

# UNDERSTANDING JUVENILE DELINQUENCY

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# 1

## THINKING ABOUT JUVENILE DELINQUENCY IN A DIVERSE SOCIETY



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### CHAPTER OBJECTIVES

After reading this chapter, you should be able to

- Define juvenile delinquency.
- Describe the three conceptions of delinquency.
- Discuss the well-being of children and examine the impact of race and gender on measures of well-being.
- Compare and contrast the concepts of individual and institutional racism, classism, and sexism.
- Using your sociological imagination, critique the societal responses to juvenile delinquency.
- Explain the impact of discretion in the juvenile justice system on youth experiences.

## CHAPTER PRETEST

Test your knowledge of this chapter's material by determining whether the following statements are true or false. Be sure to compare your answers with the answers at the end of the chapter.

1. The definition of juvenile changes with time and geography.
2. Status offenses are low-level crimes that are more often committed by juveniles than adults.
3. The normative conception of delinquency argues the definition of delinquency is an objective fact with which everyone agrees.
4. The cradle-to-prison pipeline refers to the structural and social issues that make it more likely some juveniles will go to prison than others.
5. The sociological imagination argues we must ignore as much of the outside forces as we can in order to focus on the juvenile if we want to understand delinquency.
6. The juvenile justice system was created under the same philosophy of personal responsibility and deterrence that the adult system was created under.
7. The formalization of the juvenile justice system means that juveniles are now treated equally and fairly in the system.

Michael was in trouble, again, for stealing cigarettes from the store (this was the sixth time he had been caught). He was only 10 years old, and it was suspected that his father had made Michael steal. He had been referred to juvenile court. Michael was a quiet child, with a younger sister at home. He lived part-time with his father and part-time with his mother and qualified for a pilot program of the juvenile court that provided transportation to his court hearings because his mother had no means of taking him herself. He met with his probation officer and attended his hearings but never really participated in the court activities. Michael did not appear remorseful for his actions. In fact, he did not appear to care about much except his younger sister. One day his probation officer bought him a hamburger, but the boy wouldn't eat it in the car. The probation officer thought he was worried about getting the car dirty, but the boy said he was saving it to share with his sister. The next time the probation officer met with Michael, he asked him how he and his sister had liked the burger. Michael told him that the little girl had dropped her half in the dirt, so Michael had given her his half of the burger and eaten nothing himself. So yesterday, Michael was picked up a sixth time for stealing cigarettes at the corner store. What should happen to Michael?

Anthony had never been in trouble. He was also 10 years old. He was caught yesterday beating a neighborhood boy with a large stick. He broke the boy's nose and his arm and chipped a tooth. Anthony claimed that the boy started it by always calling him names and bullying him and his friend. Anthony says that while he was walking home alone, the boy started to call him names again and throw rocks at him. Anthony did have multiple bruises, but no one could tell if these bruises came from the rocks or the boy defending himself from Anthony's attack. When the police approached Anthony, he immediately started to cry and say he was sorry. He asked for his parents, whom the police called. Anthony had never mentioned the bullying to his parents, or any other adults in his life, but both his parents said that since school started this year, Anthony had been a bit more withdrawn about school. What should happen to Anthony?

One of these stories is true. The other is made up. But both stories represent the experiences of children in the United States. It is rarely the case that deciding the future for a juvenile is easy, yet we do it every day through our school policies, the community programs we choose to or not to support, the juvenile justice legislation we vote for, and the philosophies we hold about agency and responsibility, social forces, and social structure.

So we ask you: What should happen to Michael and Anthony? Are they delinquent? Is one more delinquent than the other? Is either of them “savable”? What should we do with them? Ignore their behavior? Get them help? Charge them with crimes and punish them? And, more important, do you think you and your classmates will agree on an answer?

In this introductory chapter, we will equip you to begin answering such questions. In order to help you embark on your exploration of juvenile delinquency, we will first explain a bit about historical approaches to juvenile delinquency in the United States and place the study of juvenile delinquency in its bigger context. We will look at the state of children’s lives in contemporary U.S. society and the social dynamics that impact youth and their families and peers today. In addition, we will introduce you to different ways of defining juvenile delinquency and to concepts central to the critical lens we will be using in our analysis of delinquency in this book. This chapter asks you to actively engage in the analysis of several delinquency vignettes as well, in an effort to get you brainstorming about the many controversies inherent in the study of juvenile delinquency.

## DEFINING JUVENILE DELINQUENCY

This is a book about juvenile delinquency—how we define it, how we measure it, how we explain it, and how we try to control it. But when we say juvenile delinquency, we are really talking about two things: juveniles *and* delinquency. So, at its core, this book is about the experiences of juveniles and the behavior that society has decided is unacceptable. Both need defining.

### The Special Case of the Juvenile

Defining children and childhood has not always been easy. The definition has been dependent on the historical period. Prior to the late 1800s in the United States, children were seen as an excellent source of cheap and dutiful labor; because of this, they were not seen that differently than adults in the eyes of institutions (government, family, or legal). With changes in labor laws, children gained some legal rights and, with those rights, began to establish an identity that was more distinct from that of adults. With these distinctions came new protections, new expectations, and new definitions for the juvenile.

Most simply, juveniles can be defined as those individuals who are under a certain age: In 2018, 41 states and Washington, D.C., considered those under 18 to be juveniles and 9 states (Georgia, Louisiana, Michigan, Missouri, New York, North Carolina, South Carolina, Texas, and Wisconsin) considered those under 16 or 17 to be juveniles.<sup>1</sup> But in the last several years, six states have changed their definition of what constitutes a juvenile by increasing the age to include 17-year-olds. As of April 2022, Louisiana, Michigan, Missouri, New York, North Carolina, and South Carolina raised the age to include 17-year-olds, and as of July 2022, Vermont raised its definitional age of juvenile to go through the age of 19. This leaves just Georgia, Texas, and Wisconsin as the three states to have a definition of juvenile as under the age of 17. But there is more to being a juvenile than just age. In general, society believes that juveniles have several different attributes than adults. The first is that the young may not be as responsible for their behavior as adults. In other words, if both an 11-year-old and a 21-year-old engaged in the same bad behavior (say, hitting someone), it is likely we would cut the 11-year-old more slack than we would the 21-year-old. This is because juveniles are less mature than adults, and we often see this lack of maturity as a reason for their bad behavior. Closely related to this, we believe that juveniles can still be “saved.” In other words, we can rehabilitate them and teach them how to follow the rules and treat each other fairly. Ironically, this means that we have often treated them more harshly than adults in an attempt to teach them how to be better adults. We are less inclined to talk about saving adults. Finally, we believe that juveniles are innocent and in need of our protection. This includes protection from both outside forces (other adults, dangerous events, and other juveniles) and themselves.

In addition to different attributes, juveniles are mired in a different set of experiences than adults. First, juveniles claim a different position in society than adults. It is more likely that juveniles are being cared for by an adult and are not solely responsible for the care of others. In addition, juveniles hold less power in society than adults. Juveniles cannot vote, and they do not have the political power, or the

relational power, of adults. In fact, some argue that childhood is the most oppressed time of an individual's life.<sup>2</sup> We demand obedience from children, we treat them in a way we would rarely treat adults (yelling at them in public, yelling at them in private, spanking them, giving them time-outs), and in many instances (far more than adults), we abuse them. They have far less say in the decisions about their life experiences than any other group. Finally, juveniles have the unique experience of school as their primary focus until they reach adulthood.

### The Definition of Delinquency

Even the definition of delinquency is a bit complicated. The truth is that the definition of delinquency has also been dependent on both the historical period and the geographic region. For example, delinquency is not uniformly defined throughout all states or even across counties. What is accepted in one region as “mischief” in another is defined as a crime. For example, a friend told us his story of growing up in Idaho and blowing up tree stumps with small sticks of dynamite with his friends. He lived in a small town with a lot of open space, a small population, and norms that were conducive to owning dynamite. The first time he told these stories, we were shocked at the fact he “got away” with using dynamite. Coming from an urban setting, with little open space, a large population, and norms that say that owning dynamite is dangerous and illegal, we couldn't believe that he was allowed to do this. In contrast, he never thought his behavior was delinquent, he didn't hide it from the adults around him, and when he looks back on these memories, he does so fondly, as an example of time spent outdoors with his friends. Had he tried to blow up a tree stump in our hometowns in the 1980s (when we were growing up), he would have been considered delinquent and arrested. If he tried to blow up a stump in our hometowns today, his act might even be defined as terrorism.

The definition of juvenile delinquency, then, is dependent on both our definition of the juvenile and the time and place we are in. In the simplest terms, today the definition of delinquency is an act committed by an individual under the age of 18 that violates the penal code of the region in which the act is committed. However, even this legal definition is in flux. In some states, acts committed by those under 18 can be considered crimes and the individual treated as an adult if the state has defined that behavior as too serious to treat the juvenile as a child. For example, in California, legislation was approved in 2000 that allows for juveniles who engage in many violent or serious crimes, or who are alleged gang members engaging in a wider range of crimes, to be defined as adults and moved to the adult criminal justice system.

In addition to delinquent acts, juveniles are subject to a second class of behaviors for which they can get into trouble. These acts are called status offenses. **Status offenses** are acts that are not considered crimes and for which adults cannot get in trouble but that society does not want juveniles doing. These include running away from home (most often defined as an unauthorized absence from the home for 24 hours or more), school truancy (systematic absence from school), drinking alcoholic beverages or smoking cigarettes, and incorrigibility (repeated disobedient behavior in the home). Technically, juveniles should not be treated as delinquents for engaging in status offenses. In other words, the general policy is that juveniles should not be arrested or formally treated by the juvenile court for behavior that falls in this category. But, in reality, sometimes they are, especially if they are considered “chronic status offenders.” Chronic status offenders are those who engage in repeated and systematic behavior even after the behavior has been addressed by school, family, or a social service agency.

### LOOKING AT POPULAR MEDIA . . .

#### TWITTER USER HIGHLIGHTS COMMUNITY MEMBERS' CRITICISMS OF AN EIGHTH GRADER'S CLASS ASSIGNMENT

The well-being of young people depends, in part, on educational experiences that help them develop their critical thinking skills and creatively address their experiences. But what happens when youth are criticized for the classwork they produce by adult community members that they may not even know?

On May 20, 2022, one Twitter user, @happy2bmad, drew attention to the fact an eighth-grade student at the Boston Latin School was being criticized by adults in their community for a poem they wrote for a class assignment. The assignment required students to write about stereotypes in their neighborhood. Then their poems were posted in the school library for all to read.

One adult visitor who read the poems was upset about what he read about his neighborhood in a student poem about race, class, and political issues in West Roxbury. That adult then proceeded to critique the student's poem online. @happy2bmad summarized what ensued in a long series of tweets that began with the following:

A class of Boston Schools students was given a poetry assignment: examine stereotypes in your neighborhood. Poems were posted around the school for others to read. A white, middle-aged visitor to the school photographed one of the poems, about his neighborhood of West Roxbury.

Instead of taking some time to sit with it and ponder how it must feel for poc kids in his heavily white neighborhood, this man became offended. He posted the poem on his heavily white, middle class neighborhood Facebook group so they could also be offended.

After getting lots of support in his Facebook group, this man took his complaint about a student poem of isolation and otherness to Twitter. His twitter followers, other angry white people, obligingly screamed about being oppressed, [t]hey demanded various vengeances.

What happened next? Did the school headmasters say that the project was a way to begin conversations on community and acceptance, to identify where students feel like outcasts or unwanted because of their skin color? Did the school support these students?

No. The headmasters apologized to the white, middle class members of that community. The school said that white people were hurt by having to read about a student's feelings of otherness and rejection.

The headmasters, and every angry white adult who abused this kid on facebook and twitter, reaffirmed the student's words. If anyone had doubts about the neighborhood or this school before, they certainly don't know [*sic*]. These spaces are not welcoming. They are not safe.

About 95% of student poems are about feeling different, feeling like an outcast. This poem follows a proud tradition of expression of otherness and keen insight into conformity and structural racism. It's a good poem and it should have been celebrated.

The thread by @happy2bmad was retweeted over 8,000 times and received over 26,000 likes. At the end of the thread, they asked for accountability on the part of the school's headmasters, the school district superintendent, and the Boston mayor.

**For your discussion:** Do you think that the youth did anything wrong in this scenario? Should adults be allowed to criticize young people's classwork on social media if they do not like what is written or created? Do you think that people who disagree with critiquing children's work should draw attention to those who do so on social media? Why or why not? Finally, what hidden or obvious privileges are at play in this scenario?

## CONCEPTIONS OF JUVENILE DELINQUENCY

### Normative Conception of Delinquency

How we define juvenile delinquency is also dependent on our general conceptions of misbehavior and deviance. Many believe that juvenile delinquency is a social construct, and even those who believe in a more **normative conception of delinquency** acknowledge that race, class, and gender (among other such concepts as age, sexual orientation, nationality, and ability) are somehow connected to delinquency.

It is more likely that deviance textbooks than delinquency textbooks discuss conceptions of deviance and delinquency, but it is important to understand that our definitions of delinquency are not black-and-white. They are based on conceptual orientations about how definitions are created. Rubington and Weinberg argue that there are generally two ways of conceptualizing deviance and delinquency as either "objectively given" or "subjectively problematic."<sup>3</sup> Clinard and Meier also suggest two general conceptions, the reactionist or relativist conception and the normative conception.<sup>4</sup> Thio et al. argue that we can view deviance from a positivist perspective or a constructionist perspective.<sup>5</sup>



Many behaviors that are not considered crimes for adults are still considered wrong for juveniles. These acts are called status offenses.

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While none of these authors are using the same language, they are defining similar ways of conceptualizing “misbehavior.” The first conception—that of an “objectively given,” normative, or positivist conception of deviance—assumes that there is a general set of norms of behavior, conduct, and conditions with which we can all agree. Norms are rules of behavior that guide people’s actions. W. G. Sumner broke norms down into three categories: folkways, mores, and laws. **Folkways** are everyday norms that do not generate much uproar if they are violated.<sup>6</sup> Think of them as behaviors that might be considered rude if engaged in—like standing too close to someone while speaking or picking one’s nose. **Mores** are “moral” norms that may generate more outrage if broken. In a capitalist society, homelessness and unemployment can elicit outrage if the person is considered unworthy of sympathy. Similarly, drinking too much or alcoholism may be seen as a lapse in moral

judgment. Finally, the third type of norm is the **law**, which is considered the strongest norm because it is backed by official sanctions (or a formal response). In this conception, then, deviance and delinquency becomes a violation of a rule understood by the majority of the group. This rule may be minor, in which case the individual is seen as fairly harmless, or the rule may be major, in which case the individual is seen as “criminal.” The obvious problem with this conceptualization goes back to the earlier example of Michael and Anthony. It is unlikely you and your classmates agree on the definition of delinquency and crime in those two cases. This leads to the second conception.

### Social Constructionist Conception of Delinquency

The second conception of delinquency—the “subjectively problematic,” reactionist/relativist, **social constructionist conception**—assumes that the definition of deviance and delinquency is constructed based on the interactions of those in society. According to this conception, behaviors or conditions are not inherently deviant; they become so when the definition of deviance is applied to them. The study of deviance is not about why certain individuals violate norms but instead about how those norms are constructed. Social constructionists believe that our understanding of the world is in constant negotiation between actors. Those who have a relativist conception define deviance and delinquency as those behaviors that elicit a definition or label of deviance:

Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. For this point of view, deviance is not a quality of the act the person commits but rather a consequence of the application by others of rules and sanctions to an “offender.” The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label.<sup>7</sup>

This is a fruitful conceptualization but is also problematic. What about very serious violations of norms that are never known or reacted to? Some strict reactionists/relativists would argue that these acts (beliefs or attitudes) are not deviant. Most of us would agree that killing someone and making it look like he simply skipped the country is deviant; however, there may be no reaction.

### Critical Conception of Delinquency

A third conception of deviance and delinquency that has not been advanced in many textbooks is a **critical conception**.<sup>8</sup> Those working from a critical conception argue that the normative understanding of deviance and delinquency is established by those in power to maintain and enhance their power. It suggests that explorations of both have focused on a white, male, middle- to upper-class understanding of society that implies that people of color, girls, and youth from working poor neighborhoods are, by definition,



**TABLE 1.1** ■ Summary of Conceptions of Delinquency

Conceptions of Delinquency	Delinquency Is . . .	Key Propositions
Normative	A violation of norms, rules, or the law	Delinquency is caused by biological, psychological, environmental, or social factors that impact individuals or communities.
Social Constructionist	Constructed by society	Behaviors are not inherently delinquent, but they become so once society determines that they are delinquent.
Critical	Established by those in power to maintain and enhance their power	Previous explorations of delinquency have focused on a white, male, middle- to upper-class understanding of society that implies that people of color, girls, and youth from working poor neighborhoods are, by definition, delinquent. Instead, this conception critiques the social system that establishes these beliefs and norms in the first place.

delinquent. Instead of focusing on individual types of deviance or delinquency, this conception critiques the social system that exists that creates such norms in the first place. This too is a useful approach, but, frankly, there are many things that the vast majority of society agrees are immoral, unethical, and deviant and should be illegal, and the system actually serves to protect society's interests. This book adopts a critical approach to crime and delinquency but offers a discussion of the theories that fall under both the normative conception and the social constructionist conception of delinquency (Table 1.1).

## THE WELL-BEING OF CHILDREN

In order to better understand juvenile behavior (delinquent and nondelinquent) in the United States, it is important to understand the social context in which juveniles are living. Since 1994, the Office of Management and Budget has partnered with several other federal agencies to track the well-being of children in the United States. Its priorities were to foster better collection of data and communication between agencies and the community on the state of children and childhood. Part of this effort is a yearly report, *America's Children in Brief: Key National Indicators of Well-Being*.<sup>9</sup> The report tracks seven key areas of well-being, including family and social environment, economic circumstances, health care, physical environment and safety, behavior, education, and health. While this book is coming out after the onset of the COVID-19 pandemic, the most recent data available to discuss the well-being of children were actually collected right before the pandemic started. We know that the pandemic has had an immense impact on the experience of children from education to levels of poverty, as well as indicators of health. All these will be discussed, but we will have to wait until the next edition to reveal at what level the COVID-19 pandemic made lasting impacts on general juvenile well-being.

### A FOCUS ON RESEARCH

#### BUCHANAN ET AL.' "IT'S F\*\*ING CHAOS: COVID-19'S IMPACT ON JUVENILE DELINQUENCY AND JUVENILE JUSTICE"

What happens to youth impacted by the juvenile justice system at the onset of a pandemic? That is the question this research is looking to answer. The short answer is that "It's f\*\*ing chaos." The longer answer is that as the COVID-19 pandemic took hold in the United States, it disrupted both policing and petitioning practices and youth experiences in detention facilities.

Buchanan et al. first examined the arrest and petitioning (charging) rates of juveniles in the first several months of the pandemic and found that both arrests and petitions decreased significantly during this time. They suggest that there were two factors that impacted these decreases: (1) Given the stay-at-home orders and the closing of schools and nonessential business, juveniles were more likely to be at home and under closer supervision of family members who were also forced to be home, and (2) there is anecdotal evidence that many jurisdictions limited the use of arrests and

petitions at this time and used more informal means of addressing delinquency. The full data for this period are not available yet, but the authors predict that we would see a steeper decline in arrests and petitions than expected if the pandemic had not occurred.

While the pandemic may have served a beneficial purpose in decreasing delinquency, arrests, and petitions, the authors emphasize two areas for which the pandemic was probably severely detrimental (again, it will take years to untangle the effects of the pandemic on youth behavior and experiences in the juvenile justice system).

First, the authors note that the same juveniles who are disproportionately housed in detention are also the juveniles who will be disproportionately affected by COVID-19:

Viewing juveniles and the justice system through the lens of the current public health crisis casts even more light on systemic social inequities and disparities in the privilege to avoid not only justice system contact (Peck, 2016) but also COVID-19 (Ahmed, Ahmed, Pissarides, & Stiglitz, 2020; Wright, Sonin, Driscoll, & Wilson, 2020). The epidemiological risk factors for justice system involvement are nearly identical to well-known social determinants of health; for instance, poverty, race, neighborhood characteristics, and access to adequate educational and preventive health resources (Owen, Wallace, and Committee on Adolescence, 2020). (Buchanan et al., 2020, p. 583)

Second, while some youth were released from detention facilities around the country if they were close to the end of their confinement (some jurisdictions used a 1-month or 100-day rule of thumb), many youth remained housed in detention facilities during the pandemic. The authors emphasize the compounding trauma of having to worry about both a pandemic (i.e., actually getting sick), while also having to navigate structural changes brought on by the pandemic (i.e., the impact of social distancing, which often meant that juveniles were effectively in solitary confinement, an experience we know has profound effects on juvenile well-being).

**For your discussion:** Looking back on the start of the pandemic, identify the largest concerns you would have for juveniles, policing, and detention. What are the implications of the decisions that were made about how to deal with the onslaught of the pandemic?

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*Source:* Buchanan, M., Castro, E. D., Kushner, M., & Krohn, M. D. (2020). It's f\*\*ing chaos: COVID-19's impact on juvenile delinquency and juvenile justice. *American Journal of Criminal Justice*, 45(4), 578–600.

The most recent study reports that there were 72.8 million children (ages 0–17) in the United States in 2020, which is a decrease of about 1.3 million children since 2010. However, these numbers are projected to increase over the next 30 years. Approximately one third of those children fall in the age range of 12 to 17 (25.1 million, 2020 numbers). While the overall number of children has been increasing in recent years (and the increase is projected to continue), the proportion of children to adults has been decreasing, down from 36% in 1964 to 22% in 2020. By approximately 2033, the proportion of adults over the age of 65 will be larger than the proportion of children under the age of 18. This decrease in proportion of the entire population is due largely to the decrease in the mortality rate (i.e., people are living longer).

Racial and ethnic diversity is also increasing among children. In 2020, 49.6% of children were white (non-Hispanic), 25.6% were Hispanic, 13.7% were Black, 5.4% were Asian, 0.8% were American Indian or Alaskan Native, 0.2% were Native Hawaiian or Other Pacific Islander, and 4.6% were two or more races.<sup>10</sup> It is projected that by 2050, Latino children will be 31.9% of children, with white children making up 38.8% of the child population.

### Economic Circumstances

The report offers several indicators of the economic well-being of children. The percentage of children living in poverty has decreased in the past decade from 22% in 2010 to 14.4% in 2019. But what is most striking is the link between race and ethnicity and the likelihood of living in poverty. In 2019, 26.8% of Black, non-Hispanic children; 20.9% of Hispanic children; 30% of American Indian children; 10% of Asian and Pacific Islander children; and 10% of white, non-Hispanic children lived in poverty. This means that the poverty rate was 2.5 to 3 times higher for Black and American Indian youth than for white youth and 2 times higher for Latino children than for white children.<sup>11</sup> In addition, 15% of

children lived in a household that was considered food insecure in 2019. Food insecurity is defined as reduced food intake; difficulty obtaining food, including a poor-quality diet because food cannot be obtained; and anxiety about obtaining food. While some food-insecure households managed to keep the effects from the children in the household (the adults reported they went without food so that the children did not have to), a majority of the households reported that children's eating patterns and diets were affected, too.

### Physical Environment and Safety

Although the percentage of children living in polluted conditions has decreased, in 2019, approximately 51% of all children still lived in an area where at least one air pollutant was above the allowable levels. Water pollutants have also decreased since these reports were first created. The percentage of children who lived in areas where the community drinking water did not meet health-based standards decreased from 20% in 1993 to 8% in 2019 (although it has fluctuated between 5% and 12% over the past 15 years). Although air and water pollutants have been decreasing, inadequate housing has been increasing for children. Inadequate housing is measured by crowding, physical inadequateness, and cost burden (greater than 30% of family income). In 2019, 38% of households with children suffered from at least one of these housing problems.

### Education

Educational attainment has also been increasing for juveniles. The percentage of children graduating with a diploma or GED increased from 84% to 94% between 1980 and 2019. But these levels were not the same for all children. White children increased their graduation rate from 87% in 1980 to 95% in 2019, while Black children increased their rate from 75% in 1980 to 94% in 2019. Latino children had the greatest percentage increase, but they had consistently lower graduation rates than either white or Black children: 57% in 1980 and 92% in 2019. American Indian and Alaska Native children had a graduation rate of 93% and Asians, 97%, in 2019.<sup>12</sup>

In addition to high school graduation rates, the percentage of those who enroll in college right after high school has increased (although it has fluctuated) from 63% in 2000 to 66% in 2019.<sup>13</sup> These percentages have also been dependent on race and ethnicity. Asian (82%) and white (69%) youth are more likely to immediately enroll in college compared to Black (57%) and Latino (64%) youth.<sup>14</sup> Gender also influences this likelihood. In 2019, 62% of males, but 70% of females, immediately enrolled in college. Although the percentages by gender fluctuate significantly, for many years, there was no statistical difference in the likelihood to enroll by gender.

### COVID-19

The COVID-19 pandemic has been the most significant public health crisis in the United States and the world in the past century. We know the pandemic had a multitude of effects on children, families, and our institutions. We will not know the full impact of this extraordinary public health catastrophe for years to come. The pandemic had far-reaching effects on the economy, mental and physical health, and our political discourse, among other things. But for the purposes of our discussions on juveniles and delinquency, the effect of the pandemic on the educational system in the United States and the world is of the utmost concern. During the pandemic, when daycares closed, and elementary, secondary, and postsecondary schools all moved to online learning, up to 25% of families reported that they did not



One of the most troubling conditions in the United States is the number of children living in poverty. Almost one in five children live below the poverty level, with proportionally more youth of color than white youth living in poverty.

Joe Sohm/Visions of America, LLC/Alamy Stock Photo



While many well-being indicators for youth are decreasing, educational attainment is increasing; however, compared to other countries (see Chapter 8 on schools and delinquency), the United States still lags behind.

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as we write this edition of the book, we are on the precipice of a new surge in COVID-19 cases. In many instances, we do not have the data yet to tell us just how influential these experiences will be on juveniles.

### The Cradle-to-Prison Pipeline

A Black boy born in 2001 has a 1 in 3 chance of going to prison in his lifetime; a Latino boy a 1 in 6 chance; and a white boy a 1 in 17 chance. A Black girl born in 2001 has a 1 in 17 chance of going to prison in her lifetime; a Latina girl a 1 in 45 chance; and a white girl a 1 in 111 chance.<sup>16</sup>

The Children's Defense Fund, a nonprofit organization, has identified a phenomenon it refers to as the cradle-to-prison pipeline (Figure 1.1; in Chapter 8, you will learn about the school-to-prison pipeline). The cradle-to-prison pipeline refers to the many issues for children that make it more likely they will become incarcerated at some stage in their lives. These issues include pervasive poverty, inadequate access to health coverage, gaps in early childhood development, disparate educational opportunities, intolerable abuse and neglect, unmet mental and emotional problems, substance abuse, and overburdened, ineffective educational and juvenile justice systems that focus on zero tolerance and other suppression policies.<sup>17</sup>

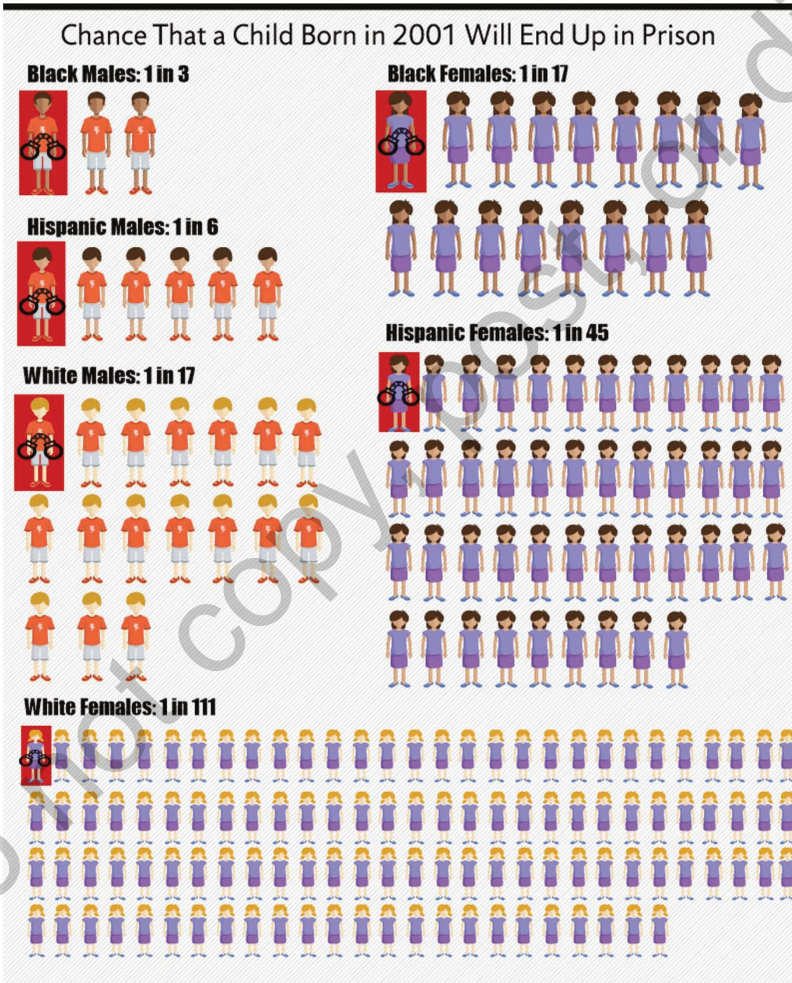
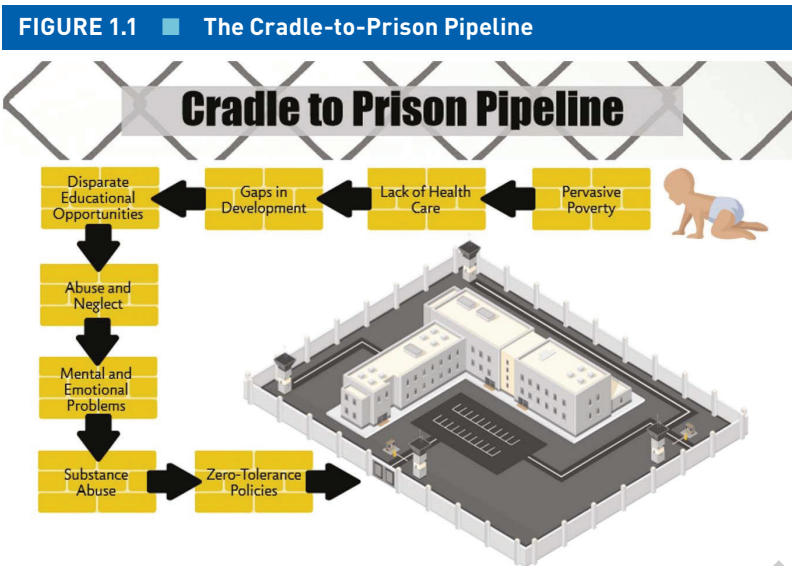
What do these indicators tell us about the overall health and well-being of juveniles in this country? For the most part, indicators tell us that children are doing better in many ways now than they were 40 years ago—children are less likely to be living in a polluted area and more likely to have clean drinking water, more likely to graduate from high school, and more likely to enroll immediately in college. However, there are several things of which to be cautious. First, even though conditions are getting better for youth in some arenas, economic conditions are actually worse for children; more youth live in economic uncertainty now, insecure about both shelter and food. And both the gains and the losses made for children are dependent on race and ethnicity, gender, and class. In other words, whether a juvenile is Black, Latino, white, Native American, or Asian, and whether the juvenile is male or female or from a working poor or well-off family impacts their experiences in the United States.

## THE UNITED STATES AS A PLACE WHERE RACE, CLASS, GENDER, AND SEXUALITY ARE IMPORTANT

What does it mean when we say that in the United States, race, class, gender, and sexuality still matter? It means that in the United States, we have different experiences based on our race/ethnicity, class, gender, and sexuality (we also have different experiences based on our age, nationality, religion, and abilities). One of the reasons we have these different experiences is because in the United States, we define, describe,

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and distinguish people based on these different categories. This process is called **social differentiation**.<sup>18</sup> Some categories are **ascribed**, meaning you are born into them and cannot change them; your race is an example of this. Some categories are **achieved**, meaning that they are more flexible or that you have a better chance of changing them if you wish (or you can try to change them); your social class and religion are examples of these. Social differentiation leads to ranking; in other words, as we differentiate between people based on certain categories, we tend to rank the levels of these categories. For example, is it better to be rich or poor, educated or not educated, an adult or a child? These rankings are what form

**social inequality.** Once the levels of a category such as age, race, gender, or class have had values placed on them (i.e., they have been ranked), we have placed “judgments of inequalities” on them.<sup>19</sup> We have implicitly or explicitly decided it is better to be one value in that category than another. These value judgments may be more implicit than explicit, but that doesn’t mean they don’t exist. For example, no one comes right out and says it is better to be an adult than a child, and, in fact, some who have an idealized sense of childhood may argue that being a child is better. But when you examine the level of power that is conferred on adulthood and childhood, it is easy to see that juveniles have much less power than adults have. They are more oppressed and rely on the “kindness of strangers” more than adults do.

## FROM THE CLASSROOM TO THE COMMUNITY

### CENTER ON WRONGFUL CONVICTIONS OF YOUTH

The Center on Wrongful Convictions of Youth is a project at the Northwestern University School of Law that investigates convictions of youth who have some credible basis for a claim of innocence. The center believes that age may be a contributing factor to a wrongful conviction.

Among the leading contributors to wrongful convictions are false confessions. While it seems unlikely to many of us that we would ever falsely confess to a serious crime we did not commit, this has happened in numerous cases. Youth are overrepresented in false confession wrongful convictions. There are several reasons this is the case. First, law enforcement interrogation tactics are designed to be unbearable; police emphasize that the individual is already caught, and there is little to no hope that the accused will go free. In addition, the techniques include long periods of interrogation and, oftentimes, false information about the state of the case. These tactics are allowed to be used on juveniles. Second, youth are socialized to respect authority and authority figures such as the police. The combination of harsh tactics and youth who often trust and want to please the police means that false confessions can be likely. Youth who made false confessions and were finally exonerated report that they thought if they told the police what they wanted to hear, they would be able to go home to their families.

In addition, juveniles are unsophisticated and are, therefore, less aware of their rights and less likely to be able to understand the long-term consequences of their confessions. Even when read their Miranda rights, juveniles often do not understand the intricacies of those rights (e.g., that they are allowed to actually remain silent and not answer police questions). The combination of not understanding their rights and failing to recognize the long-term consequences of confessing means that youth will falsely confess in hopes of getting out of the interrogation room. As of 2016, more than 100 individuals convicted as youth have had their cases overturned as wrongful convictions, and some of these individuals spent more than 20 years in prison before they were exonerated.

**For your discussion:** What are the reasons that youth might offer a false confession to a crime they did not commit? How is it that juveniles might be more susceptible to these confessions than adults? What safeguards could be put in place to ensure that juveniles do not engage in false confessions?

*Source:* Center on Wrongful Convictions of Youth. (2009). Northwestern University School of Law. <http://cwcy.org/Default.aspx>

## Individual Versus Institutional Racism, Classism, and Sexism

**Individual racism, classism, or sexism** occurs when individuals hold personal attitudes of prejudice based on race, class, or gender and act on these attitudes in a discriminatory fashion.<sup>20</sup> This prejudice and discrimination can appear as the stereotyping of individuals based on their race, class, or gender. An example of this is the stereotype that girls are more delicate and prone to crying and hysteria than are boys, so they should not be trusted to do certain jobs or be in charge of important events. Sometimes individual racism, classism, and sexism are most evident in a person’s speech, especially among young people who might manifest themselves in name-calling and bullying. But individual acts of racism,

classism, and sexism can have a strong impact on the juvenile experience beyond bullying. For example, a teacher who assumes that most young, Latino men are in gangs has made a racist assumption that might impact the education that young Latinos receive in his classroom. A police officer who has classist beliefs about who is most likely to use drugs (she believes that working-class juveniles use drugs more than wealthy juveniles) might focus her policing in poor neighborhoods or handle teens from rich neighborhoods informally by taking them home to their parents if they get in trouble while handling poorer teens formally and arresting them for their bad behavior.

Individual racism, classism, and sexism are important aspects of the juvenile experience in the United States, but institutional racism, classism, and sexism probably have a far greater impact on the juvenile experience. **Institutional racism, classism, and/or sexism** occur when individuals are disadvantaged because of their race, class, or gender because of the routine workings of institutions in the United States.<sup>21</sup> Institutions refer to organizational structures such as the political system, the legal system, media, and education. For the purposes of this book, we are most concerned with institutional racism, classism, and sexism that might exist in the criminal and juvenile justice systems and the educational system.

For example, the adult criminal justice system is still a very classist system of justice. How so? In its simplest terms, individuals will have a very different experience in the system based on how much money they have. Requiring bail means that those who can afford to pay will spend their time before trial at home, while those who cannot pay will spend their time before trial in a jail. Don't ever underestimate the benefit of living at home, instead of jail, while waiting for trial. Those who are at home can participate in their legal defense in a way that those in jail cannot. Those at home have the benefit of friends and family around them in a way that those in jail do not. Those at home also arrive at their trial in street clothes and are better fed, better rested, and better prepared in a way than those in jail do not. All else being equal between the individual who can pay bail and the one who cannot, the ability to make bail affects the experience of each individual.



Although racism, sexism, and classism were more overt in the past (e.g., schools—and other institutions—were segregated), there are still many examples of race, class, and gender impacting individual experiences in the United States. How might the experiences of these children differ over time?

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## IN THE NEWS

### PROJECT REBOUND SCHOLARS PAY IT FORWARD

A wildly successful program in California is getting more attention. Project Rebound is a program that helps individuals leaving prison earn college degrees. The program was founded by John Irwin. John Irwin was an inmate of Soledad State Prison in the 1950s, serving 5 years for armed robbery. He knew that getting an education would decrease his chances of going back into prison, so he went all the way. He earned a PhD in Sociology from UC Berkeley and then began his career as a faculty member in the Department of Sociology at San Francisco State University.

Dr. Irwin started Project Rebound, a program designed to provide comprehensive support for ex-convicts. During his time in prison, Dr. Irwin realized that convicts were mostly ordinary human beings and believed that by supporting them in their pursuit of an education, the college system could make real and lasting change in ex-convict lives.

Currently, 14 California State University campuses have thriving Project Rebound programs all with a zero-recidivism rate (for comparison, California has a general recidivism rate of between 45% and 65%, which means that between 45% and 65% of those who leave prison end up back in prison within 3 years). Up until this stage, all 14 programs focused on adults leaving prison, but CSU, Fullerton is launching a new program aimed at juveniles. The program “seeks to build educational pathways

for juvenile justice system-involved youth.”<sup>22</sup> One of the real strengths of this new program is that “Because Project Rebound’s adult students are all formerly incarcerated, as is much of the staff, incoming youth will have a built-in group of mentors from whom to draw advice and inspiration.”<sup>23</sup>

**For your discussion:** As current college students, what sort of programs/opportunities/resources do you think that Project Rebound should start to offer to justice-impacted youth as it adds on this new direction supporting youth who have been through the juvenile justice system?

### The Intersectionality of Race, Class, and Gender

In addition to race, class, and gender in their individual constructs having an important impact on the experiences of individuals in the United States, many argue that the intersection of these constructs has an important and exponential impact. What does this mean? At its most simple, this means that on many occasions, we are impacted by racism, classism, and sexism (as well as heterosexism and ableism) all at the same time. Kimberlé Crenshaw explains intersectionality like this:

It grew out of trying to conceptualize the way the law responded to issues where both race and gender discrimination were involved. What happened was like an accident, a collision. Intersectionality simply came from the idea that if you’re standing in the path of multiple forms of exclusion, you are likely to get hit by both. These women are injured, but when the race ambulance and the gender ambulance arrive at the scene, they see these women of color lying in the intersection and they say, “Well, we can’t figure out if this was just race or just sex discrimination. And unless they can show us which one it was, we can’t help them.”<sup>24</sup>

While Crenshaw is specifically examining the differential experience that one might have with the law, the idea of intersectionality can be applied in many more instances than just this. One of the central considerations of intersectionality is that a power hierarchy exists in social relations. In other words, a system of power exists in which some hold more power than others based on the social groups they identify with. Hill Collins calls this power hierarchy a “matrix of domination.”<sup>25</sup> The farther down the matrix an individual

is situated, the more inequality that individual experiences. These experiences are not additive but exponential.<sup>26</sup> For example, if we examine the illustration by Crenshaw earlier, it isn’t just that being Black and a woman means that you are discriminated against based upon your race and gender. It can also mean that the system does not know how to alleviate those multiple oppressions and often compounds them.

In addition to the fact that intersectionalities can reinforce inequality, Hill Collins and Burgess-Proctor argue that these intersectionalities can mean that individuals experience both oppression and privilege.<sup>27</sup> They argue that most individuals are not entirely oppressed or privileged—their social location on the matrix of domination means that they can be both oppressed and privileged along certain dimensions (i.e., race, ethnicity, class, gender, sexuality, religion, nationality, ability, etc.) at the same time.



People will come to different conclusions about what the roots of a given act of delinquency (such as shoplifting) are, depending on what theoretical lens they use to examine it.

Fertnig/iStock

## THE SOCIOLOGICAL IMAGINATION

As you begin your investigation of juvenile delinquency in this book, it is important for you to turn on your “sociological imagination.” This idea comes from the work of C. Wright Mills, who argued that the only way to truly understand the experiences of the individual is to first understand the societal,



institutional, historical conditions that individual is living under. In other words, Mills believed that no man, woman, or child is an island. Following are excerpts from his profound book:

Men do not usually define the troubles they endure in terms of historical change and institutional contradiction. The well-being they enjoy, they do not usually impute to the big ups and downs of the societies in which they live. Seldom aware of the intricate connection between the patterns of their own lives and the course of world history, ordinary men do not usually know what this connection means for the kinds of men they are becoming and for the kinds of history-making in which they might take part. They do not possess the quality of mind essential to grasp the interplay of man and society, of biography and history, of self and world. They cannot cope with their personal troubles in such ways as to control the structural transformations that usually lie behind them.

The sociological imagination enables its possessor to understand the larger historical scene in terms of its meaning for the inner life and the external career of a variety of individuals. It enables him to take into account how individuals, in the welter of their daily experience, often become falsely conscious of their social positions. With that welter, the framework of modern society is sought, and within that framework the psychologies of a variety of men and women are formulated. By such means the personal uneasiness of individuals is focused upon explicit troubles and the indifference of publics is transformed into involvement with public issues.

The first fruit of this imagination—and the first lesson of the social science that embodies it—is the idea that the individual can understand his own experience and gauge his own fate only by locating himself within his period, that he can know his own chances in life only by becoming aware of those of all individuals in his circumstances. In many ways it is a terrible lesson; in many ways a magnificent one.

In these terms, consider unemployment. When, in a city of 100,000, only one man is unemployed, that is his personal trouble, and for its relief we properly look to the character of the man, his skills, and his immediate opportunities. But when in a nation of 50 million employees, 15 million men are unemployed, that is an issue, and we may not hope to find its solution within the range of opportunities open to any one individual. The very structure of opportunities has collapsed. Both the correct statement of the problem and the range of possible solutions require us to consider the economic and political institutions of the society, and not merely the personal situation and character of a scatter of individuals.

What we experience in various and specific milieu, I have noted, is often caused by structural changes. Accordingly, to understand the changes of many personal milieu we are required to look beyond them. And the number and variety of such structural changes increase as the institutions within connected with one another. To be aware of the idea of social structure and to use it with sensibility is to be capable of tracing such linkages among a great variety of milieu. To be able to do that is to possess the sociological imagination.<sup>28</sup>

We have an example that might help explain the importance of a sociological imagination that should resonate with college students. In the United States, one of the persistent philosophies is individualism and personal responsibility. Under this philosophy, individuals are assumed to be solely responsible for their successes and failures. This philosophy relies heavily on the notion that individuals are rational actors who weigh the cost and benefit of their actions, can see the consequences of their behavior, and have perfect information. This example helps individuals who rely heavily on this conception of the individual see the importance of social structure to individual behavior.

As a college student, you are often reminded that you are responsible for your own work and your own grades. As professors, we expect that you come to class, study at least 2 hours a week outside of class for each unit you are taking, start your papers for class early in the semester, don't plagiarize, and stay awake in class. We expect that you will pick a major in your sophomore year, that you know what general education courses you need to take, and that you make appointments with your advisor when you have questions. If you put in this effort, ask for extra help when needed, come to office hours, and study hard, we expect you will graduate in a timely manner with a degree in your intended major. But is this always the case?

During hard economic times when state and federal budgets are uncertain, your experience as a college student is different from when economic times are better. As university budgets become tighter, it may be harder to get the major you want. Even if you do get the major you want, the courses to complete that major are fewer and farther between, and class sizes increase, which means it is harder to get one-on-one time with your professor. All of a sudden, the degree that you expected to earn in 4 years (if you are going full-time) takes 6 years because you cannot get classes and because tuition has increased and you need to go part-time so that you may work more hours to pay that tuition. The economy has an impact on the educational system, and this has a very real and personal impact on you. This impact will not be uniform across populations or categories of people. For example, working-class students may be impacted sooner or more strongly by some of the economic forces than wealthier students.

### Your Sociological Imagination Put to the Test: Five Vignettes

It may be easy as a college student to see how a stagnant economy affects your experiences as you earn your degree, but now we turn to the experiences of juveniles, their behavior, and the juvenile justice system. How do social forces and the social structure affect individual juveniles?

#### VIGNETTE 1: THE PROBLEM OF JESSE

*Jesse is 6 years old. He is in the first grade at a public elementary school in a medium-sized city. While in kindergarten and now the first grade, Jesse has gotten into a fair amount of trouble. His mother and father have been called more than once to come get him from school. Most of Jesse's behavior can be considered "youthful": While in kindergarten, he hid under the table while other children were doing their work; he was disruptive in the classroom, laughing and running around when he should have been working; he hugged kids on the playground "enthusiastically"; and on occasion, he would play "war" with other little boys, and he would hit or kick them during the game. He does not listen well to his teachers. But some of his behavior is a bit more troublesome. He is openly defiant with his teacher and the playground supervisor. If he is told to stop doing something, he often takes this as a challenge to go further. His rough behavior has hurt several kids on the playground (nothing serious, but both children started to cry).*

*The school that Jesse attends is an excellent one in the district. It receives Title I money, which means that a large percentage of its children qualify for free or reduced-price lunches; it earns very good test scores; and it can count on heavy participation from the parents and PTA. However, the budget has suffered a series of blows for the whole district. Teachers have been threatened with layoffs. The music teacher, the PE teacher, and the librarian have been laid off. The class size has increased every year over the past 5 years. This year, Jesse's class has 32 children in it, with one teacher, no aides, and intermittent help from parents.*

*Jesse's teacher admits that she has a problem with Jesse. She says that she cannot teach the other 31 children if she has to focus so much attention on him. She estimates that about 10% to 15% of every day is spent somehow dealing with Jesse. She is frustrated with the situation, feeling pressure from the school to keep up with her coursework and achieve good test scores, and frustrated with the number of children in the classroom.*

*Jesse's most recent run-in happened when he drew a stick figure of a man who looked like he might be naked. Jesse's mom was called and asked to come to the principal's office. The principal showed the picture to Jesse's mom and explained that the school had a zero-tolerance policy for such things and that if Jesse drew any more pictures ever of stick figures whose "private parts" were showing, he would be suspended from the school.*

*Can this situation be resolved? If so, how should it be resolved? What are the main problems you see in the scenario? What factors are contributing to these problems? How might these problems be resolved?*

What did you define as the problems in this scenario? Did you focus on Jesse's behavior? Admittedly, Jesse is disruptive. He clearly does not know how to interact with the children around him in a manner that the school expects. And his openly defiant behavior with his teacher disrupts the learning environment, making her job harder and taking away from the educational time she has with the rest of the class. Besides, let's face it, it is *really* irritating to be around a child who is disruptive and defiant.

But is this all that is going on? Using your sociological imagination, what might be contributing to the focus on Jesse's behavior?

The first issue is the budgetary problems for the school. The school has had to lay off the librarian, the PE teacher, and the music teacher. This means that those activities, PE, music, and visiting the library, fall to the teacher to organize and supervise. In other words, the teacher is being asked to do her job *and* the job of three other professionals. In addition, she is being told to do her job with more students in the classroom (32 this year) with no increase in professional help (no additional aide). Instead, the teacher must rely on the help of her students' parents. In this context, Jesse's behavior is even more disruptive. If the teacher had an aide or fewer children (e.g., in California, there was a program to maintain class size for Grades K–3 at 20 students, which has been scrapped in many districts because of budget problems), she might be able to work with Jesse and help him understand how to change his disruptive behavior.

The second issue is the school's zero-tolerance policy. This policy often catches incidents that no one would expect would lead to suspension. In the case of the picture that Jesse drew, a stick figure was determined to be naked, and though that may or may not have been Jesse's intention, a zero-tolerance policy does not leave room for discretion in many of these instances. Instead, if someone defines the juvenile's behavior as wrong, the child automatically receives the punishment. It probably would not help Jesse and his behavior to be suspended over the drawing of a stick figure.

## VIGNETTE 2: THEORIES OF DELINQUENCY—NORMATIVE, SOCIAL CONSTRUCTIONIST, AND CRITICAL

*Jessica and Alicia are 13-year-old twins starting the eighth grade at Parkside Elementary. They live with their mother, Andrea, in a house several blocks from the school. They moved into the house about a year ago, and Andrea works extra shifts and overtime whenever she gets the chance so that they can make the house payments. Prior to moving into the house, they had lived across town in a school district that was underfunded and dangerous. The street they lived on had experienced repeated violence. Even though Andrea must work extra shifts, she is less worried about her kids in this neighborhood than the one they were in previously.*

*But because of the increased house payment, Jessica and Alicia often come home to an empty house. Recently, they have met a young girl, Laurie. Laurie shoplifts candy from the convenience store near their house, sticks sugar in the gas tanks of cars she doesn't like (she particularly does not like Acuras because her mother drives one), and has been known to torture small animals.*

*Recently, Jessica and Alicia were caught stealing Butterfingers from the convenience store (Laurie had left the store about 5 minutes earlier and was not caught taking anything). The police were called, and they called Andrea. She came and picked the girls up and took them home. The next afternoon, Jessica, Alicia, and Laurie went back to the store. They were told that they were not allowed back in because they had been caught stealing the day before. Jessica and Alicia were very embarrassed, and Laurie was very mad about being denied entry. Laurie suggested they put sugar in the convenience store clerk's gas tank. Neither Jessica nor Alicia wanted to and had started to walk away, but Laurie pulled sugar out of her backpack and was prying open the gas tank when the same police officer pulled up to the back of the convenience store. She stopped Laurie and detained all three girls for attempted vandalizing.*

*What are the problems that you see in this scenario? What might be the solutions that could address these problems?*



When states dedicate money to building detention facilities, they often take money away from education and social programs.

BanksPhotos/iStock

If you focus on the shoplifting behavior of Jessica and Alicia and the vandalizing and torturous treatment that Laurie engages in, you have approached this scenario from a certain conceptualization, normative. What might be the reasons for Jessica's, Alicia's, and Laurie's behavior? Some may suggest that because Jessica and Alicia are left alone at home, they are not getting supervised as well as they should be, while some might argue this is because they come from a single-parent household. Others might point to Jessica and Alicia's new friendship with Laurie. They might argue that Jessica and Alicia are learning this delinquent behavior from their new friend. Finally, those who focused on Laurie's delinquency might argue that she seems to have very few good coping mechanisms for strain in her life; she clearly has a strained relationship with her mother and being denied entrance to the convenience store pushed her to vandalize the convenience store clerk's car.

Those of you who identified the major problem in this scenario as the fact that Jessica and Alicia have just been arrested for an act they did not engage in, vandalizing the car, may be approaching this scenario from a social constructionist's conceptualization. Social constructionists may argue that Jessica and Alicia have been labeled because of their past behavior and their friendship with Laurie. Given that the police officer had just interacted with Jessica and Alicia the day before, it is likely that she may expect that they were involved in the vandalization, too. Even though Jessica and Alicia did not vandalize the car, the expectation of the police officer is that they were a part of the act. This expectation impacts the interaction that the police officer has with them and the treatment (getting arrested) that Jessica and Alicia experience.

Finally, a few of you might have identified the main problem of the scenario as the fact that Andrea had to move her children to a whole new neighborhood in order to help them receive a good education with a decreased likelihood they would be hurt while walking home from school or playing in their yard. Those of you who focused on this are taking a critical conceptualization. Instead of focusing on the minor delinquency, this conceptualization focuses on the structure of the system that requires that an individual actually move in order to remain safe and get a decent education. Those following this conception would also critique a system that had required that an individual work two jobs in order to make rent and support her family. This conception would be less interested in the behavior in which each girl engaged.

### VIGNETTE 3: THE PROBLEM OF APPROPRIATE POLICIES

*The members of the South State Legislature have come close to finishing their proposed budget for the fiscal year. However, they find themselves with something of a predicament. For the first time in 30 years, they do not have enough programs to spend money on. For this reason, they find they have \$25 million (which is a lot less than you think it is) that they can allocate to a special program or project. The drawback is that this money may only be available this one time—there is no guarantee that future budgets could provide continued support. There has been a proposal that this money be used on the children of South State to show a renewed commitment to the next generation. Two proposals have been put forth for the onetime allotment of funds.*

*Rebecca Hanlin has suggested that the money be used to increase the bed size at two South State detention centers. This would include building or adding on to several buildings in each facility and supplying the needed infrastructure, such as beds, bedding, and food, for the increase in*

*inmates. The existing facilities are well made but nearing their maximum capacities, and Hanlin has made an argument that it is likely, given the demographics of the area and a predicted increase in teenagers in the area in the next 10 years, that there will also be an increase in delinquency rates. She wants to be ready with larger detention facilities.*

*Richard Harring has suggested that the money be used to create five new community facilities in underserved areas that would include small libraries as well as sports equipment. These facilities would be open after school and on weekends for children under the age of 18 to use. The five areas he has suggested have little available for juveniles at the present time.*

*Both proposals have been reviewed by the South State Legislature and have been determined to be within the proposed budget of \$25 million. It is your job to decide which of the above proposals should be sponsored and receive the \$25 million. The money can be spent on only one project. Spend a moment deciding which one you would choose. What are your reasons for making this choice?*

These two proposals come from fundamentally different philosophies about how to approach juveniles and juvenile delinquency (which we discuss further in the last section of the book). If you chose Rebecca Hanlin's proposal, it might be argued that you are supporting a deterrent or punishment philosophy, in which you expect that delinquency will increase and that the only way to combat delinquency is to be ready to punish those who have engaged in it. Over the last 30 years, this philosophy has been argued for and supported (with increased funds) in many jurisdictions in the United States. We have increased our budgets for the criminal justice system, our laws that address juvenile misbehavior, and our policies that socially control juveniles.

In contrast, if you chose Richard Harring's proposal, it could be argued that you are supporting a preventative philosophy toward juvenile delinquency. This philosophy focuses on offering resources and support to juveniles *before* they engage in misbehavior and are picked up by the police. Prevention can focus on areas or juveniles who society suspects might be more likely to engage in delinquency (or who have less personal resources) such as Richard Harring's proposal, which focuses on underserved communities. Or prevention programs can focus on the juvenile population as a whole, such as California's push to lower class sizes to a manageable 20 students per classroom; while this program's first intent was to support better performance in the classroom, a secondary outcome might be less delinquency as juveniles get more rewards out of their educational experiences.

#### VIGNETTE 4: UNEQUAL ENFORCEMENT—CLASS

*Lillyburg has had an increasing unhoused problem, especially unhoused youth. In order to curb this problem, a new law has just been suggested in Lillyburg making it a misdemeanor to sit on public sidewalks or in nondesignated sitting areas between the hours of 9 a.m. and 9 p.m. Opponents of this proposal point out that this law may be differentially enforced because Lillyburg is a large tourist town and often tourists can be found sitting on sidewalks and in nondesignated sitting areas. Proponents of the bill insist that it will solve the unhoused youth problem and that because it is only a misdemeanor, the law is not meant to be overly punitive. Most individuals will only be fined for breaking the law by sitting on sidewalks between 9 a.m. and 9 p.m. Should this proposal be made into a law? What are the ramifications of such a law? Who is most likely to be affected by a law like this?*

Randall Kennedy discussed the impact of unequal enforcement in his book *Race, Crime, and the Law*.<sup>29</sup> While he focused his attention on the detrimental effects of unequal enforcement of the law on communities of color, his ideas can be applied in this example, too. Unequal enforcement is the idea either that the law is written in a manner that focuses attention on one group disproportionately over another or that supposedly neutral laws are applied in a manner that oppresses one group more than another. The law in Lillyburg can be used as an example. In its language, this law is class, race, and gender neutral. It merely stipulates that it is illegal to sit on the sidewalk between 9 a.m. and 9 p.m.



Loitering and public nuisance laws are rarely uniformly applied. What is considered loitering, and what is considered the proper use of a public park bench?

David Grossman/Alamy

However, the discourse around this law shows that it was written for a less neutral purpose. Unhoused youth are the target of this law. And it is likely in the application of this law (who it is used against) that unhoused juveniles will more likely be arrested. It is unlikely that a tourist family with a couple of children will be arrested for sitting in a nondesignated sitting area.

In addition, while the punishment (sentence) attached to this law is minimal in the eyes of most individuals (someone arrested for sitting would be fined), given that the law is aimed at unhoused youth (by definition, juveniles who have so little resources they are living on the street), even a small fine can mean jail time because they will have no way of paying. Finally, a policy such as this, focused on individuals who will probably habitually break it (in other words, unhoused youth have very few choices about where they can go; it is likely they will still live on the streets and sit on the sidewalks),

will likely mean that the unhoused youth will be considered chronic offenders, and as we will see, chronic juvenile offenders are treated differently in the juvenile justice system than nonchronic offenders.

## VIGNETTE 5: UNEQUAL ENFORCEMENT—INTERSECTIONS OF RACE AND GENDER

*Maria is a 16-year-old Latina who has just gotten in trouble with the police. She was with her cousin in their neighborhood (a working-poor Latino neighborhood near Tempe, Arizona) while he was holding 10 ounces of methamphetamine (meth), which is the minimum amount to be charged with selling drugs (instead of possession of meth). Maria claims she did not know her cousin had the drugs and he was not selling at the time they were caught. Because it is Maria's first offense, she was charged with possession (because she was with her cousin) but charged in the juvenile court. The court adjudicated her true (found her guilty of drug possession) and gave her a disposition (sentence) of 3 days in detention. Upon completing her disposition, Maria received probation and must comply with a list of rules in order to remain out of trouble. Included on this list is that Maria must improve her grades in school, comply with a 7 p.m. curfew, and have no contact with her boyfriend (whom her probation officer has decided, because of several conversations with Maria's mother, is a bad influence on her).*

*Last week, Maria came home at 7:15 p.m., and her mom called her probation officer, telling him that Maria had been late home and that she suspected Maria had been out with her boyfriend. Maria does not dispute that she came home 15 minutes late but says she was late because the bus she takes from work did not show up, so she had to start to walk home and catch a later bus that finally happened by. She could not call her mom to tell her because her mom took away her cell phone when she got in trouble in the first place.*

*The probation officer considers this to be a violation of her probation, and Maria is now back in court for this violation. The court has no evidence that Maria saw her boyfriend, but it does have Maria's admission that she was 15 minutes late coming home. The judge hearing the case admonishes Maria for violating her curfew and not listening to her mother about who she should date and gives her **30 days** of detention for the violation.*

*What are the main problems you see in the scenario? What factors are contributing to these problems? How might these problems be resolved?*

This case might be considered harsh and unlikely, but it was a real case witnessed by the authors. In this case, Maria has found herself in trouble. She is hanging out with individuals who are getting in trouble with the police and dragging her into that trouble. But what does our sociological imagination and a critical perspective help us observe about her experiences? First, Maria and her cousin live in Arizona in a predominantly Latino community. It is likely that this community experiences a stronger police presence than other communities in Tempe because of the strong, declared focus on immigration in Arizona. In other words, had Maria and her cousin been from a different neighborhood, her cousin may not have been caught (which is a whole separate discussion, but given that Maria was unaware of her cousin's possession of meth, it certainly would have benefited her to not get caught).

Now that Maria has been caught up in the juvenile justice system, she must contend with a new issue. While status offenses should not be used to arrest a juvenile, once a juvenile has been arrested and brought into the system, behaviors that are considered status offenses are often listed on probation agreements. The dating and sexual behavior of girls are often managed and controlled through these agreements,<sup>30</sup> as it is for Maria. Over the years, the juvenile justice system has focused more attention on the sexual behavior of girls than that of boys.<sup>31</sup> In this instance, with very little concrete proof of interaction between Maria and her boyfriend, it appears the judge has taken this into consideration when deciding on the disposition that Maria will serve for violating her curfew.

This case can be used as an example of the importance of the intersections of race and gender for the experiences of many juveniles in the juvenile justice system. It could be argued that Maria has more likely been caught up in the system in the first place because of the community she was in when arrested, and certainly her experiences once in the system are somewhat dependent on her gender.

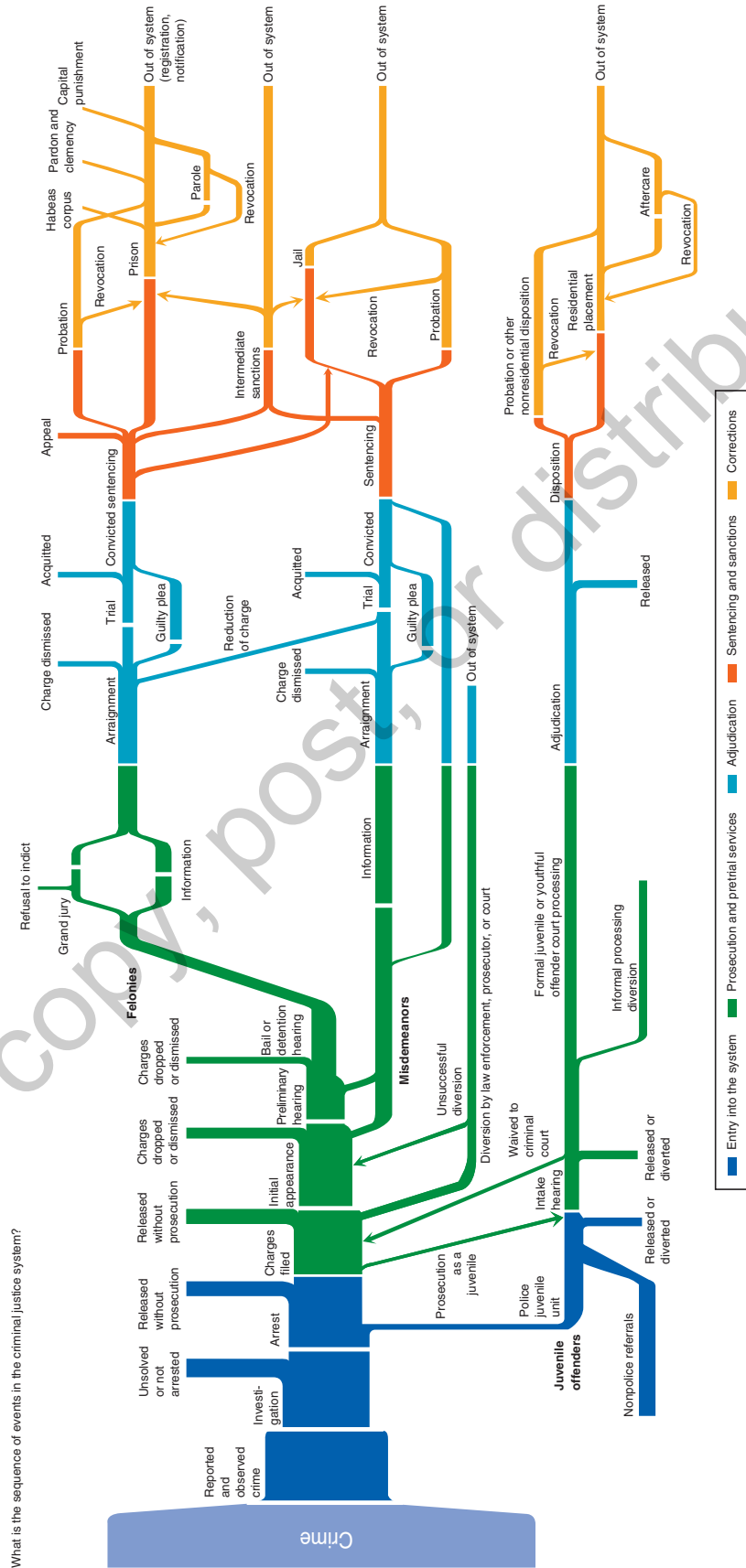
These vignettes are examples of the issues that this book explores. They represent our focus on theory and contextual concerns such as family and school. They illustrate the importance of thinking beyond personal responsibility and agency to include an understanding of social forces and social structure when examining juvenile delinquency and the societal responses to it. And they illustrate the importance of examining juvenile delinquency through an intersectional lens, which highlights the effects of race, class, gender, and other social variables on juvenile delinquency and the societal responses to it.

## DISCRETION AND THE JUVENILE JUSTICE SYSTEM

This chapter, so far, has explored the importance of diversity and intersectionality in the United States and the impact that such characteristics as race, gender, or sexual orientation may have on juveniles. We see that it can impact their educational experiences or their likelihood to be in poverty. We also see from the vignettes above that race, gender, class, and other characteristics, such as sexual orientation and age, can impact the experiences that juveniles have as they go through the juvenile justice system.

Figure 1.2 illustrates the stages of the juvenile justice system in comparison to the adult system. We spend a significant amount of time in Chapters 2, 11, 12, 13, 14, and 15 discussing the history, stages, and philosophy of the system from policing to corrections, but we want to spend the next several paragraphs introducing the system and emphasizing the importance of diversity, intersectionality, and inequality for juvenile experiences in this system. As you will learn in Chapters 2 and 11, the juvenile system was created under a different philosophy than the adult system. While the adult system focuses on punishment, the juvenile system was created under a philosophy that children are savable and thus rehabilitation, not punishment, should be the focus. This meant that the system for many years operated with a lack of formal legal procedures (in other words, the system did not follow a systematic set of rules but instead relied on “informal” justice) and judicial discretion.<sup>32</sup> This informality and discretion was based on the idea that the system needed to pay attention to the child as an individual and offer what was best for each child's circumstances. The problem with that system was that often the treatment looked very much like punishment (children were kept for long periods with little focus on true rehabilitation), and the discretion meant that children were vulnerable to the decision-making practices of individual workers in the system.<sup>33</sup> And certain children were found to be even more vulnerable than children in general. For example, girls who were suspected of sexual behavior were kept

**FIGURE 1.2** ■ Comparing the Juvenile and Adult Justice Systems



Source: Bureau of Justice Statistics. (2019). *Criminal justice system flowchart*. <http://www.bjs.gov/content/largechart.cfm>



in detention facilities until a marriageable age, while boys who were found to be engaging in sexual behavior were not held in detention.

In the 1960s and 1970s, the Supreme Court made several changes as a result of the realizations that discretion in the system and a lack of formal protections for youth meant that youth were vulnerable to unequal treatment. These changes instituted formal rules, the most important of which were that juveniles had the right to an attorney and a notice of the charges against them, to confront their accuser, and to not incriminate themselves. If these rights sound familiar, it is because they are from the Fifth and Sixth Amendments to the U.S. Constitution. Juveniles were not afforded these constitutional rights until 1967. The introduction of these rules is known as the due process era because juveniles were given many of the same due process rights as adults. In order to ensure these rights, though, the juvenile justice system had to create formal procedures (e.g., creating the role of prosecuting and defense attorney for all court cases).

The irony is that with the formalization of the system came a similarity to the adult system. Remember that the juvenile justice system was created to be *different* from the adult system, and yet, with the introduction of these constitutional rights, the juvenile system became more similar to the adult system.<sup>34</sup> Now both systems follow similar legal rules, and often their outcomes (punishments) look very similar, too. So similar that some researchers argue that maybe it is time for a single criminal justice system for both juveniles and adults.<sup>35</sup>

A second irony of this formalization is that it did not protect juveniles from being treated differently based on their personal characteristics. The adult and juvenile justice systems both experienced an increased focus on rules and guidelines meant, in part, to decrease the discrimination that was found to exist when judicial discretion (the practice of having judges make the decisions about how long an individual should be sentenced) was in play. However, many researchers found that when judicial discretion was limited through such practices as sentencing guidelines, the discretion did not disappear but merely moved to an early stage.<sup>36</sup> For example, prosecutorial discretion became much more influential because the decision of how to charge an individual was now more important.

Figure 1.2 illustrates the five main stages of both the adult and juvenile systems: (1) entry into the system, (2) prosecution and pretrial services, (3) adjudication, (4) sentencing and sanctions, and (5) corrections. Both the juvenile and adult systems have these five general stages, but as the figure illustrates, within these five general stages, there are slight differences. The top two lines of the figure show the adult process for felony and misdemeanor arrests; the bottom line shows the juvenile process through the system. While much of the experience is becoming more similar between the systems, on its surface, this figure shows one of the bigger differences that stems from the initial philosophy of the juvenile system at its creation. The system was created with the belief that juveniles could be saved, so instead of punishment, the system should focus on treatment. This meant that the system was created using different language that did not represent the punishment language of the adult system. For example, where the adult system refers to a trial, the juvenile system says hearing; where the adult system says sentence, the juvenile system refers to a disposition. We go into much more detail in Chapters 12, 13, and 14 about the stages of the juvenile justice system.

## SUMMARY

The study of delinquency is more complex than you might think at the outset. Not only must we understand the context in which youth exist, but we must also understand the changing societal definitions of acceptable and unacceptable behavior. We think this makes this area exciting and full of possibilities for advancing the understanding of both youth and societal behavior.

This book is an introduction to the study of juvenile delinquency written from a critical perspective. It offers a critical understanding of juvenile delinquency, focusing on an intersectional examination of issues of race, class, gender, and sexual orientation, among others. The book is organized into four sections. The first section focuses on how we define and measure delinquency, paying special attention to the historical progression of juvenile delinquency and the role that media play in our contemporary understanding of delinquency. In these chapters, we focus on how the concept of juvenile delinquency

was first used to control communities of color, girls, and the working poor, and we compare this to current processes that may be similar. We examine the trends in delinquency since the 1980s, paying special attention to the relationship between race and ethnicity and delinquency and gender and delinquency. And we will ask ourselves, “Does the type of data we use impact our understanding of delinquency and these relationships?”

Our second and third sections of the book focus on the contexts of delinquency and theoretical explanations of delinquency. We start by offering three theoretical chapters on micro-level theories, macro-level theories, and critical theories that either help predict the likelihood that an individual might engage in delinquency; help explain changing trends in delinquency, or delinquency rates for neighborhoods and communities; or explain why certain laws are created, certain communities are focused on, or certain groups are targeted as delinquent. In Part 3, we examine the relationship between family, schools, peers and gangs, and drugs and our understanding and beliefs about delinquency. What are the contexts in which juvenile delinquency seems more prevalent? Do our societal beliefs about family, school, peers and gangs, or drugs impact our beliefs about delinquency? And do juveniles’ social location, as youth of color, boys or girls, and/or youth with or without resources, affect the contexts of delinquency?

Our fourth section of the book examines societal responses to delinquency. We examine why we have a separate juvenile justice system, policing, juvenile courts and the process of the system, detention and corrections, and prevention, rehabilitation, and restorative approaches to delinquency. In these chapters, we focus on the impact of race, class, gender, and other social variables on both the creation and maintenance of these various policies and programs and the impact that race, class, gender, sexuality, and other social factors have on the experiences of youth in these arenas.

Just as the juvenile justice system strives to intentionally use language, as we write this book, we also try to use language intentionally. What does this mean? One, we acknowledge that terms continue to change as our understanding changes and our knowledge on a subject grows. For example, as a society, we did not always focus on personal pronouns, but as our understanding of the importance of language and LGBTQ identities increases, we realize that it is important to acknowledge that individuals have different pronouns that identify them. Two, there may be more than one term that is acceptable or a disagreement about what term is most acceptable. For example, we know individuals who would prefer to be identified as Black, while others prefer the term BIPOC or person of color. While the most accepted term in research right now is probably BIPOC, in this book, we will be as specific as we possibly can in whatever instance we are in, so if we are referring to a specific piece of research or vignette that focuses on a single race/ethnicity, we will say that specifically. We will use BIPOC, person of color, or communities of color if we are discussing a general piece of research or a community collective. Finally, the language may be changing around a particular subject, but the older research used an older term. For example, we will be discussing what used to be called homelessness in this book but is now more likely referred to as being unhoused. However, when discussing specific research, if that research used the term *homeless*, we will use this instead of *unhoused*. The most important thing to recognize is that language, like everything, is dynamic, it changes, and it is important to acknowledge those changes and be as thoughtful as possible about how we use our language.

When finished with this book, you should be better prepared to apply your sociological imagination to the connections among young people, their behaviors, and the world in which they live.

## DISCUSSION QUESTIONS

1. Explain the conceptions of delinquency. Using each conception of delinquency, explain juvenile gangs and the societal reaction to them.
2. Explain the current well-being of children. What is their economic, physical, and educational well-being? Are they currently better off than they were a decade or two ago?

3. What is the difference between individual and institutional racism, classism, and sexism? Give an example of each.
4. How are intersectionality and the matrix of domination important to our understanding of the impact of race, class, and gender on the experiences of juveniles?
5. What is the sociological imagination? How might it be used to help us understand juvenile delinquency?

### KEY TERMS

Achieved category	Institutional sexism
Ascribed category	Laws
Critical conception of delinquency	Mores
Folkways	Normative conception of delinquency
Individual classism	Social constructionist conception of delinquency
Individual racism	Social differentiation
Individual sexism	Social inequality
Institutional classism	Status offenses
Institutional racism	

### CHAPTER PRETEST ANSWERS

1. True
2. False
3. True
4. True
5. False
6. False
7. False

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