Lecture 11: Prevention and Introduction to Juvenile Justice

Schedule
- Tonight 11/18: Prevention and intro to juvenile justice. Careers & cases in juvenile court
  - Paper drafts due to peer reviewer at midnight 11/22; peer reviews due 11/24
- Thurs 11/25: No class (Thanksgiving)
  - Papers due 11/30 at midnight
- Thurs 12/2: Race & youth policing / Probation
  - Aim to distribute study guide and questions
- Thurs 12/9: Institutions & Decarceration
  - Class wrap-up
- Thurs 12/16: Exams due

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

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

<table>
<thead>
<tr>
<th>Intake/Pre-Adjudication</th>
<th>Juvenile</th>
<th>Adult</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>Criminal/Offender</td>
<td>Crime</td>
</tr>
<tr>
<td>Intake/Pre-Adjudication</td>
<td>Arrest</td>
<td>Indictment</td>
</tr>
<tr>
<td></td>
<td>Plead guilty</td>
<td>Plead not guilty</td>
</tr>
<tr>
<td></td>
<td>Plea bargain</td>
<td>Jail</td>
</tr>
<tr>
<td>Disposition</td>
<td>Reduced charges</td>
<td>Trial</td>
</tr>
<tr>
<td></td>
<td>Conviction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sentence</td>
<td>Incarceration</td>
</tr>
<tr>
<td></td>
<td>Prison</td>
<td>Parole</td>
</tr>
</tbody>
</table>
### Juvenile Delinquency vs. Adult Crime System

<table>
<thead>
<tr>
<th><strong>Person</strong></th>
<th><strong>Juvenile</strong></th>
<th><strong>Adult</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Act</strong></td>
<td>Delinquent Act</td>
<td>Crime</td>
</tr>
<tr>
<td><strong>Intake/Pre-Adjudication</strong></td>
<td>Take into custody</td>
<td>Arrest, Indictment, Plead guilty, Plead not guilty, Plea bargain, Jail</td>
</tr>
<tr>
<td><strong>Adjudication</strong></td>
<td>Agreement</td>
<td>Reducing charges, Trial, Conviction</td>
</tr>
<tr>
<td><strong>Disposition</strong></td>
<td>Sentence</td>
<td>Incarceration, Prison, Parole</td>
</tr>
</tbody>
</table>

11/14/2021

**Chris Uggen – Soc 4141**
### Name Game

<table>
<thead>
<tr>
<th>Intake/Pre-Adjudication</th>
<th>Juvenile</th>
<th>Adult</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>Delinquent Child</td>
<td>Criminal/Offender</td>
</tr>
<tr>
<td>Act</td>
<td>Delinquent Act</td>
<td>Crime</td>
</tr>
<tr>
<td>Intake/Pre-Adjudication</td>
<td>Take into custody</td>
<td>Arrest</td>
</tr>
<tr>
<td>Petition</td>
<td>Agree to a finding</td>
<td>Indictment</td>
</tr>
<tr>
<td>Deny the petition</td>
<td>Plead guilty</td>
<td>Plead not guilty</td>
</tr>
<tr>
<td>Adjustment</td>
<td>Detention / shelter</td>
<td>Plea bargain</td>
</tr>
<tr>
<td>Disposition</td>
<td>Substitution</td>
<td>Reduced charges</td>
</tr>
<tr>
<td>Adjustment</td>
<td>Adjudicatory hearing</td>
<td>Trial</td>
</tr>
<tr>
<td>Disposition</td>
<td>Disposition</td>
<td>Conviction</td>
</tr>
<tr>
<td>Commitment</td>
<td>Trial</td>
<td></td>
</tr>
<tr>
<td>Training/treatment ctr.</td>
<td>Aftercare</td>
<td></td>
</tr>
<tr>
<td>Sentence</td>
<td>Parole</td>
<td></td>
</tr>
</tbody>
</table>

### OJJDP: Stages of Delinquency Case Processing in the Juvenile Justice System

11m Hennepin County explainer for parents: [https://www.youtube.com/watch?v=xNywOfxOx4](https://www.youtube.com/watch?v=xNywOfxOx4)

### Simplified View of Minnesota Process
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

 Juvenile court caseload rose 1960-97; big drop since, esp. after 2008 (drop from 1.9M in ’97 to 723K in ’19)

 trend toward > constitutional protection
  - 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]
  - no right to jury [group of 16 year olds stole 25 cents from kids]
- Brown v. Gary Jones (1975)
  - prohibits double jeopardy (trying in both juvenile and adult court) [age 17, affirmed robbery, adjudicated delinquent, then tried]
  - preventive detention of juveniles is constitutional and serves state interest [age 17, 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)]
  - 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
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 govs, and prosecutorial discretion
- 26 states since 1985  
  - took off at crime peak 1992-98, none since 2002

In 2018, 63% of cases got probation, 28% residential; 9% other (restitution, community service)  
  all rose from ’85-’97, halved ’98-’19

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

In 2018, 63% of cases got probation, 28% residential; 9% other (restitution, community service)  
  all rose from ’85-’97, halved ’98-’19

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

PROGRAMS AT EACH STAGE
(intake, adjudication, disposition)

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)
Greenwood (2008) Prevention & Intervention Programs

• Much more optimistic since then.
  – Better designs and evidence since 1990s

• Now:
  – OJJDP Model Programs Guide
  – “Blueprints” at Colorado’s CSPV
  – Mark 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

• 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

B. Community

• Also linked to diversion

• More successful emphasize family interactions & adults/parents
  – FTF: Functional Family Therapy
  – MST: Multisystemic Therapy more costly & involved (50 hrs + crisis support)

• Less successful focus solely on individual youth (supervision, surveillance, early release)

11/16/2021

Chris Uggen – Soc 4141

22

23

24
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?

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
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.

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

Next

- 11/25 Thanksgiving!
- 12/2 Race, Gender, Policing, and Probation
- Week 13: Probation and institutionalization