

# The Juvenile Justice System



# Nineteenth Century Juvenile Justice

- **American juvenile justice (and criminal justice) is rooted in the English legal system**
  - this system did not much discriminate between adult and child offenders
  - Under age 7 (or 10) child was not considered prosecutable at all; over age 10, could be prosecuted as an adult
- **Treatment was harsh, and children were often housed with adult criminals**
- **Some humanizing attempts were introduced:**
  - Massachusetts introduced probation in 1841
  - By mid-century, special institutions introduced for children

# Factors in the Development of the Juvenile Court

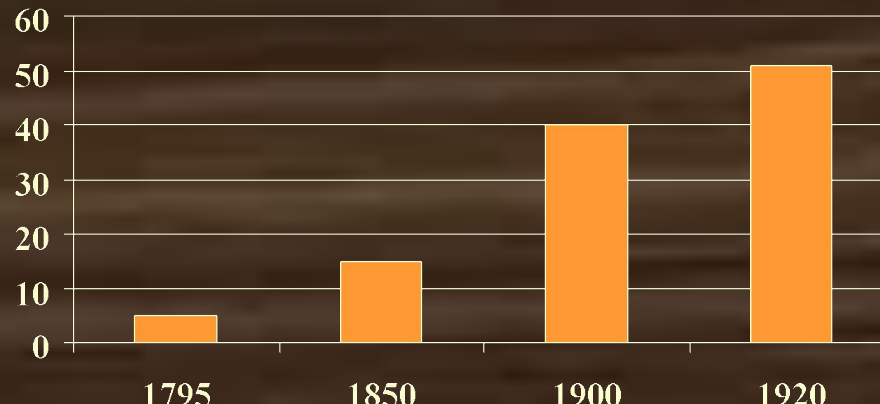
- Industrialization and Urbanization
- Child Saving Movement
- Development of Juvenile Institutions



# Industrialization and Urbanization

- 19th century witnessed massive population growth due to higher birth rates and immigration
- Industrial economy resulted in massive relocation to the cities

Percentage of Population in Cities 1795-1920



# Child-Saving Movement

- This name was given collectively to those responding to the needs of primarily poor children in the 19th century.
- They engaged in various activities:
  - lobbied state legislatures to enact laws to commit wayward youth
  - instrumental in development of the institution
  - launched propaganda campaigns
  - generally, brought into focus the concept *parens patriae*
- Most of the child savers were white, middle class women
- The premiere organization to emerge was *Society for the Prevention of Cruelty to Children*
  - first established in New York in 1874
  - By 1900, 300 SPCC chapters were formed

# The Juvenile Institution

- This was a major contribution of the child savers
- Were called by various names, including Houses of Refuge, Reform Schools, etc.
- Initially, these were congregate living arrangements; later the “cottage plan” was implemented



# Establishment of the Juvenile Court

- The juvenile court was the logical next step to the institution
- It was first established in Cook County, IL, in 1899
- By 1917, all but three states had adopted the juvenile court
- The Illinois invention a watershed:
  - it set the model for courts to come
  - made an official distinction between neglected and abused children, and those who were delinquent
  - consequently, for the first time, juvenile misconduct was officially known as “juvenile delinquency.”

# Twentieth Century Implementation

- The new juvenile courts handled three types of cases:
  - criminal (delinquent) cases
  - “status offense” cases (by about 1920)
  - delinquent environment cases
- The Illinois model went unchallenged until after WWII
- Major challenges came in the 1960’s:
  - *In re Gault* and other cases challenged the lack of constitutional rights for children, including right to attorney, etc.
- In 1962, New York created a “family court:”
  - included other family issues such as adoption and support hearings
  - established a new category: *Person in Need of Supervision* (PINS)



# Contemporary Overview

- More than 3000 juvenile courts in the U.S.
- About 6500 juvenile probation officers
- Some statistics on juveniles:
  - 2.2 million juveniles arrested each year
  - 1.5 million of these are petitioned to the courts
  - 500,000 children placed on formal or informal probation
  - just under 100,000 held in institutions
  - untold number diverted into community work

# Philosophical and Procedural Distinctions between Juvenile and Criminal Justice

- Philosophical differences
  - focus on *rehabilitation* (vs. punishment)
  - concern for the welfare of the child (vs. community)
- Procedural differences
  - effort made to reduce stigma attached to criminal courts
  - proceedings are much more informal
  - proceedings are usually kept private
  - only recently have lawyers and cross examination been allowed

# Key Court Cases in Twentieth Century Juvenile Justice

- *Kent v. United States* (1966)
- *In re Gault* (1967)
- *In re Winship* (1970)
- *McKeiver v. Pennsylvania* (1971)
- *Breed v. Jones* (1975)