

Lecture 11: Prevention and Introduction to Juvenile Justice

11/22/2020

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Schedule

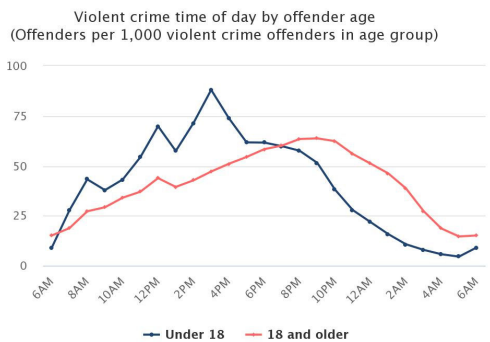
- **Tues 11/24: Careers & cases in juvenile court**
 - Papers due at midnight
- **Thurs 11/26: No class: (Thanksgiving)**
- **Tues 12/1: Race & youth policing / Probation**
 - Aim to distribute study guide and questions
- **Thurs 12/3: Institutions & Decarceration**
- **Tues 12/8: Institutions & Decarceration**
- **Thurs 12/10: Policy and Youth Support**
- **Tues 12/15: Wrap-up and Review**
- **Thurs 12/17: Exams Due**

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Crime and Time, fyi (OJJDP 2017; school days; firearm)



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Part III. Delinquent Careers in the Juvenile Justice System

- **What were parts I and II? Revisit course objectives**
- **Introduction: Three Stages**
 - **Prevention (Moving to Opportunity, Schools, Individual treatment, SS, DARE)**
 - **Preadjudication (Diversion)**
 - **Postadjudication (Probation, community treatment, institutionalization)**
- **What are the goals and functions of juvenile justice?**

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JJS: basic stages

1. **Intake Decision: Release, refer, detain, waive, file petition**
2. **Adjudication: delinquent, not delinquent, dismiss (Minn. Provisions for waiver and statutory exclusion)**
3. **Disposition: Minn. Options: counsel, probation, transfer custody, order restitution, fine, order treatment, cancel driver's license (Predisposition investigation/PSI)**
4. **Aftercare (like "Parole")**

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name game

	Juvenile	Adult
Person		Criminal/Offender
Act		Crime
Intake/Pre-Adjudication		Arrest Indictment Plead guilty Plead not guilty Plea bargain Jail
Adjudication		Reduced charges Trial Conviction
Disposition		Sentence Incarceration Prison Parole

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name game

	Juvenile	Adult
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name game

	Juvenile	Adult
Person	Delinquent Child	Criminal/Offender
Act	Delinquent Act	Crime
Intake/Pre-Adjudication	Take into custody Petition Agree to a finding Deny the petition Adjustment Detention / shelter	Arrest Indictment Plead guilty Plead not guilty Plea bargain Jail
Adjudication		Reduced charges Trial Conviction
Disposition		Sentence Incarceration Prison Parole

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name game

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Intake/Pre-Adjudication	Take into custody Petition Agree to a finding Deny the petition Adjustment Detention / shelter	Arrest Indictment Plead guilty Plead not guilty Plea bargain Jail
Adjudication	Substitution Adjudicatory hearing Adjudication	Reduced charges Trial Conviction
Disposition		Sentence Incarceration Prison Parole

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name game

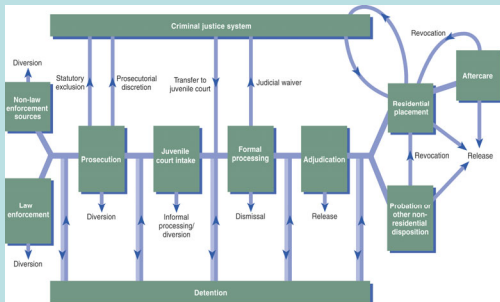
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Adjudication	Substitution Adjudicatory hearing Adjudication	Reduced charges Trial Conviction
Disposition	Disposition Commitment Training/treatment ctr. Aftercare	Sentence Incarceration Prison Parole

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OJJDP: stages of delinquency case processing in the juvenile justice system

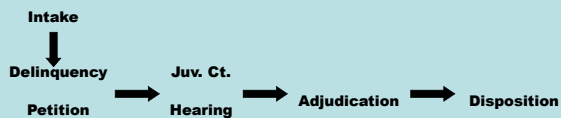


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Simplified view of Minnesota process



11m Hennepin County explainer for parents:
https://www.youtube.com/watch?v=xNyCBx0_Dx4

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Juvenile court

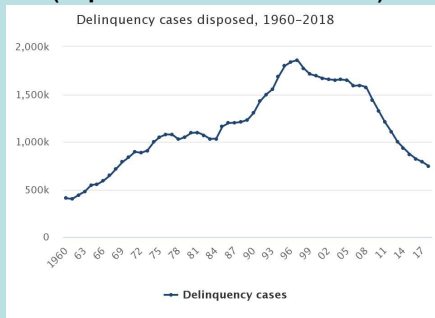
- **B. 1899, Cook County (Chicago)**
 - “Child Savers” as progressive reformers
 - Basic humanitarians, plus... class and immigrants
- **Founding Principles**
 - Civil not criminal proceedings (no criminal record; no “guilty” verdict; “sealed” records)
 - Informal so “the care, custody, and discipline of a child shall approximate...that which should be given by its parents” - *parens patriae*, superparent
 - Limited due process rights (jury, transcripts, reasonable doubt standard)
- **By 1920s, almost all states had similar laws and institutions**
 - Geoff Ward 2012 on Black “child savers” & “Jim Crow Juvenile justice” (p. 195)
- **Recent trend – more “adult-like”**
 - Records of MN felony-level charges open at 16-17

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juvenile court caseload rose 1960-97; big drop since, esp. after 2008 (drop from 1.9M in '97 to 745K in '18)



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trend toward > constitutional protection

- **Morris Kent v. US (1966)**
 - right to hearing before waiver to adult court, right to counsel in interrogation, records [16 year old got 30-90 years for rape/rob]
- **In re Gerald Gault (1967)**
 - right to counsel, notice of charges, confront witnesses, avoid self-incrimination [age 15, 6 yrs for crank call, cherries, bombers]
- **In re Samuel Winship (1970)**
 - reasonable doubt standard [age 12, stole \$112 from a purse, convicted on preponderance]
- **Joseph McKeliver v. Pennsylvania (1971)**
 - no right to jury [group of 16 year olds stole 25 cents from kids]
- **Breed v. Gary Jones (1975)**
 - prohibits double jeopardy (trying in both juvenile and adult court) [age 17, armed robbery, adjudicated delinquent, then tried]
- **Schall v. Martin (1984)**
 - preventive detention of juveniles is constitutional and serves state interest (age 14, hit kid with gun & stole sneakers)
- **Roper v. Christopher Simmons (2005)**
 - juvenile death penalty unconstitutional under 8th and 14th Amendment [age 17, murder (evolving standards of decency)]
- **Miller v. Alabama (2012) (& Jackson v. Hobbes)**
 - mandatory life without parole (LWOP) unconstitutional for juveniles [Evan Miller, 14, set fire to trailer, got LWOP for murder]
- **Montgomery v. Louisiana (2016)**
 - Miller applies retroactively on review

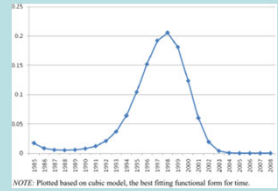
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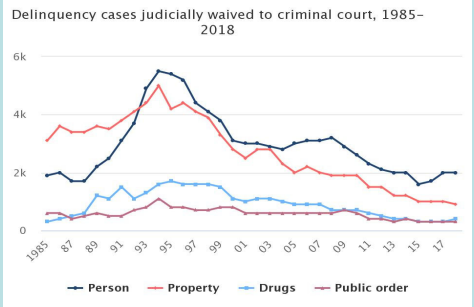
Schaefer & Uggen on Blended Sentencing (EJJ) (2016)

- **What is “blended”?**
 - On what theory is it based?
 - “Extended Juvenile Jurisdiction”
- **Liberal reform or conservative crackdown?**
 - States with high unemployment, Black incarceration, Republican govts, and prosecutorial discretion
- **26 states since 1985**
 - took off at crime peak 1992-'98, none since 2002



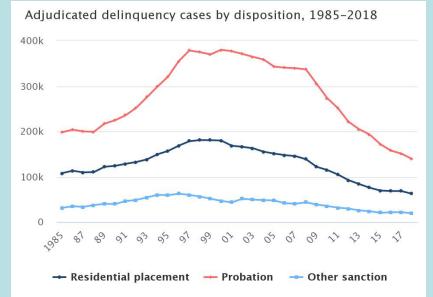
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rise ('85-'94) & fall ('95-'18) of waiver to adult court (most (2k) now for violent/person crimes)



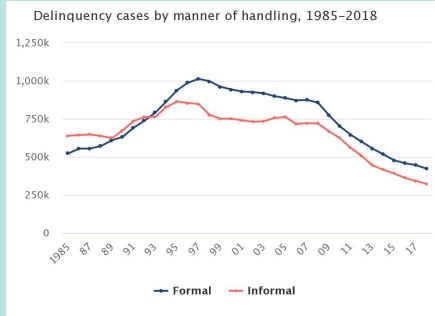
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In 2018, 63% of cases got probation, 28% residential; 9% other (restitution, community service) all rose from '85-'97, halved '98-'18



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“net widening?” more cases handled formally (petitioned) than informally (non-petitioned), but formal processing dropped 58% from 1997-2017



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PROGRAMS AT EACH STAGE
(intake, adjudication, disposition)
Papers & Programs

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Prevention

- **History of Individualized Treatment, Prevention and the Juvenile Court**
 - 1915 Chicago: Wm. Healy’s individualized treatment
 - The Minnesota Multiphasic Personality Inventory (MMPI)
 - The Glueck Social Prediction Table
 - The Cambridge-Somerville Youth Study
- **But... dark early assessments: “Prevention projects don’t work and they waste money, violate the rights of juveniles and their families, inspire bizarre suggestions and programs, and fail to affect the known correlates of urban delinquency” (Lundman 1994: 245)**

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Greenwood (2008) Prevention & Intervention Programs

- Much more optimistic since then.
 - Better designs and evidence since 1990s
- Now:
 - “**Blueprints**” at Colorado’s CSPV
 - Lipsey’s Meta-analyses (1992-)
 - C2: Campbell Collaboration
 - Cost-benefit analyses (Rand & WSIPP)
- Prevention *can* work, but only 5% of youth who could benefit from “proven” programs are being served

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A. prevention

- Cost-benefit analysis and costs of crime
- Nurse-Family Partnership home visits (Olds)
 - Infants aged 0-2 get 20 visits, reducing child abuse and arrests of moms & kids
 - RAND: cost of \$6,000, benefit of \$24,000
- Preschool Education (Perry)
 - Small-scale (n=123) high-investment “Head Start”-type project appears to reduce delinquency (SR and official) at age 27. (Berrueta-Clement et al. 1985)
 - RAND: cost of \$12,000, benefit of \$25,000
- School-based Life Skills Training, Bullying Prevention, STATUS
 - Success in reducing delinquency, dropout, substance use
 - Sometimes combined with diversion

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B. Community

- Also linked to diversion
- More successful emphasize family interactions & adults/parents
 - FFT: Functional Family Therapy
 - MST: Multisystemic Therapy more costly & involved (50 hrs + crisis support)
- Less successful focus solely on individual youth (supervision, surveillance, early release)

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C. Institutions

- **More successful focus on changing risk factors & high-risk**
 - **CBT: Cognitive Behavioral Therapy** skill-building to change thinking to reach client's goals
 - **Aggression-Replacement Training**
 - **Family Integrated Transitions (reentry)**
 - **MTFC Multidimensional Treatment Foster Care**
- **Implementation & training issues/ "Fidelity"**
 - Some agencies lack capacity to run good programs

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Evaluating Evaluations

1. Did the design **randomly assign** the treatment?
 - bias if volunteers are less delinquent than non-volunteers
2. Did the program **target the right population**?
 - Effectiveness may be age-graded or limited to one group
3. What **outcome** is examined?
 - Incarceration vs. arrest vs. education and employability
4. How long is the **follow-up** observation period?
 - Residential may only prevent crime while in residence; some programs take years/decades to show effects
5. Was the program fully **implemented**, or did cost or logistical problems dilute the treatment?
6. Do researchers have the **ethical and legal licenses** to intervene?
 - "Preelinquents" have not committed crime and "benign" treatment could harm them. But if the treatment works, how can it be equitably withheld from needy children?

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Sullivan, Piquero, Cullen (2012) applying life-course theory in programs

- **Child-saver roots of juvenile court**
 - Healy's "multiple-factor" medical model
 - Today, Moffitt; Sampson & Laub
 - Onset 8-14; Peak 15-19; Desist 20-29; chronicity; peers; non-utilitarian; steps; label/custody effect
- **Recommend**
 1. Intervention **BEFORE** JJS is needed
 2. Short-and-long term public safety
 3. Case-based study of causes-Moffitt & onset
 4. Multifaceted response– MST, home, school
 5. Facilitate desistance (CBT) & identity shift
 6. Developmental & graduated sanctions
 7. Be mindful of effects of contact & confinement

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next

- The Juvenile Justice System and the "Gender Gap"
- Zahn, Margaret A., Jacob C. Day, Sharon F. Mihalic and Lisa Tichavsky. 2009. "Determining What Works for Girls in the Juvenile Justice System: A Summary of Evaluation Evidence." *Crime & Delinquency* 55:266-93.
- (Honors): Angela Irvine-Baker, Nikki Jones, Aisha Canfield. 2019. "Taking the "Girl" Out of Gender-Responsive Programming in the Juvenile Justice System." *Annual Review of Criminology* 2019 2:1, 321-336.
- Week 12 – 11/24 (Papers) & 11/26 (Thanksgiving) Race, Gender, and Policing
 - Ward, Geoff K. 2012. *The Black Child-Savers: Racial Democracy and Juvenile Justice*. Chapter 6: Institutionalizing Racial Justice: The Black Surrogate Parental State, 1930-65. Chicago: University of Chicago Press.
 - Rios, Chapter 7. "Guilty by Association: Acting White or Acting Lawful?" Pp. 142-56.
 - Thanksgiving
- Week 13: Probation and institutionalization
 - Lane, Jodi, Susan Turner, Terry Fain, and Amber Sehgal. 2007. "The Effects of an Experimental Intensive Juvenile Probation Program on Self-reported Delinquency and Drug Use." *Journal of Experimental Criminology* 3:201-219.
 - Sawyer, Wendy. 2019. *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative.
 - Bowman, S.W. 2018. *The Kids are Alright: Making a Case for Abolition of the Juvenile Justice System*. *Critical Criminology* 26:393-405.

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Draft Exchange!

- Complete grade sheet
- Be gentle but clear and specific
- Give your grade sheet to partner to hand in with their final paper next week.

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Loic Wacquant (2012) [Punishing the Poor 2009]

1. CJS expansion due to social insecurity, not criminal insecurity
 - Punishment rose as crime fell
 - P. 38. Bends post-industrial working class to precarious wage labor (real wages, gig economy)
2. Link social & penal as poverty policy
 - Forced participation in subpar work
 - Both use stigma, surveillance, sanctions
3. Neoliberal state
 - convergence of Workfare & Prisonfare
 - Liberal head (free market at top) on a paternalistic body (interventionist at bottom)
 - Bourdieu – right (punishment, finance) & left (social services) hand of the state

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