Part III. Delinquent Careers in the Juvenile Justice System

· What were parts I and II? Revisit course objectives
· Introduction: Three Stages
  – Prevention (MTO, individual treatment, SS, DARE)
  – Preadjudication (Diversion)
  – Postadjudication (Probation, community, institutionalization, sometimes SS)
· What are the goals and functions of juvenile justice?

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”)
| 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** |
| Person | Delinquent Child |
| Act | Delinquent Act |
| Intake/Pre-Adjudication | Arrest |
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### Simplified View of Minnesota Process

- **Intake**
- **Delinquency** → **Juvenile Court**
- **Petition** → **Hearing** → **Adjudication** → **Disposition**
Gang Member Kody Scott’s Career in JJS (b. 1964)

- **JUVENILE HALL** (detention): served 19 of 60 days for hot dog stand. Los Padrinos Juv. Hall; surplus store murder dismissed
- **CAMP MUNZ** – like Red Wing. 1979. 9 mo. Sentence for assault and auto theft. Tried as adult on murder and 6 attempted murders. Moved from Los Padrinos to East Lake Juv. Hall
- **JUVENILE TANK**: LA County Jail (waived to adult)
- **1979**: Robbery charge: 4 years at 16 (Youth Authority Southern Reception Center)
- **YOUTH TRAINING SCHOOL**: max. security youth prison. The Rock (hole) Paroled 1984 serving 1 of 4 years).
- Most recently released in 2012 on carjacking and robbery charges

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 that “the care, custody, and discipline of a child shall approximate… that which should be given by its parents.” A “superparent”
  - Limited due process rights (jury, transcripts, reasonable doubt standard)
- By 1920s, almost all states had similar laws and institutions
- Recent trend – more “adult-like”
  - Records of MN felony-level charges open at 16-17
trend toward constitutional protection

- **Morris Kent v. US (1966)**
  - right to hearing before waiver to adult court, right to counsel in interrogation sessions (16 year old got 30-90 years for rape)

- **In re Gerald Gault (1967)**
  - right to counsel, notice of charges, confrontation of witnesses, avoidance of self-incrimination (age 15, crank calls, rape, burglary, big bombers)

- **In re Samuel Winship (1970)**
  - reasonable doubt standard (age 12, stole $112 from a purse, convicted on preponderance)

  - no right to jury (16 year old stole 25 cents from kids)

- **Breed v. Gary Jones (1975)**
  - prohibits double jeopardy (trying in both juvenile and adult court) (age 17, armed robbery)

- **Schall v. Martin (1984)**
  - preventive detention of juveniles is constitutional

- **Roper v. Christopher Simmons (2005)**
  - juvenile death penalty unconstitutional under 8th and 14th Amendment (age 17, murder (evolving standards of decency))

  - mandatory life without parole (LWOP) unconstitutional for juveniles (Evan Miller, 14, set fire to trailer, got LWOP for murder)

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Death penalty for those 17 or younger before Roper v. Simmons (2005)

- [Map showing states with death penalty for juveniles]

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Juvenile court caseload rose 1960-97; dropped to 1.4 million cases in 2010 (follows crime drop)

- [Graph showing delinquency cases disposed, 1960-2010]
Gender gap: Juvenile court caseload by sex, 1985-2009 -- big gap, but converging (females now 28%)

Between 1985 and 2009, the number of delinquency cases involving females increased 84% (from 222,000 to 514,000 cases); for males, the increase was 77% (from 302,000 to 1,008,000 cases).

More cases handled formally (petitioned) than informally (non-petitioned) but formal processing dropped 30% from 1997-2010.

Probation & placement rates down since 1997.
waiver to adult court down since 1994

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11B: PROGRAMS AT EACH STAGE

Papers & Programs

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 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)
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

A. prevention

- 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

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)
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

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?  
   • “Predelinquents” have not committed crime and “benign” treatment could harm them. But if the treatment works, how can it be equitably withheld from needy children?

Miller & Mullins on Feminist Theories in CWB

• Femcrim aims to reduce gender inequality, crime, and inequitable treatment of offenders, victims, and workers emerging from androcentric (male-centered) policies and practices in gendered institutions.
  – androcentric to ask why women commit less, (v. why men commit more)
  – “not particularly successful” in creating general theories
• Doing gender: crime as resource for performing & accomplishing gender (see Rios)
• Blurred boundaries of victimization and offending
  – E.g., male violence as direct, instrumental, physical; female violence as indirect, expressive, relational
  – Role of romantic connection in gaining entrée to associates
• P. 236 – masculinities (Cohen subcultural approach)
Zahn et al. – What works for GIRLS in JJS (2009)

• Girls > Boys in mental health problems & abuse histories, < in criminal history
• Gender-specific may help education, relationships, self but not crime
  – RYSE (AfAm) – only reduced for AfAm girls
  – WINGS – also probation RC, no effect
• Non-gender-specific reduced crime
  – MTFC reduced girls’ crime
  – MST works equally well for girls/boys
• Good programs are good for girls

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

next

• Police and juvenile court
• Paper workshop – bring paper to class