

SECTION 1

Nature and Extent of Delinquency

Section 1 introduces you to the problem of defining and measuring juvenile delinquency. Experts have struggled for more than a century to conceptualize and define delinquency, yet it remains a complex problem that makes measurement even more difficult.

Chapter 1 reports on the status of children in American society. It also reviews past and present conceptualization of delinquency and legal definitions of delinquency that regulated the behavior of children in the American colonies, legal reforms inspired by the child-saving movement at the end of the 19th century, status offenses, and more recent changes in state and federal laws.

Chapter 2 examines the extent and nature of delinquency in an attempt to understand how much delinquency actually exists. Determining the amount and kind of delinquent acts that juveniles commit, the characteristics of these acts, the neighborhoods in which these children live, the kinds of social networks available, and the styles of lives they lead is critical to understanding where the problem of juvenile crime exists in U.S. society. Such knowledge also helps us to understand the problem more thoroughly. Is delinquency only a problem of lower-class males who live in the inner city? Or does it also include females, middle-class children who attend high-quality schools, troubled children from good families, and "nice" children experimenting with drugs, alcohol, and sex?

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CHAPTER 1

Defining Delinquency

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 19th-century delinquency prevention movement.
- Grasp the distinction between what defines juvenile delinquency and who is a juvenile delinquent.
- Understand how the media contribute to the social definition of juvenile delinquency.

KEY TERMS

juvenile 4
Allen v. United States 5
status 6
achieved status 6
ascribed status 6
adverse childhood experiences 8
Code of Hammurabi 9
secular law 11
Stubborn Child Law 12
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Approximately 2,400 years ago, Plato expressed concern about the state of young people in society. He noted that children and adolescents seemed to have lost respect for their elders, were disobedient toward their parents, and seemed more immoral than young people had been during previous eras. Children and adolescents were viewed as having lost their way, and the state of society held in the balance. In other words, there was concern among the people that youth behavior and misbehavior were a problem. Even Plato noticed.

Fast forward to today where there is evidence for similar concern. Across the United States, adolescents use social networking sites on the Internet to plan delinquency-motivated "flash mobs," where dozens of teenagers

arrive at a store or public place in order to commit theft, robbery, assault, or create a public disturbance. Adolescent flash mobs are so problematic that they have sparked public policy. For instance, Philadelphia Mayor Michael Nutter instituted strict curfews to reduce the incidence of flash mobs after several high-profile incidents occurred in the city. Youthful behavior not only affects others but also often negatively affects children. A survey of university students found that nearly one in five has played the "choking game," where children choke themselves or others to cut off blood flow to the brain and induce a feeling of intoxication or euphoria. The choking game has resulted in deaths across the county and is the latest of behaviors among youth that cause public concern. And then there is the case of Ethan Couch and his "affluenza." At age 16, Couch was convicted of four counts of intoxication manslaughter and two counts of intoxication assault causing serious bodily injury. After brazenly driving into a crowd that resulted in four deaths, Couch attempted to flee the scene. Despite the seriousness of his crimes, Couch was sentenced to just 10 years of probation, in part because his defense counsel asserted that his wealthy upbringing contributed to feelings of entitlement and irresponsibility, or that he suffered from "affluenza." The case generated international outrage and was consistent with public fears that wealthier delinquents are afforded a more lenient form of justice than impoverished youth. In 2016, Couch fled to Mexico with his mother where he visited strip clubs and continued his life of leisure. After serving time in a detention facility in Mexico City, Couch was extradited back to the United States and ordered to serve 180 days for each count against him. His legal story has not ended, however. In 2020, Couch tested positive for illicit drugs, which is a violation of his probation. It is possible that Couch's community sentence will be revoked and result in confinement, a legal outcome that many observers feel is more just given the seriousness of his underlying delinquency.[1]



Sixteen-year-old Ethan Couch drove while intoxicated and killed four people. His defense team argued that he suffered from "affluenza," saying that his wealthy upbringing contributed to feelings of entitlement.

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Juvenile delinquency is a complex phenomenon that is difficult to define, measure, explain, and prevent. The concept of juvenile delinquency covers a broad spectrum of behaviors from fairly normative acts such as skipping school or underage drinking to serious acts of criminal violence including murder and armed robbery. Juvenile delinquency is directly related to social institutions such as families, schools, and media. Perhaps the biggest mistake anyone can make is to think that juvenile delinquency exists in a vacuum, stands alone, and has no connection to other parts of society. Because of its complexity, many theories of delinquency have evolved to place the blame on targets ranging from a child's embryonic development to dysfunctional families, dilapidated schools, abject poverty, peer relations, low self-control, or any combination of these and other factors.

The delinquency of children is often a sign of countless and usually unknown problems they face, which are interrelated in complex and multifaceted ways. In recent years, juveniles have committed many serious crimes that have affected how people think about crime, its causes, and its solutions. The most recent data show that U.S. law enforcement agencies arrested more than 508,000 **juveniles** or people younger than age 18. Juveniles accounted for over 7% of all arrests in the United States, 9.5% of all violent crime arrests, and 11% of all property crime arrests in the United States in 2018. The substantial increase in juvenile violent crime arrests that began in the late 1980s and peaked in 1993–1994 has been followed by an unprecedented decrease in youth violence. In the decades after the peak of juvenile crime, juvenile arrests for serious violent crime fell by 49%, reaching its lowest level since the late 1980s. In the decade between 2001 and 2010, the number of juveniles who were arrested declined by nearly 24%. In the decade between 2005 and 2014, the juvenile arrests for violent crime declined 43% and juvenile arrests for property crime fell 46%. In addition, between 2005 and 2014, juvenile murders dropped 45%, juvenile rapes declined 16%, juvenile robberies dropped 34%, and juvenile aggravated assaults dropped 49%. According to the most recent data, total juvenile arrests (or police contacts as they are known in the juvenile justice system) declined 11%. Violent juvenile arrests declined 5.1% and juvenile property arrests declined 21.6%.[2]

The majority of juveniles who commit delinquent acts, including first-time juvenile offenders, are likely to be informally processed or diverted from the juvenile justice system. Relatively few juveniles are *chronic offenders*. Most juvenile offenders commit only a few offenses and tend to commit a variety of crimes. In other words, whereas it was once thought that juveniles specialized in a particular type of crime—theft or drug sales, for example—research has found that they do not.[3] Juvenile offenders are "garden variety offenders," who are inclined to commit an assortment of offenses, although some may favor a particular type of crime more than others. The majority of juvenile offenders commit relatively minor offenses and only a small percentage commit occasional serious crimes.[4]

Some of the crimes that juveniles commit are so serious that they gain national attention. These "sensational" crimes include one committed by 15-year-old Evan Savoie, whose juvenile record contained 19 court referrals beginning at age 12 and who ultimately stabbed a playmate to death, and another by 14-year-old Michael Hernandez,

who slit the throat of 14-year-old classmate Jaime Gough in a school bathroom and then calmly returned to class with bloodstained clothing. In November 2015 in Birmingham, Alabama, an 8-year-old boy was charged with murder for killing a 1-year-old girl who "would not stop crying" while he babysat the girl. The childrens' mothers were partying at a nightclub when the murder occurred. Crimes such as these shake the conscience of law-abiding citizens across the nation.[5]

As shocking as these crimes are, few crimes committed by juveniles have caused as much fury and concern as that of Dedrick Owens. In 2000, 6-year-old Dedrick found a .32-caliber semiautomatic 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 at Kayla Rolland, also age 6, "I don't like you," before pulling a gun from his pants and shooting her. The bullet entered Kayla's right arm and traveled through her vital organs. She grabbed her stomach, then her neck, gasping for air. Kayla died soon 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, Dedrick could not be charged with murdering Kayla (but would go on to become a violent criminal). In 1893, the U.S. Supreme Court ruled in ***Allen v. United States*** that any child younger than age seven could not be found guilty of a felony or punished for a capital offense because they are presumed to be incapable of forming criminal intent. In a recent study of minimum age statutes in six states, Laura Abrams and her colleagues found that children aged 12 and under are rarely prosecuted even for serious violent accusations, and the prevalence of prosecuting a child under the age of 10 years is extremely rare.[6]

Juvenile crime is not only a problem in the United States but also around the world (see **Box 1.1**, the "Delinquency Around the Globe" feature). A large-scale study of nearly 30,000 children selected from 21 societies including China, Croatia, Denmark, Finland, France, Greece, Hong Kong, Iran, Italy, Jamaica, Lithuania, the Netherlands, Poland, Portugal, Puerto Rico, Romania, Serbia, Singapore, Thailand, Turkey, and the United States found remarkable agreement among teachers and parents when identifying and rating mild, moderate, and serious forms of behavior problems and delinquency. As in the United States, serious juvenile crime constitutes only a small fraction of the offenses youths commit across the globe. Most juvenile crimes involve relatively less-serious offenses, such as larceny-theft, liquor-law violations, use of fake IDs, and petty drug offenses. But even minor forms of delinquency can have deadly consequences. Consider that in recent years, many youths have smoked *K2*—an herbal-blend home incense—that is sometimes marketed as synthetic marijuana but with 10 times the intensity. Ingestion of *K2*, also known as spice, blaze, demon, crazy clown, scene, smoke, skunk, and others, can contribute to serious physical and psychiatric problems and has been linked to overdoses and suicides. *K2* is banned in many cities across the United States and in other countries, including Austria, France, and Germany.[7] Thus, even innocuous household items, such as laundry dryer sheets, magic markers, highlighters, glue, and household cleaners, can contribute to violations of law among juveniles.

Box 1.1 Delinquency Around the Globe

Children and Crime

Juveniles worldwide commit serious crimes. Sometimes, their crimes are violent and sometimes not. The vignettes provided here involve crimes committed for a variety of reasons ranging from needing shopping money to retaliation to racism. As you see from these examples, juvenile crime is not restricted to any particular location, race, or sex.

- 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 and sentenced to life in prison with nonparole periods set at 25 years. During his 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 killing a 10-year-old immigrant from Nigeria. The stabbing death, which took place in 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 that his parents were infected with human immunodeficiency virus (HIV). Reports claimed that the boy was worried about his future and being ostracized from society. In India, schools will turn away children whose parents have HIV.

(continues)

Box 1.1 Delinquency Around the Globe *(continued)*

- In Accra, Ghana, hundreds of youths, upon returning from a funeral for Muslims killed in Africa's worst soccer disaster, vented their anger by attacking a police station and destroying kiosks in a working-class neighborhood. The youths had come from a funeral service for 30 people who were killed in a mass stampede at the Accra sports stadium. A total of 126 people died in the crush.
- In Okayama, Japan, a teenager was arrested for pushing a 28-year-old man off a platform at a railway station, causing him to be killed by a train.
- In Tuusula, Finland, an 18-year-old student shot and killed five boys, two girls, and the female principal at Jokela High School; at least 10 others were injured. The gunman shot himself and died in the hospital from his wounds.

In addition to these media items, cross-cultural studies show remarkable consistency in the mechanisms that push juveniles into delinquency. For example, the Second International Self-Report of Delinquency study is an examination of delinquency among 67,883 juveniles in 31 countries. The data include nations as diverse as Antilles, Aruba, Cyprus, Estonia, Iceland, Russia, Surinam, Switzerland, and the United States. Despite this diversity, studies show that delinquency is more common and severe among boys than girls, is commonly an outcome of parenting deficits and family problems, and is importantly related to self-regulation deficits. In other words, a look at delinquency around the world tends to tell a very similar and familiar story.

Data from Spiro Doukas, "Crowd Management: Past and Contemporary Issues," *The Sports Journal*, retrieved April 15, 2012January 14, 2020 from http://www.thesport journal.org/article/crowd-management-past-and-contemporary-issues; "New Damilola Trial Is Considered," BBC News, retrieved January 14, 2020 January 14, 2016 from http://news.bbc.co.uk/2/hi/uk_news/england/london/4874872.stm; "Racist Violence on the Rise," World Press, retrieved January 14, 2020 January 14, 2016 from http://www.worldpress.org/Europe/2375.cfm; "Teen Held in Deadly Train Platform Push," retrieved January 14, 2020 January 14, 2016 from http://search.japantimes.co.jp/cgi-bin/nn20080327a2.html; "Man Kills Eight at Finnish School," BBC News, retrieved January 14, 2020 January 14, 2016 from http://news.bbc.co.uk/2/hi/europe/7082795 .stm; Ekaterina Botchkovar, Ineke Marshall, Michael Rocque, and Chad Posick, "The Importance of Parenting in the Development of Self-Control in Boys and Girls: Results from a Multinational Study of Youth," *Journal of Criminal Justice* 43:133–141 (2015); Alexander Vazsonyi and Li Huang, "Hirschi's Reconceptualization of Self-Control: Is Truth Truly the Daughter of Time? Evidence from Eleven Cultures," *Journal of Criminal Justice* 43: 59–68 (2015).

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, in turn, invite other questions: Who is responsible? What is the child's family like? Does the mother work outside of 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 juvenile offenders be rehabilitated or punished?

Status of Children

Status describes a socially defined position within a group, characterized by certain rights, expectations, and duties. Who someone is in relation to others affects how they interact with them and how others interact with him or her. There are two types of statuses: achieved and ascribed. **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 a person is, not what they do; some examples include being born Asian American or female. Typically, status involves a mixture of ascription and achievement: Ascribed status influences achieved status.

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. The 1874 case of Mary Ellen Wilson is generally regarded as the first



Dedrick Owens was six years old when he took a gun to school and shot and killed Kayla Roland, his six-year-old classmate. Dedrick was not prosecuted for the crime because in 1893, in *Allen v. United States*, the U.S. Supreme Court ruled that children under age seven could not be held criminally responsible for crimes they committed.

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Box 1.2 A Window on Delinquency

The Story of Mary Ellen Wilson

The first "official" case of child abuse in the United States is that of Mary Ellen Wilson. Mary Ellen was born in 1864 to Frances and Thomas Wilson. Her father died shortly after she was born. 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 Blackwell's Island for orphaned and abandoned children. When she was 4 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 poorly treated by her new mother. 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 community regularly, the terrible tale of child abuse and asked her to check on Mary Ellen. When she did, she 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 Etta Wheeler began to pursue legal redress and protection for her.

To help Mary Ellen, Etta Wheeler turned to Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals. Bergh told Wheeler that he needed a good, strong testimony of child maltreatment. Soon thereafter Wheeler provided Bergh with the information he requested. Bergh then had his lawyers present Judge Abraham Lawrence, of the New York Supreme Court, with a petition on behalf of Mary Ellen, showing she was being held illegally and being physically abused. The lawyers requested the judge to issue a warrant to remove Mary Ellen from the home and place her in the protective custody of the state and 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 Mary Connelly had struck her with a pair of scissors. On April 10, 1874, Mary Ellen testified before the 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 then 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 1 year of hard labor in prison.

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

documented child abuse case in the United States. Mary Ellen, who was badly abused by her adoptive mother, was removed from her home and placed in a state child protective facility. Her adoptive mother was criminally prosecuted and convicted of felonious assault (see **Box 1.2**, the "A Window on Delinquency" feature).

There are many other more horrific incidents of parents harming their children.[8] Nicole Beecroft stabbed her newborn baby 135 times and then put the child in a garbage can outside her home.[9] Debra Liberman beat her seven-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.[10] In addition, approximately 5,000 Catholic priests have been accused of molesting more than 11,000 minors.[11] The issue of sexual abuse became even more pronounced in 2012 when Jerry Sandusky, the former defense coordinator of the Penn State University football team was convicted of multiple counts of sexual abuse of children over a period of many years.

In addition to Catholic priests, other religious leaders sometimes mistreat children. For example, Atlanta police arrested Pastor Arthur Allen and five members of his 130-member church, who had whipped children as a form of discipline. The leader of the House of Prayer and several 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. These people think that what parents do to their children is no business of the state or federal government.

The beatings were done at the church, administered by parents and other adults with belts and switches, and 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 considering how old the child was and whether the child had expressed remorse for their 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 seven-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 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 found by U.S. park police in a parked car. He was arrested and returned to prison. Allen served a 2-year prison term and was released. Four other church members also were convicted and sentenced in connection with the beatings.[12]

These are just a few examples of child abuse in the United States. In fact, each day more than 1,000 children were confirmed by state child protection agencies as having been abused or neglected by their adult caretakers. More tragically, each day four children are killed as a result of abuse or neglect.[13]



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.

Courtesy of the George Sim Johnston Archives of the New York Society for the Prevention of Cruelty to Children.

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 Cathy Spatz 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. Among these researchers' findings were the following:

- Being abused or neglected increased the likelihood of being arrested as a juvenile by 59%.
- Maltreated children were younger at the time of their first arrest, committed nearly twice as many offenses, and were arrested more frequently than their peers who did not suffer maltreatment.
- Physically abused and neglected children (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 compared with juvenile and adult women.

Child maltreatment continues to be a serious social problem, and it is one that is of increasing research interest to criminologists. Today, **adverse childhood experiences**, various forms of abuse, neglect, and disadvantage that occur during childhood and have immediate and long-lasting negative effects on health and behavior, are among the most impactful areas of research. Adverse childhood experiences cast a long shadow in terms of their negative consequences on behavior and social functioning. Menno Segeren and colleagues found that children who endure more adverse childhood experiences are less self-sufficient as adults in terms of ability to maintain their personal finances; complete daytime activities, errands, and household chores; maintain relationships; remain sober; and overall daily living skills. The downstream effects of adverse childhood experiences are even more problematic for behavior problems and delinquency. For instance, Bryanna Fox and Michael Baglivio and their colleagues have shown that serious juvenile delinquents experience far more adverse childhoods than children who do not have contact with the juvenile court. In fact, each form of abuse and neglect increases the likelihood of becoming a serious, violent, and chronic juvenile offender by 35%. This means that children

with extensive adverse childhood experiences are at several hundred percent higher odds for risk of living a life of crime and delinquency.[14]

If there is good news to report it is that David Finkelhor and his colleagues recently uncovered data revealing that there is much less child maltreatment today than there was in the recent past. Among 50 trends in exposure to crime, violence, abuse, and maltreatment, 24 showed significant declines since 2010 and no form of exposure showed a significant increase. Indeed, there has been such improvement in the social and behavioral health of children that Child Trends, a nonprofit research organization, has initiated the Flourishing Children Project that focuses on positive characteristics of children and adolescents that are associated with conventional behaviors and negatively associated with delinquency and other problem behaviors. The flourishing constructs include gratitude, forgiveness, hope, life satisfaction, purpose, diligence and reliability, educational engagement, trustworthiness, integrity, thrift, empathy, and social competence, among others. Similarly, other researchers focus on positive childhood experiences and the protective effects these have on behavior. Children who feel they can talk to their family about their feelings, feel safe, feel supported by friends and parents, have a sense of belonging in school, feel protected, and have at least two nonparent adults who care for their well-being have better health, relationships, and social functioning later in life.[15]

Early Prohibitions of Juvenile Behavior

The systematic denial of privileges and subsequent maltreatment of children are not a new phenomenon. Throughout history, children have commonly been viewed as different from and inferior to adults. In the process, societies have constructed legal prohibitions aimed at regulating the behavior of juveniles.[16]

The Code of Hammurabi

The **Code of Hammurabi** is one of the earliest and most complete legal codes, originally proclaimed by Babylonian king Hammurabi in 1750 BCE. The collection of 282 laws and standards stipulated rules for commercial interactions and set fines and punishments to meet the requirements of justice. Many of the rules prescribed severe penalties, applying the dictum "An eye for an eye, a tooth for a tooth." Rule 195 was specifically aimed at children who disobeyed their parents: "If a son strikes his father, his hands shall be cut off." The Code of Hammurabi also established a special set of rules for adopted children. 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" and Rule 193 added that if an adopted son returned to his biological parents, then his eyes would be plucked out.[17]

The Greek Empire

The Greek Empire spanned the years between the sixth and third centuries BCE, when juvenile misbehavior was considered to be 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 **Box 1.3**, the "Delinquency Prevention" feature).

If today's definition of assault was applied to the behavior of ancient Greek children, Greek society would have been filled with children who were "psychopathic delinquents." Many Greek children were so unruly that a law was passed specifically prohibiting them from beating up their parents. Some historians blame this aggressive behavior 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 gave vivid examples of what parents might do to their children:

- Heracles slaughtered his children in a fit of madness.
- Agave killed and dismembered her son, Pentheus.
- Tantalus chopped up his son, Pelops, to be eaten at a banquet held in honor of the gods.
- Laius nailed together the ankles of his infant son, Oedipus, before leaving the child to perish on a mountain.
- Medea murdered her children to punish her husband for abandoning her for another woman.

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.[18]

Box 1.3 Delinquency Prevention

Parental-Liability Laws

Increased juvenile violence and the horrified reaction by the U.S. public have caused state legislatures to increasingly hold parents responsible for some of their children's damage. Parental-liability laws are now on the books in almost every state. Some states hold parents responsible for their child's mistakes when they damage property or hurt someone. Although specific parental-liability laws vary, in eight states, parents may be held responsible only for crimes committed by their children. State parental-liability laws typically cover such behaviors as vandalism of government or school property; defacement or destruction of national and state flags, cemetery headstones, public monuments, or historical markers; and destruction of property as part of a hate crime. Personal injury in connection with any of these acts may also be included under the rubric of parental liability.

As early as 1846, Hawaii established a parental-liability law designed to punish, deter, or reform parents of juveniles who harmed others. Under early common law, parents could not be held liable for damages done by their children unless the damage was caused by action or inaction on the part of the parent. By the late 1950s, some states had enacted statutes similar to those found in Hawaii. Today, all states except New Hampshire and the District of Columbia allow victims to seek compensation from parents as a result of damages caused by their children.

Legislatures in some states have passed laws that impose criminal sanctions on parents whose children do not attend school. In DeKalb County (Atlanta), Georgia, nine parents spent the night in jail, snared 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 2006, the court ordered Brian Gegner to make sure his daughter Brittany, then age 16, received her high school diploma. Soon thereafter, Brittany went to live with her mother, Gegner's ex-wife. When Brittany failed her GED test, however, her father was sent to jail.

Under an Oregon law, parents of second-time violators of the juvenile code may be fined as much as $1,000 or be required to attend parenting classes. Mississippi has a school truancy law that sends parents to jail for up to 1 year and levies fines of as much as $1,000 if their school-age children are habitually truant. In Florida, parents may be imprisoned for 5 years and receive a $5,000 fine if their children kill or injure someone with a weapon. In 1988, California passed the Street Terrorism Enforcement and Prevention Act, which includes provisions for punishment of parents for the gang-related activities of their children. Parents may be arrested and imprisoned for 1 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 between parent and child does not impose any legal liability on the parent for the bad acts or carelessness of the child. Rather, parents are held 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. Some examples regarding 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 when a parent encourages a child to physically attack another person. Parents can also be held liable when their own negligence contributes to a child causing injury to another. For instance, if a parent serves a child alcohol and then permits the child to drive a car, the parent may be liable for damages. Thus, for a parent to be found liable for the behavior of their child, the child must be acting on behalf of the parent or the parent must have made the harm possible through their own carelessness or negligence.

Although it might seem that the public supports parental-liability laws because of their concerns about delinquency, there is little research on the topic. A recent study, however, reported unexpected findings. Eve Brank and Victoria Weisz surveyed nearly 1,000 adults and found relatively low support for holding parents legally responsible for their children's misconduct even though there was general acknowledgement that parents were morally responsible. More conservative individuals, however, were significantly more likely to believe in the value of parental-liability laws.

Regardless of its public support, parental-liability laws are one way that criminal law can mandate accountability among parents. This is important because a significant portion of delinquency is explicitly related to children and adolescents who act out in order to strike back or gain revenge against their parents. For instance, a survey of more than 5,000 youth in Finland reported that half of assaults perpetrated by youth are motivated by feelings of revenge against parents and peers. In addition, up to 20% of instances of running away from home and vandalism reflect a revenge motivation against one's parent(s). If parental liability laws help to improve parent–child relations, reduced delinquency is a likely outcome.

Eve Brank and Leroy Scott, "The Historical, Jurisprudential, and Empirical Wisdom of Parental Responsibility Laws," *Social Issues and Policy Review* 6:2653 (2012); "Ga. Parents Jailed in Truancy Crackdown," *USA Today*, September 18, 2008, p. 3A; "Only in America," *The Week*, May 23, 2008, p. 4; Joan Lisante, "Blaming Mom and Dad," retrieved January 15, 2020 from http://www.consumeraffairs.com/parenting/blaming_mom_and_dad.htm; Eve Brank and Victoria Weisz, "Paying for the Crimes of Their Children: Public Support of Parental Responsibility," *Journal of Criminal Justice* 32:465–476 (2004); Janne Kivivuori, Jukka Savolainen, and Mikko Aaltonen, "The Revenge Motive in Delinquency: Prevalence and Predictors," *Acta Sociologica* 59:69–84 (2016).

The Middle Ages

There is very little documentation describing adult–child relations during the Middle Ages (500–1500 CE). Those writings that do exist suggest that children were treated badly. It was not uncommon for mothers to suffocate their children and leave their dead bodies on the streets. Despite their poor treatment, children living in the Middle Ages were viewed more like miniature adults than they are today. Children were permitted to curse, openly engage in sex, drink (both in taverns and at home), and wear firearms; also, they were not required to attend school.[19]

Laws regulating the problem behaviors of children began to emerge in the 10th century, when King Aethelstane pronounced that any thief older than age 12 should receive the death penalty if they 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 they resisted arrest or ran away.[20] These laws recognized that a child younger than a minimum age, typically 12 years, was exempt from prosecution and punishment; they provided little distinction between older juveniles and adults.

The 16th and 17th 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. As Perry noted, boys and girls alike were arrested:

> Prostitution also offered a livelihood for boys. Some became pimps for their sisters or girlfriends, but others became prostitutes themselves. Some boys involved in homosexual acts in Seville were as young as eight years, but it is likely that the younger boys were victims rather than working prostitutes. Children growing up in the streets learned the tricks of gambling very early . . . They learned to mark cards with pin pricks, scratches, and watermarks.[21]

Most of the juveniles arrested were street children. Many 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 about 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. Unfortunately, the law did not provide for dependent and neglected children as it does today. In early Seville, children had to fend for themselves, and because no law prohibited adults from beating them, their best defense was a pair of fast legs and a place to hide.[22]

The 18th and 19th Centuries

By the end of the 17th century, concern about juvenile delinquency had become widespread throughout England. Although most juvenile crime involved theft, violent crime was also common among youths. Wiley Sanders reports on some of the children's cases that were tried in the Old Bailey (the primary criminal court in London) between 1681 and 1758[23]:

- On January 17, 1684, John Atkins, a little boy, was indicted for stealing a silver tankard valued at 10 pounds. He was found guilty, sentenced, and sent out of the country.
- 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 from the country for seven years for stealing a watch.

At a time when juveniles were commonly sentenced to prison or transported to a prison colony for theft, the penalties these children received could have been much more severe. In 1733, for instance, Elizabeth Ran, a little girl, was sentenced to death for stealing from Stephen Freeman—to whom she was apprenticed. Prison, however, 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.[24]

As an alternative to prison, many English children were banished along with adults. Two ships, the *Leviathan* and the *Retribution*, each carried between 30 and 40 juveniles on their trips to Australia. In 1829, 4,000 convicts were placed on board the *Euryalus* to make the same trip, nearly 300 of whom were juveniles and 72 of whom were younger than age 13.[25]

Juvenile delinquency had become a serious problem in England by the mid-1800s. In London, the

greatly feared criminal class, with its large numbers of children, was 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 popular at the time:

> 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. This is the chief source of juvenile delinquents, who are also augmented by children, abandoned by the profligate among the working classes, by those of poor debtors confined, of paupers without settlement, and by a few wayward spirits from reputable families, who leave their homes without cause, either from the neglect or misfortune of their natural protectors. Children of this description are found in every part of the metropolis, especially in the vicinity of the theaters, the marketplace, the parks, fields, and outskirts of the town. 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 have never known 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.[26]

As reported in the writings of Wade and others, 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.[27]

Under the existing laws of the time, children younger than age seven 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 also presumed to lack the intellectual ability to produce criminal intent. However, the law did not always limit prosecutors in charging these youths with crimes. Indeed, 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.[28]

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 approximately 1880, child labor was widespread in America and the apprenticeship system was widely practiced. It was normal for the poor 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.[29]

American Colonies

It was not just apprenticed children who faced strict regulations on their behaviors; all children did. In 1641, the General Court of Massachusetts Bay Colony passed the **Stubborn Child Law**, which stated that children who disobeyed their parents could be put to death.[30] 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 descended from 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. Not all colonies adopted the Stubborn Child Law, however. Outside of Massachusetts, children found guilty of serious crimes were frequently whipped and caned.

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."[31] In 1672, the General Court of Massachusetts Bay Colony prohibited an adult from luring a young person from their 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 they reached the age of 18. Children

younger than age 14 who were found guilty of lying would be punished with a monetary fine for the first offense and higher fines thereafter.[32]

The Puritans were ambivalent about children. Although they believed children were born in sin and should submit to adult authority and hard work, they also thought children required separate legal provisions. For instance, in 1660, the laws of the Massachusetts Bay Colony provided that for sodomy. . . . children under fourteen were to be "severely punished" but not executed; for cursing and smiting parents,. . . . only those "above sixteen years old, and of sufficient understanding," could be put to death; for being stubborn or rebellious sons. . . . only those "of sufficient years and understanding [sixteen years of age]" were liable; for arson,. . . . the law also applied only to those "of the age of sixteen years and upward" for "denying the Scriptures to be the infallible word of God," again, the minimum age was 16 for those who were liable to the death penalty.[33]

The Puritans made no distinction between delinquency and sin. The laws of the colony were the laws of God, so children who misbehaved were considered to have violated God's law.

The Puritans were not the only people concerned about children. By the 18th 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."[34] Members of the upper class believed that children demanded close supervision and needed discipline rather than coddling, modesty was of great importance, and strict obedience to authority was essential.

Postcolonial Patterns of Delinquency

Whereas humanitarian control motivated early interest in children, the actual purpose of many reforms, such as compulsory or required education, was to control the children of poor immigrants. Their swarming, ragged presence on city streets made these youngsters 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 who 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 society.

The fear of children was based on personal experiences. In the early 19th 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. An editorial in a Philadelphia newspaper expressed both fear and outrage over the "new" street gangs:

> A few nights ago, a number of boys assembled on Fifth-street, between Market and Chestnut-streets to divert themselves with firing squibs. A gentleman and a servant [were] driving a carriage, with a pair of horses [that] had broken loose. The boys [saw this as] a fine opportunity for sport and mischief, and eagerly seized the moment to light a squib and fling it towards the horses. Luckily . . . the beasts were in good hands and, though frightened, were prevented from [running off]. Had not this been the case, the newspapers might [be reporting] a list of five or six persons killed or wounded.[35]

By the early 1800s, juvenile gangs had become an unwanted fixture in the big cities. They 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 gangs of juveniles included robbing and aggravated assault of innocent citizens. Something needed to be done—but what?

The Child Savers

In the first quarter of the 19th century, the United States underwent rapid social change in response to the Industrial Revolution. Meanwhile, leisure time increased for wealthy people, opportunities for public education burgeoned, and communal life in the cities began to break down. Although simultaneously fearful and worried about the changes occurring around them, affluent people needed something to fill their lives. They turned their attention to saving other people's children, reasoning that in the long run, they would in turn be saving themselves. Many of those who joined this movement formed a group called the Child Savers.

Like other Americans, the **Child Savers** believed in the goodness of children. They saw children as being born good and only becoming bad over time. Juvenile crime was blamed on external factors such as exposure to poverty, overcrowding, immigration,

and lack of parental guidance. The solution to youth crime was to remove problem children from bad homes and place them in good, rehabilitating environments.[36]

Early History of Institutional Control

The Child Savers actively pursued the passage of legislation that would allow children, especially juvenile paupers, to be placed in reformatories. The goal of removing children from extreme poverty was admirable but ultimately resulted in transforming children into nonpersons (that is, people without legal rights). Children were shunted into factories, poorhouses, orphanages, and houses of refuge, where they were treated poorly with almost no attention being 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 nearly 200,000 children into indentured servitude until age 18 (see **Box 1.4**, the "Delinquency Prevention" feature).

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. 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 notions about the purity of childhood. Child Savers launched interventionist efforts to save delinquents, rectify the circumstances that had hampered their development, and guide them firmly toward the path of righteousness. This path, however, was often a winding one because of these well-meaning reformers' anxieties. 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, reformers believed delinquents had to be restrained from activities that violated social norms, and these

Box 1.4 Delinquency Prevention

The Orphan Trains

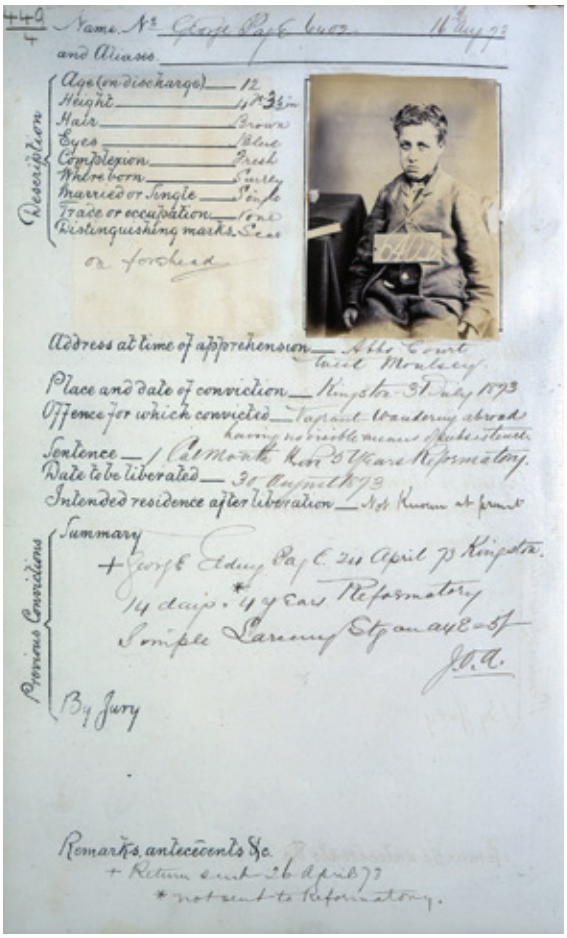
In the mid-19th century, thousands of children who were orphans, runaways, and throwaways filled the streets of New York City. Many of them were incarcerated or put into poorhouses. Reverend Charles Loring Brace, who in 1853 established the Children's Aid Society to provide homeless children with shelter and education, took a more daring tack. Between 1854 and 1929, the society ran "orphan trains" that carried 150,000 to 200,000 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 haphazard at best. At town meetings across the country, 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, and their new adopted parents, had 1 year to decide whether they would stay together. If either party decided not to continue the arrangement, the child would be returned to the Children's Aid Society, board the next train out of town, and be offered to another family.

Although approximately 40% of the orphan train riders were female, Brace referred to his passengers almost exclusively as "lads." Female orphan train riders were treated decidedly differently than the males. Brace felt that street-girls were less salvageable and "hopeless" after the age of 14 because he thought them to be "weak in flesh" and prematurely "womanly." The Children's Aid Society did, however, continue to send girls to the underdeveloped West, where overworked farm wives were in dire need of relief. Orphan train girls were often treated harshly by their host families and considered cheap domestic help. It was assumed that getting married was the best outcome that could be expected for the female orphans.

The impact of Brace's efforts on children's lives was variable. Some children thrived. Two boys became the governors of Alaska and North Dakota, another became a Supreme Court justice, and many other "lads" became mayors, congressmen, local representatives, lawyers, and doctors. 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, led ordinary lives.

The Children's Aid Society, *The Orphan Trains*, retrieved January 14, 2016 from http://www.childrensaidsociety.org/about/history/orphan-trains; 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* 33:3–19 (2005); Stephen O'Connor, *Orphan Trains* (Boston: Houghton Mifflin, 2001).


Name. Age
and Aliases
Description
Age (on discharge) 12
Height 4ft 3½in
Hair Brown
Eyes Blue
Complexion Fresh
Where born Surrey
Married or Single Single
Trade or occupation None
Distinguishing marks Scar on forehead
Address at time of apprehension Ship Court, Lant Market
Previous Convictions
Summary
Place and date of conviction Kingston 31 July 1873
Offence for which convicted Vagrant, wandering abroad having no visible means of subsistence
Sentence 1 Calendar Month & 5 Years Reformatory
Date to be liberated 31 August 1878
Intended residence after liberation Not known at present
By Jury
Remarks, antecedents &c.
+ Return sent 26 April 73
* not sent to Reformatory.

In the early 19th century, children of any age could be brought before the court. Here, a 12-year-old boy was convicted of being a vagrant with no visible means of subsistence.

Courtesy of The National Archives of the UK, ref. PCOM2/291.

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.

It was during this political climate that the doctrine of ***parens patriae*** was adopted from earlier English common law. 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 by her mother, who alleged she was incorrigible (meaning that her mother believed she was hopeless).[37] Mary Ann's father disagreed, arguing that the commitment procedures were unfair, and that Mary Ann was accused of committing what later became known as a **status offense**—an act illegal only for children, such as truancy, curfew violations, and running away. 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.[38]

The New York House of Refuge

The first house of refuge opened in 1825 in New York State; it represented 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 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 its real 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 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."[39] Children suffered terribly at the hands of adults, whose mixture of hostility and kindness produced a peculiar atmosphere. There was an emphasis on remorse and punishment, which was



Status offenses are acts that are *only* illegal for juveniles, such as drinking alcohol, running away, curfew violations, and smoking cigarettes. Relatively few juveniles who only commit status offenses are adjudicated delinquent by the juvenile court.

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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 first juvenile court in Cook County (Chicago), Illinois, in 1899. 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.

As mentioned earlier, the Child Savers were outraged by the plight of and the potential threat posed by 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 eight years who is found peddling or selling any article or singing or playing any musical instrument upon the street or giving any public entertainment.[40]

These court proceedings were established as *civil*—not criminal—procedures, perhaps because social workers spearheaded the court movement. They believed that children must be *treated*, not punished, and that the judge should 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.

The juvenile court reaffirmed and extended the doctrine of *parens patriae*. The paternalistic philosophy meant that reformers gave more attention to the "needs" of children than to their rights. 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. Because of 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 finally established its juvenile court in 1945, the list of U.S. states with such courts was complete.[41]

In spite of the speedy embrace of this concept by jurists and legislatures, creating the juvenile court proved much easier than making it work over the longer term.[42] The promise of the all-encompassing child-caring role envisaged by court personnel crumbled as municipal officials, who had rushed to establish their own juvenile courts, quickly discovered that the new institution frequently failed to live up to its goals. In many cities, juvenile courts simply could not function with their prescribed tasks. In almost all states, reformatories and penal institutions were still filled with hundreds of children, and in many jurisdictions where detention homes had not been provided for court use, children were still confined in jails, often with adult criminals, to await hearings.[43] Responses to a 1918 Children's Bureau questionnaire seeking information on the workings of the new court system suggested that in most jurisdictions, special provisions were not yet made to handle children coming before the courts. A report on punishments meted 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."[44] 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 courts' operation: inadequate probation service, general unavailability of treatment facilities, inept recordkeeping 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 made more acute 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 courts waned.[45] In many jurisdictions, but particularly in large cities, a system of rotation was put in place where judges sat in a specific court no longer than 3 months at a time. 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 that in the outside world, where the child was shunted from an inadequate home to a foster home, then perhaps to another foster home, 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

As noted at the beginning of this chapter, delinquency is difficult to define. Criminologists, policymakers, and social reformers have all struggled to identify those behaviors that qualify as "delinquency" and determine exactly who is a "delinquent." What defines delinquency in a legal sense may be very different from how delinquency and the delinquent are defined by the general public. In the next section, we review some definitions of delinquency and delinquents 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 by a child. In most states, **juvenile delinquency** is defined as behavior that is a violation of the criminal code and committed by a youth who has not reached adult age, which typically is age 18. The specific acts constituting juvenile delinquency differ from state to state. One definition of juvenile delinquency that is widely accepted by criminologists is:

> Juvenile delinquency cases . . . are acts defined in the statutes of the State as the violation of a state law or municipal ordinance by children . . . of juvenile court age, or for conduct so seriously antisocial as to interfere with the rights of others or to menace the welfare of the delinquent himself [or herself] or of the community.[46]

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 merely reprimanded by the officer or have their parents called to come and pick them up at the police station. In reality, fewer than half of juveniles handled by law enforcement agencies are referred to the juvenile court system.

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 considered a delinquent when they are officially processed through juvenile or family court. A juvenile does not become a delinquent until they are officially adjudicated (labeled) as such by the juvenile court. In Ohio, for instance, a delinquent child is one who (1) violates any law of the state, any law of 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. In contrast, in Montana, a juvenile delinquent is a child who has either committed a crime or violated the terms of their probation. In Mississippi, a juvenile delinquent includes a child who is age 10 or older and "who is habitually disobedient, whose associations are injurious to the welfare of other children."[47] As a result of differing definitions, a child who could be defined in many situations as "delinquent" in Mississippi would not be considered "delinquent" in either Montana or Ohio.

Throughout the first six decades of the 20th century, the juvenile court failed to make clear distinctions between dependent and neglected children, status offenders, and delinquents. For the most part, 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 wore on, however, juveniles became increasingly involved in more serious crimes, such as motor vehicle theft, vandalism, and gang-related incidents. In addition, research began to show that more middle- and upper-class juveniles were engaging in crime.

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, aggravated assault, and robbery. As violent juvenile crime rates 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 several states where juveniles between the ages of 16 and 18 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. This statute enables the court to legally process such youths as juveniles and consequently spare them from the stigma and severity of a criminal conviction.[48] Youths convicted of certain offenses—including murder, arson, and kidnapping—are not eligible for the more lenient classification, however.

By the early 1970s, many states had adopted legislation that redefined the noncriminal behavior of juveniles. New statutes were written to change the previously vague distinctions made 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 only five specific categories[49]:

1. *School truancy*. This category encompasses a pattern of a repeated or habitual unauthorized absence from school by any juvenile subject to compulsory education laws. 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.
2. *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.
3. *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.
4. *Repeated use of intoxicating beverages*. This pattern 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.
5. *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 a federal or state criminal law or of a local ordinance if it were 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 a delinquency for an older child, or where the "delinquent acts" committed are of a serious nature.

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. By 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.[50]

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. Although Georgia, Ohio, and North Dakota joined the IACP in using the term "unruly child," 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: children in need of assistance

Unfortunately, even 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% were in custody for status offenses such as truancy, running away, and incorrigible behavior.[51] It would be misleading, however, to conclude that the remaining 98% were in custody for serious criminal offenses. Many of these juveniles were **chronic status offenders** or 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, such as running away from home while on probation. Consequently, these children are charged with the criminal offense of violating a formal court order specifying the particular conditions of their probation, a process known as **bootstrapping**.

Fortunately, the days of placing status offenders in detention or confinement are largely over. There has been unanimous national compliance by the states and U.S. territories in terms of removing nonoffenders and status offenders from secure placements in the juvenile justice system. In the 21st century, there are fewer than 3,000 status offenders in custody; however, most of these are chronic status offenders with additional delinquent offenses or they are seriously at-risk youth who are ultimately placed with human service providers to provide treatment and tertiary prevention. Moreover, there is greater societal focus on the status of vulnerable children. One of the most important organizations dedicated to the welfare of children and adolescents is the National Center for Missing and Exploited Children, the national clearinghouse for information on missing and exploited children in the United States. It has assisted law enforcement in the recovery of more than 211,000 missing children and engaged in the training of more than 314,000 juvenile justice and human service providers. The National Center for Missing and Exploited Children performs several functions. For example, the organization is authorized by Congress to operate CyberTipline, a national mechanism for public and electronic service providers to report suspected child sexual exploitation. In 2014, CyberTipline received 1.1 million reports, mostly relating to child pornography, online sexual enticement, and the sexual trafficking of children.

According to the most recent report, the National Center for Missing and Exploited Children:

- Assisted law enforcement with more than 12,000 cases of missing children.
- Of those children, 84% were endangered runaways; 12% were family abductions; 2% were lost, injured, or otherwise missing; and 1% were nonfamily abductions.
- Of the more than 10,000 endangered runaways reported to the National Center for Missing and Exploited Children, one in six children were likely victims of child sex trafficking; of those children, 68% were in the care of social services when they ran away.

The National Center for Missing and Exploited Children offers several programs. Team Adam provides rapid, on-site assistance to law enforcement in cases of critically missing children and, to date, has been deployed nearly 900 times. Project ALERT provides technical assistance and outreach regarding long-term missing child cases and has been deployed more than 8,800 times.

The National Center for Missing and Exploited Children is a secondary provider of AMBER Alerts, which have led to the successful recovery of 772 children, including 20 recoveries credited to the wireless emergency alert program. In 2014, the National Center for Missing and Exploited Children launched the AMBER Alert Twitter account, and thus 49 million Twitter users in the United States receive AMBER Alerts. The many programs of the National Center for Missing and Exploited Children show the tremendous progress the United States has made in its advocacy and care for the well-being, health, and safety of children.[52]

Social Definitions

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

> Juvenile delinquency is not a simple term. It 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.[53]

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 the problem.

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 as a delinquent. Parents also may find family counseling more appropriate than the juvenile court for addressing 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. Although these juveniles may not belong to any formal gang, it is their appearance that decides a person's view. When juveniles use obscene language, pose in "threatening" ways, listen to explicit music, or wear clothing to set them apart from the adults watching them, it is not surprising that they are labeled delinquent. However, their actual behavior does not need to be legally defined as delinquent for the public definition to be applied.

In each of the previously mentioned settings, juvenile misbehaviors provoke public reactions. On some occasions and in some settings, their 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 they did exceeded the limits of public tolerance and further suggests that the behavior would be considered inappropriate for adults as well as for children.

The variety of legal and nonlegal definitions of juvenile delinquency suggests that there is a level of subjectivity in definitions and societal images of delinquency. These images frequently originate in literature, film, television, music, and video games. When art accurately reflects society, there is little doubt that some degree of reality is being represented. From the youthful pickpockets of Dickens' 19th-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. However, these images of delinquency leave no room for the more subtle shadings of behavior, and they overemphasize the more dramatic facets. Unfortunately, for much of society, juvenile delinquency and the delinquent exist exactly as portrayed by text, in film, or, more recently, in video games.

Literature

In *Oliver Twist*, Charles Dickens describes urban slum life and the corrupting effects of adults like Fagin on innocent youths.[54] Stephen Crane depicts the tribulations of children with his portrayal of a young girl forced into prostitution in *Maggie: A Girl of the Streets*.[55] 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* seemingly reflect youthful adventure and misbehavior in the rural Midwest during the late 1800s.[56] Indeed, Twain may have been the first to identify a link between child maltreatment and delinquency when he wrote about Huck running away after being beaten by Pap.[57] For Dickens, Crane, and Twain, juvenile delinquents are seen as being led astray by either corrupt adults or their own benign failures. Portrayals of juvenile delinquency in early 20th-century American literature often focus on the effects of the pursuit of wealth, as in Theodore Dreiser's *An American Tragedy*.[58] 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 suggest juvenile delinquency is generally 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*, an autobiographical account of Wright's childhood in the South, suggests that lying, drinking, torturing and killing animals, and stealing are all adaptive mechanisms used to distract one from the painful conditions imposed by the formal and informal rules of the Jim Crow South.[59]

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* represent new concerns over urban gangs and youthful drug addiction.[60] Evan Hunter's *The Blackboard Jungle* describes a growing loss of control in inner-city high schools,[61] and the notion of middle-class delinquency was introduced in J. D. Salinger's *The Catcher in the Rye*.[62] 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.[63]

In the late 20th and early 21st centuries, 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.[64] Opponents of Rowling's books feared that they would lead children to believe that the occult and witchcraft were acceptable and legitimate means of dealing with adversity. Many of those opposed to the *Harry Potter* series tried to ban these books from school classrooms and libraries; legal challenges to their placement in schools have occurred in at least 13 states.[65] Ultimately, each of these attempts failed when lower courts cited the earlier 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.[66]

Clearly, as time has passed, not only has literature painted a picture of delinquency that reflected the beliefs of the public at large but it also has proved instrumental in molding, shaping, and creating those beliefs.

Movies

Film was perhaps even more important than the novel in reflecting 20th-century concerns about juvenile delinquency, and it continues to shape our attitudes today. By the early 1930s, movies reached audiences numbering in the millions. Delinquency and adult crime were frequent film subjects. Like the early novels dealing with wayward youth, films such as *The Dead End Kids* and *Boys' Town* emphasized the influence of slum life and urban poverty on juvenile delinquency. The juvenile delinquent was portrayed as a good boy gone bad—a "misunderstood victim of official ignorance, indifference, or corruption."[67]

In the 1930s and 1940s, audiences were given two or three alternative portrayals of adolescents. On the one hand, they saw 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*, *Mayor of Hell*, *Angels with Dirty Faces*, *Where Are Your Children*, *Youth Run Wild*, and *I Accuse My Parents* were essentially indictments of parental neglect.

Films produced between 1955 and 1970 emphasized the many faces of juvenile delinquency. Rebellion, dropping out of school, terrorizing innocents, and teenage alienation were all delinquency-related behaviors portrayed in films of this period. Members of society were presented with such films as *The Wild Ones*, *High School Confidential*, and *The Bad Seed* during this era. James Dean became a teenage idol by representing the ambiguity and alienation of youths unable to bridge the gap with their "uncaring and materialistic" parents. Unlike in the films of previous decades, delinquency was portrayed as much more violent and threatening to community stability during the late 1950s and 1960s. In depicting youth-related issues of the day ranging from gangs and drugs in schools to rock-and-roll music, hot rods, and drag strips, these films showed adults an image of adolescence very foreign to their own.

In the 1960s, youths were portrayed in various—and often contradictory—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*; and as drug-using, motorcycle-riding adolescents looking for thrills in *Easy Rider*, *The Wild Angels*, *The Trip*, and *The Love-Ins*. 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 often get caught), and drive high-powered cars. These activities produce an image of nice adolescents misbehaving, not juveniles bound for reform school.

By contrast, films since the 1980s, such as *The River's Edge*, *The Outsiders*, *Bad Boys*, *Close Range*, *Colors*, *Over the Edge*, *The Lost Boys*, *Menace II Society*, *Boys N' the Hood*, *New Jack City*, and *Juice*, portray alienated, defiant, and ultimately violent juveniles, willing—even anxious—to challenge the established order. Several more recent movies have continued to help define delinquency, including Larry Clark's *Kids* and *Bully*, which paint a world of children divorced from adults. The "rave" scenes portrayed in *Go*, *Heavy Traffic*, and *Groove* illustrate teenagers in their own element, living an essentially parent-free life. More recent films that focus on young people and delinquency include *Pineapple Express, Project X*, *In a Better World*, *Twelve*, *Holy Rollers, and The Purge*.

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 those depicted in shows like *90210*, *The Secret Life of the American Teenager, Weeds, Friday Night Lights*, and *Gossip Girl*.

In addition, television programmers often air movie reruns or made-for-TV movies. Whereas reruns contain the images of delinquency already discussed, television film specials often focus on more controversial material. For example, *Born Innocent* shows the ordeal faced by a 14-year-old girl in a juvenile detention center and raises the specter of uncaring parents but 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* portrays 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. By the Middle Ages, songs and ballads were widely 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 on one's tastes.

Rock music and rap songs portray 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[68] in songs ranging 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, *Lit Up* by Buckcherry, *Rehab* by Amy Winehouse, and *We Are All on Drugs* by Weezer. These songs, along with heavy metal music, are widely associated with delinquency and youth gangs.

Gangsta rap music may present 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 *Murder for the Mission; Execution of a Chump*; *Street Killer*; *Famous When You're Dead*; *Nobody Move, Nobody Get Hurt*; and *G Code*—all of which reflect an acceptance of interpersonal violence. Meanwhile, songs such as *F—the Police* and *Cop Killer* express serious threats to law enforcement, and Eminem's *Cleanin' Out My Closet* and *Janie's Got a Gun* by Aerosmith discuss the rebellion of juveniles in reaction to serious maltreatment. Pearl Jam's *Jeremy* is based on the true story of a child who committed suicide with a firearm in his classroom and whose depression was based in part on parental neglect and disinterest and the alienation of suburban life.

To what extent does gangsta rap music reflect widely held values among youth that are in conflict with the views of 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.[69]

Video Games

As shown in the "Delinquency Controversy" feature (see **Box 1.5**), a large body of research is now identifying a connection between violent video games, such as *Call of Duty*, *Carmageddon*, *Postal 2*, *MadWorld*, *Manhunt*, *Gears of War 2, Thrill Kill, Splatterhouse*, *Grand Theft Auto V*, *Soldier of Fortune*, *Mortal Kombat X*, and *Dead Space*, and aggressive behavior in children. One reason is that children and adolescents play video games often. On average, children aged 8 to 12 spend 4 to 5 hours each day in front of screens, mostly playing video games. Older adolescents spend more than six hours each day in

Box 1.5 Delinquency Controversy

Violent Video Games and Delinquency

Playing video games is a pervasive aspect of recent American adolescence. Millions of children and adolescents spend time in video arcades playing video games, and the experience is fun and seemingly innocent. From this vantage point, video games are harmless even if the content contains violence and other noxious stimuli. Over time, however, video games have become more violent and because of technological advances, more realistically violent. Does such violence translate into increased aggression among youth?

The answer is *yes*. Violent video gaming is associated with increased aggression in a variety of contexts. People who just played violent video games have been shown to be less likely to assist people in need of assistance and generally numb to the pain and suffering of others. In a large-scale meta-analysis, violent video games were significantly associated with aggressive behavior, aggression affect, aggressive cognition, reduced empathy, and decreased prosocial behavior. To put it another way, violent video games affect day-to-day aggression.

This area of research often engenders debate, with much of it heated up by a recent U.S. Supreme Court decision that focused on a California law restricting the sale of violent video games to children without parental permission (*Brown v. EMA*, 2011). In a 7-2 decision, the Court ruled that the government does not have the authority to "restrict the ideas to which children may be exposed." In the case, two *Amicus Curiae* briefs were submitted to the court by teams of researchers. One argued that research was fairly strong showing that violent video games are related to aggression, and one argued that the research was weak. Why do proponents and critics of the research seem to disagree on what should be a fairly clear distinction? What makes them seem so different is that they focus on different outcomes. The critics of the aggression literature tend to focus on "violence." That is, they care most about criminal-level physical violence. In contrast, the proponents of the research tend to focus on "aggression." That is, they care most about day-to-day, low-level aggression such as verbal aggression, relational aggression, and minor physical aggression—the types that are seen daily in any eighth-grade classroom.

In the *Brown v. EMA* case, the Justices were divided on how strong they believed the scientific evidence was. The majority opinion stated that the accumulated studies did not "prove that violent video games *cause* minors to *act* aggressively (which would at least be a beginning)" (pp. 12–13). Note the standard that is required—"proving" (a word scientists almost never use) that games cause children to immediately act aggressive would only be a "beginning" and would still not be sufficient. Although there is strong evidence that violent video games (and violent media in general) can change the way people think, this psychological cognitive level of effect is clearly not compelling to the court. Although thoughts are related to actions, they are neither necessary nor sufficient. In fact, even if violent games *did* necessarily change children's actions every time, such as by making them bully their siblings, the court admits that it would only be a start. The court is not an arbiter of scientific truth, which they admit directly—"We have no business passing judgment on the view . . . that violent video games . . . corrupt the young or harm their moral development" (p. 17). Instead, the court is an arbiter of legal precedent, and as such, it is concerned with the types of issues that the legal system deals with. That means that it cares about *criminal-level aggression*, not low-level aggression. This appears to be why the majority opinion of the court agrees with the critics of the literature—they both care about criminal aggression rather than low-level daily aggression.

More recently, studies have shown that violent video games are associated with delinquency and violence, even among serious delinquents who are in confinement facilities and even while controlling for important confounds such as demographic characteristics, delinquent career measures, and psychopathic personality traits. In psychology, both "sides" of the debate—those who believe that violent video games are a risk factor and those who do not—have conducted meta-analyses and both show significant relationships between violent video games and increased aggression and antisocial conduct and reduced prosocial conduct. In the end, it is important to observe that violent video games, like all cultural and media effects described in this chapter, are one of many risk factors for delinquency. Even when their effects are significant, they are just one piece of the puzzle in terms of understanding the causes of delinquency.

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Criminologists have determined that children who regularly play violent video games are more likely to be socially maladjusted and exhibit aggressive behavior toward their peers.

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front of media screens, again, often playing video games on their phone, tablet, or television.[70] Because video games are interactive, the players often identify with and model the behavior of a specific character. Two aspects of this relationship may be harmful for children: (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 they are required to shoot, rape, harm, and kill people, including prostitutes, innocent pedestrians, and police, to be successful. In addition, the sound effects in many of the video games manufactured in the 21st 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 have concluded that when children play violent video games, it increases their physiological arousal—for example, resulting in higher systolic blood pressure and 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. Playing violent video games affects children in at least five ways:

1. *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 that they will imitate these aggressive acts in the future.
2. *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 very nature, violent video games force children to engage in committing violent acts.
3. *Practicing an entire behavioral sequence is more effective than practicing only a portion of it*. There are many steps when learning how to complete a task successfully. To be successful in a violent video game, the child must decide to kill someone; choose the weapon to use; decide how to attain the weapon; if the weapon is a gun, figure out how to attain ammunition and load the weapon; stalk the victim; aim the weapon; and ultimately use the weapon. In these games, children continually repeat these steps. This sequence of events teaches some children the technique(s) for attempting to commit crime.
4. *Violence is continuous*. The impact of violence on children is greater when the violence is unrelieved and uninterrupted. In video games, the violence is reoccurring. Children must constantly be on alert for hostile enemies and then select and execute aggressive behaviors.
5. *Repetition increases learning*. The most effective way to learn any behavior is to repeat it ("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 of the day, during which they repeat 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 4,000 adolescents as they grew up, Brian Primack and his colleagues found that for every extra hour a teenager spends playing video games (or watching television) on an average day, they are 8% more likely to develop depression as an adult. What Primack and his associates observed is that teens' experiences shape their developing brains, and sitting and playing video games or watching television replace positive academic, athletic, and social activities that 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. Finally, Anna Prescott, James Sargent, and Jay Hull completed still another meta-analysis of the relationship between violent video game play and physical aggression over time, and found that violent video game play was significantly associated with aggression irrespective of the type of statistical model used and while controlling for important other factors that influence aggression.[71]

Ultimately, parents and guardians play a crucial role in supervising the games that their children play. Unfortunately, although many parents may lay down ground rules for how long their children may play video games, they are often shocked when they witness the content of the game. Even though manufacturers are required to attach "ratings" to their products to help 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" ("E" rating) contain harmful content; many games designed for teens contain violent content. For example, cartoons are rarely perceived as dangerous, yet young children may still be affected by their violent nature. Extremely violent video games are now forced to include labels stating that they are for mature audiences only ("M" rating). Although the effect of playing violent video games is likely to vary among children, those people most likely to be adversely affected are young children who have lax supervision and a history of aggression and violence.

Regardless of the effects of violent video games on some children, the courts have consistently ruled in favor of the video game industry's right to continue producing such games. 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 or not, they are protected by free speech provisions in the U.S. Constitution.[72]

What Is Delinquency? Who Is a Delinquent?

It is difficult to decide just which behaviors constitute juvenile delinquency and who juvenile delinquents are. The reason for this confusion is that societal views of children change over time and vary from place to place. Actually, beyond defining a juvenile delinquent as a child who has violated a state's penal code, there is little uniformity among the 50 U.S. states regarding who is a delinquent. The age of the offender is what separates "crime" from "delinquency." In short, delinquency refers to criminal acts committed by juveniles.

When deciding who is delinquent, criminologists often do not adopt a strict legal definition because nearly all children have broken the law and, had they been caught, arrested, charged, prosecuted, convicted, and sentenced could have been institutionalized for 1 or more years. However, differences in the behavior of children are measurable, and it is not instructive to argue that all children are delinquent. Most children only sporadically act in a delinquent manner, and only a small percentage of them are chronic offenders.

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 teenage years, but then stop offending during the adult years. Even while they are delinquent, their antisocial behaviors are generally not serious and relate to the tenuous transition from child to adult. As a result, delinquency such as underage drinking, fist fighting, harassment, shoplifting, and marijuana use are typical acts of the adolescence-limited offender.

In contrast, the most serious delinquents are **life-course persistent offenders**. They represent a small group of individuals who engage in antisocial behavior of one sort or another at every stage of life. Life-course persistent offenders are deeply committed (priority) to problem behavior and have committed many (frequency) serious offenses (seriousness) over an extended period (duration). In addition to their extensive involvement in delinquency, life-course persistent offenders are also more likely to have extremely disadvantaged family backgrounds and to have experienced multiple forms of abuse, neglect,

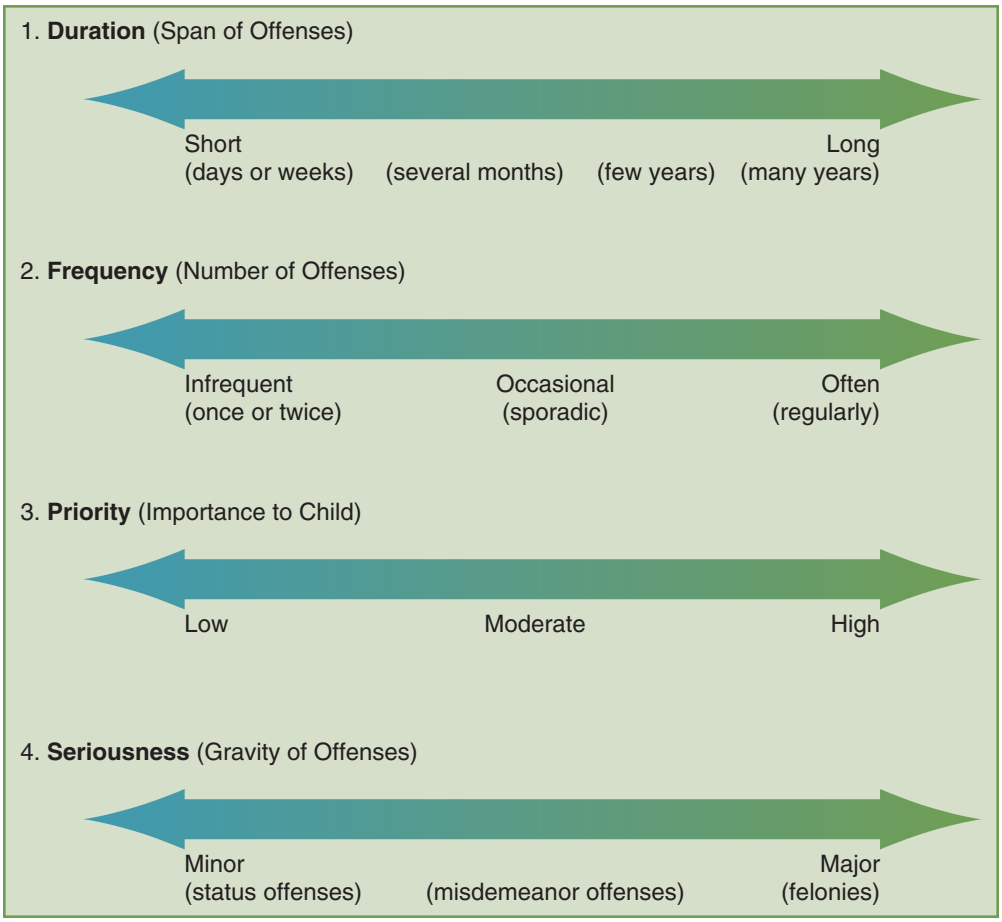


Figure 1.1 Continua of Juvenile Delinquency.

and exposure to drugs and violence (see **Box 1.6** for a look at how these delinquent categories fare across life). When a life-course persistent offender's antisocial tendencies continue into adulthood, they are considered a "chronic offender" and is placed on the extreme right side of the continua.

The middle of the continuum is reserved for adolescent-limited offenders, whose involvement in delinquency is generally minor, inconsistent, and restricted to their teenage years.[73] If no one intervenes to help chronic delinquent offenders, however, their delinquency may worsen. Still another group of youths, called **abstainers**, do not engage in delinquency at all. There is evidence that abstainers are psychologically healthier and more well-adjusted than youths who do commit delinquency. Katie Holzer and her colleagues reported good news in that the proportion of youth who abstain from delinquency and drug use has increased significantly since 2002. This is important because compared with their delinquency-involved peers, abstainers are healthier, happier, get better grades, have better relations with their parents, and are generally more risk-averse.[74]

Determining whether a child is an adolescence-limited offender, a life-course-persistent offender, or an abstainer depends in part on several factors. Studies consistently show that males are more delinquent than females in terms of the severity of bad conduct and also the frequency with which it is committed. There are also several forms of nondelinquent conduct problems that often predate actual delinquency. These include showing a lack of guilt, breaking household rules, lying, cheating, using profanity, hanging out with older kids, and hanging out with kids who already engage in delinquency. Alexandra Burt and her colleagues found that these behaviors often occur before true delinquency, and that the most severely delinquent youth commit nondelinquent behavior problems at very high levels relative to other youth.[75]

Box 1.6 A Window on Delinquency

What Becomes of Delinquent Categories?

Whether a child is an abstainer, adolescence-limited offender, or life-course-persistent offender should not be understood as a mere label that typifies their conduct at one point in the life span. Instead, these categories do a relatively good job of capturing the overall behavioral disposition of different kinds of delinquents and as such have enduring effects across time. Georgia Zara and David Farrington examined data from the Cambridge Study in Delinquent Development to see how adolescent offender classification related to living a successful or unsuccessful life by age 48. They found that life-course-persistent had the most unsuccessful life outcomes in terms of housing accommodations, cohabitation and relationship quality, employment, alcohol and drug use, involvement in physical violence, and mental health. Former adolescence-limited offenders were more successful, and former abstainers were the most successful. This means that the degree and quality of delinquency that a youth engage in during adolescence is a harbinger of correlated behavioral functioning across life. In a recent review article, Robert Eme found similar continuity among males who were life-course-persistent offenders. For them, early-life behavior problems and diverse delinquent acts served as stepping stones for a serious, violent, and sustained criminal career.

As is the case with every conceptual model, there is always some conflicting evidence. There is evidence, for example, that people who abstain from delinquency and antisocial conduct for most of their life can nevertheless exhibit deviant behavior. A study of a population of federal offenders on supervised community release found that nearly 3% of them did not experience crime until age 60 years or older! This type of offender—referred to as de novo advanced adult-onset offenders—had generally high socioeconomic status and generally did not use alcohol or drugs, but very late in life, experienced a challenging life event, usually of a financial nature, that contributed to crime mostly in the form of social security fraud. Despite conflicting evidence, the research is clear that categorizations of delinquents, especially the most severe type, are generally the most serious offenders at all subsequent life stages.

Georgia Zara and David Farrington, "Unsuccessful Life Style in Middle-Aged Official and Self-Reported Types of Offenders," *Journal of Criminal Justice* 64:101624 (2019); Robert Eme, "Life Course Persistent Antisocial Behavior: Silver Anniversary," *Aggression and Violent Behavior* 50:101344 (2020); Matt DeLisi, Katherine Tahja, Alan Drury, Michael Elbert, Daniel Caropreso, and Timothy Heinrichs, "De Novo Advanced Adult-Onset Offending: New Evidence from a Population of Federal Correctional Clients," *Journal of Forensic Sciences* 63:172–177.


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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, the society's formal response to delinquency also changes. For instance, during the period when juveniles were viewed as miniature adults, the legal codes that applied to adults were presumed to be adequate to control children. However, 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 problematic challenges to the social order.

Although the legal codes of the 17th and 18th centuries equated delinquency with sin, the 19th century replaced this view with one that forged a connection between urban poverty and crime. During this era, juveniles were increasingly involved in crimes (mainly thefts) that resulted in their 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 19th century and the beginning of the 20th century. The most significant reform was the creation of the juvenile court system. The juvenile court and codes that followed carved out special areas of misbehavior and conditions that allowed for court intervention and the designation of a child as delinquent.

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 18th and 19th centuries in Europe, children have been treated badly. Although some societies proved to have harsher treatments toward children than others, throughout time, children have widely been considered property of their adult guardians and often forced to lead cruel and unsympathetic lives.
- In 19th-century United States, a group called the Child Savers promoted the notion of the basic goodness of children. The Child Savers blamed delinquency on the child's exposure to poverty, overcrowding, immigration, and lack of parental guidance. Their solution to youth crime was to remove problem children from bad homes and place them in rehabilitating environments.
- The Child Savers were responsible for the creation of the juvenile court system and houses of refuge.
- 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 adopt 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 has concluded that when children play violent video games, the games increase their physiological arousal, as evidenced by higher systolic blood pressure and 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.

Critical Thinking

1. Should a child ever be sentenced to life in prison without parole?
2. Is the status of a child the least privileged? Are some children more privileged than others? If so, how and in what ways?
3. Were the orphan trains a viable solution for preventing delinquency? How does society today manage orphaned and unwanted children?
4. Why do we designate some behaviors as status offenses? Should chronic status offenders be punished or treated? What should their punishment or treatment be?
5. Should violent video games such as *Call of Duty* and *Mortal Kombat X* be illegal? Is it a person's right to choose whether to play them?

Films and Documentaries

The following films and documentaries exemplify the diverse ways that delinquency has been conceptualized, defined, and responded to in American society.

1. Over the Edge (https://www.imdb.com/title/tt0079688/)
2. The Outsiders (https://www.imdb.com/title/tt0086066/)
3. Boys N the Hood (https://www.imdb.com/title/tt0101507/?ref_=nv_sr_srsg_0)
4. When a Child Kills (A&E American Justice DVD)

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