Juvenile Justice System & State Approaches
Key Themes

I. Historical Approach
II. Purpose of Juvenile Justice System
III. Present Juvenile System
IV. State Approaches to Community-Based Alternatives
Historical Perspective of Juvenile Justice
Juvenile History: England

- In English common law, children under age 7 were exempt from criminal responsibility
  - Age range to be considered a child was 7-14

- Parens patriae ("state as parent") was adopted as a doctrine of the chancery courts

- English parliament established bridewells (workhouses) in 1576.

(Strohr & Walsh, 2012)
Juvenile History: United States

- Many of the views on children were initially adopted from England.

- The Bridewell model was brought to the US
  - NY House of Refuge (1825)

- Ex parte Crouse (1838)
Juvenile Courts in the United States

• In 1899, the first separate court system for juveniles was established in Cook County, Illinois.
  • New York (1874) & Massachusetts (1892) had separate trials

• All states and DC now have a juvenile justice system.
Juvenile Justice Terminology

• The following are examples of differences between the adult system and juvenile system:

  • Place under arrest = taken into custody
  • Jail= detention
  • Defendant = respondent
  • Prison = juvenile correction facility

(Strohr & Walsh, 2012)
Purpose of a Juvenile Justice System
Purpose of the Juvenile Justice System

Three prongs:
1. Protect the community;
2. Hold youth accountable; and
3. Provide treatment and positive role models for youths.

(Strohr & Walsh, 2012)
Juvenile Justice System

- Delinquent v. Status Offenders
- CHINS and PINS

(Strohr & Walsh, 2012)
Present Juvenile Justice System
Landmark Juvenile Justice Cases

- Kent v. United States (1966)
- In re Gault (1967)
- Sanford v. Kentucky (1989)
  - *Amicus* brief by American Psychological Association and American Psychiatric Association
  - *Amicus* brief by American Medical Association and American Academy of Child and Adolescent Psychiatry
Raising the Age

• Age of jurisdiction below 18
  • Only 4 states under 18
• Some states are considering raising the age between 19 and 21
• The role of the maturity gap/dual-systems model
• Risk determinations and amenability to intervention for waiver considerations

1. Justice Policy Institute, 2017
2. Moffit, 1993
3. Steinberg, 2009
Juvenile Waiver

- Transferring juvenile to adult court
- Approximately, 1% of cases are waived to adult criminal court
  - Reserved for serious offenses
- Also can be used after all juvenile justice system resources have been exhausted

(Juvenile Court Statistics, OJJDP, 2013)
Three Ways Juveniles Can Be Waived

- Judicial Waiver
- Prosecutorial Discretion
- Statutory exclusion
State Approaches to Community-Based Alternatives to Incarceration
Correctional Placement

• Limiting Correctional Placement
  • Georgia – Risk tool to cut the number of youth in confinement
  • Virginia – Large institution closure to focus on local programs
  • Alabama – Prohibited placement for status offenses

• Positive Youth Development
  • Oregon’s Youth Authority adopted a culture of positive human development for youth and facility staff
Post Adjudication & Reentering Communities

• Less than a quarter of adjudicated youth are sent to residential facilities. *Where do the rest go?*
  • Deferred adjudication
  • Formal probation
  • Intensive supervision probation
  • Community service
  • Community based programming
Community-Based Alternatives

- Evidence-Based Interventions
  - Use of the Blueprints for Health Youth Development
  - Partnering in Universities to evaluate juvenile justice interventions—Washington

- Utah passed legislation to expand and strengthen early intervention and diversion programs.²

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1. Locke, 2018