

The Malfeasance of the Juvenile Justice System Through Social Institutions

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ABSTRACT

I will be exploring how social institutions impact the behavior of adolescent delinquents. I am analyzing the environment and rehabilitative system inside juvenile jail that could increase or decrease the juvenile's behavior. Some factors that can contribute to institutionalized corruption and criminal behavior are race-based and socioeconomic-based stereotypes towards adolescents from communities of color. In my analysis, I will be following the stories of two case studies. Case study #1 follows a caucasian man, whereas case study #4 follows a black man, however, both these young men are of different ages. There is a clear distinction between how the two go in and out of the system. I will highlight some key points of each juvenile's home life where we see minor factions resulting in life-altering sentences. While questioning fundamental aspects of a working functioning society I ask, how do the home and street environments of different races influence or perpetuate juvenile behavior? I expect to open a wall to misconceptions made about the juvenile system and expose maltreatment towards troubled youth by elaborating and expanding the research done on their origins. I collected findings such as a lack of resources to support the youths' physical needs in juvenile centers, the lack of protection from government officials when sentencing youth in the courtrooms, and how the youths' adolescent and personal change and development can contribute to juvenile behavior.

Introduction

Crime aligns with punishment. Any crime committed in a single action that results in a consequence. It's that simple. However, a transition from your social freedom into incarceration is an adjustment. The juvenile court system was established in the United States a little more than a century ago, with the first court appearing in Illinois in 1899. Youths under the age of 16 who were put into the system were first classified as individuals with underdeveloped cognitive abilities, therefore law enforcement emphasizes that transition to be smooth. Juvenile justice in the United States consists of the actor involved in the state and local court-based systems. Their purpose is to respond to young people who get involved with law enforcement and are accused of breaking the law. However, as the foundation of this nation has developed, both economically and socially, youths are tried and viewed as adults in the courts. The value and support of the juvenile justice system have decreased. Racial standards and segregation have worsened the treatment of colored youth in American society. Since child labor, the rights of children that are comforted by a society indicate the progress that society has made toward becoming civilized. However, for hundreds of years children have been treated primarily as property. This decline sparks interest in what is making teens participate in deviant behavior.

Literature Review

The juvenile justice system originally wanted to treat delinquents the way pediatric medicine treats children. For example, when children become physically ill, they are not blamed for their misfortune, nor are they stigmatized. Rather, “their disease is first diagnosed, and then they are individually treated by medical professionals whose objective is to do what is best for the patient” (Rossum 1995). This treatment model has failed tremendously in the juvenile justice system. Critics believed that juvenile courts' centered their attention solely on the offender rather than on the offense, which was unjust. This focus took away from the initial purpose of the system. A 1994 Los Angeles Times Poll revealed that 68% of all respondents believed that juveniles who commit violent crimes should “be treated the same as adults” and only 13% believed that juveniles should be “given more lenient treatment” (Rossum 1995). Juveniles “are more vulnerable ... to negative influences and outside pressures,” including from their family and peers and they have limited “control over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings (Hobbs 2012). Because the majority of cases are tied to drug & substance abuse and violence the option of therapy or parole is very limited. The system itself is made up of institutionalized stigmas making incarceration more difficult. The treatment model that the juvenile courts are based on requires extreme reform. When juvenile facilities were being established, it was observed that their training homes were actually youth prisons than benign therapeutic facilities that the lawmakers and system originators had intended to have. Transitioning into 1967, the Due Process Era substantially transformed the juvenile court from a social welfare agency into a legal institution. Juveniles were truly being recognized as criminals. This guarantees the right to “due process of law” and are given the same rights of “life, liberty, or property” as adults (Feld 2018). In the mid-80s, government policies overpowered the protection of the juveniles’ safety marking the start of the Get Tough Era.

During that time, rising youth crime rates and murders prompted punitive legislative responses and the nation wanted children to no longer be seen as babies per se. The state government changed its sentencing decision on juveniles by using “mandatory minimum sentencing statutes, parole release and corrections guidelines, and empirical evaluations of sentencing practices” (Feld 2018). The juvenile’s background or family/community circumstances did not matter and was used as a grievance in the courtroom. Rather than listening to how their experience shaped their mental state and assisted in their development, people wrote juveniles’ criminality off as adult-like. Often it is assumed that a higher socioeconomic status such as your home location or wealth is associated with a lower rate of deviant behavior, however, adolescent psychological changes are still a big influential factor in juvenile behavior regardless of the amount of money they have. David at 15 years old got into gang violence and petty pilfering. David wasn’t exposed to drugs, violence, or gangs, “he is the youngest son of a prominent attorney and was brought up in a good neighborhood” (Howard 2001). As an adolescent grows and develops into a young adult, their values and priorities shift, changing their dimension of personality. This was what David experienced. His impulsive behavior and urge to disobey were derived from a priority shift to escape momentarily. These differences found in the ordering of personal or social values (according to what extreme of the psychoticism dimension they lie on) or in the moral values, or those in opposition to norms (according to the introversion extraversion dimension) “seem to bear a close relationship to the differences in the ordering of the values when groups of delinquents and non-delinquents are compared” (Martin 1984). Those values which do not have an immediate and personal relationship, such as world peace, equality, and salvation, are considered less important by juvenile delinquents.

Governmental forces are meant to protect and serve yet they are placing children in jail for petty acts and small misdemeanors rather than disciplining them. Through the court system, laws are applied concretely. Substantive law defines rights and duties or legal goals. Procedural law defines the process through which to achieve those entitlements or objectives. The ‘legal goal’ of keeping the youth away from the incarcerated system has become a question about how to maintain a discipline system for these children from a previous support system.

Children of color have been targets of abuse and neglect when they were expected to assume adult responsibilities. This can consist of helping provide for one’s family or taking care of siblings. Children were

considered to be endangered by conditions of immigration, industrialization, and urbanization in ways that would create “undesirable behavior and threaten society” (Hart 1991).

Regardless of how a child is behaving, they are treated as criminals due to their neighborhoods and the people they associate with. They are unable to protect themselves, “despite actively avoiding delinquency and never being arrested or suspended,” Individuals who steered away from criminal behavior and had a clean slate felt as if they were treated worse than their delinquent peers, authority figures often implicated them in the deviance and crime (Rios 2011). Inevitably, law enforcement has preyed on adolescents by assuming juvenile behavior without any trace or evidence to back it up because of their family setting/environment and upbringing.

Kimberle Williams Crenshaw first coined the term intersectionality as the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination. The intersectionality of race, ethnicity and age with criminal punishment is used as a template to show how social factors and structures contribute to inequality. Ulmer states, “harsher sentences concentrate among young black males and Hispanic males of all ages, while the youngest females (regardless of race/ethnicity) and some older defendants receive leniency” (Ulmer 2017). Locking the youth up in prisons is being measured unequally, which further perpetuates stereotypes between different demographics. Second, the concept of being rehabilitated is subjective. In the late 1980s five boys aged 15 to 19 years, “were sent on a sailing trip to the Mediterranean by the social welfare department in Stockholm. The trip aimed to rehabilitate these boys to a non-criminal lifestyle, not by locking them up in closed institutions which is the conventional approach, but by placing them in an unconventional 'treatment' project” (Hyden 1993). In the U.S the youth are sentenced, whereas in Sweden the youth are seen as ‘humanitarians’ and are given lenient treatment to account for the consequence of their behavior.

Literature Review Conclusion

The stereotypes put into place to dismiss children of color, children who are mentally ill, and children who grew up in an improper crime-filled environment with lower-standard schooling are at a disadvantage and more prone to entering the juvenile justice system. The literature above has showcased how the juvenile justice system does not provide opportunities for children to improve and better themselves through harsh sentencing and poor rehabilitation. Many children can also be viewed as targets solely based on their association with individuals who have been arrested and hold a criminal record as a minor.

Methods

The U.S Department of Health, Education & Welfare reported 7 case studies of teenagers being put into the juvenile system to expose existing problems with sentencing to the Illinois Youth Center. Micheal C. Williams is a graduate student from Northern Illinois University who conducted the interviews with each individual about how they were placed at this location and their attitude and treatment in the facility. This citation was completed through ERIC reports and details 7 interviews that were conducted and published in 1976. These are the stories of 7 juvenile delinquents. I will only be analyzing 2 cases out of 7, one of which is a black juvenile while the other is one white. Having these differences in race allows me to examine how it influences the social surrounding of juveniles. It allows me to analyze the difference in home and street life for the two different races and see how that influenced the treatment in which they received in the system.

Results

This paper focuses on two cases. Case #1 goes in-depth about caucasian males. He was born on July 5th, 1957.

He states, “I was first sent to DoC (Department of Corrections) in March of 72 for burglary. From here I was sent to Joliet R&D (Reception and Diagnostic) and then to St. Charles. I played my role and got paroled

in May 73. I was recommitted in Feb 74 to Dixon Springs for car theft. When I was caught I was brought to the Rock Island County Jail until I was brought here for parole violation.”

Williams, the interviewer, identified a constant shift to different locations without rehabilitation or parole support when asking Case #1 about the quality of the youth center. Case #1 states, “the institution needs lots of changes, like more gym time, better recreational equipment and activities, and a better way to get through to the boys here. I have run every time I have been locked up in a different institution at least once” (William and Starkey 1976).

Indirect themes of a classist society with home life and secondary race issues arise. Case #1 was surrounded by privilege in both where he lived, how he lived, and where he went to school, however, his mother sent him away after staying out later than his curfew for a few nights. This was the first time his privilege did not support him. His environment also consisted of an absent biological father and a stepfather he resented. The lack of parental guidance to the extent of emotional instability could have prompted juvenile behavior and issues at school. He mentions his opinion, “I like school a lot, at first. But when I went to high school I began to dislike school I used to stay in trouble which lead to me being kicked out twice. I have always done better in schools that were in state institutions.” This ties back to how even with a higher class lifestyle and privileged schooling opportunities, case #1 preferred a simple state school as he still used to run into issues.

Another perspective is introduced with case #4, a black male. He was born on December 10th, 1958. His experience consisted of harsher treatment from a younger age. “I was first sent to the Department of Corrections for assault and battery on a teacher in 68, just before that I had been caught stealing a blank gun. I got nailed for purse snatching two weeks later and was sent back.” Williams recognized a pattern of the courts immediately giving probation and then shoving this individual into a jail facility without parole (Williams and Starkey 1976).

Case #4 quick-to-react responses and impulsivity through anger and petty thefts resulted in isolation and emphasis on how he is “different” than other kids. The lack of mentors and peers utilized to guide him in the right direction and refrain him from resorting to conflict and stealing ultimately added fuel to the fire. Case #4 was conditioned from a young age to partake in criminal behavior; his undeveloped brain was not taken into consideration when sentenced to a youth center. This pattern of extreme discipline could have influenced some distrust in the system. The social institutions' education and socio-economic class had a direct relationship with the way the delinquents were treated. Both males were denied proper education classes and were put in special ed classes in their hometown- they were refrained from speaking and advocating for themselves. These life stories originated in the mid-'60s and '70s, the era of the Due Process Revolution. The intersection of youth policy and crime policy was apparent here. Punishment against the youth was ramping up.

The correlation between a delinquent and their home life or background can shape their behavior and how they ultimately display themselves when incarcerated. Adolescents with a more active drug and party lifestyle had higher, harsher sentencing. Case #1 was linked to heavy drug use, “I stayed high a lot with my friends. They always had something to get off on. With them, I tried MBA, Speed, THC, and mescaline. I have even tried both Speed and MBA with a needle.” Case #4 partied excessively and was part of a gang, “I party a lot.. I belong to the Baby Stones, part of the Black P Stone Nation” (William and Starkey 1976). Both men were forced into incarcerated systems before the court considered group or rehabilitation or homes. Our nation lacks the vision of linking each teen’s socially and psychologically distressful conditions to their acts of burglary and violence. When put in the system, through the theory of criminality, delinquency differs in dimensions of extraversion, neuroticism, and psychoticism. Any aggressive, ill-mannered behavior shown by the youth is based on conditioning– the conscience and social behavior in such a way that the people most difficult to the condition are at a disadvantage in acquiring conditioned social responses which would incline them towards non-criminal behavior. Ultimately, how each delinquent is conditioned and responds to conditioning affects their behavior in the system. These factors all interconnect with each other, presenting the argument that the juvenile justice

system treats each individual differently from the personal background, behavior, and racial demographic standpoint.

Conclusion

We are a product of our environment whether it's through home life or street life. So I answer, the home and street environment of different races influence and perpetuate juvenile behavior by creating a stigma and mindset for the troubled youth to follow in an already broken system. The implication and assumptions of how juveniles are treated are based on race, class, age, and gender. To understand the inner workings of the system and the unjust issues the youth face in it, it's important to elaborate on the outside factors that contribute to their behavior which is not taken into consideration and collides with the harsh treatment in juvenile jail and government enforcement.

Limitations

When analyzing case studies #1 and #4, their names and the specific location of where they lived were not mentioned. This could ultimately generalize their statements and limit the impact of background and location as social factors that contribute to juvenile delinquency.

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References

- Andrews, Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology* (Beverly Hills), 28(3), 369–404. <https://doi.org/10.1111/j.1745-9125.1990.tb01330.x>
- Feld, B. C. (2016). My life in crime: An intellectual history of the juvenile court. *Nev. LJ*, 17, 299.
- Hart, S. N. (1991). From property to person status: Historical perspective on children's rights. *American Psychologist*, 46(1), 53.
- Hydén. (1993). The social construction of juvenile delinquency: Sailing in cold or hot water. *Young* (Stockholm, Sweden), 1(3), 2–10. <https://doi.org/10.1177/110330889300100301>
- Margaret, C. H. (2001). Case study: Painting in the treatment of a middle-class juvenile delinquent. *American Journal of Art Therapy*, 40(1), 40.
- Martin, A. L. (1985). Values and personality: a survey of their relationship in the case of juvenile delinquency. *Personality and individual differences*, 6(4), 519-522.

- Rios. (2011). Punished: Policing the Lives of Black and Latino Boys. In Punished: policing the lives of Black and Latino boys (pp. xviii–xviii). NYU Press.
- Rossum, R. A. (1995). Holding Juveniles Accountable: Reforming America's " Juvenile Injustice System". *Pepperdine Law Review*, 22(3), 1.
- Steffensmeier, Painter-Davis, N., & Ulmer, J. (2017). Intersectionality of Race, Ethnicity, Gender, and Age on Criminal Punishment. *Sociological Perspectives*, 60(4), 810–833.
<https://doi.org/10.1177/073112141667937>
- Williams Sr, M. C., & Starkey, J. D. (1976). Seven Juvenile Delinquents--Case Studies.