

LS 163: Juvenile Delinquency and Juvenile Justice
Summer 2012

Instructor:

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Office Hours:

By appt. before and after class

Meeting Times:

M-Th 12-2
122 Barrows

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Introduction:

As a consequence of the politics of crime over the past three decades, the U.S. juvenile justice system has been described as a "second-class criminal court." Following larger political trends, the juvenile court is argued to have abandoned rehabilitative goals in favor of measures that hold juveniles accountable for their actions. Such changes are witnessed through legal provisions transferring juveniles to criminal court, mandatory sentencing, and zero tolerance policies in schools. As one of the hallmarks of the Progressive era, the juvenile court is often regarded as the pinnacle of the rehabilitative ideal within state justice policies. As such, the criminalization of children in recent history is often met with debates about the future of the juvenile court, and the extent to which it should continue to address the criminal acts of children.

This class will explore how the juvenile court has become more oriented towards punishment and ask to what extent is the punishment oriented juvenile court an aberration of the juvenile court ideal. Further, this class will explore how changing conceptions of childhood, criminal behavior, and moral development are increasingly at the center of concerns about the juvenile court. To understand how this transformation has taken place, this course will explore the historical development of the juvenile justice system within the U.S., beginning with the houses of refuge, the first urban juvenile courts and the development of state juvenile justice systems. From here, we will investigate the due process revolution within the juvenile system, and investigate how due process changes impacted juvenile offenders. Finally, we will examine how contemporary concerns about juvenile delinquency and youth violence have resulted in a system plagued by race, class, and gender biases. Throughout this course, we will ask how the juvenile justice system is situated amongst broader social, cultural, and political trends in the United States.

To that end, this course will be concerned with the following three themes:

1. **How does the juvenile system reconcile the two, oftentimes-contradictory goals of social welfare and social control?**
2. **How do representations of young people shape conceptions delinquency and deviance?**
3. **How do larger social forces, especially race and gender, come to influence the operation of the juvenile justice system?**

Readings:

Participation is essential to your success in this class. Thus, it is imperative that you **complete all assigned readings before class**. Failure to do so will be reflected in your grade; if you are having difficulties keeping up please come and see me.

- Course reader (* readings)
- Feld, Barry. (1999) *Bad Kids: Race and the transformation of the juvenile court*. Oxford University Press.
- Chura, David. (2010). *I don't wish nobody to have a life like mine: tales of kids in adult lockup*. Beacon Press.
- Humes, Edward (1997). *No matter how loud I shout: A year in the life of the juvenile court*. Simon and Shuster.
- Platt, Anthony. (2009). *The Child Savers: The invention of delinquency*. Rutgers University Press.

Course Expectations:

1. Come to class prepared. Preparation means having read the assigned reading for that day, and having thought about the reading in the context of course themes.
2. Participate in class discussion, small group exercises, and complete in class writing exercise assignments.
3. Complete the following assignments.

▪ Reading quizzes and in-class writing assignments	15%	daily
▪ Midterm	25%	June 11
▪ Final Exam	25%	June 28
▪ Group presentation and short (5-6 pp) essay	20%	as scheduled
▪ Participation	15%	
4. **No LATE assignments will be accepted. Make-up exams will not be offered**—please mark your calendar with the dates of the in-class exams. If you cannot take the exam on these dates, you should not take this course. In the event of emergency circumstances(hospitalization, sudden death of immediate family member, etc), contact the GSI with documentation of emergency circumstance prior to the commencement of the exam or assignment.
5. **Grading Policy:** All grades determined by the GSI are final. The professor will **not** re-grade any assignments. If you have a disability that may require accommodations, please speak to the GSI *early* (i.e., the first week) to make arrangements.

Course Assignments:

Reading quizzes and in class writing assignments: Periodically over the course random quizzes on the reading material will be given. Only the reading due the day of the quiz will be tested, and quiz questions will be designed to ensure that even a basic comprehension of the article will be sufficient to pass the exam. Additionally, you will also periodically be asked to respond to a particular case or issue in writing during lecture; these writings will be collected and included in the calculation of your final grade. Combined, quizzes and in class writing assignments will constitute 15% of your grade.

Midterm and Final exams: Two exams will be given over the course of the semester. These exams will consist of a range of short answer and essay format questions and will cover the duration of the material to date. Both exams will be given during class period on the dates indicated in the course schedule; students are **required to bring a blue book** and will be given the entire duration of the class (2 hours) to complete the test. Each exam is worth 25% of your final grade.

Group presentation and short essay: Students will be required to complete a group presentation and write a individual short (5-6pp) essay on the presentation topic. During the first few weeks of class, students will choose a topic of interest and with other students, prepare a group presentation on this topic. The subject matter of the presentation should directly relate to that day's topic and should be designed to inform the class about a topic of contemporary significance and elicit discussion about this issue. Additionally, students will individually write a paper on their chosen topic that integrates course themes with their analysis of the chosen topic or controversy. Together the group presentation and short essay are worth 20% of your grade.

Participation in class discussions: Participation in class discussion is an essential component of the learning process in this course. To that end, students will be asked both to participate on a regular basis in class and during the course discussion section. Participation in class is worth 15% of your final grade.

Course Schedule:

****PLEASE NOTE:** *Syllabus is subject to change—you must attend class daily to stay abreast of changes.*

Week 1 (May 21-May 24): Introduction—youth, deviance and the politics of crime

Monday	<i>Introduction to course</i>
Tuesday	<i>Youth and the cultural politics of crime</i>

*Acland, Charles (1995). "Youth in Crisis" from Youth, Murder, Spectacle: The Cultural Politics of "Youth in Crisis". Boulder: Westview Press.

*Dohrn, Bernadine (2000). "'Look Out Kid, It's something you did': The Criminalization of Children" in ed. V. Polakow The Public Assault on America's Children. New York: Teachers' College Press.

Wednesday *Criminalizing youth: Introduction to the 'recent' juvenile court system*

*Zimring, Frank (1998). "American Youth Violence—A Profile" and "A Youth Violence Epidemic: Myth or Reality?" from American Youth Violence. Oxford: Oxford University Press.

*Laub, John. (2002). A century of delinquency research and delinquency theory. In M. Rosenbaum, F. Zimring, and D. Tanenhaus (eds.) *A century of juvenile justice*. Chicago: University of Chicago Press.

Thursday *Constructing childhood*

*Lesko, Nancy (2001). "Up and down the great chain of being" from *Act Your Age! A cultural construction of adolescence*. London: RoutledgeFalmer.

Feld, Chapter 1: The Social construction of childhood and adolescence

Week 2 (May 28-31): Histories of childhood, deviance and the juvenile court

Monday *No Class—Memorial Day Observed*

Tuesday *Before the juvenile court: a prehistory*

*Ferguson, Priscilla (1997). "When Families Fail" from Growing Pains. New York: Twayne Publishers.

Platt, Chapter 1: Introduction and **Chapter 2:** Images of delinquency

Wednesday *Juvenile court, from vision to reality*

Feld, Chapter 2: The Juvenile Court and the Rehabilitative ideal

*Odem, Mary E. (1995). "The delinquent girl and progressive reform." In *Delinquent Daughters: Protecting and policing adolescent female sexuality in the United States, 1885-1920*. Chapel Hill, NC: University of North Carolina Press.

Thursday *Parens patriae: benevolent governance in the early court*

Platt, Chapter 3: The new penology, **Chapter 4:** Maternal Justice, and **Chapter 5:** The Child-Saving Movement in Illinois

Week 3 (June 4-7): The 'due process revolution' and the legal construction of juvenile justice

Monday *From an urban court to the juvenile justice system: the legal beginnings*

Platt, Chapter 7: The Fate of the juvenile court

Feld, Chapter 3: The Constitutional domestication of the juvenile court

**In Re Gault*

Tuesday *A patchwork of due process: the line between juveniles and adults*

Feld, Chapter 4: Procedural justice in juvenile courts and **Feld, Chapter 5:** Social control and noncriminal status offenders

**Kent v. United States*

**McKeiver v. Pennsylvania*

Wednesday *Class Cancelled for group meetings regarding group presentations due June 12-June 28*

Thursday *Complete midterm review individually or online (midterm review exercise distributed online)*

Week 4 (June 11-14): Remaking the juvenile justice system

Monday **Midterm exam** in class

Tuesday *Redefining the juvenile court—the discovery of punishment*

Feld, Chapter 6, Delinquent or criminal? Juvenile Courts' Shrinking Jurisdiction over Serious Young Offenders

**Singer, Simon (1996). "Recriminalizing Violent Juvenile Crime" and "Taking Stock of Juvenile Justice Reforms." In Recriminalizing Delinquency. New York: Cambridge University Press.*

Wednesday *The early delinquent: the emergence of the 'at-risk' youth*

**Kelly, Peter (2000). "The Dangerousness of youth-at-risk: the possibilities of surveillance and intervention in uncertain times." Journal of Adolescence 23: 463-476.*

**Lewis, Tyson. (2010). "Risky youth and the psychology of surveillance: The crisis of the school shooter." In T. Monahan and R. Torres Schools under surveillance: Cultures of control in Public Education. New Brunswick, NJ: Rutgers University Press.*

Thursday *Remaking the line between juvenile justice and the school*

*Rios, Victor. (2011). Chapters 3 and 4 in Punished: Policing the lives of black and Latino boys. New York: New York University Press.

*Michael Pinard 2003 "From the classroom to the courtroom: reassessing fourth amendment standards in public school searches involving law enforcement authorities" *Arizona law review* 45: 1067-1145.

Week 5 (June 18-21): Juvenile justice today

Monday *Judging the line between adult and child*

*Aaron Kupchik (2006). "Judging adolescence: what matters?" In *Judging juveniles: Prosecuting adolescents in adult and juvenile court*. New York: New York University Press.

*Steen, Sara, Christine E. W. Bond, George S. Bridges, and Charis E. Kubrin. (2005). "Explaining Assessments of Future Risk: Race and Attributions of Juvenile Offenders in Presentencing Reports." In Our Children, Their Children: Confronting racial and ethnic difference in American juvenile justice. Chicago: University of Chicago Press.

Tuesday *Discovering girls' delinquency (again)*

*Brown, L.M., Chesney-Lind, M., and Stein, N. (2007). "Patriarchy Matters: Toward a gendered theory of teen violence and victimization." *Violence against Women*, 13(12):328-345.

*Pasko, Lisa (2010). "Damaged daughters: The history of girls' sexuality and the juvenile justice system." *The Journal of Criminal Law and Criminology* 100(3): 1099-1130).

Wednesday *From training schools to today: juvenile jails and prisons*

Feld, Chapter 7, Punishment, Treatment and the Juvenile Court

Humes, Intake and Parts One and Two

Thursday *"Maximum security" and juvenile detention*

Humes, Parts Three and Four

*Inderbitzen, Michelle (2007). "Inside a maximum-security juvenile training school: Institutional attempts to redefine the American Dream and 'normalize' incarcerated youth." *Punishment and Society* 9(3): 235-251.

Week 6 (June 25-28): Rethinking juvenile justice?

Monday *Juveniles or adults? Part 1*

*Bortner, M.A. and Williams, Linda. (1997). Chapter's 3 and 4 from Youth In Prison: We the people of unit 4. New York: Routledge.

Chura, Introduction and Chapters 1-9

Tuesday *Juveniles or adults? Part 2*

*Tanenhaus, David and Steven Drizin. (2003). "Owing to the extreme youth of the accused": The changing legal response to juvenile homicide. *The Journal of Criminal Law and Criminology* 92(3-4): 641-705.

Chura, Chapters 10-18 and afterword

**Roper v Simmons* (2006)

**Graham v Florida/Sullivan v Florida* (2009)

Wednesday *The future of the juvenile court?*

Feld, Chapter 8: Abolish the juvenile court

*Kerbs, Johnson (1999). "(Un)equal Justice: Juvenile Court Abolition and African Americans" *Annals of the American Academy of Political and Social Science* 564: 109-125.

*Scott, Elizabeth (2000). "The Legal Construction of Adolescence." *Hofstra Law Review*. 29: 547-598.

Thursday ***Final Exam in class***

Have a great rest of your summer break! ☺