Juvenile Justice

An Introduction

In comparison to the adult criminal justice system, the juvenile justice system applies different standards and procedures to those who are processed through the system. Offenses that would otherwise be dealt with quite severely in the criminal justice system are addressed in a very different manner by the juvenile justice system. For example, on the night of July 7, 2002, juvenile Patrick V. and 19-year-old adult Christopher Conley committed an act of arson that resulted in extensive damage to a boating company in Maine.\(^1\) Patrick V. and Conley illegally entered a Southern Maine Marine Services building, intending to steal a marine radio. When they noticed surveillance cameras (which were inoperable), they tried to locate videotapes with the intention to destroy them. Having failed to locate the nonexistent tapes, the two set fire to the building by spreading gasoline around an oil tank, emplacing propane tanks nearby, and detonating all of them with a flare. The fire destroyed the building. Two boats, three boat trailers, motors, tools, manuals, and other equipment were also lost.

Arson is a serious crime, and Conley was tried and convicted as an adult; his sentence was approximately five years in prison. In contrast, Patrick V. was charged with juvenile delinquency, for which (and based upon his age until adulthood) he could receive a maximum term of detention of no more than 57 months. The court ordered Patrick V. to be detained for 30 months in a juvenile facility, with supervised release into the community for 27 months.

Juvenile delinquency and the victimization of children are issues that have a direct impact on the welfare of society. In communities across the country—in every region and every city—juveniles who break the law and children who suffer from abuse and neglect are the concerns of society as a
whole. Although many people wish to presume that juvenile delinquency and child victimization happen outside of their communities, the fact is that these problems persist everywhere. They occur in out-of-the-way rural areas, cosmopolitan cities, wealthy suburbs, and provincial small towns. They also occur in the South, the Northeast, the West, the Midwest, and U.S. territories. It is for this reason, and as a matter of national necessity, that the concept of juvenile justice permeates American society at every level.

Juvenile justice is perhaps best defined as the fair handling and treatment of youths under the law. It is a philosophy that recognizes the right of young people to due process protections when they are in trouble, and personal protections when they are in need. Juvenile justice process refers to distinct procedures established to assure the fair administration of youths under the law. These procedures are carried out in accordance with institutions designed for the administration of justice in general, and juvenile justice in particular. The juvenile justice system is composed of institutions that have been organized to manage established procedures as a way to achieve justice for all juveniles. These institutions include the police, juvenile courts, juvenile corrections, and community-based agencies and programs.

In the modern era, it is usually taken for granted that juveniles who break the law or who are victimized deserve special attention. However, true juvenile justice is a concept that originated in the relatively recent past. It was only during the nineteenth century that reformers and members of the Child-Saving Movement (discussed in Chapter 2) developed a sense of obligation toward the welfare of all children. They took it upon themselves to correct the behavior of juvenile offenders and to rescue children who suffer from poverty, abuse, and “idleness.” During the course of the next century, juvenile justice frequently came to the forefront of social and political affairs. This occurred because of a deep cultural discernment that society has three fundamental obligations toward young people:

- First, protect the general public from juvenile offenders.
- Second, protect individual juveniles from victimization.
- Third, provide treatment for both offenders and victims.

Historically, these obligations were undertaken within the context of rehabilitation. However, during the late twentieth century this approach was complemented by a new philosophy of punishment directed toward violent and otherwise criminal juveniles. In this regard, the modern era’s crackdown on adult crime is also a crackdown on serious juvenile delinquency, so much so that many juvenile offenders have been tried and punished as adults. Nevertheless, those who enter into the juvenile justice system (as opposed to the adult criminal system) are theoretically eligible to receive rehabilitative intervention.
In order to prepare for our full investigation of juvenile justice process, which will come in subsequent chapters, the following themes are discussed in this chapter:

- Systemic Introduction: The Juvenile Justice System in Brief
- Procedural Introduction: Dispensing Juvenile Justice
- Policy Introduction: Challenges for Juvenile Justice

**CHAPTER PERSPECTIVE 1.1**

**Teen Violence in Schools**

How prevalent is the problem of violence in the nation's schools? The good news is that research published in 2001 showed that the incidence of violence declined during the decade of the 1990s. Between 1992 and 1998, student victimization by all nonfatal crimes fell from 144 per 1,000 to 101 per 1,000, a decline from 3.4 million crimes to 2.7 million. Victimization by nonfatal violent crimes such as rape and aggravated assault likewise declined between 1992 and 1998, from 48 per 1,000 to 43 per 1,000. Significantly, the rate of violent deaths in schools (murder and other homicides) showed a steady decline, especially in comparison to violent deaths outside of school: Fewer than 1% of murdered children were killed in a school venue during the first half of the 1998 to 1999 school year. And, despite the visibility and coverage of multiple deaths related to tragic school shootings, the number of multiple homicides also declined.

The relative declines in violent crimes are positive trends, but what are the consequences of teen violence in schools?

When violence occurs, it has an impact that extends beyond the perpetrator and his or her victim. Because this type of event occurs in an institution dedicated to learning, violent incidents often disrupt educational routines and distract students and teachers from the fundamental goal of promoting education. Violence can create a climate of fear, so that students may literally be afraid to use restrooms or walk around the campus. If violence should occur with some frequency, it also indicates that adults and school administrators have lost control of the campus, and have little ability to maintain order.

Intervention is critically necessary when violence occurs. In most cases, the first responders to violent incidents are teachers and other administrators. Many incidents, such as relatively minor fights or assaults, can be resolved by the school district by imposing administrative sanctions. Sanctions may include warnings, suspensions, or expulsions in serious cases. When major incidents occur, school administrators will seek police intervention. Many school districts now employ school police, so that officers may already be on campus, or at least within close proximity. If police are asked to intervene, offenders face the possibility of referral into the juvenile justice system.
Conceptual Introduction: Finding Justice for Juveniles

How can justice be fairly dispensed to young people? Which institutions best serve the needs of youths and the community? Can the needs of juveniles and society ever be balanced, and at the same time preserve justice for the nation’s children?

In reply to these questions, state and local governments have established official and nonofficial institutions as part of an extensive network that was designed to promote juvenile justice. For example, during the nineteenth century the first juvenile courts were organized under the assumption that children have specialized needs that cannot be adequately addressed in adult court. Since then, completely separate juvenile justice systems have arisen that in many ways parallel the adult criminal justice system, but which nevertheless represent society’s answers to the questions of providing special justice to young people. The police, courts, corrections, and community all form a partnership for the implementation of contemporary philosophies of juvenile justice.

Definitional Concept: Juveniles

Use of the word *juvenile* should be clearly understood to refer to a legal classification that is established within the parameters of culture and social custom. When considering this classification, one should appreciate that it fundamentally refers to those who are below the age of another classification—known as the class of *adults*. This cultural approach toward defining childhood and adulthood has existed since the dawn of organized society. For example, in ancient and medieval cultures, children as young as seven years of age were classified as adults. In the modern era, laws determine when a person is an adult, and juveniles have become a defined class of nonadult persons who receive special treatment under the law. Thus, although certain fundamental constitutional protections are extended to both adult and nonadult classifications alike, there also exist different rules, laws, and penalties that set nonadults apart in how society deals with them.

*Concept: Legal Fictions.* In the United States, state legal codes define juvenile status in accordance with specified age thresholds. Although these thresholds are usually designated in the upper teen years (for example, 16, 17, or 18 years of age), there are special circumstances in which juveniles may be redesignated as fictional adults for the purpose of determining how to process them. These are *legal fictions*, which in general refer to exceptions to an accepted rule, and within the context of juveniles refer to the extraordinary handling of young people outside of usual laws and procedures. The
following examples illustrate these exceptions as they pertain to defining adulthood:

• **Juvenile criminals.** The modern crackdown on crime has led to the passage of many provisions in state crime codes that permit the full prosecution of some juveniles in the adult criminal justice system. These youths officially cease to be juvenile delinquents and become defined as criminals.

• **Emancipated youths.** State systems permit juveniles to become “emancipated” from the control of their parents or the state under certain circumstances (such as marriage). This is predicated on a threshold age. They become *de jure* (legal) adults, thus allowing them to enter into contracts, own real estate, and accept responsibilities that would normally not be legally binding.

Thus, youths are defined as juveniles until they either cross a state-mandated age threshold, commit a serious criminal violation of the law, or are legally emancipated prior to crossing an established age threshold. Unless they are designated as legal adults, they will be subject to juvenile-focused laws and procedures.
Broad Concepts: Official and Nonofficial Juvenile Justice Institutions

Conceptually, there are differences in the missions and purposes of the components of the juvenile justice system. In comparison to the criminal justice system, there are more organizations and programs, and even agencies, that serve both the criminal and juvenile systems and that must comply with juvenile-system-specific guidelines. Perhaps the best way to envision these differences is to understand the following broad classifications within the juvenile justice system:

- **Official juvenile justice institutions.** These institutions are composed of the traditional *triumvirate* of the police, courts, and corrections. These are the same central components of the adult criminal justice system. Depending on the circumstances of each case, procedures can be quite formal and onerous, just as they are in the criminal system. Serious juvenile offenders, and even those who have committed lesser offenses, are frequently processed through official institutions. When juveniles are processed through these institutions, they are under the custody and guardianship of the state, and the state is responsible for correcting, rehabilitating, or otherwise saving, such youths.

- **Nonofficial juvenile justice institutions.** Unlike the adult system, the juvenile justice system also marshals the resources of community and local government service agencies. Nonofficial institutions are ideally regulated and inspected by the state, and many are private institutions that operate either for-profit or not-for-profit agencies. Community-based private organizations (including nonprofits) and government service agencies are given primary responsibility for rehabilitating and rescuing eligible young people. Youths who have committed lesser offenses, or are victims, are preferably processed through these nonofficial institutions, because they are in need of treatment rather than strict corrections or punishment. Depending on the circumstances of each case, community-based procedures are designed to be as informal and as welcoming as possible.

Each component of these broad classifications will be discussed in detail in subsequent chapters. For now, it is worth noting that the adoption of a philosophy of juvenile justice—that is, one specifically designed to protect and regulate youths—has necessitated the implementation of an important policy objective: the redirection of the scope of youth-focused intervention away from adult-based models. Official and nonofficial institutions are integral parts of the juvenile justice system, and formal and informal proceedings are accepted alternatives. Thus, the juvenile justice system has come to encompass a much broader array of programs and agencies in comparison to the criminal justice system.
Focused Concepts: Foundational Considerations for Providing Justice to Juveniles

Youths who are served by official and nonofficial juvenile justice institutions are subject to several foundational considerations, of which they almost certainly are completely unaware. These foundational considerations are conceptual presumptions that have come to represent the guiding principles for dispensing justice to juveniles in the United States. Although these considerations are not uniformly applied across all states and all juvenile justice systems—in essence, not every jurisdiction is the same—they generally reflect the following concepts:

Juvenile Justice Extends to All Youths. There is an expanded conceptualization of justice in the juvenile system. Unlike the adult criminal justice system, which has a law enforcement mission, the juvenile system is designed to serve both offenders and victims. Cases of juvenile delinquency and minor offenses (such as truancy) are corrected by the system. So too are cases of abuse, neglect, homelessness, and other problems that pose a danger to the welfare of young people. Constitutional considerations such as due process extend to juveniles who are brought before juvenile authorities.

Juveniles Must Be Subject to Adult Control. Within the Anglo-American approach toward juvenile justice, laws require that youths be under the protection and control of an adult authority, such as parents, guardians, or the state. In many ways, juvenile rights are actually privileges that are regulated by an adult authority. Ideally, justice will be served by maintaining the bonds between children and their parents or guardians. This is a priority objective, even if family intervention is required. Should the family unit be dysfunctional or unable to control the behavior of a youth, the state will step in to provide adult control and guidance, often by removing the child from his or her household.

The Juvenile Justice System Alleviates Stigma. One long-accepted theory of juvenile rehabilitation is that youths who are brought into judicial and correctional systems are in jeopardy of becoming negatively stigmatized. Stigma refers to the imprinting of disgrace or shame on a person, so that they are thereafter judged by adults and peers in accordance with this impression. An important purpose of creating a separate justice system for juveniles is to reduce the possibility of stigmatization. This is accomplished by promoting rehabilitation and treatment, and by changing the legal language that is used when youths are processed through the system. For example, serious lawbreakers are labeled as delinquents rather than criminals.

Serious Juvenile Offenders Can Be Waived Into the Adult System. Although rehabilitation forms the underpinning for dispensing justice in the juvenile
justice system, states and the federal government have enacted laws that leave open the possibility for punishing serious juvenile offenders as criminals. Violent offenses by juveniles that would normally be classified as felonies if committed by adults are regularly waived (transferred) into the adult criminal justice system. There, juveniles are subject to the full range of penalties normally reserved for adults.

Systemic Introduction: The Juvenile Justice System in Brief

As discussed previously, our examination of the juvenile justice system involves the following components:

- Official institutions, consisting of the police, the juvenile court, and juvenile corrections
- Nonofficial institutions, consisting of community-based agencies and organizations, many of which are private and/or nonprofit groups

Each component is composed of extensive layers of bureaucracy, so that it is perhaps more correct to refer to them as subsystems within the juvenile justice system. When juveniles are processed through the juvenile justice system, each subsystem works in combination with the others. They each serve a unique function, and, depending on the manner in which a person is processed through every phase, there are a large number of possible outcomes. Figure 1.1 summarizes the range of possible outcomes for those who move through the system and each subsystem.¹⁰

There are literally tens of thousands of agencies and millions of employees that operate within these subsystems.¹² Because of the sheer size of the juvenile justice system, it is impossible to argue that there exists a single model for all agencies in every jurisdiction. In fact, jurisdictions often differ significantly from each other. Nevertheless, the following profiles summarize the several subsystems within the juvenile justice system.¹³ All will be discussed in detail in subsequent chapters.

The Police Subsystem

The role of the police is to enforce the law and maintain order in the community. This subsystem is quite extensive. In 2000, there were approximately 18,000 police agencies employing more than one million full-time sworn and nonsworn personnel.¹⁴ They are intimately involved in juvenile justice issues. As indicated in Table 1.1, they mostly operate locally, and are thus in close proximity to towns and neighborhoods.

For juvenile offenders and victims, local police are often their first contact with juvenile justice authorities. The reason for this is simply stated: Juvenile offenders who break the law are frequently taken to the police as a first
Figure 1.1  Stages of Delinquency Case Processing in the Juvenile Justice System
Problems with juveniles are addressed at the local level, and the police are frequently the first responders to allegations of delinquency or victimization. A snapshot of the extent of the police subsystem for the year 2000 indicates how large it is. The number of law enforcement agencies and personnel are indicated in this table.

<table>
<thead>
<tr>
<th>Type of Agency</th>
<th>Number of Agencies</th>
<th>Total Full-Time Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local police</td>
<td>12,666</td>
<td>565,915</td>
</tr>
<tr>
<td>County sheriff</td>
<td>3,070</td>
<td>293,823</td>
</tr>
<tr>
<td>Primary state</td>
<td>49</td>
<td>87,028</td>
</tr>
<tr>
<td>Special jurisdiction</td>
<td>1,376</td>
<td>69,650</td>
</tr>
<tr>
<td>Texas constable</td>
<td>623</td>
<td>3,080</td>
</tr>
<tr>
<td>Total</td>
<td>17,784</td>
<td>1,019,496</td>
</tr>
</tbody>
</table>


It should be noted that there is virtually no contact between federal law enforcement agencies and juvenile offenders or victims. Federal agencies are highly specialized in comparison to state and local agencies. They include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF&E). Thus, there is little chance for intervention by federal law enforcement agencies in juvenile affairs unless youths are involved in significant (and very serious) criminal activity.

The Judicial Subsystem

The judicial component of the juvenile justice system is composed of many of the same personnel as found in the adult system. These include judges, administrators, prosecutors, and defense counsel. It is a civil (rather than criminal) system, so there is also a significant amount of participation by social workers, probation officers, case managers, and other professionals whose primary duty is to inform and advise the court on the status of each juvenile. Depending on the severity of charges brought against a suspect,
juveniles may be waived outside of the juvenile judicial system and sent to the adult criminal judicial system.\textsuperscript{15}

The juvenile court is arguably the center of the juvenile justice system. Juvenile courts have the authority to function in much the same manner as courts in the criminal justice system. However, one must bear in mind that they are civil courts, and thus also have a duty to redress a number of social issues that lie outside of the authority of their counterparts in the adult criminal system. In the juvenile system, judges not only must render decisions on the fate of lawbreakers but also must weigh what would be in the best interest of children and their families. For this reason, juvenile courts often operate quite formally to resolve some cases (such as delinquency cases) but may opt to act informally in other cases (such as abuse cases). Depending on the local operating rules of specific jurisdictions, juvenile courts can exercise varying degrees of discretion to proceed formally or informally.

Figure 1.2 illustrates the number of juveniles processed at each phase of the juvenile court subsystem.

The Corrections Subsystem

Juvenile correctional institutions are regulated under state law and must comply with state and federal mandates for the humane treatment of youths who have been consigned to locked or other residential facilities. Many correctional subsystems are extensively bureaucratic—largely because they must provide every need for their residents, such as food, shelter, clothing, medical care, and sanitation. The underlying mission of juvenile corrections is to treat and rehabilitate youths. Although many facilities are highly restrictive, and confinement conditions can approximate those found in some adult facilities, it is the duty of this subsystem to “correct” the behavior of offenders.\textsuperscript{17}

Unlike adult correctional systems, which are essentially networks of large penal (punishment) facilities, juvenile correctional systems can be very innovative. For example, states frequently use community-based correctional facilities to house young offenders. These facilities may be homes, dormitories, or camps in rural areas. Thus, although there exists a very real possibility of confinement in large and unpleasant facilities, there also exists a chance to serve good time in homelike or campuslike environments located in neighborhoods or the countryside. It must also be understood that abused, neglected, and abandoned children are placed in facilities that specialize in care for this class of youths. Modern correctional systems try to separate juvenile offenders from child victims as a matter of policy.

The Community-Based Subsystem

Unlike the adult criminal justice system, local communities are an integral part of the youth-serving system. This subsystem can be especially innovative
Delinquency cases can be resolved in many different ways. Depending on the facts of the case, they may be handled either formally or informally. The following figure indicates the numbers and percentages of delinquents at each phase of juvenile court proceedings at the time these data were reported.

because it is comprised of many different types of agencies. These include for-profit private agencies, nonprofit private organizations, and neighborhood-based public government programs. They receive referrals of youths from two sources: first, those who have been transferred out of the official juvenile justice system (e.g., probationers and parolees); and second, those who have been diverted directly into community-based programs and agencies. Regardless of the manner in which youths are placed in community venues, they are likely to receive more individualized treatment than they would otherwise receive in formal correctional institutions.

Procedural Introduction:
Dispensing Juvenile Justice

Although the procedures of the juvenile justice system are similar to those of the adult system, the language it uses is very different. In order to soften the
impact of being processed into the juvenile system, and in deference to its underlying rehabilitative mission, unique procedural labels have been affixed to each phase of dispensing juvenile justice. The following discussion summarizes several of these phases, with the caveat that every jurisdiction has designed its own approach to juvenile justice process. Each phase will be discussed in detail in subsequent chapters.

Custody

Police officers are trained (or at least should be trained) to be well-versed in procedures for rendering control over youths, in comparison to dealing with adults. Under specified circumstances, the police may detain juveniles, but these youths are technically said to have been taken into custody rather than arrested. An arrest refers to the detention of a criminal suspect, which in practice denotes either adults or juveniles who have been waived into the criminal justice system. In comparison, custody suggests a broader concept of detention than does an arrest. For example, custody does not refer exclusively to the detaining of lawbreakers, and an officer may take youths into custody for a number of reasons:

- Suspicion of delinquency
- Suspicion of violations of youth-centered prohibitions, such as alcohol or tobacco use, truancy, or curfews
- Suspected victimization, such as abuse, neglect, or abandonment
- Children in need of care, such as homeless or injured youths

Youths who are taken into custody may be sent to juvenile facilities pending resolution of their case. If the police or other significant parties believe that a case warrants the attention of the juvenile court, a formal petition may be made to the court asking for its intervention. Petitions describe the juvenile’s problems that should be resolved by the court. They are issued for allegations of delinquency as well as for cases of alleged victimization. Aside from the police, the other members of the community who may make petitions to juvenile court typically include teachers, parents, and neighbors. Petitions are the formal beginning of juvenile court proceedings.

Intake

Intake is a process that is used to determine whether a juvenile should be released or processed through the juvenile justice system. It is roughly comparable to an initial appearance or preliminary hearing in the adult system. Intake officers are officials of the court who are usually probation officers or a court-employed social worker. Officers review an individual’s case and preside over intake hearings. During these hearings, the testimony of
interested parties is solicited, and may include parents, neighbors, teachers, the police, and victims. The juvenile’s entire profile is considered, including prior offenses or victimization, social conditions, psychological or physical conditions, feelings and opinions, and general deportment.

Intake hearings may result in dismissal, release into custody of parents or other guardian, referral to community-based care, or referral to the court for full prosecution or other procedures. If a youth is to be detained in an institution pending final resolution of his or her case, a detention hearing may be held to determine the mode of detention. Detention may be very restrictive or minimally restrictive.

Adjudication

Juveniles never stand before a juvenile court for a trial. Rather, they go through an adjudicatory hearing, which is the juvenile justice system’s counterpart to trials in the adult criminal justice system. Although adjudicatory hearings can be somewhat informal, they have increasingly become more akin to criminal court proceedings when cases of serious delinquency are heard. In many delinquency hearings, procedures can be quite formal and adversarial, with opposing prosecution and defense counsels, strict rules of evidence, and sworn witnesses. The vast majority of adjudicatory hearings are bench proceedings, meaning that no jury will be convened, and the judge alone is empowered to make findings of fact and rendering final judgment.

In the juvenile justice system, judges do not render verdicts on the facts of the case. They instead make an adjudication, which either supports the facts of the petition (the equivalent of a conviction in a criminal trial) or rejects them (the equivalent of a criminal acquittal). If the facts of the petition are supported, the court will conduct a hearing to consider arguments on how to dispose of the case. At this phase, the consequences of delinquency can be quite serious.

Dispositions

When an adult is convicted of a crime, he or she will often appear before the court at a later date to be sentenced. This is known as a sentencing hearing, and the juvenile justice system’s counterpart is referred to as a dispositional hearing. Its purpose is philosophically distinguishable from a sentencing hearing, because a disposition is rendered in the best interest of the child, whereas an adult sentence is usually imposed to punish an offender. Thus, regardless of the terms of each disposition, they represent a theoretical attempt by the juvenile justice system to design the most effective means to treat and rehabilitate young people. Dispositional terms may range in severity and intensity from nonintrusive or largely symbolic conditions to highly intrusive confinement in locked facilities.
Policy Introduction:
Challenges for Juvenile Justice

Juvenile justice systems have historically undergone periodic changes in philosophy. They have also experienced significant organizational reconfigurations. It is a truism that one of the only consistencies in juvenile justice process has been its adaptation to the prevailing cultural and political trends of the time.

In actuality, how cooperative is the juvenile justice system? Do the various components form an integrated network, or do they sometimes operate at cross-purposes? Which philosophies are most effective? What are the ongoing challenges for juvenile justice in the United States?

In the modern era, two fundamental challenges are likely to continue to have an impact on juvenile justice process:

- Designing an effective organizational configuration for the system
- Periodic reexaminations of existing philosophies and models for dealing with juveniles

Widening the Net:
Configuring the Juvenile Justice System

The juvenile justice system is a uniquely configured network consisting of many levels of government and the community. It is at once quite bureaucratic, and yet maintains strong connections to local neighborhoods. It has also come to marshal the resources of many sectors of society—sectors that may not otherwise be predisposed to become partners under a common policy umbrella. These disparate organizations and sectors have become part of an extensive policy agenda, which has had important consequences for the welfare of society as a whole.

The most essential challenges to maintaining some semblance of cohesion within the juvenile justice system are, first, coordinating effective communication between subsystems, and second, creating a desire for cooperation. These two factors—communication and cooperation—are important considerations for designing an effective organizational configuration for the system.

The Necessity of Communication. Regarding the need for communication, many governmental and private agencies and programs are unfortunately disconnected from each other. Separations along lines of communication can be the result of many factors, such as:

- Internal bureaucracy. Bureaucratic separation at the same level of government, wherein agencies sometimes duplicate tasks or overlook issues and cases, can be the result of poor organization (or turf competition).
• *External bureaucracy.* Poor lines of communication between separate governments are not uncommon; municipal agencies may have inefficient links with county agencies, or local agencies may not comply effectively with state rules and regulations.

• *Community–government isolation.* Disconnect often exists between community-based and government agencies, with neighborhood organizations pursuing agendas that may conflict with government plans.

**The Necessity of Cooperation.** Regarding the desire for cooperation, official and unofficial organizations often have conflicting agendas. For example, the police may be more interested in order maintenance than long-term treatment plans, whereas community-based nonprofits may have the reverse priorities. In addition, there may be an underlying sense of competition rather than cooperation between agencies or programs. For example, depending on the economic climate, there may be limitations on available financial resources, so that agencies may engage in *one-upmanship* to demonstrate that they merit funding more than their counterparts.

**Consequences.** In reality, there are often missteps in communication, as well as cases of intentional noncooperation. Because of the extensive and diverse configurations of juvenile justice systems, this means that there is frequent division between actors. They do not always live up to the ideal of a cooperative network, and the consequences can be dire.

Unfortunately, there are many stories describing incompetence, mistreatment, corruption, and cover-ups within dysfunctional juvenile justice systems. Investigations occasionally reveal criminal behavior within subsystems, such as troubling reports of beatings, neglect, or other inhumane treatment in correctional institutions. Poor implementation of programs by community-based organizations is not uncommon, and it is often the result of poor and incompetent oversight by government agencies—in other words, some problems are so blatant that even a cursory inspection would have revealed their deficiencies. Such problems and consequences pose ongoing challenges for the proper implementation of justice for juveniles.

**Dealing With Juveniles:**
**Competing Philosophies and Models**

There has never been a universally accepted philosophy on how to best conceptualize justice for juveniles. Nor has there existed a single model for how to administer juvenile justice. This challenge is not exclusive to the juvenile system, but has also been a challenge for the provision of adult-centered criminal justice.

For the most part, both the juvenile and criminal justice systems have passed through historical eras wherein philosophies and models have
reflected the norms of society at particular points in history. Subsystems—that is, the police, courts, corrections, and community-based programs—have also adapted to the philosophies of different historical eras. The historical progression of juvenile justice is discussed in Chapter 2, and each subsystem’s unique history is discussed in its respective chapter. However, it is useful at this point to understand several philosophies and models.

Rehabilitation Model. This is the original approach toward juvenile justice, and still a fundamental concept. Rehabilitation refers to using institutions and programs to reclaim troubled youths. Under this model, methods and agencies are established to mold delinquents into productive adults, and victims into healthy adults.

Treatment Model. Also referred to as the medical model, this approach applies a therapeutic standard for evaluating the effectiveness of intervention. Psychological counseling, physical (health) regimens, and behavior modification are stressed as foundations for full rehabilitation. Punishment and detention are rejected as being counterproductive to successful treatment and rehabilitation. This approach is applicable for juvenile offenders and victims.
Punishment Model. Also referred to as the crime control model, it emphasizes the authority of the state in responding to deviant behavior. Punishment is an end in itself, and the removal of offenders from society is desirable. Under this model, hard confinement, discipline, regimentation, and fear are considered to be effective correctional methods. It parallels the modern crackdown on adult criminality. Obviously, the punishment model is directed toward juvenile offenders rather than victims.

Just Deserts Model. A consequence of the crackdown on crime, this model applies the old adage of “an eye for an eye” when determining the fate of an offender. Conceptually, it advocates the imposition of punishments that fit the crime. As a corresponding approach to the punishment model, juvenile offenders will receive the punishments they deserve from juvenile court judges. Again, this is obviously appropriate only for offenders rather than victims.
E. Professional Organizations/Community Group Memberships:
- Children’s Home of Pittsburgh Board of Directors
- Democratic Committeeman, Fourteenth Ward, City of Pittsburgh
- President of the Board of Directors, Fourteenth Ward Democratic Club
- Pennsylvania (PA) Psychological Association
- U.S. Department of Justice Project Safe Neighborhoods Task Force
- Pittsburgh YMCA Collegiate Board of Management
- Vice Chair of the Board of Directors, Friends of the Riverfront

II. Professional Profile

A. What personal or other background experiences led to your decision to choose this profession?

I’m a product of the 1960s and its emphasis on direct citizen action to effect changes in government. Being part of the government allows a person to blend activism, concern for people, knowledge of how to make effective change, and a certain degree of wisdom in ways that can really make desirable change happen. I had served in the U.S. Navy, gone to graduate school, and worked for the Mental Health Association as Director of Evaluation and Research. I’d been the Chair of the Government Affairs Committee of the PA Psychological Association, and I knew my way around public policy and politics.

Now, I have been a public employee for many years, and have served three different mayoral administrations in various positions, including

- Senior Planner in the Personnel Department. I advised the Director of Personnel about employment and training policies and wrote federal grant documents and reports.
- Assistant Director of Personnel and Manager of the Pittsburgh Partnership. I was in charge of all aspects of the City of Pittsburgh’s employment and training system and programs, with a staff of 60 people.
- Government Affairs Officer. I was the City of Pittsburgh’s chief lobbyist and represented the Mayor in state and national organizations.
- Grants and Development Officer. In the Mayor’s office I am the coordinator for the City of Pittsburgh’s external funding activities of its departments and public authorities (i.e., federal and state grants and other funds that are received in addition to the usual tax revenue of the city). I also serve as Project Director for Operation Weed & Seed, a joint federal–local law enforcement and community reinvestment initiative that has been under way in Pittsburgh in one form or another since 1992.

B. Please state a few of your personal reasons/motivations for your decision to continue in this profession.

Public service is often hard work, but it is honorable work when done well. I have worked hard to make a difference in my community, and I’ve been fortunate to have had an opportunity to make real changes in Pittsburgh through my work in government. Over many years a successful government employee gains a sophisticated understanding of how to actually make some of the changes that can improve our civic life.
in very direct ways. The “community activist” in me finds it satisfying to help citizens and to teach them how to relate effectively to their local government structures. Of course, being part of the government also means you can’t escape responsibility for some of the actions that are taken (even when some of them are not your fault or are the result of processes in which you had no significant role). But that is the nature of politics and public service, and you accept that as part of the “deal” or you’re very unhappy and not long for this profession. On balance I’ve been able to make some important structural, legislative, and policy decisions that really have improved the lives of Pittsburghers to the extent that local government and its partners can do that appropriately.

C. Which job experiences have had an important impact on you?

The following accomplishments have, I think, had the most impact on me and the community:

- Creating capacity in communities, such as when I have invented neighborhood groups where ones didn’t exist before
- Pioneering the development of Pittsburgh’s network of neighborhood employment centers in 1987
- Successfully drafting legislation and lobbying the federal Congress to change the Housing and Community Development Act in 1993, specifically to benefit Pittsburgh
- Working with groups of residents to improve public safety and to bring new programs to communities
- Making the federal Weed & Seed effort so successful in reducing crime in Pittsburgh that local funds were subsequently appropriated by Pittsburgh City Council to continue and expand the project
- Helping Pittsburgh employment programs and public safety efforts to win national awards

D. What has been a particularly satisfying job experience?

See C above.

E. What has been a particularly challenging job experience?

Having to argue with uncreative administrators about the value of particular approaches to problems. Because it is often very costly for the public sector if it makes mistakes (unlike in the private sector, where mistakes can be more or less written off), public administrators tend to be cautious about taking risk or about doing things in different ways (even when it’s apparent to most reasonable people that different ways would be better!). Some caution should be part of any decision in the public sector, of course, but too much of that makes the whole system bog down and suffer from inertia and possibly fall victim to problems that get out of hand because no one’s taken any aggressive actions to address them when that could have had a desirable effect. When you’re fortunate enough to be able to take some of your own risks within the government—as I have been for much of my career—and you do take those risks, and they succeed, you may also find some degree of resentment from the unduly cautious people. If some of those people happen to be in positions that you need to interact
with or who control government resources you need to accomplish your assignments, it can be difficult from time to time, but you work through it eventually. Those kinds of challenges may be in the environment regardless of where you work, however. The difference is that in the public sector it is often harder to get around or to remove unduly cautious people who resent the success of others.

F. **What do you think the future holds for your profession?**

Government will always be around in some form. It is likely that people working in government will need greater ranges of skills and experience. It's also likely that there will probably be somewhat fewer people employed, and those who are will be working with many other agencies, consultants, and contractors to get the work of government accomplished efficiently and effectively. There is a certain degree of “ebb and flow” to government and the esteem in which it's held by many people. When times are good, many citizens don't need a lot from their governments, but when times are bad, many of those same individuals howl about why there isn't more government activity. Of course, activity costs money, even in government, and citizens must deal with the fact that services aren't free—they will eventually pay for them with tax dollars. There is also a trend toward consolidation in local government (probably long overdue in some instances). That means there may not be as many of the “supernumerary” kinds of jobs or outsourceable positions that have come to characterize some local governments for many observers. The successful local governments, however, will hire creative, broadly knowledgeable, experienced people who have some understanding and acceptance of the political environment of accountability in which public sector activities must take place, yet who are willing to work hard and to function to bring services to the people.

G. **What kind of advice/guidance would you give to interested students?**

There is no doubt that public sector activities and government can affect the lives of people in positive (and, unfortunately, sometimes negative) ways. If you believe strongly in a vision of how the lives of people ought to be affected, then you should consider a career in government. If you're only looking for a job, then go to work in a bank.

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**Chapter Summary**

Juvenile justice is a ubiquitous concept in the United States. It is a unique and separate system that encompasses juvenile justice processes (procedures) and a juvenile justice system (juvenile-focused institutions). Conceptually, the term *juvenile* is a classification defined by law that refers to nonadults who are subject to different rules, laws, and penalties. However, laws also create legal fictions that permit juveniles to be prosecuted as criminals, or emancipated from adult controls.

Juvenile justice institutions include official institutions, such as the police, courts, and corrections, and nonofficial institutions, such as community-based
agencies and programs. It is proper to consider these components as subsystems within the greater juvenile justice system. Procedurally, dispensing justice to juveniles involves procedures that are similar to those found in the adult system, but which have been designated under different terms. These terms include custody, intake, adjudication, and disposition; counterparts in the adult system are arrest, first appearance/preliminary hearing, trial, and sentencing.

There exist ongoing policy challenges for providing justice to juveniles. These include the issue of developing adequate communications between members of the juvenile justice system and assuring cooperation between them. The consequences of noncommunication and noncooperation can be dire for society. There also exist several competing philosophies and models for dealing with juveniles. These include traditional rehabilitation models, medical-inspired treatment models, punishment models, and just deserts. It should be expected that these concepts will continue to shape juvenile justice process in the future.

Chapter 2 begins our detailed investigation of juvenile justice process and systems. It provides a historical perspective for understanding the scope of juvenile justice, and it presents instructive discussion of the many cultural approaches for resolving problems involving juveniles.

Questions for Review

1. What types of approaches have been considered and developed for dealing with juvenile offenders and victimized youths?
2. Why have these approaches evolved and changed over the years?
3. What are the principal components of the juvenile justice system?
4. What are the primary duties of the components of the system?
5. How are juvenile offenders processed through the juvenile justice system?
6. How do the principal components of the system interact as juveniles are processed by them?
7. Which critical issues must be addressed by juvenile justice professionals and policy makers?
8. How do juvenile justice professionals try to resolve these critical issues?

Key Terms and Concepts

The following topics were discussed in this chapter and are found in the Glossary:
Curfews have long been used in the United States to control the behavior of specified groups of people. They have been used to keep drifters and the homeless off streets, confine African American slaves to their quarters, maintain law and order during civil unrest, and regulate Japanese Americans during the Second World War. Criminals who have been released on probation or parole are often subject to strict curfews.

Curfews have also long been used to regulate the activities of juveniles. Juvenile-focused curfew laws apply to juvenile probationers and parolees in the same manner as they do to similarly situated adults. However, unlike adult curfews (which are rare and exceptional), juvenile-focused laws can mandate that all young persons be away from an area after a designated time, regardless of their status as probationers or parolees. Laws that affect all juveniles typically stipulate an age of regulation, often for persons under the age of 18 years. Curfews can apply to entire cities or to specified streets or locations, and they frequently target shopping malls, neighborhoods, or parks. Designated times are usually an appointed time at night, such as 10:00 P.M. until dawn. Juveniles who violate curfews may be taken into custody and will usually be returned to their homes.

The purpose of juvenile curfew laws is to prevent juvenile crime and victimization. Their underlying goal is to protect youths from harm after hours in certain locations and to maintain order by preempting potential violations of the law. In order to do this, curfews regulate the times when youths will be potentially unsupervised by an adult. So, for example, juveniles will be supervised during school and curfew hours and unsupervised for only a narrow period of time. This rationale has made juvenile curfew laws a regular feature of order maintenance in American communities.
Discussion Questions

1. Are juvenile curfew laws necessary? If so, why?
2. Should juvenile curfews be imposed over wide geographic areas, or for limited purposes in specified areas?
3. Are juvenile curfews effective? Do they reduce juvenile deviance?
4. Who should bear the ultimate responsibility for complying with curfew restrictions?
5. Do curfew laws tie up police and other resources that can be better used elsewhere?

Recommended Readings

The following publications provide general and issue-specific discussions on juvenile justice process and the juvenile justice system.


Notes

1. See United States of America v. Patrick V., 359 F.3d 3 (1st Cir. 2004).
4. Chapter 7 discusses the juvenile court in detail.
5. Chapter 6 discusses the role of the police in detail.
6. Chapter 8 discusses juvenile corrections in detail, and Chapter 9 discusses juvenile probation and parole.
7. Chapter 10 discusses the role of the community as a component of the juvenile justice system.


11. Ibid.


