

Juvenile delinquency



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Juvenile Delinquency Amy Cowan CRJ 422 Prof. Angela Hermsillo November 15, 2010 Juvenile Delinquency Introduction Can we as a society truly reduce the rate of juvenile crime and violence? “ Throughout all time there has been delinquency. It may not have had the delinquency label, but it still existed. Juvenile crime is mentioned as far back as ancient Sumeria and Hammurabi, where laws concerning juvenile offenders first appear in written form” (Rice, 1995, ¶ 3). To this day juvenile delinquency is looked upon as one of the most imperative concerns in crime.

A number of studies have been performed concerning delinquency. Countless developments and strategies have presented the system with numerous possibilities to contain and correct this issue. Still, juvenile delinquency continues to be a problem needing serious corrective action. This paper will focus on the history and future of juvenile delinquency, as well as number of the theories believed to be its cause. A summary of a delinquent’s rights will also be included. Sentencing practices and strategies utilized to diminish the problem of delinquency are also a focus in this paper.

History of Delinquency A grasp of the current conflict surrounding the responsibility and direction of the juvenile justice system becomes more obtainable when one takes into consideration how the system has progressed since its inception” (Einstein Law, 2008, ¶1). Up until the 1700s; children were viewed much differently than today’s youth. They were not given any special treatment or appreciation. During this time an individual’s choice of discipline would now be considered abuse. People in this time had a much different view concerning life. They believed times were difficult, and people needed to be harsh in order to survive.

Individuals did not have the luxuries of today's world (Rice, 1995). “ For example, the medical practices of that day were primitive in comparison to present-day medicine and marriages were more for convenience, rather than for child-bearing or romance” (Rice, 1995, ¶ 1). During this time in history parents had many children and found it difficult to create emotional bonds with them. A number of these parents felt their children would not survive to reach their adult years so they did not become too attached to them (Rice, 1995). Times began to change in the 1800s. Labor laws were now being passed to protect children.

People began to see children differently, realizing they needed love and nurturing in their lives (Rice, 1995). At this time, “ children had finally begun to emerge as a distinct group” (Rice, 1995, ¶ 2). Prior to this occurrence, children who had broken the law received the same punishments as adults. Children were “ adjudicated and punished alongside adults” (Schmallegger, 2009, p. 549). A number of recorded cases have also come down throughout history of children being hung or burned to death for their crimes. Juveniles during this era were also reprimanded by imprisonment with adults (Schmallegger, 2009).

The major changes made in the law produced a new category of crime within the criminal justice system. Today, this category is known as juvenile delinquency. At last, children were now seen separate from adults. As a result, in 1899, the first juvenile court was founded in the state of Illinois (Henslin, 2008). Causes of Delinquency Juvenile delinquency is recognized as illegal acts committed by minors. Delinquent behavior is a violation of the

laws established within the justice system (Lectric Law Library, 2009). Many ponder the cause of juvenile crime.

Psychologists, sociologists and criminologists from all over the world have debated the various causes of juvenile delinquency. There are a number of theories regarding criminal behavior. These explanations fall into eight general categories: classical, biological, psychobiological, psychological, sociological, social process, conflict perspective, and emergent perspectives. A ninth category could be interdisciplinary theories, which incorporates a mixture of theoretical opinions in an effort to clarify any unlawful behavior (Schmallegger, 2009). The classical theory focuses on free will.

Most classical theories “ both old and new, make certain basic assumptions” (Schmallegger, 2009, p. 81). For example, it is believed humans have the ability to make their own choices, and that pain as well as pleasure is the two key aspects of human behavior. Classical scholars believe preventing crime is probable with quick and assured penalties. However, to be effective, the punishment must outweigh the satisfaction obtained from the criminal conduct (Schmallegger, 2009). Biological theories suggest an individual’s behavior is genetically based, and that criminal behavior may perhaps be passed on from generation to generation.

They believe it possible to identify criminals through genetic makeup.

Biological theorists consider treatment to be ineffective. However, it is thought aggression could be usefully redirected (Schmallegger, 2009).

Psychobiological theorist feel that a person’s “ DNA, environmental contaminates, nutrition, hormones, physical trauma, and body chemistry

play important and interwoven roles in producing human cognition, feeling, and behavior –including crime” (Schmallegger, 2009, p. 80). These theorists feel that by adjusting an individual’s chemical makeup, the potential for crime would be greatly reduced.

However, psychological theories suggest that criminal behavior is a result of a person’s dysfunctional character. It is believed the required treatment in this case would be extreme therapy. Sociological theories focus on the structure of society as a contributing factor of criminal behavior. It is thought that by making changes in socialization, there is potential for achievement (Schmallegger, 2009). “ Social process approaches focus on the interactions between individuals and society” (Schmallegger, 2009, p. 97). The majority of these theories concern a person’s part in social learning.

The idea behind social process is that people learn behaviors, whether good or bad. Theorists believe bad behaviors can be unlearned and replaced with newly learned positive behaviors (Schmallegger, 2009). The theories of conflict perspective are based on the beliefs that crime is a natural outcome of social, political, and economic imbalances. Theorists believe “ conflict is fundamental to social life” (Schmallegger, 2009, p. 81). It is thought that in order to eliminate crime, society as a whole needs to change. Nevertheless, emergent perspectives have developed a new outlook on criminal behavior.

Emergent perspectives include beliefs from feminist, constitutive, and postmodern criminology. The feminist’s perspective focuses on the importance of gender awareness in relation to crime, while constitutive views feel crime is a social occurrence that has been socially constructed

(Schmallegger, 2009). Although these are all beliefs related to the cause of criminal behavior, postmodern criminology has challenged them all. This belief comes from past attempts to find the true cause of crime. It is thought that in the past theorists have failed or that their theories no longer apply to the postmodern era.

Postmodern theorists hope to replace the existing theories with viewpoints more pertinent to modern time (Schmallegger, 2009). When considering the wide range of crimes committed, it is very difficult to imagine a theory that can fully explain all the actual cause of criminal behavior. Juvenile Rights The stages of the juvenile justice system are different than the adult system and cases typically travel through the system much faster. The first experience a juvenile will encounter within the juvenile justice system is typically his or her arrest by a law enforcement official. Police-juvenile relations require the police to deal with juvenile lawbreaking and to provide services needed by juveniles” (Bartollas & Miller, 2008, p. 18). There are certain protocols an arresting officer must abide by. The officer must first transport the youth to the local police station or juvenile holding center; unless emergency medical treatment is necessary. When the juvenile arrives at the police facility the officer is obliged to notify the youth’s parents and inform them that their child is in their custody. If the parents cannot be reached attempts are made to contact other family members or caregivers.

If no one can be reached the Department of Juvenile Services is contacted immediately for placement of the juvenile (Arrest & Custody of Juvenile’s, 2008). “ Police officers are authorized to temporarily detain juveniles for investigative purposes, to issue citations or criminal charges, and to

safeguard them” (Arrest & Custody of Juvenile’s, 2008, ¶1). However, in the situation that a juvenile must be detained for any period of time they must be separated from any adult offenders. In most cases a juvenile offender will be released to the custody of their parents prior to their initial hearing in juvenile court (Arrest & Custody of Juvenile’s, 2008). Although the juvenile justice system in many states now closely resembles the adult criminal justice system, they remain two separate systems of justice, founded on different philosophies. For instance, a juvenile is afforded a number of additional protections under law that adult offenders do not receive. The law has established rights to specifically protect juveniles in the case of their arrest. However, many of the laws of arrest that apply to adult offenders also apply to juveniles.

These rights include their right to counsel and their right to not self incriminate themselves, which is also a protection afforded under the Fifth Amendment of the United States Constitution. A juvenile has the right to refuse saying anything about the offense they have been accused of before talking with a lawyer. If a lawyer cannot be afforded, one will be appointed by the state to represent them. (Rights and Protections Afforded to Juveniles, 2008). A difference in procedure is that an arrested juvenile possesses the right to have a parent present during any questioning that takes place.

A Juvenile’s interrogation is conducted in the same general manner as an adult interrogation, but the period of the interrogation will be limited accordingly to the age of the accused offender. The nature of the alleged offense is also taken into consideration, but is not to exceed more than two hours without being offered a break. The number of officers allowed to be

present at the time of a juvenile's interrogation is not to exceed more than two. The investigators involved will discuss with parents or guardians the interrogation process, the status of the case, in addition to the legal position of the accused juvenile.

This discussion may be held before, during, or after the interrogation at the discretion of the investigator. If at any time during the interrogation the juvenile does not wish to be questioned any further, the interrogation must cease immediately. All juveniles have a constitutional right protected under the Due Process Clause of the fourteenth Amendment. This right is known as standard of proof beyond a reasonable doubt. A juvenile must be judged under this clause to ensure their liberties are not lost (Rights and Protections Afforded to Juveniles, 2008).

Even though juveniles share many of the same rights afforded to adults, they are in turn restricted from several of the rights adults receive. These rights consist of, the right to bail, right to trial by jury, right to speedy trial, and the right to self representation (Rights and Protections Afforded to Juveniles, 2008). The main principle of juvenile law is to protect the rights of juveniles and to provide appropriate guidance to the offender and their families.

Another vital objective of juvenile law is to protect society from harm and for juvenile offenders to take responsibility for their own actions.

In general, the hope of rehabilitation is afforded to a juvenile offender, while punishment is the main purpose for adult offenders. The additional protections afforded to juvenile offenders are necessary to ensure the protection of their rights. It is critical that juveniles have the support of their

parents, or another adult in such circumstances. Juveniles lack the cognitive ability to understand the full extent of the legal situation they have encountered. Having a parent present may ensure the juvenile is not being coerced, treated unfairly, or being abused in anyway by the legal system.

Stakeholders to Juvenile Crime While there are a number of ways the justice system can deal with and deter delinquent behaviors it is a reality that not only affects the juvenile, but also affects numerous others. For instance, parents, law enforcement, victims, the juvenile justice system, and society are all influenced by delinquent behavior. Although the offender is initially affected by their behavior so are countless others. Their parents now become involved in the system and must face monetary loss and an emotional toll due to the situation their child has caused.

Law enforcement agencies must be equipped to manage the issues of juvenile delinquency. With limited resources and officers available minor juvenile crime can take valuable attention that could be applied elsewhere. Victims of juvenile delinquency are also affected in many ways. Depending on the offense, victims may suffer mental, emotional, physical, and monetary damages (Bartollas & Miller, 2008). Juvenile delinquency clearly carries a high cost to the American system in general. Society suffers a loss of security within their communities, in addition to a losing faith in the future youth of their neighborhoods.

Our government is forced to pay more for increased policing, as well as the costs of the entire judicial system process. Medical costs are also a serious issue to consider with the problem of juvenile delinquency. Violent crimes

and drug abuse can cause these expenses to quickly increase (eHow, 2010). Property thefts and vandalism contribute to high costs to both the public and private sector. “ Whenever a citizen is removed from society and placed in a juvenile facility or jail, as this person is no longer a functional, contributing person” (eHow, 2010, ¶ 4), there is a societal cost.

Strategies and Sentences Imposed on a Juvenile The previous sentences juveniles received were comparable to those involving adults convicted of crimes. Juveniles endured sentences focused merely on punishments, rather than that of rehabilitation; it was a time to shift focus. Several individuals believe juveniles possess different competencies than adults and have more potential for change than adults. Therefore, it is believed these factors merit a second chance for the offender and an attempt at rehabilitation.

This strategy effort to reform the behavior of juvenile offenders and the use of rehabilitation has presented troubled youth with a variety of treatment options within the justice system. These treatments may include alcohol and drug treatment plans, mental health counseling, occupational trainings, as well as facilitating educational opportunities for the juvenile offenders (Wallace & Roberson, 2008). While there is several rehabilitation options available to juvenile delinquents countless juvenile offenders face much harsher sentencing practices for committing serious crimes.

Repeat offenders also face stricter punishments. Depending on the severity of the crime carried out a juvenile can be sentenced as an adult at trial, receive a sentence in a detention center, boot camp, or training school. Whatever the case, the sentencing options applied to juveniles contains

much positive potential, as well as negative aspects (Wallace & Roberson, 2008). A major change that has been seen within the juvenile justice system is the increase in transfers of jurisdiction from juvenile court to adult court, where punishments are often more severe and less individualized.

Depending on the state where the crime was committed and the circumstances, a juvenile could receive an adult sentence. If the juvenile offender is charged as an adult the juvenile justice system will no longer apply to them. This is often seen when a juvenile is charged with a particularly serious or violent offense, such as, murder, rape or armed robbery (Bartollas & Miller, 2008). A lesser punishment could include a brief sentence to a detention center. Detention centers for juveniles are utilized as an alternative method to jail. These centers are designed merely to temporarily house delinquent youth.

Boot camps are used more for long term placement (Bartollas & Miller, 2008). Boot camps also focus on “ military discipline, physical training, and regimented activity for periods that typically range from 30 to 120 days, the intent of these programs is to shock youthful offenders to prevent them from committing further crimes” (Bartollas & Miller, 2008, p. 248). Boot camps created for juvenile offenders are generally used as punishment for offenders who have been unsuccessful in completing their previous sentence (Bartollas & Miller, 2008).

Training schools carry the objective that youth will gain respect, grow, and receive treatment while in custody. While rehabilitation is the primary goal of these schools, the general purpose of their operation is to “ provide a safe,

secure, and humane environment” (Bartollas & Miller, 2008, p. 254). The specific security levels upheld within training schools for delinquent youth solely depend on whether the school is intended to be operated as a minimum, medium, or maximum security facility (Bartollas & Miller, 2008).

Pros vs. Cons of Strategies and Sentences Strategy Pro Con Rehabilitation offers a second chance Consequences may be too minimal Alcohol/drug treatment Helps battle addiction May not be successful Mental health counseling better understanding for their Counseling may not be successful Emotional well being

Detention centers Danger removed from society Costly Being tried as an adult Intended deterrent Costly and rehabilitation is less accessible Future of Delinquency A child is society’s most valuable asset. So what does the future have in store for the juvenile justice system in America? “ Some may say that more responsibility needs to be placed on the parents, while others say it is society’s responsibility to help curb juveniles from entering the justice system” (Jones, 2006, ¶ 1).

At any rate, to fully understand what the future of juvenile delinquency will be several aspects need to be looked at. For example, taking a better look at “ racial disparity, mental health, prevention programs, and detention or reform programs” (Jones, 2006, ¶ 2) could be a great beginning. Factors such as, economic downturns and decreasing school and governmental budgets will always affect delinquency and the safety of the public, due to a lack of money available for needed programs for our youth. This in turn could lead to more juveniles choosing to commit crime.

Technology today has also enabled juveniles to access unlimited information from the Internet. Some of this information consists of how to make bombs, how to make and purchase drugs, and even information on how to sell drugs. It is disconcerting of the numerous inappropriate materials that are so easily accessible to our children. All of these factors definitely create a danger to the juvenile and to the public. It is obvious that this issue must remain a major concern needing to be solved. Solving Delinquency

It is apparent that there are numerous factors contributing to the problem of juvenile delinquents. Although youth have been delinquent since the dawn of time, communities must gather together to solve this problem. This process will take a considerable amount of time and a great deal of joint effort between parents, teachers, law enforcement, and community members. The importance of ethical prevention and intervention strategies must be emphasized to decrease this problem. Early intervention with delinquent children is essential.

Researchers have discovered that antisocial children can be recognized as young as four or five years old on the basis of their behaviors at home and in school settings (Panel on Juvenile Crime: Prevention, Treatment, and Control, 2001). It is thought that “ seriously antisocial children are likely to progress in a spiral of escalating and more severe antisocial and violent behaviors over time” (Bartol & Bartol, 2008, p. 570). Therefore, early intervention is critical if it is to be effective. As parents, choosing appropriate methods of interacting with our children is vital.

Parent's "disciplinary styles can increase, or decrease the likelihood of later antisocial and delinquent behavior by their offspring" (Panel on Juvenile Crime: Prevention, Treatment, and Control, 2001, p. 108). Parents have a responsibility to provide their children with love and respect. Teaching children morals and ethics at an early age is imperative. In doing this, children may learn and begin to understand right and wrong (Panel on Juvenile Crime: Prevention, Treatment, and Control, 2001).

Children often learn by example. At a very young age their brain is like a sponge. The language they hear, as well as the behaviors witnessed can be quickly absorbed. Children frequently look up to adults, who are in fact our youth's earliest teachers in life. In knowing this, this proves parents need to use of appropriate language and behavior for the benefit of their children. Research suggests a child's family does play a fundamental role in preventing juvenile delinquency. Family income, parental education level, parental occupation, and social status in the community (such as contacts within the community, group associations, and the community's perception of the family)" (North Central Regional Educational Laboratory, 2010, ¶ 1), have all been areas of examination. It is thought the stronger the family unit, the greater the chance of preventing juvenile crime. Though, one cannot always assume that all juvenile offenders possess a family lacking in these areas. Socioeconomic status does play a role, but close knit and well of families can also endure similar issues within their household.

However, stronger family units are always beneficial in maintaining healthy relationships with one another. Numerous studies continue in an attempt to illustrate the true correlation between delinquency and family structure.

Gang involvement is one area of study that falls into this category. A number of youth are drawn to join gangs when they feel their needs are not being met and have a weak family support system. When becoming a member of a gang, these troubled youth look for and eventually gain a sense of “ acceptance, status, and esteem” (Bartollas & Miller, 2008, p. 327).

The sad thing is these kids are really not gaining any of these things. Gang involvement truly makes a youths life harder. Research has also revealed that poorer neighborhoods seem to contribute to a striving environment for crime. Hence, some kids may believe joining gangs is their only hope (Bartollas & Miller, 2008). The dangers youth face when becoming involved with gangs is immense, but the “ hopelessness of these environments makes drug trafficking attractive and gang members desirable even with the high possibility of being injured, killed, or imprisoned” (Bartollas & Miller, 2008, p. 28). Today, the use of weapons and drugs are becoming more involved than they were in the past. A number of people feel the issue of juvenile gangs is more of a concern in the bigger cities, but let the truth be known, smaller towns and rural neighborhoods also have their presence. Although the numbers of gang members and youth gangs have been shown to decrease since the late 1990s, youth gangs continue to be a problem throughout the United States (Bartollas & Miller, 2008).

The current problem with our youth and gang involvement definitely makes known the importance of early intervention through support from parents, teachers, law enforcement, and community members. Schools and other service programs also “ have great potential as a locus for crime prevention. They provide regular access to students throughout the developmental

years, and perhaps the only consistent access to large numbers of the most crime-prone young children in the early school years” (Gottfredson, 1996, ¶ 1).

Teachers and other staff are available to help youth grow as “ healthy, happy, productive citizens; and the community usually supports schools’ efforts to socialize youth. Many of the precursors of delinquent behavior are school-related and therefore likely to be amenable to change through school-based intervention” (Gottfredson, 1996, ¶ 1). Providing routine educational experiences to children will also help them learn the concept of cause and effect beginning at an early age.

Teachers and service programs can provide children with knowledge, as well as help to “ develop comprehensive, age-appropriate strategies to assist children in mastering key developmental tasks. Comprehensive approaches that meet the needs, identify the interests, and foster the strengths of at-risk children as they progress from birth to adulthood” (Kelley, Loeber, Keenan, & DeLamatre, p. 1. 2, ¶ 15). It is important that both parents and teachers understand the significance of “ detecting, preventing, and intervening in problem behaviors before they progress toward juvenile crime and delinquency” (Kelley, et al. . 1. 2, ¶ 13). Schools can also help by providing parents with valuable information pertaining to programs that can assist them with achieve healthy lifestyles and enhancing their parenting skills (Panel on Juvenile Crime: Prevention, Treatment, and Control, 2001).

Education is the key to success; with determination from parents, teachers, and other support services, the reduction of juvenile crime can move

forward. It is evident combining parenting and family support with early education is crucial to the goal of preventing juvenile crime.

The chart below will illustrate a number of school related precursors to delinquency identified through research. It also highlights factors concerning the characteristics of school and classroom environments. [pic] Community Outreach Programs Communities can also contribute immensely to the prevention of juvenile delinquent and at risk youth by providing a foundation on which they can depend on. Community programs do incur costs, but they are worth it in the long run. If communities are willing to invest in their youth there is great potential for a positive outcome and juvenile crime rates may decline in the near future.

Many communities have done just this and focused on reaching out to at risk juveniles in hopes to steer them away from a life of crime. Education through community outreach programs is an approach that has been taken to help these troubled youth. Two of the programs developed are known as D. A. R. E. and Big Brothers Big Sisters. Although these programs do not completely meet the goal by eliminating all of juvenile crime, they have made a massive impact on the lives of numerous youth. [pic](D. A. R. E. , 1996). D. A. R. E. is a program known as Drug Abuse Resistance Education and was first developed in 1983 in Los Angeles (D.

A. R. E. America, 1996). This specific program “ is one of the oldest and largest substance abuse and violence prevention programs in the United States” (Department of Defense Education Activity, 2009, ¶ 1). The main goal of D. A. R. E’s mission is to “ provide children with the information and

skills they need to live drug-and-violence-free lives” (D. A. R. E. America, 1996, ¶ 1). The objective of D. A. R. E. ’s mission is to “ equip kids with the tools that will enable them to avoid negative influences and instead, allow them to focus on their strengths and potential” (D. A. R. E.

America, 1996, ¶ 1). The Drug Abuse Resistance Education program thrives in creating positive relationships. Statistics show that 70 to 90% of all crime is drug related. It is clear that the important messages embedded in the D. A. R. E. program need to be introduced to our students before it is too late” (Department of Defense Education Activity, 2009, ¶ 4). D. A. R. E. leaders know the world is full of challenges. However, they do believe all children need to be presented with a chance to “ grow-up healthy, safe, secure, and equipped with the skills needed to succeed in life” (D.

A. R. E. America, 1996, ¶ 1). This mission is committed to help youth follow a positive path throughout their life time. Teaching about the dangers of drugs and violence is imperative step to decrease juvenile crime. Big Brothers Big Sisters is an organization that was founded in America in 1904 and has since then grown internationally. “ It is the world? s largest mentoring program helping over 280, 000 children around the world reach their potential through professionally supported one-to-one relationships” (Big Brothers Big Sisters, 2007, ¶ 1).

All children face different challenges in life. The Big Brothers Big Sisters organization may make it possible to provide troubled youth with a trusted friend, an advocate, and positive role model in their lives. Utilizing this strategy could definitely impact the lives of juveniles immensely. All Big

Brothers Big Sisters organizations share one mission, which is to “ help at risk young people achieve their full potential through professionally supported one-to-one mentoring with measurable outcomes” (Big Brothers Big Sisters, 2007, ¶ 2).

The Big Brothers Big Sisters strategy focuses on helping children around the world realize they do have the full potential to construct a better future for themselves. Hence, this approach may make a difference in their lives, the lives of others, and their communities. [pic]“ To the world, you may just be somebody. But to somebody, you may just be the world” (Anonymous, 2007, BBBSI Graphics & Web design done by jbiljr studios). Conclusion Overall, juvenile delinquency is a major issue that has affected numerous individuals throughout history. Significant problems with this matter continue to remain an ongoing struggle throughout the world.

Although there are many well- known theories developed that suggest the causes of juvenile delinquency there is truly no one theory set in stone. The cause of delinquency will continue to be an area of research for many years to come. The juvenile justice system does do its best to protect the rights of the delinquent youth that enter the system. The system stands true to the law and upholds the principles of the United States Constitution in order to protect and provide justice. The various strategies created in an attempt to deter and prevent juvenile crime must continue.

Ethical prevention and interventions must remain an emphasized importance, in addition to parental and community involvement. Without them, the battle against this problem will never be achieved. References

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