Lecture 11: Prevention and Introduction to Juvenile Justice

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")
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<th>Name Game</th>
<th>Juvenile</th>
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Simplified view of Minnesota process

Intake

Delinquency

Petition

Hearing

Adjudication

Disposition

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**
- **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 819K in '17)
trend toward > constitutional protection

- **Morris Kent v. US (1966)**
  - right to hearing before waiver to adult court, right to counsel in interrogation (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 (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)
- **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))
  - mandatory life without parole (LWOP) unconstitutional for juveniles (Evan Miller, 14, set fire to trailer, got LWOP for murder)

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

rise (‘85–’94) & fall (‘95–’17) of waiver to adult court (most now for violent/person crimes)
In 2017, 63% of cases got probation, 28% residential; 9% other (restitution, community service) all rose from '85-'97, halved '98-'17

“net widening?” more cases handled formally (petitioned) than informally (non-petitioned), but formal processing dropped 55% from 1997-2017

PROGRAMS AT EACH STAGE (intake, adjudication, disposition) 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?
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.

next

- Week 12 Juv. Justice, Gender, & Policing
- Week 13: Probation and institutionalization