

SECTION

Nature and Extent of Delinquency

I

Section 1 introduces you to the problem of defining and measuring juvenile delinquency. Experts have struggled for more than 100 years to meaningfully define and measure delinquency, yet it continues to be complex and problematic.

Chapter 1 reports on the status of children in American society. It also reviews past and present definitions of delinquency, presents legal definitions of delinquency that controlled the behavior of children in the American colonies, identifies legal reforms of the Child Savers movement at the end of the nineteenth century, status offenses, and more recent changes in state and federal laws.

Chapter 2 examines the extent and nature of delinquency in an effort to identify how much delinquency exists. Elucidating the amount and kinds of delinquency juveniles commit, the characteristics of these acts, the neighborhoods these children live in, the kinds of social networks available, and the styles of lives they lead is vital to understanding where the problem of juvenile crime exists in the United States. Such knowledge also helps us to understand the problem more completely. Is delinquency solely a problem of lower-class males who live in the inner city? Or does it also include females, middle-class children who attend quality schools, troubled children from good families, and “nice” children experimenting with drugs, alcohol, and sex? Chapter 2 also reports on the prevalence and incidence of delinquency, including groups of delinquents such as chronic offenders, and explains what specific measures of delinquency tell us about the nature and extent of the problem.

CHAPTER 1

Defining Delinquency

CHAPTER 2

Measuring Delinquency



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OBJECTIVES

- Understand why juvenile delinquency is difficult to explain.
- Know what the status of children is relative to adults.
- Explain the role of the Child Savers during the nineteenth-century delinquency prevention movement.
- Distinguish between what defines juvenile delinquency and who a juvenile delinquent is.
- Identify how the media contribute to the social definition of juvenile delinquency.



Defining Delinquency

CHAPTER

I

FEATURES

DELINQUENCY **AROUND THE GLOBE**

A WINDOW ON DELINQUENCY

DELINQUENCY **CONTROVERSY**

DELINQUENCY **PREVENTION**

Juvenile delinquency is a complex phenomenon that is difficult to define, measure, explain, and prevent. One reason for this is because delinquency shares a relationship with other social institutions, including families, schools, media, law enforcement agencies, and juvenile and adult courts. Perhaps the biggest mistake anyone can make is to think that juvenile delinquency exists in a vacuum—that it stands alone and has no connection to other components of society. Because of its complexity, many theories of delinquency have evolved focusing on such factors as the child’s embryonic development, dysfunctional families, dilapidated schools, poverty, peer relations, self-control, and combinations of these and other factors.¹

The delinquency of children is often a sign of the numerous and usually unknown problems they face, which are interrelated in unknown ways. In recent years, juveniles in the United States have committed many serious crimes that have affected how people think about crime, its causes, and potential solutions. In 2008, law enforcement agencies in the United States arrested more than 1.5 million **juveniles**, defined as a person younger than the age of 18.² Juveniles accounted for about 16 percent of all violent crime arrests and 26 percent of all property crime arrests in 2008.

The substantial growth in juvenile violent crime arrests that began in the late 1980s and peaked in 1994 was followed by 10 consecutive years of decline. Between 1994 and 2004, the juvenile arrest rate for serious violent crime fell 49 percent, reaching its lowest level since the late 1980s. In 2005, however, this long-term downward trend was broken when serious violent crime by youths increased by 2 percent, followed by a 4 percent increase in 2006. But in 2007, juvenile arrests decreased by 3 percent, and, in 2008, the number of juveniles arrested dropped by another 3 percent from what it was in 2007.



Kayla Rolland, 6, shown in a 1998–1999 kindergarten class photo, a first grader at Buell Elementary School in Mt. Morris Township, Michigan, was shot and killed by a fellow first grader, Dedrick Owens.

The bulk of juveniles who commit delinquent acts, including first-time juvenile offenders, are likely to be informally processed or diverted from the juvenile justice system (see Chapters 12 and 13). Relatively few juveniles are *chronic offenders* (see Chapter 2). Instead, most juvenile offenders commit only a few offenses and commit a variety of crimes. In other words, whereas it was once thought that juveniles specialized in a particular type of crime—drug sales, for example—research on the topic has recently found that they do not.³ The majority of juvenile offenders commit relatively minor offenses; only a small percentage commit occasional serious crimes (see Chapter 2).⁴

Some crimes that juveniles commit, however, are so serious that they draw national attention. These “sensational” crimes, such as the one committed by 15-year-old Evan Savoie, who stabbed a playmate to death, or the one committed by 14-year-old Michael Hernandez, who slit the throat of his 14-year-old classmate in a school bathroom and then calmly returned to class with bloodstained clothing, shook the conscience of people across the nation.⁵ As shocking as these crimes are, few crimes committed by juveniles have caused as much concern as did the action of Dedrick Owens on February 29, 2000. On that day, Dedrick, age 6, found a .32-caliber semi-automatic pistol in his uncle’s home and took it to school. During a class changing period, in the presence of a teacher and 22 students, Dedrick yelled, “I don’t like you!” to classmate Kayla Roland, age 6, before pulling the gun from his pants and shooting Kayla. The bullet entered her right arm and traveled through her vital organs. Kayla grabbed her stomach, then her neck, gasping for air. She died soon



Children and Crime

Juveniles worldwide commit serious crimes. The cases highlighted here involve crimes committed for a variety of reasons, ranging from needing shopping money, to retaliation, to racism, to senseless acts of violence. As you read, you will see that juvenile crime is not restricted to any particular age, location, race, or sex.

- In Montreal, Canada, seven young men were arrested for a series of attacks and robberies that often targeted elderly women. The young men would surround and rob women walking alone. The youths, who ranged in age from 14 to 17, were part of an emerging street gang trying to prove themselves.
- In St. Petersburg, Russia, a group of 10 to 12 drunken teenagers beat and stabbed a 9-year-old Tajik girl to death, and severely wounded her father and 11-year-old cousin. The attackers were armed with knives, brass knuckles, chains, and bats, and assaulted the three Central Asians in a courtyard in the city center. Many Tajiks come to Russia in hopes of making a living and are often targeted in such attacks.
- In Darwin, Australia, two teenage boys murdered two female Thai prostitutes. The boys tied the women up and tossed them alive into a crocodile-infested river. They were convicted of the crimes on March 19, 2005, and given sentences of life imprisonment, with nonparole periods set at 25 years. During the police interview, one of the boys stated that he killed the prostitutes because “just suddenly something really irritated me, can’t remember [what] but it just ticked me off really bad.”
- In London, England, police arrested four teenagers for the killing of a 10-year-old immigrant from Nigeria. The stabbing death, which took place on the stairwell of a housing project, caused revulsion on account of evidence that showed passers-by had let the boy bleed to death. The boy, Damilola Taylor, was attacked in the early evening as he returned from an after-school computer class. Stabbed in the leg, he dragged himself to the open stairwell, where he died from loss of blood.
- In Ahmedabad, India, a 15-year-old Indian boy died after setting himself ablaze upon hearing his parents were infected with HIV. Reports claimed that the boy was worried about his future and being ostracized from society. In India, even schools turn children away whose parents have HIV.
- In Okayama, Japan, a teenager was arrested for pushing a 28-year-old man off a platform at a railway station, causing the victim to be killed by a train.

There are no reliable comparative data on juvenile crime across countries, making it impossible to create accurate cross-cultural comparisons on the amount of delinquency committed and the number of juveniles who are committing it.

Modified from: Spiro Doukas, “Crowd Management: Past and Contemporary Issues,” *The Sports Journal* (2006); “New Damilola Trial Is Considered,” *BBC News* (April 4, 2006); “Indian boy kills self on hearing parents have HIV,” *Khaleej Times* (Dubai, United Arab Emirates), July 3, 2006; “Prostitutes thrown to crocs,” *News24.com* (May 17, 2005); Andrei Nesterov, “Racist Violence on the Rise,” *Worldpress.org* (June 8, 2006); “Teens arrested in rash of robberies,” *CBC News* (Toronto, CA), June 30, 2006; “Teen held in deadly train platform push,” *The Japan Times* (Tokyo, Japan), March 27, 2008; “8 killed in Finland school shooting,” *International Herald Tribune* (New York, New York), November 6, 2007.

after being shot, despite the teacher’s call for emergency services. After firing the shot, Dedrick threw the handgun into a wastebasket and fled to a nearby restroom, where he was found by a teacher and taken into police custody. Because of his age, however, Dedrick could not be charged with killing Kayla. In 1893, the U.S. Supreme Court ruled in *Allen v. United States* that any child younger than age 7 could not be guilty of a felony or punished for a capital offense because he or she is presumed incapable of forming criminal intent.⁶

Juvenile crime is not just a problem in the United States, but around the world as well (see the “Delinquency Around the Globe” feature).⁷ Across the globe, serious juvenile crime constitutes only a small fraction of the offenses youths commit. Most juvenile crimes involve less serious offenses, such as larceny-theft, liquor law violations, using fake IDs, and petty drug offenses.⁸

Regardless of the seriousness of their offenses, when children commit crimes, people ask questions: Why do they do it? What can be done to prevent it? These questions invite others: Who is responsible? What is the child’s family like? Does the mother work outside the home? Where is the father? Who are the child’s friends? Did the child play violent video games? Should young offenders be rehabilitated or punished severely? How should we rehabilitate or punish juvenile offenders?

Status of Children

Status describes a socially defined position within a group that is characterized by certain rights, expectations, and duties. Who someone is in relation to others affects how he or she interacts with them and how others interact with the individual. **Achieved status** is based on merit, achievement, or accomplishments, such as being a college student or being a juvenile delinquent. **Ascribed status** is based on innate characteristics that describe who you are, not what you do; some examples include being born Asian American or female. Typically, status involves a mixture of ascription and achievement: *Ascribed status influences achieved status.*⁹

Of all statuses in American society, the status of a child is the least privileged. Throughout history, children have been treated as chattel or as the property of their parents. At other times, children have been mistreated based on their status. Criminologists generally regard the 1874 case of Mary Ellen Wilson as the first child abuse case in the United States. Mary Ellen, who was badly abused by her stepmother, was removed

from her home and placed in a state child protective facility. Her mother was criminally prosecuted and convicted of felonious assault (see the “A Window on Delinquency” feature). Many other more recent incidents also involve parents harming their children.¹⁰ Nicole Beecroft, for instance, stabbed her newborn baby 135 times and then put the child in a garbage can outside her home.¹¹ Debra Liberman beat her 7-year-old daughter with a dog chain and keys, burned her wrists on a stove, doused her naked body with bleach, and then locked the girl inside a closet in a coal cellar with a burning furnace filter.¹²

In addition, no fewer than 4450 Catholic priests have been accused of molesting more than 11,000 minors.¹³ As discussed in the “Delinquency Controversy” feature, other religious leaders also sometimes mistreat children.¹⁴ If fact, in 2008, nearly 1 million children were confirmed by state child protection agencies as having been abused or neglected by their adult caretakers.¹⁵

There is good, strong evidence to suggest that child maltreatment adversely affects children. In a carefully crafted study conducted over a 25-year period by criminologists Cathy Widom and Michael Maxfield, 908 mistreated and victimized children were matched by age, race and ethnicity, sex, and socioeconomic status with a comparison group of 667 children not officially recorded as being abused or neglected. The researchers reported the following findings:

- Being abused or neglected increased the likelihood of being arrested as a juvenile by 59 percent.
- Maltreated children were younger at the time of their first arrest, committed nearly twice as many offenses, and were arrested more frequently.



Mary Ellen Wilson was the victim in the first recorded child abuse case in the United States. Laws preventing cruelty to animals were used to remove her from the home. This photo shows Mary Ellen at her court appearance in 1874.



A WINDOW ON DELINQUENCY

The Story of Mary Ellen Wilson

Criminologists consider the case of Mary Ellen Wilson in 1874 to be the first “official” instance of child abuse in the United States. Mary Ellen was born in 1864 to Frances and Thomas Wilson. Her father died shortly after she was born and her mother, who was unable to afford to pay for someone to watch her while at work, turned Mary Ellen over to the New York Department of Charities.

Mary Ellen was sent to Blackwells Island for orphaned and abandoned children. When she was four years old, she was taken from the facility by Mary and Thomas McCormack, who, without any legal documentation proving a relationship, claimed that Mary Ellen was Thomas’s child from a prior relationship.

In her new home, Mary Ellen was treated badly by her new mother, and neighbors in the apartment building quickly became aware of the girl’s suffering. One neighbor told Etta Wheeler, a Methodist social caseworker who visited the impoverished residents of the public housing regularly, a terrible tale of child abuse and asked her to check on Mary Ellen. When she did, Wheeler encountered a 10-year-old girl who was dirty and thin. Mary Ellen was dressed in threadbare clothing and had bruises and scars along her bare arms and legs. It was then that Wheeler began to pursue legal redress and protection for the young girl.

To help Mary Ellen, Wheeler turned to Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals. Bergh told Wheeler that he needed good, strong testimony of child maltreatment; soon thereafter, Wheeler provided Bergh with the information he asked for. Bergh then had his lawyers present Judge Abraham Lawrence of the New York Supreme Court a petition on behalf of Mary Ellen, showing she was being held illegally and being physically abused. The lawyers requested that the judge issue a warrant to remove Mary Ellen from the home and place her in the protective custody of the state. In addition, they asked that Mary Connolly (her adoptive mother) be brought before the court on charges of felonious assault. Judge Lawrence honored the attorney’s request and issued the warrant.

When Mary Ellen appeared in court, she was dressed in ragged clothing and had bruises all over her body and a gash over her left eye and cheek where Connolly had struck her with a pair of scissors. On April 10, 1874, she testified before court:

Mamma has been in the habit of whipping and beating me almost every day. . . .
The whip always left a black and blue mark on my body. I have now the black and blue marks on my head where they were made by mamma, and also a cut on the left side of my forehead which was made by a pair of scissors. . . .

Judge Lawrence issued a court order to bring Mary Ellen under court control. Shortly thereafter, Mary Connolly was charged, prosecuted, and convicted of felonious assault and sentenced to one year of hard labor in prison.

Modified from: Eric Shelman and Stephen Lazowitz, *Out of the Darkness* (Baltimore: Dolphin-Moon Press, 2003); Lloyd deMause, *The History of Childhood* (New York: Peter Bedrick Books, 1988).

- Physically abused and neglected (versus sexually abused children) were the most likely to be arrested for a violent crime.
- Abused and neglected girls were at an increased risk of arrests for violence when compared to juvenile and adult women.¹⁶

While child maltreatment remains a serious social problem, the good news is that there is less child maltreatment today than there was in the past.¹⁷

DELINQUENCY CONTROVERSY

The House of Prayer

One shocking incident of child maltreatment by religious leaders took place several years ago in Atlanta, Georgia, at the House of Prayer. What happened at the church captured worldwide attention because it raised problematic questions: Under what circumstances is it acceptable to physically punish children? Is it acceptable to whip children in public? Should state and federal laws trump the religious beliefs of parents about how to rear their children?

Atlanta police arrested Pastor Arthur Allen and five members of his 130-member church, who whipped children as a form of discipline. The leader of the House of Prayer and some other church members were charged with cruelty to children. Even though they had been arrested, church members said they would continue to whip unruly children. They believe parents have an absolute right to discipline their children however they see fit; what parents do to their children is no business of the state or federal government, they say.

The beatings were done at the church, administered by parents and other adults with belts and switches under the supervision of Pastor Allen, who advised them on how severe the beatings should be. Allen based his decision on the seriousness of the offense after considering the child's age and whether the child had expressed remorse for his or her wrongdoing. For example, teenage girls who had sexual intercourse were whipped during church services, after having their skirts or dresses removed. Children who misbehaved in school were later beaten at the church. Three adults held one 7-year-old boy in the air while his uncle whipped him with a switch, as Allen stood by giving instructions. A 16-year-old girl was beaten with belts for 30 minutes. Police photographs showed 3-inch-long welts on some children, and a boy, age 10, had open wounds on his stomach and side.

In October 2002, a court found Allen guilty of cruelty to children and sentenced him to 90 days in jail and 10 years of probation. Allen violated his probation and eluded authorities for 5 months before being arrested and returned to prison. He served a 2-year prison term and was eventually released. Four other church members were also indicted in connection with the beatings and were successfully prosecuted, convicted, and sentenced.

Modified from: "Church faces abuse probe over whipping of children," *The Atlanta Journal-Constitution* (Atlanta, GA), March 17, 2001; "Fugitives sought in House of Prayer case," *The Atlanta-Journal Constitution* (Atlanta, GA), March 8, 2001; "Inside the House of Prayer," *The Atlanta Journal-Constitution* (Atlanta, GA), April 22, 2001; "Fulton DA closes church beating case," *The Atlanta Journal-Constitution* (Atlanta, GA), December 24, 2002.



1. Partie supérieure du Code de Hammurabi. Vers 1700 av. J. C. (Louvre)

The Code of Hammurabi is one of the oldest sets of codified laws, and one that specified the harsh punishment of children.

Early Prohibitions of Juvenile Behavior

The systematic denial of privileges and child maltreatment is not a new occurrence. Throughout history children have commonly been viewed as different from and inferior to adults. In the process, human societies have constructed legal prohibitions designed to regulate the behavior of juveniles.¹⁸

The Code of Hammurabi

The **Code of Hammurabi** is one of the oldest known sets of written laws. Hammurabi ruled Babylon from 1792 to 1750 B.C. He created 282 rules for the kingdom, each accompanied by exact punishments. Many of the rules prescribed severe penalties, applying the dictum "An eye for an eye, a tooth for a tooth." Rule 195 was specifically designed for children who disobeyed their parents: "If a son strikes his father, his hands shall be cut off." The Code also established a special set of rules for adopted children. For instance, Rule 192 stated: "If an adopted child says to his father or mother, 'You are not my father or my mother,' his tongue shall be cut off." Rule 193 added that if an adopted son returned to his biological parents, then his eyes would be plucked out.¹⁹

The Greek Empire

The Greek Empire spanned the years between the sixth and third centuries B.C., when juvenile misbehavior was frequently considered a serious problem. The Greeks responded to delinquency by creating laws holding parents responsible for the behavior of their children. These were likely the first parental liability laws (see the “Delinquency Prevention” feature).

Young Greek children were especially aggressive, and some historians blame their violence on the values of the larger society. Young Greeks were exposed to violence from an early age. Their heads were filled with stories of psychopathic gods and humans such as Kronos, who castrated his father; Hephaestus, who chained up his mother; and reprobate humans such as Oedipus, who killed his father and married his mother. Many Greek stories also included vivid examples of what parents might do to their children.



DELINQUENCY PREVENTION

Parental Liability Laws

Increased juvenile violence and the horrified reaction by the public have caused state legislatures to now hold parents responsible for some of their children’s damage. Parental liability laws have been placed on the books in almost every state. Some states hold parents responsible for their children’s mistakes when they damage property or hurt someone. State parental liability laws commonly cover such behaviors as vandalism of government or school property, as well as property destroyed in hate crimes. Personal injury in connection with any of these may also be targeted.

Legislatures in some states have passed laws that impose criminal sanctions on parents whose children do not attend school. In 2008, in DeKalb County (Atlanta), Georgia, nine parents spent the night in jail after being arrested in a truancy crackdown. The jailed parents were locked up as authorities began arresting 59 people who had not complied with a court order to get their children to school. In DeKalb County, parents may be charged with educational neglect when their child has more than five unexcused absences in a school year. Also in 2008, an Ohio man was jailed for six months because his daughter failed her GED exam.

In Florida, parents may be imprisoned for up to five years and receive a \$5000 fine if their children kill or injure someone with a weapon. In 1988, California passed the Street Terrorism Enforcement and Prevention Act, which provides for punishment of parents for the gang-related activities of their children. Parents may be arrested and imprisoned for one year if their children are suspects in a crime and the parents then knowingly fail to control or supervise them.

The general rule regarding parental liability is that the mere relationship of parent and child does not impose any legal liability on the parent for the bad acts or carelessness of the child. Rather, parents are liable only when the child is acting as an agent of the parent or when some carelessness of the parent made the bad act possible. Examples of parental liability as an agent include harm resulting from a car accident caused by the negligence of a child when the child was running an errand for a parent or an injury that results when a parent encourages a child to physically attack another person. Parents can also be held liable for their own negligence if it contributes to a child causing injury to another. For instance, if a parent serves alcohol to a child and then permits the child to drive a car, the parent may be liable for any damages caused by the child. Thus, for a parent to be held liable for the behavior of his or her child, the child must be acting on behalf of the parent or the parent must have made the harm possible through his or her own carelessness or negligence.

Modified from: “Students’ absences get parents arrested,” *Atlanta Journal-Constitution* (Atlanta, GA), September 18, 2008; “Only in America,” *The Week* (May 23, 2008): 4; Joan Lisante, “Blaming Mom and Dad,” *ConsumerAffairs.com*; “Parent Liability Child’s Act,” *www.eNotes.com* (2009); Timothy Rayne, “Parental Liability for Acts of Children,” *Resources for Attorneys: Legal Blog* (July 14, 2008).

For example, Heracles slaughtered his children in a fit of madness, Agave killed and dismembered her son Pentheus, and Tantalus chopped up his son Pelops, who was then eaten at a banquet held in honor of the gods. These and other related stories helped create a society where (1) violent and destructive relations between children and adults were not uncommon and (2) the propensity toward delinquency was in part rooted in one's relationship with one's parents.²⁰

The Middle Ages

There is very little documentation describing adult–child relations in the Middle Ages (500–1500 A.D.). The few writings that exist suggest children were treated poorly. In fact, it was not uncommon for mothers to suffocate their children and leave their dead bodies on the streets. Interestingly, children living in the Middle Ages were viewed as miniature adults. They were permitted to curse, openly engage in sex, drink (both in taverns and at home), and wear firearms, and they were not required to attend school.²¹

Laws regulating the problematic behavior of children began to emerge in the tenth century, when King Aethelstand pronounced that any thief older than age 12 should receive the death penalty if he or she stole more than eight pence (a very small amount of money). This declaration was later modified to provide that a person younger than age 16 could not be put to death unless he or she resisted arrest or ran away.²² These laws recognized that a child younger than a minimum age—typically 12 years—was exempt from prosecution and punishment; in contrast, they provided little distinction between older juveniles and adults.

The Sixteenth and Seventeenth Centuries

One of the best accounts of juvenile delinquency in the 1500s and 1600s is found in Mary Perry's *Crime and Society in Early Modern Seville*. The youths of Seville, Spain, committed many unlawful acts, including theft, gambling, prostitution, and homosexual solicitation.²³ Most of the juveniles who were arrested were street children, many of whom were part of the underworld organization of Seville. They received protection for a price and were required to share their goods with the organization.

The legal regulation of juveniles in Seville came through **secular law**, which defines a body of legal statutes developed separately from church or canon law. All children had a legal identity and were taken care of by their parents or another member of the community. But the law did not provide for dependent and neglected children as it does today. In early Seville, children had to fend for themselves. Because no law prohibited adults from beating them, their best defense was a pair of fast legs and a place to hide.²⁴

The Eighteenth and Nineteenth Centuries

By the early eighteenth century, concern about juvenile delinquency had become widespread throughout England. While most juvenile crime involved theft, violent crime was also common. Wiley Sanders has reported on some of the children's cases that were tried in the Old Bailey (the primary criminal court in London) between 1681 and 1758:

- On April 16, 1735, John Smith, a young boy, was indicted for stealing four yards of printed linen valued at five shillings. He was found guilty and exiled from the country.
- On December 7, 1758, Thomas Lyon, age 12, was sentenced to be transported for seven years for stealing a watch.²⁵

Prison was the usual punishment for delinquency at this time. Between 1813 and 1815, 208 boys and 40 girls younger than age 15 were committed to Newgate prison in London. The next year, 429 boys and 85 girls were incarcerated.²⁶

As an alternative to prison, many English children were banished (along with adults). Two ships, the *Leviathan* and the *Retribution*, each held between 30 and 40 juveniles on their trips to Australia. Furthermore, when 4000 convicts were placed on board the transport ship *Euryalus* in 1829, nearly 300 of them were juveniles and 72 of them were younger than age 13.²⁷

Juvenile delinquency became a serious problem in England by the mid-1800s. In London, the greatly feared criminal class, with its large numbers of children, was being linked to the related problems of poverty, internal migration, and population growth. John Wade's book, *A Treatise on the Police and Crimes of the Metropolis*, reports on a theory of delinquency that was popularly believed in:

There are, probably, 70,000 persons in the Metropolis [London] who regularly live by theft and fraud; most of these have women, with whom they cohabit, and their offspring, as a matter of course, follow the example of their parents, and recruit the general mass of mendicancy, prostitution, and delinquency Many of them belong to organized gangs of predators, and are in the regular employ and training of older thieves; others obtain a precarious subsistence by begging, running errands, selling playbills, picking pockets, and pilfering from shops and stalls. Some of them never knew what it is to be in a bed, taking refuge in sheds, under stalls, piazzas, and about brick-kilns; they have no homes; others have homes, either with their parents, or in obscure lodging-houses, but to which they cannot return unless the day's industry of crime has produced a stipulated sum.²⁸

As reported in the writings of Wade and his contemporaries, juvenile delinquents were seen as thieves or prostitutes, frequently employed by older criminals, living in urban poverty, often orphaned or deserted, and likely to end up in prison.²⁹

Under the existing laws of the time, children younger than age 7 were presumed to be incapable of harboring criminal intent. Therefore, they were exempt from criminal penalties. Children between the ages of 7 and 14 were *presumed* to lack the intellectual ability to produce criminal intent. However, the law did not always limit prosecutors in pursuing cases against children. In fact, historical records reveal that in the early 1800s, a child of 13 was hanged for the theft of a spoon, and a 9-year-old boy was executed for minor theft from a printer.³⁰

American Delinquency

Children in the American colonies were often treated badly by both adults and the law. The treatment children received during this time closely resembled the way children were cared for during the Colonial era, which was very similar to the treatment they received years earlier in England. The English who settled the colonies saw children as a source of labor and service, but little more. As such, until about 1880, child labor was widespread in America and the apprenticeship system was widely practiced. It was normal for poor parents to give their children to farmers or craftsmen, who would teach them a trade. Orphaned children were sold into apprenticeship, where they were often poorly treated. Corporal punishment was the rule, not the exception.³¹

American Colonies

It was not just apprenticed children who faced strict regulations on their behaviors; all children in the American colonies did. In 1641, the General Court of Massachusetts Bay Colony passed the **Stubborn Child Law**, which stated that children who disobeyed their parents would be put to death.³² The text of the statute was drawn almost verbatim

from the Book of Deuteronomy, the fifth book of the Old Testament (21:18–21). The Stubborn Child Law reflected the Puritans' belief that unacknowledged social evils would bring the wrath of God down upon the entire colony. The Puritans believed they had no choice except to react to juvenile misbehavior in a severe and calculated manner. Outside Massachusetts, children found guilty of serious crimes were frequently whipped and caned.³³

It was more than just the activity of children that concerned the colonists; children's inactivity bothered them as well. In 1646, the Virginia General Assembly passed legislation to prevent "sloth and idleness where young children are easily corrupted."³⁴ In 1672, the General Court of Massachusetts Bay Colony prohibited an adult from luring a young person from his or her studies or work. In addition, "rude, stubborn, and unruly" children were to be separated from their parents and placed with masters who would "correct" the misbehavior of boys until they were 21 years old and girls until the age of 18. Children older than age 14 who were found guilty of lying would be punished with a monetary fine for the first offense and higher fines thereafter.³⁵

The Puritans were ambivalent about children. While they believed children were born in sin and should submit to adult authority and hard work, they also thought children required separate legal provisions.³⁶ The Puritans made no distinction between delinquency and sin. The laws of the colony were the laws of God, and children who misbehaved violated God's law.

But Puritans were not the only people concerned about children. By the eighteenth century, childhood was considered a special period of life when children needed thoughtful guidance and discipline. Children were seen as "fragile, innocent, and sacred,

on one hand, but corruptible, trying, and arrogant on the other hand."³⁷ Members of the upper class believed that children demanded close supervision, that they needed discipline rather than coddling, that modesty was of great importance, and that strict obedience to authority was essential.

Postcolonial Patterns of Delinquency

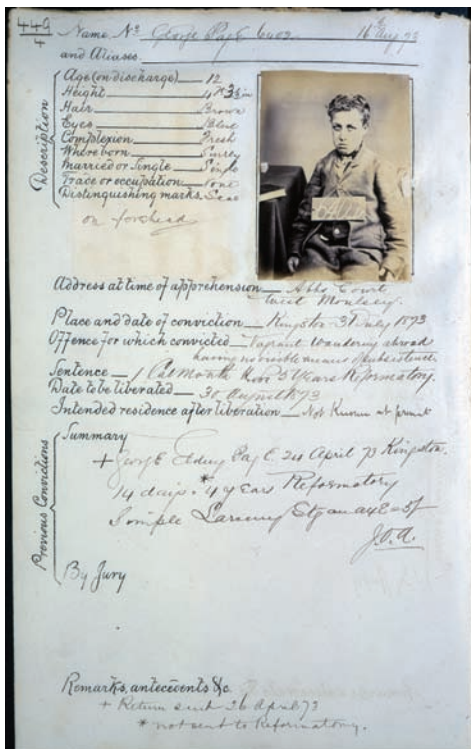
While humanitarian control motivated early interest in children, the actual purpose of many reforms, such as compulsory or required education (see Chapter 8), was to control the children of poor immigrants. Their swarming, ragged presence on city streets made them highly visible to a worried and fearful public. For the first time, Americans were forced to confront large numbers of children who had no home or lived an undisciplined existence. Thus the new concern for children was paradoxically tied to the fear that many of them threatened the well-being of the larger society.³⁸

The fear of children was often based on personal experiences. In the early nineteenth century, America was in the midst of a massive economic depression. Crime rates soared, and lawlessness spread like wildfire. Particularly worrisome was the harassing and assaulting behavior of juvenile gangs (see Chapter 10). The "new" juvenile street gangs raised both fear and outrage among the public.³⁹ By the early 1800s, they had become an unwanted fixture in big cities. Members of the gangs hung out on street corners, verbally abused pedestrians, and pelted citizens with rocks and snowballs—and these were among the least threatening of their behaviors. The more serious behaviors

of these violent juveniles gangs included robbery and aggravated assault of innocent citizens.⁴⁰ Something needed to be done, but what?

The Child Savers

In the first quarter of the nineteenth century, America underwent rapid social change in response to the Industrial Revolution. Meanwhile, leisure time increased for wealthy people, public education burgeoned, and communal life in the cities began to break down.



George Page was 12 years old when he was charged with being a vagrant at Kingston in July 1873. He received one month's imprisonment and five years' reformatory. Are child vagrants of the nineteenth century equivalent to today's street children? How have social conditions and the juvenile justice response to these youths changed and remained the same?

While simultaneously fearful and worried about the changes occurring around them, affluent people needed something more to fulfill their daily lives. Some turned their attention to saving other people's children, reasoning that in the long run, they would in turn be saving themselves. Those who joined this movement became known as Child Savers.

Like other Americans, the **Child Savers** believed in the goodness of children. They saw children as being born good and becoming bad as a result of external circumstances. Thus they blamed juvenile crime on factors such as exposure to poverty, overcrowding, immigration, and lack of parental guidance. The solution to youth crime, the Child Savers insisted, was to remove problem children from bad homes and place them in good, rehabilitating environments.⁴¹

Early History of Institutional Control

Child Savers actively pursued the passage of legislation that would allow placing children, especially juvenile paupers, in reformatories. The goal of removing children from extreme poverty was admirable, but resulted in transforming children into nonpersons (i.e., people without legal rights). Children were shunted into factories, poorhouses, orphanages, and houses of refuge, where they were treated poorly and almost no attention was given to their individual needs. All too often, the legal system hid these problems from public view, taking away children's freedoms and occasionally their lives in the process.

Under the guise of providing children with better preparation for life, the new institutions sometimes did children more harm than good. A case involving the Children's Aid Society illustrates this point: The society originally wanted to place "unwanted" children in good homes in the countryside where they would learn to value hard work and love nature, but what evolved was a profit-making organization that drafted roughly 200,000 children into indentured servitude until age 18 (see the "Delinquency Prevention" feature).⁴²

Some of the first recorded attempts to formally control delinquency in the United States took place in the 1800s. By that time, childhood was regarded as a period of life that deserved the care and attention its innocent nature demanded.⁴³ In cities such as Boston, New York, and Philadelphia, conflicting aspects of juvenile behavior gained public notice. In big cities, the young delinquent stood in sharp contrast to beliefs in the purity of childhood. Child Savers launched interventionist efforts to save delinquents, relieve the circumstances of their development, and guide them firmly toward the path of righteousness. This path, however, was often a winding one because of the anxieties of many well-meaning reformers. To them, delinquents were not just innocent children gone wrong: They were "bad seeds" capable of wreaking havoc and causing substantial harm on society. Therefore, these reformers believed delinquents had to be restrained from activities that violated social norms, and these restraints sometimes reached astonishing proportions. Some interventionists went so far as to claim that the parents of delinquents should be sterilized to prevent further members of the "dangerous class" from ever being born.

American reformers also adopted the doctrine of **parens patriae** from English common law.⁴⁴ This doctrine defined the state as a kind and caring parent, and as "the supreme guardian of every child." As the "super-parent," the state enjoyed wide latitude in its efforts to redeem delinquent children. One of the earliest judicial expressions of *parens patriae* in the United States was fought vigorously in 1838 by a distraught father whose child fell victim to the "compassion" of the Philadelphia House of Refuge. Mary Ann Crouse was committed to the house of refuge



In addition to its staggering negative effects on health, early smoking is a strong indicator of delinquency and other maladaptive behaviors. For this reason, tobacco use is a primary target of prevention programs.


DELINQUENCY PREVENTION

The Orphan Trains

In the mid-nineteenth century, thousands of children who were orphans, runaways, and throwaways filled the streets of New York City. Many of them were incarcerated or put in poorhouses. Reverend Charles Loring Brace, who in 1853 established the Children's Aid Society to provide homeless children with shelter and education, took a more daring tact. Between 1854 and 1929, the Society ran "orphan trains" that carried 150,000 to 200,000 orphaned and destitute children from New York to localities in the West, where they were adopted by Christian farm families.

The process of finding new homes for the children was actually somewhat haphazard. At town meetings along the route, farming families took their pick of the orphan train riders. Children who were not selected got back on board the train and continued to the next town. The children who were selected, along with their new adopted parents, had one year to decide whether they would stay together. If either party decided not to, the child would be returned to the Society, board the next train out of town, and be offered to another family.

Although approximately 40 percent of the orphan train riders were female, Brace referred to his passengers almost exclusively as "lads." Female orphan train riders were treated decidedly different than the males. Brace felt that street-girls were less salvageable and "hopeless" after the age of 14 because he perceived them to be "weak in flesh" and prematurely "womanly." The Children's Aid Society did, however, continue to send girls to the rapidly developing West, where overworked farm wives were in need of relief. Orphan train girls were often treated harshly by their host families and considered to be no more than cheap domestic help. It was assumed that getting married was the best that could be expected of the female orphans.

Brace's efforts had variable effects on children's lives. Some children thrived. Two boys became the governors of Alaska and North Dakota, another became a Supreme Court justice, and many others became mayors, congressmen, or local representatives. Unfortunately, thousands of other children did not fare so well. They became drifters and thieves; at least one became a murderer. The vast majority of the children, however, appear to have led very ordinary lives.

Modified from: D. Bruce Ayler, *The Orphan Train Experience* (2009), available at www.orphantraindepot.com; Rachel Bandy, Robert Regoli, and John Hewitt, "Farmed-Out: A Case Study of Differential Oppression Theory and Female Child Farm Labor in the Early 20th Century," *Free Inquiry in Creative Sociology* 33 (2005): 3–19; Stephen O'Connor, *Orphan Trains* (Boston: Houghton Mifflin, 2001).



Pictured here are orphaned children on Mulberry Street in New York City in the 19th century. The orphaned children on New York City streets inspired Reverend Charles Loring Brace to initiate the Orphan Trains program. Under this program, 150,000 to 200,000 impoverished children from NYC were transported to localities in the West, where Christian farm families adopted them.

City. The New York House of Refuge served as one of the main instruments to remedy this problem. Designed to save children from a life of crime, the house soon revealed a decidedly different orientation—toward saving society from children.

The reformers' attitudes toward delinquency were rooted in their beliefs about poverty and delinquency. Poverty was linked with idleness, which was seen as a reprehensible moral quality that led to crime. The managers of the New York House of Refuge translated this equation into a severely regimented boot camp type of existence for

by her mother, who alleged she was incorrigible (meaning that her mother believed Mary Ann was hopeless).⁴⁵ Mary Ann's father disagreed, arguing that the commitment procedures were unfair, and that the child was only accused of committing what later became known as a **status offense**, which is an act illegal only for children, such as truancy (skipping school) (see Chapter 2). The child herself was allowed neither defense nor trial. The court accepted the mother's charge and committed Mary Ann to the state for guidance.⁴⁶

The New York House of Refuge

The first house of refuge opened in 1825 in New York State; it represents another example of the mixture of concerns underlying the philosophy of *parens patriae*. In 1824, nearly 10,000 children younger than age 14 were living in poverty in New York

house inmates where “children were marched from one activity to the next, were put on a rigid time schedule . . . and were corporally punished for being uncooperative.”⁴⁷ Children suffered terribly at the hands of adults. There was an emphasis on remorse and punishment, which was common to most houses of refuge. Children accused of crimes were not only persuaded to see the error of their ways, but also made to suffer for their crimes. Retribution in the form of punishment provided the most convenient method of conversion.

The Juvenile Court

Progressive reformers continued looking for new solutions to prevent the growing problem of juvenile delinquency. Their most significant remedy was the creation of the juvenile court in Cook County (Chicago), Illinois, in 1899.⁴⁸ Just as in the earlier houses of refuge, the purpose of the juvenile court was to supervise problem children closely. Unlike in the houses of refuge, however, this new form of supervision would likely occur within the child’s own home and community—not in institutions.

The Child Savers were outraged by the plight and the potential threat of so many needy children. In response, they joined hands with lawyers and penologists to establish the Illinois juvenile court, beginning with the 1899 legislative act “to regulate the treatment and control of dependent, neglected, and delinquent children.” This act defined a *delinquent* child as someone “under the age of 16 years who violates any law of the State or any City or Village ordinance.” A *dependent* or *neglected* child was one

who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable person; or whose home . . . is an unfit place for such a child; or [one] under the age of 8 years who is found peddling or selling any article or singing or playing any musical instrument upon the street or giving any public entertainment.⁴⁹

Procedures were *civil*, not criminal, perhaps because social workers spearheaded the court movement. They believed that children had to be *treated*, not punished, and that the judge was to act as a wise and kind parent. The new court segregated juvenile offenders from adult criminals at all procedural stages. Furthermore, the court hired probation officers to exercise friendly supervision over children involved in informal court proceedings.⁵⁰

The juvenile court reaffirmed and extended the doctrine of *parens patriae*.⁵¹ The paternalistic philosophy meant that reformers gave more attention to the “needs” of children than to their rights, however. In their campaign to meet the needs of children, the Child Savers enlarged the role of the state to include the handling of children in the judicial system. Thanks to its innovative approach, the juvenile court movement spread quickly. Less than a decade after Illinois established its juvenile court, 10 more states and the District of Columbia had followed suit. By 1925, all but two states had passed juvenile codes. When Wyoming established its juvenile court in 1945, the list was complete.⁵²

In spite of the new court’s speedy embrace by jurists and legislatures, creating the juvenile court proved much easier than making it work.⁵³ The promise of the all-encompassing child-caring role envisaged by court personnel crumbled as municipal



In the early 19th century, children of any age could be brought before the court for crimes such as terrorizing the home and being incorrigible. How do parents deal with “incorrigible” youth in the modern juvenile court?



The sketch of a whipping post for naughty boys at the Clerkenwell House of Correction in London speaks to the use of corporal punishment as a traditional means to respond to delinquency and adolescent noncompliance. Each day, adolescents at home and at school are corporally punished for their perceived misdeeds. What are the short- and long-term consequences of corporal punishment?



Designed to save children from a life of crime, houses of refuge unfortunately resulted in the abuse and confinement of children.

out to children by one court provided commentary on the blending of old and new ways: “65 were sent to jail; 40 were placed in a chain gang; 12 were sent to a reformatory and one to an orphanage; 156 were placed on probation.”⁵⁵ This report was not atypical; many judges still clung to their old attitudes and handed out the old punishments. Moreover, the Children’s Bureau study reported countless other deficits in the juvenile court’s operation: inadequate probation service, general unavailability of treatment facilities, inept record keeping and a failure to use those data that did exist, and unqualified judges who lacked either proper legal training or an understanding of children.

These problems were exacerbated by staffing and financial deficits. Ideally, court officers were to be trained, experienced, and sympathetic; in practice, the courts neither attracted nor retained highly qualified people. Top-flight judges increasingly avoided the juvenile court bench, and as time passed, enthusiasm for the court waned.⁵⁶ In many jurisdictions, particularly in large cities, a system of rotation was put in place where judges sat in a specific court for no longer than three months at a stretch. Unfortunately, this system hindered the ability of judges to thoroughly grasp individual cases and ensured that the fate of a child was often passed from one judge at the court to another—a situation that paralleled the child’s fate in the outside world, where the child was shunted from an inadequate home to a foster home, then perhaps to another, and finally to an institution before the cycle began again.

Part of the dilemma facing the early juvenile court had to do with who its clients should be—that is, which children and which behaviors constituted juvenile delinquency?

Definitions of Juvenile Delinquency

Delinquency is difficult to define. Criminologists, policymakers, and social reformers have all struggled to identify the behaviors that constitute delinquency and to determine exactly who is a delinquent. What legally defines delinquency may differ dramatically from how delinquency and the delinquent are defined by the general public. This section reviews some definitions of delinquency and of the delinquent that have emerged during different time periods from legal scholars, criminologists, the public, and the media.

Legal Definitions

Juvenile delinquency is a broad generic term that includes diverse forms of antisocial behavior expressed by a child. In most states, **juvenile delinquency** is defined as behavior that represents a violation of the criminal code and is committed by a youth who has not reached adult age, which is typically 18 years (see Chapter 12). The specific acts that constitute juvenile delinquency differ from state to state. One definition that is widely accepted by criminologists is the following:

Juvenile delinquency cases . . . are acts defined in the statutes of the State as the violation of a state law or municipal ordinance by children⁵⁷

Other juvenile justice agencies may define a delinquent as any juvenile arrested or contacted by law enforcement agencies, even though many of these children are simply reprimanded by the officer, or whose parents are called to come and pick them up at the police station. In reality, fewer than 50 percent of juveniles handled by police are referred to the juvenile court (see Chapter 12).

The legal definition of juvenile delinquency is found in state juvenile codes and statutes. Generally, the criminal law definition of a **juvenile delinquent** is a person, usually younger than age 18, who commits an illegal act and is officially processed through juvenile or family court. Thus a juvenile does not become a delinquent until he or she is officially labeled as such by the juvenile court. In Ohio, for instance, a delinquent child is one who (1) violates any law of the state or the United States, or any ordinance or regulation of a political subdivision of the state, which would be a crime if committed by an adult or (2) violates any lawful order of the court.⁵⁸ In Mississippi, a juvenile delinquent is broadly defined as a child who is age 10 or older and “who is habitually disobedient, whose associations are injurious to the welfare of other children.”⁵⁹ As a result of these differing definitions, a child who could be defined in many situations as “delinquent” in Mississippi would not be considered “delinquent” in Ohio.

For the first six decades of the twentieth century, the juvenile court failed to make clear distinctions between dependent and neglected children, status offenders, and delinquents. The period between the 1930s and the early 1960s was marked by little change in how juvenile delinquency was defined and which activities constituted delinquent conduct. As the decades passed, however, juveniles became increasingly involved in more serious crimes, such as motor vehicle theft and gang-related incidents. In addition, research started to reveal that more middle- and upper-class juveniles were committing crimes.⁶⁰

In the 1960s, legal and public concern with juvenile delinquency took a sharp turn. During the first part of the decade, **baby boomers** (persons born between 1946 and 1964) were reaching their teenage years and delinquency rates began to soar to alarming levels. Not only were juveniles being arrested for traditional minor property crimes, mischief, and status offenses, but many young people were also being arrested for murder, forcible rape, and robbery. As violent juvenile crime increased, so too did adults’ fear of juveniles, widening the ever-increasing divide between parents and children. Some states responded with new policies whereby juveniles who posed a serious threat to the community would be treated as adults. New York, for instance, is one of two states where juveniles ages 16 and 17 are presumed to be adults for the purpose of criminal prosecution. However, New York’s Youthful Offender Statute allows judges to grant youthful-offender status to “worthy” children between the ages of 16 and 18. Thus the court may legally process such youths as juveniles, consequently sparing them from the stigma and severity of an adult criminal conviction.⁶¹ Youths who are convicted of certain offenses including murder and kidnapping are not eligible for the more lenient classification.

By the early 1970s, many states had adopted legislation that redefined the noncriminal behavior of juveniles. New statutes were written to change the previous vague distinctions among *status offenses*, *dependency*, and *neglect*. In 1976, the National Advisory Committee on Criminal Justice Standards and Goals recommended that status offenses be limited to five specific categories:

- *School truancy*. This is defined as a pattern of a repeated or habitual unauthorized absence from school by any juvenile subject to compulsory education laws (see Chapter 10). The court’s power to intervene in cases of truancy should be limited to situations where the child’s continued absence from school clearly indicates the need for services.

- *Repeated disregard for or misuses of lawful parental authority.* Family court jurisdiction under this category should be restricted to circumstances where a pattern of repeated disobedient behavior by the juvenile or unreasonable demands on the part of the parent(s) creates a situation of family conflict clearly evidencing a need for services.
- *Repeatedly running away from home.* Running away is defined as a juvenile's unauthorized absence from home for more than 24 hours. Family court jurisdiction in this category should be the last resort for dealing with a juvenile who repeatedly runs away from home, refuses or has not benefited from voluntary services, and is incapable of self-support.
- *Repeated use of intoxicating beverages.* This is defined as the repeated possession and/or consumption of intoxicating beverages by a juvenile. In this category, the family court should have the power to intervene and provide services where a juvenile's serious, repeated use of alcohol clearly indicates a need for these services.
- *Delinquent acts committed by a juvenile younger than 10 years of age.* A delinquent act is defined as an act that would be a violation of federal or state criminal law or of local ordinance if committed by an adult. Family court delinquency jurisdiction covers juveniles ages 10 and older. This category is intended to cover the situation where a juvenile younger than 10 years repeatedly commits acts that would support assignment to the delinquency category for an older child, or where the "delinquent acts" committed are of a serious nature.⁶²

Similarly, the International Association of Chiefs of Police (IACP) held that the term "juvenile delinquent" should be reserved for children who commit criminal offenses and who are in need of supervision or treatment. In contrast, the IACP suggested that the term "unruly child" be applied to children who commit status offenses, are ungovernable or habitually truant from school, and are in need of treatment for those problems.⁶³

The idea that noncriminal juvenile delinquents are in need of special treatment and supervision by the state, whether they are status offenders, neglected youths, or dependent youths, has spawned a variety of legal designations for these children. While Georgia, Ohio, and North Dakota joined the IACP in using the term "unruly child" for such individuals, many other states have adopted one or more of the following categorizations:

MINS: minor in need of supervision
 CHINS: child in need of supervision
 PINS: person in need of supervision
 JINS: juvenile in need of supervision
 YINS: youth in need of supervision
 CHINA: child in need of assistance

In the 1980s, many status offenders were still being sent to institutions. One report found that of the more than 25,000 juveniles being held in long-term, state-operated correctional institutions, slightly more than 2 percent were in custody for status offenses such as truancy, running away, and incorrigible behavior.⁶⁴ It would be misleading, however, to conclude that the remaining 98 percent were in custody for serious criminal offenses. Many of these juveniles were **chronic status offenders**—that is, children who continued to commit status offenses despite repeated interventions by family, school, social service, or law enforcement agencies. Chronic status offenders typically commit new status offenses (e.g., running away from home) while on probation. As a result, these children are consequently charged with the criminal offense of violating a formal court order specifying the particular conditions of their probation, a process known as **bootstrapping**.⁶⁵

Social Definitions

Just as legal definitions of juvenile delinquency have varied, so have its social definitions. As Norval Morris and Gordon Hawkins put it:

Juvenile delinquency . . . means different things to different individuals, and it means different things to different groups. It has meant different things in the same group at different times In popular usage, the term juvenile delinquency is used to describe a large number of disapproved behaviors of children and youth. In this sense, almost anything the youth does that others do not like is called juvenile delinquency.⁶⁶

For example, a juvenile's parents, siblings, or relatives may call a certain behavior delinquent even though no law was violated. The youngster who refuses to do household chores, fights with siblings, associates with "bad" friends, talks back, or listens to the "wrong" music may be called delinquent by parents, although the juvenile court would likely ignore these problems.

It is not unusual for parents to complain to their local probation department that their child is a juvenile delinquent and beyond their control. Once parents discuss the matter in detail with a probation officer, they may redefine their youngster as a problem child, or a person in need of supervision (PINS), but not a delinquent. Parents may also find family counseling more appropriate than the juvenile court for handling many adolescent problems.

In the public's mind, a few juveniles hanging out together on a street corner elicits the image of a delinquent gang. While these juveniles may not belong to any formal gang, it is their appearance that informs a person's view of them. When juveniles use obscene language, pose in "threatening" ways, listen to explicit music, or wear clothing designed to set them apart from the adults watching them, it is not surprising that they might be labeled delinquent. In fact, their actual behavior does not need to be legally defined as delinquent for the public definition to be applied.

In each of the previously described settings, juvenile misbehaviors may provoke public reactions. On some occasions and in some settings, these misbehaviors may be tolerated; in others, they may not. When the legal definition of delinquency applies to a juvenile's behavior, it suggests that what the child did exceeded the limits of public tolerance, and further suggests that behavior would be considered inappropriate for adults as well as for children.

The variety of legal and nonlegal definitions of juvenile delinquency suggests that a certain amount of subjectivity is incorporated in definitions and societal images of delinquency. These images frequently originate in literature, film, television, music, and video games. From the youthful pickpockets of Dickens's nineteenth-century London to the neglected and tormented youth in *Rebel Without a Cause*, novels and films have been known to vividly capture aspects of juvenile delinquency. Many of these images of delinquency leave no room for the more subtle shadings of behavior, and they tend to overemphasize the more dramatic aspects. Unfortunately, for much of society, juvenile delinquency and the delinquent exist exactly as portrayed by text, film, or, more recently, video games.

Literature

In *Oliver Twist*, Charles Dickens describes urban slum life and the corrupting effects of adults like Fagin on innocent youths.⁶⁷ Stephen Crane depicts the tribulations of children with his portrayal of a young girl forced into prostitution in *Maggie: A Girl of the Streets*.⁶⁸ There is little doubt that their descriptions are reasonably reflective of the times. Similarly, Mark Twain's *The Adventures of Tom Sawyer* and *The Adventures*

of *Huckleberry Finn* reflect youthful adventure and misbehavior in the rural Midwest during the late 1800s.⁶⁹ Indeed, Twain may have been the first to identify a link between child maltreatment and delinquency (see Chapter 7) when he wrote about Huck running away after being beaten by Pap.⁷⁰ For Dickens, Crane, and Twain, juvenile delinquents are led astray by either corrupt adults or their own benign failures.

Portrayals of juvenile delinquency in early twentieth-century American literature often focus on the demoralizing effects of the pursuit of wealth, as in Theodore Dreiser's *An American Tragedy*.⁷¹ In addition, the teenage drinking, gang fighting, and sexual pursuits of Studs Lonigan in a trilogy of novels written by James Farrell in the 1930s suggests juvenile delinquency is a product of ethnic and lower-class socialization. In the novels, such activities are considered a normal part of life for a young boy growing up on the South Side of Chicago.

Another book written in the 1920s emphasizes the contribution of poverty and racial discrimination in the creation of juvenile delinquency. Richard Wright's *Black Boy* suggests that lying, drinking, torturing and killing animals, and stealing might all be adaptive mechanisms used to distract one from the painful conditions imposed by the formal and informal rules of the Jim Crow South.⁷²

The images of juvenile delinquency in literature of the 1940s and 1950s also reflect public concerns of the period. Novels such as *The Amboy Dukes*, *The Golden Spike*, and *The Cool World* depict new concerns about urban gangs and youthful drug addiction.⁷³ Evan Hunter's *The Blackboard Jungle* describes a growing loss of control in inner-city high schools,⁷⁴ while middle-class delinquency was introduced in J. D. Salinger's *The Catcher in the Rye*.⁷⁵ The novels written in these two decades suggest an increased concern with the problems of youth in general, not just with the social and economic conditions that foster delinquency.⁷⁶

In the late twentieth and early twenty-first centuries, in a series of seven books, J. K. Rowling introduced readers to the prodigal delinquent Harry Potter, who stirred fear among many adults with his use of witchcraft to fight evil, which they believed would have a negative effect on their children.⁷⁷ Opponents of Rowling's books feared that they would lead children to believe that occult and witchcraft were acceptable and legitimate. In fact, those opposed to the *Harry Potter* series tried to ban these books from school classrooms and libraries; there have been legal challenges to the books in at least 13 states.⁷⁸ To date, all of these attempts have failed: Lower courts have cited the ruling of the U.S. Supreme Court in *Island Trees School District v. Pico* (1982), stating that it is a violation of the First Amendment to ban books from school libraries.⁷⁹

As this brief summary suggests, as time passed, not only did literature paint a picture of delinquency that reflected the beliefs of the public at large, but it was also instrumental in molding, shaping, and creating those beliefs.

Movies

Film has perhaps been even more important than the novel in reflecting twentieth-century concerns about juvenile delinquency, and it continues to shape our attitudes today. By the early 1930s, movies reached audiences in the millions, and both delinquency and adult crime were popular film subjects. Like the early novels, films such as *The Dead End Kids* and *Boys' Town* emphasized the influence of slum life and urban poverty on juvenile delinquency. In such films, the juvenile delinquent is portrayed as a good boy gone bad—a “misunderstood victim of official ignorance, indifference, or corruption.”⁸⁰

In the 1930s and 1940s, audiences were given two or three alternative portrayals of adolescents. On the one hand, there was Andy Hardy, an innocent, middle-class, Midwestern child with an understanding father and a wonderful mother and sister. Any misbehavior on Andy's part was always viewed as a youthful prank or a consequence

of some misunderstanding. On the other hand, movies such as *Wild Boys of the Road*, *Where Are Your Children*, and *I Accuse My Parents* were essentially indictments on parental neglect.

Films produced between 1955 and 1970 emphasize the many faces of juvenile delinquency. Rebellion, dropping out of school, terrorizing innocents, and teenage alienation are all messages portrayed in films of this period. During this era, society was presented with such films as *The Wild Ones*, *High School Confidential*, and *The Bad Seed*. James Dean became a teenage idol representing the ambiguity and alienation of youths who were unable to bridge the gap with their “uncaring and materialistic” parents. Unlike in films of previous decades, delinquency during this period was portrayed as much more violent and threatening to community stability. With images ranging from gangs and drugs in schools to rock-and-roll music, hot rods, and drag strips, these films painted for adults a picture of adolescence very alien to their own existence.

In the 1960s, youths were portrayed in various lights. They were shown as good-hearted and fun-loving in numerous beach movies, such as *Beach Blanket Bingo*, *How to Stuff a Wild Bikini*, *Beach Party*, and *Muscle Beach Party*; as romantically involved gang members in *West Side Story*; as subjects of adult misunderstanding in Dick Clark’s *Because They’re Young*. In the 1970s, many films focused on “the good old days,” exemplified by *American Graffiti*, *The Lords of Flatbush*, and *Grease*, where the delinquent was just “one of the guys” and not a “real” threat to anyone. The characters in these films would smoke, drink, experiment with sex, and drive high-powered cars. These activities produce an image of nice adolescents misbehaving, not juveniles bound for reform school.

In contrast, films of the 1980s and 1990s, such as *The River’s Edge*, *Menace II Society*, *Boys N’ the Hood*, and *Juice*, portray alienated, defiant, and ultimately violent juveniles who are willing to openly challenge the established order. Several more recent movies have continued to help define delinquency, including Larry Clark’s *Kids* and *Bully*, both of which paint a picture of a world of children divorced from adults. The “rave” scene portrayed in *Go*, *Heavy Traffic*, and *Groove* depicts teenagers in their own element, parent-free. One of the more recent films along the same lines is *Pineapple Express*, which focuses on young people partying, drinking alcohol, and smoking marijuana.

Television

Perhaps because television brings the same characters to audiences week after week, individual roles (and their actors) need to elicit more sympathy. Weekly shows aim to establish attractive and interesting characters. A juvenile who uses drugs, steals, or assaults vulnerable strangers is unlikely to generate the desired audience reaction. Consequently, very few television series hint at serious juvenile delinquency, with rare exceptions like *South Park* and *Jackass*. The standard portrayal of delinquency is one of “innocent” rebellion or youthful pranks, such as occur in *90210*, *The Secret Life of the American Teenager*, *Weeds*, and *Gossip Girl*.

In addition, television shows include movie reruns and made-for-TV movies. While reruns contain the images of delinquency already discussed, television film specials often focus on more controversial material. For example, *Born Innocent* focuses on the ordeal of a 14-year-old girl in a juvenile detention center and raises the issue of uncaring parents; it also describes how the brutality of the detention center staff and the other inmates destroys the girl’s innocence. Ultimately, the audience is asked to judge a juvenile justice system that degrades even the most minor offender. In a very different vein, *Go Ask Alice* profiles a middle-class teenage drug abuser who, after running away from home, falls into prostitution and eventually dies of a drug overdose.

Music

One of the oldest elements of popular culture is music. As early as the Middle Ages, songs and ballads were used to comment on life situations. Popular music today, however, finds itself in a relatively unique position. It appears as though no other medium is as generational, compartmentalized, or specific. In other words, specific genres of music are produced and consumed by particular audiences, and the age of the consumer is an important factor in deciding one's tastes.

Rock music and rap songs contain perhaps the most widely shared images of juvenile delinquency. Not coincidentally, these styles of music are largely youth oriented. Young people not only constitute the vast majority of consumers, but also make up a large number of the acts and artists producing the music. Robert Pielke suggests that rock music challenges conventional morality and law.⁸¹ Indeed, from the Beatles' *Maxwell's Silver Hammer*, Bob Marley's *I Shot the Sheriff*, and Bobby Fuller's *I Fought the Law and the Law Won*, to songs that reflect acceptance of illegal drugs such as *Because I Got High* by Joseph "Afroman" Foreman, *Rehab* by Amy Winehouse, and *We Are All on Drugs* by Weezer, to heavy metal music, many popular rock songs are associated with delinquency and youth gangs. Gangsta rap music depicts an even greater challenge to authority. Songs of sexual exploitation, rape, murder, robbery, and drugs are interspersed with songs attacking the police and politicians, such as *Execution of a Chump*; *Nobody Move*, *Nobody Get Hurt*; and *G Code*, which reflect an acceptance of interpersonal violence. While songs such as *F—the Police* and *Cop Killer* express serious threats to police, other songs such as Eminem's *Cleanin' Out My Closet* and *Janie's Got a Gun* by Aerosmith discuss the rebellion of a child in reaction to pervasive maltreatment.

To what extent does gangsta rap music reflect widely held values in conflict with conventional society? Do the images of criminal and delinquent acts portrayed in gangsta rap reflect real social conditions, or is the delinquency greatly exaggerated for the "benefit" of the larger society? Does this musical genre influence the attitudes and behaviors of youths? To the extent that artistic expressions generally reveal something about the culture in which they exist, gangsta rap music may present some of the most disturbing images of adolescence in the popular culture. Furthermore, regardless of the accuracy of the depictions, the music is instrumental to the formation of beliefs about delinquency in the minds of the public and even law enforcement officials.⁸²

Video Games

A large body of research is beginning to identify a connection between violent video games, such as *Grand Theft Auto IV*, *Mortal Kombat IV*, *Gears of War*, and *Halo*, and aggressive behavior in children.⁸³ Because video games are interactive, the players often identify with and model the behavior of a specific character. What may be harmful about these games

for children is twofold: (1) what they see in video games shapes their definition of what constitutes delinquent and criminal behavior and (2) more directly related to the game itself, what the child often sees in the game is a violent world, where he or she is required to shoot, harm, and kill people, including prostitutes and police, to be successful. In addition, the sound effects in many of the video games manufactured in



Frequent and chronic playing of violent video games is associated with physiological and psychological signs of aggression. If violent video games promote antisocial attitudes and behaviors, should greater restrictions be placed on them?

the twenty-first century are frightfully similar to reality: The shotgun reloads, the car swerves, and bodies fall.

Craig Anderson and his colleagues have studied this topic extensively. They conclude that when children play violent video games, the activity increases their physiological arousal, including raising systolic blood pressure and intensifying aggressive cognitions. Children who play regularly are more likely to be socially maladjusted and express aggressive emotions and behavior, including aggressive play with objects and with peers. As a result of these social stigmas, the child may experience intense frustration in the real world.⁸⁴ Playing violent video games seems to affect children in at least five ways:

- *Identification with an aggressor increases imitation.* In these games, children must take on the role of an aggressive character. Children most often take on this role in “first-person shooter” games, where players “see” what their character would see if they were inside the video game themselves. These games force children to identify with a violent character, which may increase the likelihood of their imitating aggressive acts in the future.
- *Active participation increases learning.* When children are enthusiastically involved in an activity, they learn more than when they are passively drawn in (e.g., watching television). By their nature, violent video games force children to engage in committing violent acts.
- *Practicing an entire behavioral sequence is more effective than practicing only a portion of it.* There are many steps when one is learning how to complete a task successfully. To be successful in a violent video game, the child must complete the following steps: decide whether to kill someone; choose the weapon to use; decide how to obtain the weapon; if the weapon is a gun, figure out how to obtain ammunition and load the weapon; stalk the victim; aim the weapon; and ultimately use the weapon. In these games, children continuously repeat these steps. Over time, this sequence of events teaches some children the technique(s) for attempting to commit crime.
- *Violence is continuous.* The impact of violence on children is greater when the violence is unrelieved and uninterrupted. In video games, the violence is recurring. Children must constantly be on alert for hostile enemies and then select and execute aggressive behaviors.
- *Repetition increases learning.* The most effective way to learn any behavior is to repeat it (i.e., “practice makes perfect”). If you want to learn a new telephone number, you should constantly repeat it to yourself to place the number in your memory. Some children play video games for many hours each day; thus they repeat the game-based violent acts again and again. Doing so increases the likelihood that children will learn violence from the games—with some of what they learn potentially becoming habitual to the point of being automatic.

In a study that tracked more than 4000 adolescents as they grew up, physicians Dr. Brian Primack and his colleagues found that for every extra hour a teenager spends playing video games (or watching television) on an average day, he or she is 8 percent more likely to develop depression as an adult. What Primack and his associates observed is that teens’ experiences shape their developing brains, such that playing video games and watching television may replace positive academic, athletic, and social activities that might otherwise give young people a sense of mastery and self-respect. Video games and television teach children to be passive, and to judge themselves against characters whose looks and accomplishments are out of reach except for only a few.⁸⁵

Ultimately, parents and guardians play an important role in supervising the games children play. Unfortunately, while many parents lay down ground rules for how long their children may play video games, they are often shocked when they witness the actual content of the games. Even though manufacturers are required to adhere to a rating system to guide parents in their purchases, the rating system does not always accurately reflect the true content of the games. Some games rated by the industry as appropriate for “Everyone” contain harmful content, and many games designed for teens contain violent content. For example, cartoons are rarely looked at as dangerous, yet young children may nevertheless be affected by their violent nature. Extremely violent video games must now carry labels stating that they are intended for mature audiences only. While the effect of playing violent video games is likely to vary among children, those most likely to be adversely affected are young children who have lax supervision and a history of aggression and violence.

Regardless of the impact of violent video games on some children, the courts have consistently ruled in favor of the video game industry in lawsuits related to the games’ content. In 2006, for example, Federal District Court Judge James Brady overruled Louisiana’s violent video game law, arguing that video games are protected under the First Amendment; regardless of whether the games are violent, they are protected as free speech.⁸⁶

What Is Delinquency? Who Is Delinquent?

It is difficult to decide precisely which behaviors constitute juvenile delinquency and who juvenile delinquents are because societal views of children change over time and from place to place. The age of the offender is the most important factor in distinguishing between crime and delinquency. One way to characterize juvenile delinquency is to locate the behavior of children on a series of four continua representing (1) duration, (2) frequency, (3) priority, and (4) seriousness of the behavior. As shown in **Figure 1-1**, each factor forms its own continuum, with children falling at different points on each one.

The overwhelming majority of delinquents commit a few minor acts of delinquency on an inconsistent basis during their teenage years. Some children may commit minor delinquencies and only one or two more serious crimes as teenagers. These juveniles are called **adolescence-limited offenders**. These individuals usually demonstrate delinquent or antisocial behavior only during their teen years, but then stop offending during the adult years.

The most serious delinquents are known as **life-course persistent offenders**.⁸⁷ They represent a small group of individuals who engage in antisocial behavior of one sort or another at every stage of life.⁸⁸ Life-course persistent offenders are deeply committed (priority) to problem behavior and have committed many (frequency) serious offenses (seriousness) over an extended period (duration).

When a life-course persistent offender’s antisocial tendencies continue into adulthood, the individual is considered a “chronic offender” and placed on the extreme right side of the continua. The left half of the continua is reserved for adolescence-limited offenders, whose involvement in delinquency is generally minor, inconsistent, and restricted to their teenage years.⁸⁹ If no one intervenes to help chronic delinquent offenders, however, their involvement in delinquency will likely worsen (see Chapter 2).

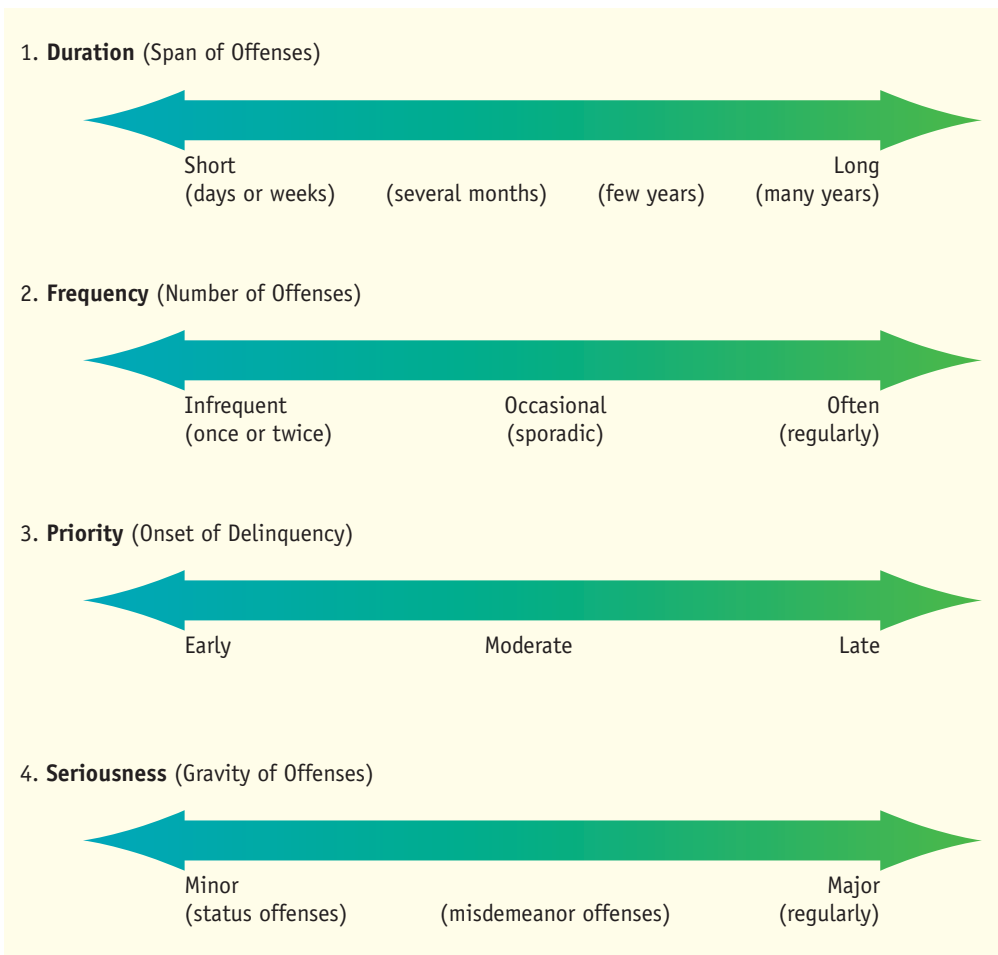


FIGURE 1-1 Continua of Juvenile Delinquency

WRAP UP

THINKING ABOUT JUVENILE DELINQUENCY: CONCLUSIONS

The way a society defines delinquency reflects its view of children. As society's beliefs about children change, its formal response to delinquency also changes. For instance, during historical periods when juveniles were viewed as miniature adults, the legal codes that applied to adults were presumed to be adequate to control children. Later, with the changes in social roles and relationships brought about by the Industrial Revolution, juveniles began to be seen as different from adults, and their violations of the law became defined as more serious challenges to the social order.

Whereas the legal codes of the seventeenth and eighteenth centuries equated delinquency with sin, the nineteenth century replaced this view with one that forged a connection between urban poverty and crime. During this era, juveniles became increasingly involved in crimes (mainly theft) that resulted in them being sent to reform institutions or houses of refuge. To a large extent, the plight of the urban adolescent, poverty, and exposure to the corrupting influences of adult criminals were responsible for many of the reforms that took place at the end of the nineteenth century and the beginning of the twentieth century. The most significant reform was the creation of the juvenile court system. The juvenile court and the legal codes that followed carved out special areas of misbehavior and conditions that allowed for court intervention and the designation of a child as delinquent.

How delinquency is defined determines how criminologists measure and explain it. Chapter 2 discusses measures of delinquency, paying special attention to what these measures tell us about the nature and extent of the problem in modern society.

Chapter Spotlight

- Juvenile delinquency is a complex phenomenon that is difficult to define, measure, explain, and prevent.
- Throughout history, from the Code of Hammurabi to the eighteenth and nineteenth centuries in Europe, children have often been treated badly. Although some societies provided for harsher treatments of children than others, children were traditionally considered property of their adult guardians and often forced to lead cruel and unsympathetic lives.
- In the latter half of the nineteenth century, reformers known as the Child Savers helped to create houses of refuge and the juvenile court system in the United States.
- Criminologists who subscribe to a legalistic definition define juvenile delinquency as behavior that is committed by a youth who has not reached adult age and that is a violation of the criminal code.
- Criminologists who subscribe to a social definition of delinquency define juvenile delinquency broadly and recognize the possibility that it means different things to different individuals and groups.
- A large body of scientific studies concludes that when children play violent video games, it increases their physiological arousal, including raising their systolic blood pressure and intensifying their aggressive cognitions. Children who regularly play violent video games are more likely to be socially maladjusted and express aggressive emotions and behavior, including aggressive play with objects and with peers.

Putting It All Together

1. Should a child ever be sentenced to life in prison without parole?
2. Were the orphan trains a viable solution for preventing delinquency? How does society today manage orphaned and unwanted children?
3. Why do we have status offenses? Should chronic status offenders be punished or treated? What should their punishment or treatment be?
4. Are children influenced by the media? Should schools and public libraries ban any magazines and books? If so, which ones and why? Do watching television and listening to music alter the behavior of children? Should parents or the government determine what children read, watch, and listen to?
5. Should violent video games such as *Mortal Kombat IV* be illegal? Is it a person's choice whether to play them?

Key Terms

achieved status A status that is earned.

adolescence-limited offenders The overwhelming majority of children who commit a few minor acts of delinquency on an inconsistent basis during their teenage years.

Allen v. United States U.S. Supreme Court ruling that a child younger than age 7 cannot be guilty of a felony or punished for a capital offense because he or she is presumed incapable of forming criminal intent.

ascribed status A status that is received at birth.

baby boomers People born between 1946 and 1964.

bootstrapping Charging a child with a criminal offense of violating a formal court order.

Child Savers Reformers in the nineteenth century who believed children were basically good and blamed delinquency on a bad environment.

chronic status offender A child who continues to commit status offenses despite repeated interventions by the family, school, social service, and law enforcement agencies.

Code of Hammurabi One of the oldest known sets of written laws.

juvenile In most states, a person younger than age 18.

juvenile delinquency Behavior that violates the criminal code and is committed by a youth who has not reached the specified adult age.

juvenile delinquent Usually a person younger than age 18, who commits an illegal act and is officially processed through the juvenile or family court.

life-course persistent offenders The small group of juveniles who engage in antisocial behavior of one sort or another at every stage of life; the most serious delinquents.

parens patriae A doctrine that defines the state as the ultimate guardian of every child.

secular law A body of legal statutes developed separately from church or canon law.

status A socially defined position within a group.

status offense An act that is illegal only for children, such as truancy and running away.

Stubborn Child Law A law passed in 1641 stating that children who disobeyed their parents could be put to death.

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