Unit I: A Historical Overview of the American Juvenile Justice System
Introduction

• Welcome to BCJ 2201, Juvenile Delinquency.

• Throughout the next eight units, we will explore various components of the American juvenile justice system.

• As a student in the criminal justice program, this course is of particular importance as juvenile delinquency is prevalent in American society.

• Understanding the historical context, factors, reasoning, laws, and legislation surrounding juvenile delinquency is an important element of your overall understanding of the American criminal justice system itself.
A Historical Overview

• To understand juvenile delinquency as it is today and how it shapes the American criminal justice system, we must first take a step back in time and explore some of the historical aspects of juvenile delinquency.

• Before the juvenile justice system existed, juveniles were handled in pretty much the same manner as adults.

• This included, but was not limited to, punishment, the court system, laws, legislation, and confinement.
Juvenile Punishment

• Juvenile punishment included whipping, mutilation, banishment, torture, and death.

• Until the 5th century AD, children under the age of seven could be held responsible for criminal actions.

• This continued throughout the centuries because children were not considered as a group with special needs and behaviors.

• Children were often forced to assume adult roles at a very young age to assist with providing for the family.
Parens Patriae

• As with many of our laws and legislation, England played a pivotal role in shaping the American juvenile justice system.

• One of the first concepts and terms that still stands true today is parens patriae.

• *Parens patriae* provides that the state has an interest in both protecting the physical health of the child’s well-being (e.g., emotional welfare and psychological development) and the child’s ability to flourish as a member of society (Shedlosky, 2007).
What exactly does this mean?

*Parens patriae* was first used in England.

The concept was that the English kings were basically the fathers of the country, and therefore, had the power and authority to intervene in the lives of English children and adolescents.

*Parens patriae* still stands as a philosophy used today in the United States as the “best interest” of the child is considered in the juvenile justice court system and process.
San Francisco Industrial School

Click on the title to access the video, which offers details about the San Francisco Industrial School.

The San Francisco Industrial School

(CJCJ Media, 2014)
Child Savers

• Another term that has historical importance in shaping the juvenile justice system of today is *child savers*.
• Child savers looked at the American juvenile court system to learn how to divert children from the criminal justice system and to handle their cases in a less punitive fashion (Tanenhaus, 2004).
• Child saver reformers were predominately in the northern states within inner cities such as New York, Chicago, and Boston, where the child population was high.
• These child savers were initially the first individuals (mostly women) to have a philosophy to rehabilitate juveniles rather than use punishment and confinement.
Child Savers (Cont.)

- Programs focused on the poor and lower-socioeconomic classes of society.
- This sometimes included immigrant children and minorities.
- Child savers also lobbied and campaigned for a separate legal and justice system for children and adolescents.
- Their forward-thinking approach and philosophy helped to create and shape the modern-day American juvenile justice system.
Juvenile Delinquency

At this point in your readings, you may be wondering what actually constitutes juvenile delinquency. Let’s examine the definition of juvenile delinquency as it relates to your overall understanding and comprehension for this course:

• *Juvenile delinquency* is the illegal activity of an individual under the age of 18, which is under the statutory age limit.
Juvenile Delinquency - Definition

A more specific definition is given by the Offices of the United States Attorneys (n.d.):

Juvenile delinquency is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult. A person over eighteen, but under twenty-one years of age, is also accorded juvenile treatment if the act of juvenile delinquency occurred prior to his eighteenth birthday. (para. 1)
Another important term used in the juvenile justice system is *status offense*.

Status offenses are acts that are only deemed illegal because the offender is underage, typically the age of 18, but in some cases the age is 21.

**TYPES OF STATUS OFFENSES**

- Truancy
- Runaways
- Curfew Violations
- Underage Drinking
- Ungovernable/Incorrigible Youth
Truancy

Let’s move on to the last term presented in Unit I as it relates to juvenile delinquency: *truancy*.

Truancy includes students who are absent from school on a regular basis and at a “higher risk of not completing their secondary education, having fewer job opportunities as adults, earning lower wages, relying on welfare, and being incarcerated” (Pelletier & Russell, 2015, para. 1).
Truancy (Cont.)

• As with many statistics in criminal justice, dropout rates are much higher among inner-city schools and lower-socioeconomic neighborhoods and cities.

• However, truancy plagues almost every community in America.

• Investing in after-school programs and finding pathways to deter truancy could help lessen the juvenile delinquency rates in American communities.
Now that we have explored some important historical terms, contexts, and philosophies of juvenile delinquency, we need to examine one of the most important governmental agencies: The Office of Juvenile Justice and Delinquency Prevention (OJJDP).
Some of the priorities of the OJJDP are to promote rehabilitation, identify factors associated with juvenile delinquency, and promote programs that help children and adolescents become productive members of society.

The OJJDP encourages and supports the deinstitutionalization of status offenders, removing them from secure confinement such as jails and detention centers.

If a state violates OJJDP initiatives, that state may become ineligible for receiving federal funding of direct grants.

OJJDP initiatives encourage and motivate states to provide more rehabilitation programs tailored to the specific needs of juveniles in their community.
Conclusion

• As we move throughout the next seven units of this course, you will start to formulate an overall understanding of the juvenile justice system.

• In each unit, we will examine specific aspects, programs, laws, legislation, and modern issues to build a substantial knowledge base of the American juvenile justice system in direct relation to the overall criminal justice system.
References


