *not* believe the boy was competent to stand trial and explained that even a *gifted* 6-year-old would have difficulty appreciating the magnitude of a trial proceeding. He also criticized the first expert's diagnosis, especially the implication that the boy could not be helped: "There's no doubt in my mind but that we can effectively influence the life of any 6-year-old, the most violent 6-year-old included. And to desist from this, to reject that challenge, to turn away from that child is, I believe, very, very abusive."

In the end, the juvenile court judge ruled that the boy was *not* competent to stand trial. The boy was admitted to a facility for disturbed children where he received intensive therapy (reports suggest that he had been exposed to much violence in his short life, that he may have been abused by his mother's boyfriends, and that his mother lacked effective parenting skills). The prosecutor in the case, however, said he would "still press charges if the boy were later judged competent." (For a discussion of a more recent case, see the Teaching Aids section at the end of this chapter.)

Questions for Discussion

1. Based on the facts presented here, do you agree with the prosecutor's decision to charge the 6-year-old with attempted murder, so that the boy could be held responsible for his actions? Or do you agree with the view that, instead, efforts should be focused on the boy's treatment and rehabilitation? Justify the position you take.
2. In 1971, juvenile arrests in California were on the decline. Throughout the early to mid-1990s, juvenile arrests—especially arrests for serious violent crimes—had been increasing and received much coverage in the media. How might larger trends in juvenile crime (whether it was increasing or decreasing at the time) have affected the public's mood toward the juveniles in the two cases described earlier?

fired two shots into the car. The husband was killed in front of his two children. According to witnesses, Little B exclaimed that "This is still New Jack City!" referring to a movie about violent drug gangs.

Case #2. Our second case occurred in 1999, one month after two juveniles shot 13 other people to death at Columbine High School. A 15-year-old juvenile entered the commons area at Heritage High School in Conyers, Georgia. The juvenile was carrying a .22-caliber

sawed-off rifle, and he started shooting into a crowd of between 150 and 200 students. He hit six of the students, although none died. He ran out of the school. Two of his classmates chased him. He pulled out a .357 Magnum handgun and fired at them but missed both. A letter was later found under the juvenile's bed. Part of it read:

> The one big question everybody is probably wondering is, Why? Well, for the sake of my brothers and sisters related to the Trenchcoat Mafia, that will have to remain a mystery to the public eye. I have been planning this for years, but I finally got pissed off enough to really do it. (quoted in Stafford, 1999:C1) [Note: The juveniles who killed 13 people at Columbine High School were said to be part of a group known as the "Trenchcoat Mafia."]

The response to these cases. These two juveniles elicited a different reaction from the community and juvenile justice system than the juvenile offenders described earlier in this chapter. With isolated exceptions, there was little talk of their immaturity and the need to guide and help them. Little B, in fact, was described in the media and by politicians as a "thug" and an "evil" in the city, among other things. Most people were outraged at the horrible crime he had committed and demanded that he be severely punished. Little B was tried as an adult and sentenced to life in prison. He will be eligible for parole after serving 14 years. The second juvenile was also tried as an adult and is now serving a 20-year term in prison; he will be eligible for parole when he is 33 years old.

These case studies illustrate an important point about the changing nature of juvenile delinquency: **Beginning in the late 1980s, older juveniles who committed serious crimes were viewed and treated less like "traditional" juvenile delinquents and more like adult offenders.**

Retreating from the Get-Tough Approach (Since the Early 2000s)

There is evidence that the way in which we view and treat juvenile offenders is again changing. In particular, the media, policy makers, and others are **once again starting to emphasize the differences between juveniles and adults, particularly the immaturity of juveniles. And this difference in view is leading to a retreat from the get-tough approach of the 1980s and 1990s**. There are several possible reasons for this change. There has been a dramatic decline in levels of delinquency, including serious delinquency, since the mid 1990s (see Chapter 3). People may feel less threatened by juvenile crime and so are perhaps less likely to embrace punitive or get-tough policies. New evidence on brain development over the life course has reinforced the view that juveniles are less mature than adults. As noted earlier, this evidence indicates that the brain continues to develop through the mid-20s, particularly that part of the brain responsible for the control of one's behavior. Also, evidence indicates that many of the get-tough approaches adopted in the 1980s and 1990s are not effective in reducing delinquency; in fact, they sometimes increase the likelihood of subsequent offending (see Chapter 23). This includes approaches such as trying juveniles as adults, confining them in institutions for long periods, placing them in boot camps, and zero-tolerance policies in the schools. For example, juveniles who are tried and punished as adults are somewhat more likely to offend than comparable juveniles tried in juvenile court (Feld and Bishop, 2012). Further, certain of the get-tough approaches are quite expensive and sometimes lead to the inhumane treatment of juveniles. Juveniles confined in adult prisons, for example, are more likely to be physically and sexually assaulted than those in juvenile facilities (see Mulvey and Schubert, 2012; Parsell, 2012).

As a result, **our treatment of juvenile offenders has changed somewhat since the early 2000s, with many of the get-tough approaches being scaled back or abandoned.** Fewer juveniles are being sent to institutions. The number of confined juveniles declined

from 108,802 in 2000 to 54,148 in 2013, (Hockenberry and Puzzanchera, 2015). Many states have abandoned or are phasing out the use of boot camps. The federal government has recommended that certain other punitive measures, such as zero-tolerance policies in the schools, be ended (Hefling, 2014). At the same time, rehabilitative measures are being more widely used in many states (Lee, 2013). Such measures include drug treatment, after-school programs, and restorative justice approaches, which allow offenders to repair the harm they have caused through activities such as community service. We do not have good data on trends in the number of juveniles tried in adult courts (see Griffin et al., 2011). But since 2005 almost half the states have passed laws designed to reduce the likelihood that juveniles will be tried as adults or, if tried and sentenced, confined in adult prisons (Schwartz, 2013). Also, a few states have *raised* the age at which offenders are treated as adults. For example, Connecticut raised the age from 16 to 18, and New York is considering doing the same. Finally, the Supreme Court issued a series of major decisions stating that it is unconstitutional to impose certain severe sanctions on juveniles on the grounds that they are less mature than adults. These decisions are described next.

The juvenile death penalty. In early 2005, twenty states permitted the execution of individuals who committed their crimes when they were 16 or 17 years old. More than 70 such individuals were on death row at this time (see Sharp et al., 2007). Since 1973, 22 individuals who committed their crimes while they were juveniles have been executed. On March 1, 2005, the Supreme Court forbade the execution of individuals who committed their crimes before turning 18. The following comments about the case (Roper v. Simmons, 543 U.S. 551 [2005]) appeared in an article by Linda Greenhouse in the New York Times.

> Three general differences between juveniles under 18 and adults demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders. First, as any parent knows and as the scientific and sociological studies . . . tend to confirm, "a lack of maturity and an undeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions."
>
> The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed. . . .
>
> These differences render suspect any conclusion that a juvenile falls among the worst offenders. Once the diminished culpability of juveniles is recognized, it is evident that the penological justifications for the death penalty apply to them with lesser force than to adults. . . . The age of 18 is the point where society draws the line for many purposes between childhood and adulthood. It is, we conclude, the age at which the line for death eligibility ought to rest. (Greenhouse, 2005:A14)[8]

Life without parole for juveniles. In 2010, the Supreme Court ruled that juveniles who commit crimes in which no one dies cannot be sentenced to life with no possibility of parole (Graham v. Florida, 560 U.S. 48 [2010]). Thirty-seven states and the District of Columbia allowed such sentences (Liptak, 2010). And in 2012, the Supreme Court struck down laws that *mandated* a sentence of life without parole for murderers who committed their crimes under age 18 (Liptak and Bronner, 2012). More than 2,000 people had been sentenced under such laws. According to the Court, judges cannot impose a sentence of life without possibility of parole on juvenile murderers unless they have considered the defendant's age, level of maturity, life circumstances, and the nature of the crime (Miller v. Alabama, 567 U.S. 460 [2012]). In both the 2010 and 2012 decisions, the Supreme Court

stated that children are less mature than adults and so should be treated differently by the justice system, particularly with respect to the most severe sanctions.

So our view and treatment of juvenile offenders continues to evolve. Juveniles are generally seen as less mature than adults and therefore less deserving of punishment, but more in need of guidance and help. But sometimes juvenile offenders, particularly older, more serious offenders, are viewed and treated more like adults. And at other times the differences between juveniles and adults are emphasized, and more effort is devoted to rehabilitating, rather than punishing, juvenile offenders. To learn how juvenile offenders are viewed and treated in other nations, see Box 1.2.

Box 1.2 Juvenile Delinquency & Juvenile Justice across the Globe

Juvenile delinquency is a global problem (Krohn and Lane, 2015). To get a better sense of this, we briefly summarize juvenile crime trends and juvenile justice practices in two very different countries: Brazil and China.

Brazil. In recent decades, Brazilian society has undergone major changes and tranformations. Emerging from a military dictatorship in the 1980s, Brazil experienced extreme inequality, economic instability, and increasing urbanization, with large numbers of people "living in city slums" (Diniz Filho and Lopes, 2015:27-28). These problems were associated with high rates of youth violence as well as violence against street youth committed by "self-appointed vigilante groups made up of off-duty policemen." (Note: The homicide rate in Brazil is about five times higher than in the United States—see Currie, 2016.) These developments prompted significant legal reforms, including laws granting protections to juveniles who commit "infractions" (acts that would be crimes if committed by adults). These protections give priority to rehabilitation and reintegration with family and community, with detention as a last resort.

In practice, however, many juveniles are confined in "educational detention facilities" where they remain idle; conditions are poor, and the detainees have been subject to violent abuse by guards. Further, "zero tolerance practices have permeated Brazil's culture in such a profound way that most citizens tacitly approve of police abuse as a legitimate resource to maintain public safety" (Diniz Filho and Lopes, 2015:35). Youth violence, however, continues to rise.

Nevertheless, there are encouraging signs. Certain Brazilian states have launched innovative violence prevention programs that provide incentives for youth to stay in school. These programs also prepare at-risk youth for employment. Evaluations of these programs are ongoing, but there is some evidence they may be helping to reduce crime (Diniz Filho and Lopes, 2015).

China. Although we have limited data on crime and delinquency in China, it is believed that China has traditionally been a low-crime country, where Confucian values encouraged people to "uphold the honor of their family, to think of the consequences of their behaviors to the groups to which they belong, and to be loyal to friends and rulers" (Dong, 2015:76). During the Cultural Revolution of the 1960s, however, traditional customs and values were challenged by social and political reformers and youth were encouraged to struggle against the existing social order.

By the 1980s, China experienced a "crime boom." The government responded with a "hard strike" campaign focused on punishment and deterrence, which included the

(*Continued*)

(*Continued*)

death penalty. This campaign targeted juvenile gang leaders and serious adult criminals. Although "hard strike" had a short-term deterrent effect, rates of juvenile delinquency continued to rise over the long run (Dong, 2015).

In the 1990s major legal reforms were enacted that require the entire society to play a role in the prevention of crime and rehabilitation of juvenile offenders:

> In practice, "education and rescue teams" are formed around juvenile delinquents, which comprise their parents, relatives, teachers, members of local neighborhood committees, and the police. . . . For different cases, [remedies] include victim-offender reconciliation, heart-to-heart talks between juvenile delinquents and representatives of the "education and rescue team," group discussion of juvenile delinquents' problems and offering criticisms and suggestions, and group study of laws and regulations. (Dong, 2015:81)

Serious and violent juvenile offenders can be sentenced to reformatories, where they wear uniforms and spend half their waking hours in educational activities and the other half performing labor. Although good crime statistics from China are difficult to obtain, available data indicate that China has a homicide rate that is about five times *lower* than that of the United States. (For more on international comparisons, see Krohn and Lane, 2015.)

Questions for Discussion

1. What lessons, if any, could be learned from these international comparisons, and from the experiences of Brazil and China?
2. It is said that China's "hard strike" campaign deterred crime for a time, but did not have lasting effects. Why might this be the case? (Note: see Chapter 23 for a discussion of police "crackdowns" in the United States.)

SUMMARY

You now know what juvenile delinquency is. The term refers to violations of the criminal law (and sometimes status offense laws) by minors. You also know that our society tends to view and treat juvenile delinquents differently than adult criminals—although older juveniles who commit serious crimes are something of an exception. Now that you know what delinquency is, we next want to examine the extent of delinquency and the characteristics of delinquents. Before doing that, however, we must present information on how delinquency is measured—which is the topic of Chapter 2.

TEACHING AIDS

Web-Based Exercises

The invention of delinquency. Watch the YouTube video, "Juvenile Court Documentary" by Shelby County, much of which focuses on the origins of the Memphis Juvenile Court. Relate the video to this chapter's discussion of the invention of juvenile delinquency. In particular, what forces lead to the creation of the court (e.g., the growth of slums in Memphis, street youth getting into trouble)? Who lobbied for the creation of the court? Was the court created to guide and help juveniles or to exercise greater control over them? Compare the arguments made in the video to those in the article by Randall G. Shelden and Lynn T. Osborne, "'For Their Own Good?': Class Interests and the Child Saving

Movement in Memphis, Tennessee, 1900–1917" (*Criminology*, vol. 27 [1989], pp. 747–767). Why do you think the video and the article by Shelden and Osborne present such different views on the origin of the court? Do you favor one view over the other? If so, why?

The evolving view and treatment of juvenile offenders. Drawing on YouTube or other websites, find a video that criticizes some method of responding to juvenile offenders, argues that we should respond to juvenile offenders differently, or both. This may be a contemporary video (e.g., one that criticizes placing juvenile offenders in adult prisons or argues for the use of some get-tough approaches) or a video from the past (e.g., one that criticizes the death penalty for juveniles). Many such videos can be found by using search terms like "juvenile delinquency," "juvenile court," "juvenile prison," "juvenile death penalty," and "get-tough juvenile delinquents." List the reasons why the video is critical of the response described or recommends an alternative response. Does the video support its argument by presenting a particular view of juveniles (e.g., as immature, as "street smart" and dangerous)? If possible, determine who produced or sponsored the video, describe the purpose of this group, and discuss what they may have hoped to accomplish with this video.

Controversial Case

As indicated in this chapter, there was a movement from the late 1980s to the early 2000s to treat older juveniles accused of having committed serious crimes as adults, trying these suspects in adult courts, and subjecting them to the same punishments as adults. While there has been a retreat from this approach in recent years, it is still the case that large numbers of older, serious juvenile offenders are tried and punished as adults. Even very young offenders still face the possibility of being tried as adults, as discussed shortly. Some individuals argue that we should abandon this practice, while others argue in favor of treating at least some juvenile offenders as adults.[9] The case study that follows is designed to get you to think about the extent to which juvenile offenders should be treated like adult offenders.

The "Slender Man" case. In the spring of 2014, a 12-year-old girl in Waukesha, Wisconsin, was stabbed 19 times and left for dead. Although the girl survived the attack and went back to school, the community was shocked to learn that the crime had allegedly been hatched by two other girls, friends of the victim. The two friends, who were also 12 years old at the time, told police they had developed an obsession with "Slender Man"—a fictional bogeyman character that appears in various stories and videos on the internet.

According to the girls, they came to believe that Slender Man "would harm them or their families if they didn't kill in his name" (Aradillas, 2017:105). Since 2014, both girls have been confined in separate facilities, having been charged with first-degree attempted murder. A newspaper report summarized the situation as follows:

> Anyone 10 or older charged with first-degree attempted homicide is automatically considered an adult under Wisconsin law. But defense attorneys have argued that the case belongs in juvenile court, saying the adolescents suffer from mental illness and won't get the treatment they need in the adult prison system. Experts testified that one of the girls has schizophrenia and an oppositional defiant disorder that requires long-term mental health treatment. The other girl has been diagnosed with a delusional disorder and a condition known as schizotypy, which a psychologist testified made her vulnerable to believing in Slender Man. (Associated Press, 2016)

In 2016, however, a Wisconsin judge ruled that the two girls should be tried as adults. He pointed to the extreme nature of the violence, the fact that it was planned in advance, and the fact that, if convicted, the juvenile court would have to release the girls at age 18. In contrast, if they are convicted in adult court they could be sentenced to prison for up to 65 years. The girls are now awaiting trial in adult court.

Do you think the two girls should be tried as adults or juveniles? If you believe they should be tried as adults, for how long should they be sentenced to prison if convicted? Justify the positions you take. (Note: For more on mental illness and juvenile justice, see Box 13.2 in Chapter 13; you may also have an interest in an HBO documentary on the case titled, *Beware of Slenderman*.)

TEST YOUR KNOWLEDGE OF THIS CHAPTER

1. What is juvenile delinquency?
2. Describe the major differences in the way that society views juvenile offenders and adult offenders.
3. What does it mean to say that juveniles are "immature"?
4. Describe the major differences in the way that society treats juvenile offenders and adult offenders. Discuss how these differences reflect our differing views of juvenile and adult offenders.
5. What is a status offense? Name at least five status offenses. What is the rationale, or reason, for having status offenses?
6. What are the major criticisms against status offense laws?
7. How have states responded to these criticisms?
8. List the major ways in which juvenile court differs from adult court. Discuss the reasons for such differences.
9. Describe the ways in which juvenile courts are becoming more like adult courts.
10. Describe how juvenile correctional institutions differ from those for adults.
11. Why are older juveniles who commit serious crimes being viewed and treated more like adult offenders?
12. What do we mean by "the invention of juvenile delinquency"?
13. How can we explain the invention of juvenile delinquency?
14. How has our view or conception of children changed over time? What are some of the reasons for the changes?

15. Describe the major social changes that occurred in the United States during the 1800s and early 1900s and how they contributed to the invention of juvenile delinquency.
16. There are two interpretations of how concern over the poor children in slums contributed to the invention of juvenile delinquency. Describe these interpretations. Describe how we might determine which is correct.
17. Describe how our view and treatment of juvenile offenders changed from the late 1980s to the early 2000s. What were the reasons for this change?
18. Describe how our view and treatment of juvenile offenders has changed since the early 2000s. What are the reasons for this change?
19. Why did the Supreme Court strike down laws that imposed the death penalty for juveniles? According to the Supreme Court, is it now permissible to impose a sentence of life with no possibility of parole on individuals who committed their crime(s) while juveniles? If so, under what conditions?

THOUGHT AND DISCUSSION QUESTIONS

1. Do you think status offenses should be illegal? Defend your answer. If status offenses should not be illegal, how should we respond to them, if at all? (It may help to consider each status offense in turn. For example, should running away from home be illegal? If not, how should we respond to juveniles who run away?)
2. Do you think older juveniles who commit serious crimes should be treated like adult offenders? Defend your answer.

KEY TERMS

- Juvenile delinquency
- Immaturity
- Status offenses
- Juvenile court
- Due process rights
- Adjudicated
- Disposition
- Youth development centers and training schools
- Invention of juvenile delinquency
- Child savers

ENDNOTES

1. See Feld, 1999; Rutter et al., 1998; E. Scott, 2002; Steinberg and Cauffman, 2000; Zimring, 1998, 2005.
2. See Applegate et al., 2009; Bishop, 2006; Cullen, 2006; Gerber and Engelhardt-Greer, 1996; Mears et al., 2007; A. R. Roberts, 2004; J. Roberts, 2004; also see Bernard and Kurlychek, 2010; Empey et al., 1999; Feld, 1999; Howell, 1997a; M. Moon et al., 2000; Roberts and Stalans, 1997; Tanenhaus, 2012; Triplett, 1996; Zimring, 1998.
3. See Bernard, 1992; Butts and Mitchell, 2000; Empey et al., 1999; Feld, 1998, 1999; Howell, 1997a, 2003a; Krisberg, 2005; Kupchik, 2006; Puzzanchera and Hockenberry, 2013; A. R. Roberts, 2004; J. Roberts, 2004; Rosenheim et al., 2002; H. Snyder and Sickmund, 2006; Tanenhaus, 2012; Zimring, 1998.
4. Also see Butts and Mitchell, 2000; Cullen, 2006; Feld, 1999; Howell, 2003a; Krisberg, 2005; Kupchik, 2006; H. Snyder and Sickmund, 2006; Tanenhaus, 2012; Zimring, 2005.
5. For excellent overviews of this topic, see Bernard and Kurlychek, 2010; Chavez-Garcia, 2007; Empey et al., 1999; Feld, 1999; Howell, 1997a; also see Aries, 1962; DeMause, 1974; Finestone,

1976; Platt, 1969; Salerno, 1991; Schlossman, 1977; Shelden and Osborne, 1989; Sutton, 1988; Tanenhaus, 2012; Ward, 2012.

6. See Cullen, 2006; Howell, 2003a; Tanenhaus, 2012; Zimring, 1998.
7. See Applegate et al., 2009; Cullen, 2006; Mears et al., 2007; Moon et al., 2000; Pastore and Maguire, 2003; Robert and Stalans, 1997; J. Roberts, 2004; Tanenhaus, 2012; Triplett, 1996; Zimring, 2005.
8. See Butts and Mitchell, 2000; Feld, 1999; Howell, 2003a; M. Jackson and Knepper, 2003; Ward, 2012.
9. For further information on juveniles and the death penalty, see Chapter 23 of this text; Bohm, 2003; Cothern, 2000; Feld, 1999:236–238; Howell, 2003a:37–39; Zimring, 2005.