

Introduction and Overview of Juvenile Delinquency and Juvenile Justice



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A Brief Historical Overview of Juvenile Justice and Juvenile Delinquency



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► ► CHAPTER OBJECTIVES

1. To explore the value base and philosophical origins of the juvenile justice system and how it has evolved over time.
2. To examine the historical trends and policy shifts in the juvenile justice system.
3. To identify key policies and public laws impacting the juvenile justice field.

■ Introduction

Working to prevent juvenile delinquency and to rehabilitate juvenile offenders is a challenging and ideal way to spend one's career. It requires a wide range of skills, from working with one individual to prevent him or her from entering the juvenile justice system to advocating for social change and social justice.

We have made significant advances since what could be defined as the beginning of forensic practice with juveniles—the opening of the first juvenile court in 1899 in Cook County, Illinois. Jane Addams and Julia Lathrop, founders of the settlement movement and strong advocates for the legislation that led to the first juvenile court, were leaders among the Progressive Era reformers who built a foundation for the significant reforms in juvenile justice and victim assistance programs and services during the past century. During these years and the key historical periods they represent, we see declines and flourishing periods for major policy shifts in the field's involvement with and responsiveness to both juvenile offenders and their innocent victims.

During colonial times and up to the first part of the 1800s, youths labeled as rowdy and out-of-control were either sent home for a court-observed whipping, assigned tasks as farmer's helpers, or placed in deplorable rat-infested prisons with hardened adult offenders. The turning point was 1825, with the opening of a separate institution for juvenile offenders in New York City—"the New York House of Refuge . . . Similar juvenile facilities opened in 1826 and 1828 in Boston and Philadelphia, respectively" (Roberts, 2004a, pp. 130–131). By the mid-1800s, social work had become identified with corrections and other forms of social welfare institutions, including the "child-saving movement." This movement sought to reform

juvenile delinquents by placing them as apprentices or indentured servants for farmers and shop owners (Roberts, 2004a). By the late 1800s many social reformers were involved with prisons, juvenile delinquency, and reformatories (Gibelman, 1995).

■ History of Social Work and Corrections—a Nexus

Discussion about the approach to juvenile delinquency has been at the heart of many debates. Societal views toward juvenile delinquency have shifted over time as cultural views about social welfare and childhood have evolved. Laws and policies regarding how to treat juvenile offenders have followed these societal trends.

A brief historical overview of social welfare and social work demonstrates how much professional social work was identified with corrections. For this overview, the authors used a modified version of the existing historical framework developed by Day (2006). Roberts and Brownell (1999) offer a more extensive overview of the evolution of forensic practice in American social welfare history for those readers with special interest in this topic, and we have built upon and expanded that work in this chapter.

Post–Civil War and Recovery, and Progressive Era (1865–1925)

While social Darwinism was embraced as the dominant social philosophy of the charity organization movement, other social trends like the settlement house movement and the opening of “houses of refuge” promoted more progressive change (Day, 2006). Houses of refuge opened in New York City, Boston, and Philadelphia in 1828 to help children who were at risk of committing or who had already committed crimes in the community. However, the treatment of the children and the conditions in these homes were far from therapeutic. The children typically spent eight hours of the day at labor industries and factories, where the quality of the children’s lives did not improve (Bartol & Bartol, 1989). They also received the same types of punishments as used in adult facilities such as “handcuffs, the ball and chain, leg irons and the barrel” (Simonsen, 1991, p. 19). Owners of these houses commonly transferred older adolescents to adult prisons, arguing that by the age of 15 or 16 there was little hope for a child to reform (Bartol & Bartol, 1989).

Juvenile offenders needed more protection and rehabilitation than they received in the bleak conditions at the houses of refuge. Prior to 1899, “infancy” could be used by children younger than the age of seven years as a defense to crime, whereas children older than the age of 14 years were treated as adults by criminal law (Small, 1997). While many juvenile delinquents were being punished in a similar manner to adult criminals, several reform and welfare movements pushed for a legal framework on how to deal with delinquent children. The first juvenile court in the United States started in 1899 through the Illinois Juvenile Court Act (Simonsen, 1991) as part of the circuit court of Chicago, through efforts initiated by the Chicago Women’s Club (Popple & Leighninger, 1996). Shortly thereafter, in 1906, the federal court system also expanded to include a juvenile court (Bartol & Bartol, 1989). These early juvenile courts stemmed from the British justice system’s principles of *parens patriae*, derived from Latin and meaning “father of the people.” In practice, *parens patriae* means

that the juvenile courts would act in the best interest of the child—even above parental rights when seen fit. They were founded on the basic assumption that the interests of the state and the juvenile were one in the same (Small, 1997). Cases for juveniles in court were considered civil actions and not criminal. They were often processed *ex parte*, with no jury, and only the judge made the final decision. Therefore, children were not given the same constitutional rights as were given to adults (Trojanowicz, 1978).

Questions have arisen regarding the motives for the Illinois Juvenile Court Act. Some critics argued that the original purpose of the “child savers” during the Progressive Era was not to protect the children, but to assuage the concerns of the middle and upper classes about juvenile crime and to create a system that subjected more juveniles to arbitrary and degrading punishments (Platt, 1969). While children younger than 12 years were no longer detained in jails or police stations, some children were still being housed with adults in poor houses and local jails. Furthermore, the Act did not designate additional support or funding to create better locations to rehabilitate children (Bartol & Bartol, 1989). The original goals of the juvenile court to protect and direct the children were greatly thwarted by the lack of necessary social agencies (Simonsen, 1991).

As recognition grew about the lack of services for juvenile offenders, advocates looked deeper at what areas needed expansion in order to meet the needs of the youth involved in criminal activities. The Hull-House in Chicago was at center stage for these efforts. It was “soberly opened on the theory that the dependence of classes on each other is reciprocal; and that as the social relation is essentially a reciprocal relation, it gives a form of expression that has peculiar value” (Addams, 1912, p. 55). A group of two dozen citizens intimately involved with juvenile court in Chicago collaborated with Addams and the Hull-House to organize the Juvenile Protective Association. They met together weekly at Hull-House to examine the city conditions impacting the lives of children. Their work together evolved over time into a range of strategies to address delinquency. “Upon the suggestion of the association, social centers have been opened in various parts of the city, disused buildings turned into recreation rooms, vacant lots made into gardens, hiking parties organized for country excursions, bathing beaches established on the lake front, and public schools opened for social purposes” (Addams, 1912, p. 189).

Moreover, through the advocacy efforts of Hull-House resident Julia Lathrop, the Juvenile Psychopathic Institute, later renamed the Institute for Juvenile Research, was founded by Dr. William Healy in 1909. The Institute began the practice of delinquency research and psycho-social assessment of children by a professional team (Popple & Leighninger, 1996). The researchers hoped to uncover the causes of juvenile delinquency by assessing the psychological temperaments of offenders brought before the juvenile court. They hoped that by understanding the psychological basis of what causes delinquency, they would have suggestions for prevention strategies. Healy focused heavily on explaining the cause of delinquency through each child’s “own story” as well as Freudian psychoanalytic concepts; nevertheless, he saw the importance of social and economic factors as well (Bartol & Bartol, 1989, p. 71).

In further efforts to establish more intermediary levels of treatment, courts began to extend probation services to youth. By 1925, all but two states had created juvenile courts

and probation services. Juvenile probation officers visited the homes of the children, offering suggestions to parents and gathering information about the personality and social situation of each child to provide to judges. During this same year, Congress also passed the National Probation Act, which brought the legal services of probation officers to the federal level (Bartol & Bartol, 1989).

Great Depression and Social Security for Americans (1925–1945)

While the 1929 stock market crash did not bring immediate and widespread devastation to the American economy, it damaged public confidence and brought to the surface a concern about the role of government in ensuring the social welfare of citizens (Day, 2006). The charity organization and settlement house workers had successfully advocated for widows' pensions and old age assistance at the state and county levels, yet the federal government was not seen as responsible for social insurance and assistance. Private charity and local government were seen as the primary means of addressing poverty and deprivation until the widespread economic dislocations of the 1930s brought a realization that systems, and not individual failings, can cause poverty on a wide scale. (We have recently been reminded of this powerful lesson!)

The Great Depression and the New Deal brought an influx of social workers into public life and government work. Harry Hopkins, a prominent New York social worker associated with the Charity Organization Movement, was appointed first by President Hoover and then Franklin D. Roosevelt to implement a program of emergency assistance and public works programs, including the WPA Youth Forestry Camps and the Civilian Conservation Corps, forerunners of modern-day youth delinquency prevention programs. One of the earliest wilderness programs for juvenile offenders was established in the early 1930s in the Los Angeles County Forestry Department (Roberts, 2004a).

Experts in the field of criminal justice were always developing new explanations for causes and ideas for best treatments of juvenile delinquents. One of the leading theories in this era was Virginia P. Robinson and Jesse Taft's causal theory that proposed that delinquency stemmed from family problems. (In Chapter 10 of this book, we return to exploring family influences on delinquency.) In fact, between 1937 and 1946 parents were punishable with large fines or even jailing for the criminal actions of their children because it was assumed that they did not teach their children properly. In cases where the income for the family halted because the parents were in jail, children were often placed in foster care or left to themselves. Although this was one aspect of understanding delinquency, fining or jailing parents instead of rehabilitating the child caused more problems than benefits (Simonsen, 1991, p. 34).

The ongoing themes of defining "juvenile delinquency" and understanding how to rehabilitate "juvenile delinquents" continued as topics of debate throughout legal and social services. In 1930, sociologists led by Clifford R. Shaw and Henry D. McKay from the University of Chicago teamed up with researchers at the Institute for Juvenile Research on a delinquency prevention program called the Chicago Area Project (CAP) (Bartol & Bartol, 1989). At a time when psychology and psychiatry led the country's thinking in understanding

and preventing juvenile delinquency, the CAP launched a huge project to get to the roots of the problem and investigated solutions in the very communities where the children lived. Clifford Shaw and his colleagues at the Illinois Institute for Juvenile Research collected addresses of 100,000 juvenile delinquents processed by the Cook County Juvenile Court between 1900 and 1927. They observed that rates of delinquency were not evenly distributed and were highly concentrated in four specific neighborhoods. This suggested that neighborhood of residence and environment correlated to delinquent behavior. These findings were valuable in understanding the relationship between social causes and criminal behavior (Schlossman & Sedlack, 1983, p. 399).

According to Roberts (2004a), “by the 1930s and 1940s, large numbers of psychiatric social workers had been hired to work in teams with psychiatrists to treat emotionally disturbed children, pre-delinquents and delinquents” (p. 131). This represented the beginning of interagency collaboration between the juvenile courts and child guidance clinics. In addition, individualized treatment programs were started in corrections. Casework with offenders, especially youthful offenders, drew social workers into forensic work as treatment specialists.

Civil and Welfare Rights in the New Reform Era (1945–1970)

Police social work expanded in the middle of the century as interest in juvenile delinquency increased due to a growing number of crimes committed by juveniles and the widespread proliferation of youth gangs (Simonsen, 1991). By the late 1950s, the number of child guidance clinics had grown to over 600 nationally (Roberts, 1997b).

In the 1950s, Senator Estes Kefauven and his research team suggested that juveniles were influenced by the media—radio, television, and movies—even more than by their own families. Historically, this trend occurred in earlier decades when new introductions to popular culture were blamed for delinquent behavior. While media did have a strong presence, mass culture and social ideas shape each other back and forth constantly, and it remains uncertain which is the primary cause. The fear of rising crime flared up in the 1950s, yet statistics show that crime had most likely declined in that period. Of the reported crimes among juveniles, over 50 percent were status crimes (Gilbert, 1986). James Gilbert, author of *A Cycle of Outrage*, asserts that delinquency is often a “question of definition” (Gilbert, 1986, p. 69). By 1960, societal views shifted to a stronger focus on poverty, race, social status, and drugs (Gilbert, 1986).

During the 1940s, 50s, and early 60s, great strides were made in developing community-based councils and programs for delinquency prevention. Model programs such as NYC Mobilization for Youth (MFY), developed by professor Richard Cloward, the Midcity Program (Boston), and youth service bureaus proliferated (Roberts, 1998b). Their work was based on the premise that the cause of juvenile delinquency was the lack of available opportunities for youth of a lower socio-economic status. The MFY offered training and other job-related services to the youth and also worked on community organizing (Krisberg, 2005).

U.S. Supreme Court cases began to follow some of the trends in the social services. In the case of *Kent v. United States* (1966), the Court ruled that a judicial transfer of a juvenile

to adult criminal court requires a hearing that incorporates the essentials of due process protections, including the right to counsel and an assessment of the youth's maturity. The Court set out a list of factors that a juvenile judge must take into consideration before authorizing the transfer to adult court. While it was important for juveniles to receive different treatment and have different facilities than adults, it became pertinent to clarify what rights the juveniles did still have (Bartol & Bartol, 1989). Backing up its decision, the Supreme Court stated that "there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children" (383 U.S. at 556, 1966; as cited in Trojanowicz, 1978, p. 156). Then, in 1967, the U.S. Supreme Court held in *In re Gault* that due process must be observed in juvenile delinquency proceedings. The appellant, Gerald Gault, had been committed at age 15 to the Arizona State Industrial School until the age of 21. He had made an obscene phone call. An adult charged with the same offense would have only received a small fine or imprisonment of up to two months. In this ruling, the Supreme Court described juvenile courts as "kangaroo courts" characterized by arbitrariness, ineffectiveness, and the appearance of injustice (Small, 1997). This landmark legal decision solidified due process protection for juveniles at the adjudication stage (Alexander, 1995).

The continued concern about juvenile delinquency also spurred innovative program initiatives such as juvenile diversion, youth service bureaus, and detached street workers (forensic practitioners doing group work and community organizing). President Johnson's Task Force Report on Juvenile Delinquency and Youth Crime in 1967 recommended "dramatic policy innovations (such as decriminalization) of status offenders, the diversion of juveniles from official court processing" (McNeece, 1995, p. 22).

Retreat from the Welfare State and the New Federalism (1970–1990)

Social welfare programs shrank during the 1970s and 1980s, as the country experienced a conservative retrenchment, especially during the Reagan era (Day, 2006). However, there continued to be advancements in services and programs for juvenile offenders as well as victim services. In 1972, community-based alternatives (e.g., a network of group homes) and education programs for juvenile delinquents were established by the Massachusetts Youth Services Department after it closed several juvenile reformatories (Alexander, 1995). By the early 1980s, the closing of juvenile correctional institutions and the expansion of community-based group homes had extended to other states, such as Pennsylvania, Illinois, Utah, and Missouri, which has since been held up as a national model (J. Kelly, 2008; Mendel, 2001).

Moreover, there were advances with regard to legal protection of institutionalized juveniles during this time period. The federal courts were actively engaging in oversight of both adult and juvenile correctional systems following findings of unconstitutional conditions in prisons, jails, and juvenile facilities. Perhaps no case is more illustrative of the concerns judges had about conditions for confined youth than *Morales v. Turman* (1974), in which Federal District Judge William Wayne Justice ordered massive reforms in the Texas reform schools and appointed a monitor to investigate conditions and complaints by juveniles (Kemerer,

1991). Institutional reform cases such as this gave rise not only to detailed reform blueprints but also to intensive court oversight that could last for decades. In 1980, Congress provided another legal protection for youth with the passage of the Civil Rights of Institutionalized Persons Act (CRIPA), which authorized the U.S. Department of Justice to conduct investigations and litigation relating to unconstitutional conditions of confinement in state or locally operated institutions for juveniles and adults.

The Juvenile Justice and Delinquency Prevention Act of 1974 was the first major policy legislation with a major funding appropriation that resulted in a new federal office—the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The first director of OJJDP was Ira Schwartz (former provost at Temple University in Philadelphia and now president and chief executive officer of the Jewish Federation of Greater Philadelphia). Schwartz and his staff implemented the far-reaching legislation that provided federal funding to many states to deinstitutionalize status offenders, remove juveniles from adult jails and lockups, establish runaway youth shelters and counseling programs, and improve delinquency prevention programs. Forensic practitioners, through their respective state governors' juvenile justice commissions and/or state criminal justice planning agencies, were able to advocate for important system changes, particularly the deinstitutionalizing of runaways, truants, and incorrigible youths.

The Child Abuse Prevention and Treatment Act of 1974 provided funding for demonstration programs to test prevention, intervention, and treatment strategies for child abuse and neglect, and resulted in the establishment of the National Center on Child Abuse and Neglect (Alexander, 1995). In 1978, the Act was extended and funded new adoption initiatives. This child abuse federal funding initiative resulted in the development of interdisciplinary hospital-based child abuse assessment and treatment teams.

Juvenile Superpredators and Moral Panic (1990–1999)

As Butts and Mears underscore in Chapter 2, the United States experienced declining rates of juvenile crime and violence during the late 1990s and into the early years of the 21st century, although one would not know that from the crime policy discussions that took place in town halls and state legislatures across the country. John DiIulio (1995) coined the concept of the “juvenile superpredator” and stirred fears across the country with his prediction that we were at the beginning of an onslaught of crimes committed by terrifying youths. He argued for the construction of countless additional prison beds and tougher sentences to proactively respond to this predicted wave of crime. Though his position was based on little reliable evidence and was more ideological than scholarly, DiIulio's vision resonated with a scared public. Well after the falling rate of violent crime had become obvious, thereby disproving DiIulio, policymakers and public officials continued to demand increased “toughness,” suggesting that an aggressive crackdown on young offenders was needed to protect public safety.

This type of reactive-grounded approach, termed “moral panic” by Stan Cohen (1972), has recently been used to explore the American public's reaction to drug use and violent crime (Chiricos, 1995). Cohen (1972) introduced the term “moral panic” to characterize

events involving British adolescents, called Mods and Rockers, during the 1960s. Large gatherings of these youth at various beaches aroused public concern, even though the gatherings were primarily peaceful (Chiricos, 1995). One reaction to these gatherings was a large number of media reports, which promoted the notion that these youth needed to be controlled. The most significant reactions were efforts to expand police enforcement and impose tougher sentences (Cohen, 1972; Springer, 1997).

Since the British Mods and Rockers of the 1960s, the United States has experienced at least two significant moral panics in recent years. The first involved crack cocaine, and the second involved violent crime. While cocaine use in the United States declined during 1993 (Chiricos, 1995; Springer, 1997), the moral panic concerning both crack cocaine and violent crime use began in the summer of 1993 and peaked in early 1994.

Crime and violence were declining in 1993, and juvenile violent crime increased only slightly. Specifically, the rate of violent crime, as measured by the Uniform Crime Reports (UCR), decreased 1.5 percent from 1992 to 1993, while the arrests of persons younger than 18 years of age for Violent Index crimes increased 5.6 percent during this time (U.S. Justice Department, 1994). Yet, media coverage of violent crime increased more than 400 percent during 1993 (Chiricos, 1995). In a climate of moral panic about juvenile violence, it is reasonable to expect arrest rates of youth to increase, regardless of actual juvenile behavior. In other words, moral panic heightens the “prevalent sensitivity” (Loftland, 1969) toward juveniles that potentially leads to closer scrutiny and a greater willingness to arrest youth in suspicious circumstances (Springer, 1997).

It is no surprise that this moral panic was accompanied by some significant policy shifts during the second half of the 1990s. This period saw a shifting tide away from the child-oriented approach to juvenile justice that characterized the previous few decades toward a more adult-oriented strategy. Almost every state expanded or created laws that allowed juveniles to be transferred to adult criminal court for an increasing number of offenses, subjected them to much harsher determinate sentencing laws, allowed the application of mandatory minimum sentences as well as the death penalty to juveniles, increased criminalization of delinquent behavior, and increased “zero tolerance” policies in schools. Many states invested more heavily in the growth of secure juvenile beds and expanded the size of their institutions. Reflecting the predominant ideology of the times, these new beds often resembled maximum-security prisons more than schools or group homes.

Texas’ experience in this regard is instructive, as it reflects this national trend. In 1995, Texas revamped its juvenile laws to make these statutes more “criminal.” The state expanded its “blended sentencing” statute, making more youth eligible for sentences of up to 40 years, with part of the sentence to be served in the juvenile system and part either in adult prison or on adult parole. Another change made more juveniles eligible for transfer to adult criminal court for their offenses, with the eligibility age dropped from 15 to 14 years (the same age cutoff as pre-1899!). In addition, the new statute required longer minimum lengths of stay in juvenile facilities. The juvenile correctional system almost tripled in size to more than 4,300 beds, and prison-like structures were added to absorb this growth, at a cost of

about \$200 million (Bush, 2009). At the same time, counties were authorized to add post-adjudication beds as an additional secure residential sentencing option for youth. The consequence of some of these legislative and administrative changes is that the distinction between juvenile and adult criminal justice is waning in Texas, a trend reflected in other states.

From Scandals to Saving Children (2000 to Today)

The advent of the 21st century saw crucial developments and landmark events that impacted the fields of both juvenile justice and forensic social work. As Butts and Mears remind us (see Chapter 2), despite the national statistics that reveal an increase in crime for the youth population, the mid 2000s saw arrest trends for violent youth crime begin to stabilize after a 10-year decline. This positive trend in a reduction in violent crime was juxtaposed with an end of the decline in juvenile property crime, which had dropped yearly since the mid-1990s. The arrest rates for property crime offenses increased between 2006 and 2007.

The early part of the decade also saw a reduction in the national juvenile commitment rate in 2003, with a 15 percent drop from 1997. Also in 2003, 32 states had lower juvenile commitment rates to residential treatment centers, down from the rates in 1997 (Snyder & Sickmund, 2006). Racial disparities also declined in the beginning part of the decade at three decision points within the juvenile justice system: arrest, detention, and waiver to criminal court (Snyder, Puzzanchera, & Adams, 2007).

Remarkable advances in brain science research also occurred during the early part of this decade. Studies of the adolescent brain showed it to be still developing until the age of 25. The frontal lobe, which controls the most advanced functions, including impulse control and judgment of consequences, is the last part of the brain to fully develop (Steinberg & Scott, 2003). Coupled with research from the MacArthur Foundation Research Network demonstrating the limited psychosocial maturity of adolescents, these findings were persuasive that children should be considered less blameworthy than adults and not competent to stand trial as adults (Fagan, 2005). This research began to gather force, and it has already had a striking impact on both the law and public policy.

One of the most notable juvenile justice events of this decade occurred on March 1, 2005, when the U.S. Supreme Court ruled it unconstitutional to execute juvenile defendants, marking a reversal from the past 30 years (Greenhouse, 2005). In a landmark five-to-four decision (*Roper v. Simmons*, 2005), Justice Kennedy cited the core differences between juveniles and adults as the basis for their ruling: “a lack of maturity and an underdeveloped sense of responsibility; vulnerability to peer pressure; and a personality that is still in formation, making it less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character” (Greenhouse, 2005). The *Roper v. Simmons* ruling drew significant support from the scientific research on adolescents and brain development.

While the *Roper v. Simmons* ruling was clearly a win for the juvenile justice advocacy community, reaction must be tempered by the realization that the juvenile death penalty was replaced by juvenile life without parole in many states. Children as young as 13 years

have been sentenced to die in prison for their crimes (Equal Justice Initiative, 2007). But some other jurisdictions have tempered their sentencing laws applicable to juveniles who have been sentenced as adults, recognizing research that shows that “children are different” (Deitch et al., 2009).

In addition to the court ruling, policy changes, and scientific research, findings about the high incidence of child physical and sexual abuse in the juvenile offending population influenced how some professionals thought about these youth. Recent studies have clearly shown that female offenders are more likely to have been involved in abusive situations and raised in marginalized communities, resulting in a lack of protective factors affecting their resolution of trauma (McNeece, Tyson, & Jackson, 2007). Moreover, the overrepresentation of youth of color in our juvenile justice system, also referred to as disproportionate minority contact (DMC), is a serious concern that has been underscored for over 20 years following a 1988 federal mandate requiring states to address this issue for system-involved youth (Hartney & Vuong, 2009). This troubling phenomenon lingers, however, and is apparent in national statistics, which show a bleak picture for people of color at various stages of the juvenile justice system, especially when compared to whites. Based on a recent report by Hartney and Vuong (2009) with the National Council on Crime and Delinquency, for example, the proportion of white youth waived to the adult system is just 75 percent of their proportion in the general U.S. population, whereas the proportion of African American youth waived is 200 percent of their proportion in the general population. Moreover, African American youth are arrested at over two times the arrest rate for whites and are held in detention at a 40 percent higher rate than that for whites. Such alarming rates readily become even more amplified by the national media through stories such as the tragic events surrounding the death of Martin Lee Anderson.

In January of 2006, the juvenile justice system became the subject of national attention after the death of 14-year-old Martin Lee Anderson at a Florida boot camp. In January of 2005, a videotape was released that showed Anderson being repeatedly struck by guards at the boot camp. After Anderson’s subsequent death, state and federal charges were filed by his family (Alfano, 2006). This case swirled to the center of the national media and called for a statewide re-examination of the Florida juvenile justice system to improve the training and quality of their boot camps. The ultimate result of the federal inquiry was an abolishment of all state boot camps (Nelson, 2008). This incident prompted a re-examination of not only militaristic boot camps but also the juvenile justice system as a whole.

Another national scandal broke in 2007, when two top facility administrators at the Texas Youth Commission were alleged to have sexually abused some of the youth housed in their institution. The situation resulted in a massive legislative investigation and overhaul of the juvenile justice agency, a wholesale change in administration, the appointment of a conservator and an independent ombudsman, and an omnibus reform bill that (among other changes) eliminated the ability of judges to send misdemeanants to state institutions (Deitch, 2008). A Blue Ribbon Task Force comprised of national and regional experts was appointed to make recommendations for reform of the state’s juvenile justice system (Springer

et al., 2007), and a full copy of the report can be found at the lead author's faculty website: <http://www.utexas.edu/ssw/faculty/springer/>.

In 2008, the Juvenile Justice and Delinquency Prevention Reauthorization Act (JJDPRA) was written to amend the 1974 version of the same bill. Introduced into the Senate in July of 2008, the JJDPRA expanded state plans and called for: (1) compliance with requirements of the Act in protecting incarcerated youth; (2) alternatives to detention for those youth who were status or first-time offenders; (3) use of more community-based services; (4) programs that improved the recruitment, selection, training and retention of professionals working within these services; and (5) the identification of racial and ethnic disparities within the juvenile justice system (Juvenile Justice and Delinquency Prevention Act of 2008). Key portions of this bill allowed the administrator of the Office of Juvenile Justice and Delinquency Protection to create incentive grants for state and local juvenile delinquency prevention programs that included evidence-based programs, recruitment for professionals, and mental health and substance abuse treatment components.

Supporters of this bill have lauded its strengths in making inroads in reducing ethnic and racial discrimination in the juvenile justice system, instructing state and local agencies to implement a more quantifiable approach to reducing ethnic disparities with measurable objectives, and public reporting on disproportionate minority contact (DMC) reduction (Chodroff, 2008). The Human Rights Watch also commended the Senate for encouraging states to keep youth in juvenile facilities rather than adult detention centers, complying with research that shows that keeping youth in adult detention facilities can increase violence (Chodroff, 2008).

While seen as a definite improvement in the juvenile justice field, the JJDPRA of 2008 also had its critics. The American Civil Liberties Union (ACLU) recommended that a portion of the bill called the Valid Court Order (VCO) exception be eliminated. This VCO exception permitted the detention of juveniles with non-criminal offenses for violations of valid court orders (Fredrickson & Leveille, 2008). According to the ACLU, this exception could disproportionately affect girls who are often placed in detention centers because of truancy violations. Research studies have shown that school-based services can be more effective than detention centers in dealing with truancy, by allowing the individual to remain engaged with his or her academic setting. The second recommendation urged greater accountability in ensuring that state and local grants are provided for programs that are indeed “evidence-based” rather than merely providing additional funds for increased law-enforcement patrolling of schools.

Other important developments occurring in 2008 continued to show how the tide has begun to turn (once again) on how we view at-risk youth, shifting from a punitive stance to a more preventative focus. In July of 2008, the Ohio Department of Youth Services planned to close a local correctional facility in efforts to allow for reprioritizing funds and expanding more community-based options (Kruse, 2009). With a clearer focus on research and community-based services, centers like the National Center for Girls and Young Women in Jacksonville, Florida, may become more commonplace (Patton, 2008). In addition, several states and the District of Columbia are either considering or making a move toward the

highly respected Missouri model of juvenile justice. Even Louisiana, long considered to have one of the country's most horrific juvenile justice systems, has made remarkable progress toward Missouri-like reform. Giving a boost to these and other juvenile justice system reform efforts around the country, the Missouri Division of Youth Services won a coveted award as an innovative and effective government program for Children and Families from the Harvard Ash Institute on Democratic Governance in 2008 (J. Kelly, 2008).

This gradual shift in how we deal with at-risk youth is creating a ripple effect (though not quickly enough) in how we deal with juvenile offenders. In 2008, the Arkansas Advocates for Children and Families released their report urging the state to move to a system that would allow youth to be treated for the underlying problems that were affecting them in their families and communities (P. Kelly, 2008). In more national efforts, The National Juvenile Justice Network recommended to the U.S. Congress and the president of the United States the strengthening of the JJDP, and a White House Summit on Juvenile Justice that would aim to limit and restrict the use of confinement and redistribute funds for more community-based programs (Presidential and Congressional Transition Memo, 2008). Ultimately, this collective pendulum swing forces us to raise similar questions posed by Platt (1969) 40 years ago, when he provided us with a critical analysis of the *child savers* from the Progressive Era. Are children better off as a result of our efforts? Does the juvenile justice system serve the youth through effective rehabilitative and reform efforts, or does our system subject youth to arbitrary and degrading punishments? How much progress have we really made since the days of Jane Addams? In what ways do our efforts to help children live productive and meaningful lives still fall short?

■ Current Status of Forensic Practice with Juveniles

Opportunities exist for professional forensic practitioners that range from community planning (see Chapter 4), prevention efforts (see Chapters 5, 6, and 8), educating juvenile offenders (see Chapter 7), clinical risk assessment (see Chapters 12 and 13), work in institutional settings (see Chapter 15), community-based care (see Chapter 18), restorative justice efforts (see Chapter 19), and aftercare and parole (see Chapter 21). The emergence of specialized courts, such as juvenile drug and mental health courts (see Chapters 16 and 17), has resulted in an increasing presence of forensic practitioners in the courts. Fortunately, in response to the growing demand for a qualified work force, we are also seeing an increase in the number of interdisciplinary dual degree programs between schools such as social work, criminology, and law. However, much work remains to be done.

Today's juvenile justice system faces many real challenges. The majority of U.S. states find themselves under-funded and under-resourced, thus falling short of meeting the needs of juvenile offenders. Most of the chapters in this book focus on the challenges associated with helping juvenile offenders, as well as exploring what effective prevention and intervention efforts look like. One of the major opportunities for forensic practitioners and educators is to orient and inform legislators, juvenile and adult correctional administrators, corrections professionals, and students about the latest model offender treatment and prevention

programs as well as the latest research documenting the effectiveness of these programs in reducing recidivism (Roberts, 2004a). At the present time, too many legislators, correctional administrators, and practitioners are unaware of the latest research documenting the most effective interventions. As indicated by McNeece and Jackson (2004), the current emphasis in a number of states on punitive treatment and contracting out to private correctional companies that care primarily about making money by providing the lowest costing services are unjust, ineffective, and inhumane. A number of promising, humane, and effective rehabilitation programs are available in different parts of the United States. Many of these approaches are examined in this book.

The tension between social control and social support is an ongoing and necessary one with which the profession must continue to struggle. Issues of poverty, gender, race, ethnicity, disabilities, domestic violence, mental illness, and pregnant and parenting substance abusers intersect with forensic juvenile practice. A growing group of dedicated forensic practitioners has navigated, advocated for, and overcome obstacles for their clients in the criminal justice system. Juvenile justice practitioners do their best to adjust to the constraints of courts and correctional settings while advocating for offenders and victims to realize their full potential.

Collectively, our hope is that juvenile justice prevention and intervention efforts will help us to fully realize the reform movement already underway in many states and districts and thus lower our juvenile crime rate, reduce the victimization of citizens, more efficiently and effectively spend our pecuniary resources, and enable youth to be productive contributors to their communities.

■ Discussion Questions

1. This chapter details key policies for each historical period. For each period discussed, what were the key policies that influenced the evolution of the juvenile justice field? Support your answer.
2. Which public policies were the most instrumental in shifting how society views juveniles and the juvenile justice system?
3. Historically, external influences were often blamed for delinquent behavior, with delinquency being referred to as a “question of definition.” What do you think has influenced or defined delinquent behavior? Give examples that support your answer.
4. What do you think are the most fundamental challenges for today’s juvenile justice system?

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