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## Book Review: *Juvenile Justice: Advancing Research, Policy and Practice*

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**Book Review: *JUVENILE JUSTICE: ADVANCING RESEARCH,  
POLICY AND PRACTICE***

*By Diane Geraghty\**

In a 1998 article marking the 100<sup>th</sup> anniversary of the Juvenile Court, E. Hunter Hurst, III observed that the enthusiasm that had accompanied the U.S. Supreme Court's decision in *In re Gault* and the juvenile rights movement of the late 1960s and early 1970s had already been supplanted by a more pessimistic view of juvenile crime.<sup>1</sup> Fueled by concerns over a rise in serious youthful offending and a loss of confidence in the ability of the traditional juvenile court to curb this escalation, states had begun enacting "get tough" juvenile justice policies.<sup>2</sup> Eventually these policies took hold on a national scale and resulted in larger numbers of youth being tried in adult court and in longer sentences for youth sentenced in juvenile court.<sup>3</sup>

As Thomas Bernard and others have noted, however, juvenile justice policy historically moves in cycles, with the philosophical pendulum swinging between rehabilitation and punishment at regular intervals.<sup>4</sup> Perhaps not surprisingly then, in the decade following the Juvenile Court's centennial there has been a renewed focus on identifying new and more effective responses to juvenile crime. This effort has been aided by a growing body of research that provides a scientific basis for the centuries-old perception that adolescents are developmentally

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<sup>1</sup> E. Hunter Hurst, III, *The Juvenile Court at 100 Years of Age: The Death of Optimism*, JUV. & FAM. CT. J., Nov. 1998, at 39, 44.

<sup>2</sup> *Id.* at 40-43.

<sup>3</sup> *Id.*

<sup>4</sup> See THOMAS J. BERNARD & MEGAN C. KURLYCHEK, THE CYCLE OF JUVENILE JUSTICE 3 (2d. 2010).

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different than adults.<sup>5</sup> In particular, this research finds that the process of brain maturation does not end until the early 20s and helps explain behaviors commonly associated with teenagers, including impulsivity, risk-taking, and susceptibility to peer pressure.<sup>6</sup> Another area of emerging research has been in the field of childhood trauma, including an exploration of the relationship among trauma, delinquent behavior, and rehabilitative potential.<sup>7</sup>

In their new book, *Juvenile Justice: Advancing Research, Policy, and Practice*, editors Francine Sherman and Francine Jacobs have assembled a series of articles that build on these areas of research and their implications for changes in juvenile justice law, policy, and practice. The editors used Bronfenbrenner's ecological systems theory<sup>8</sup> as the organizing principle for the volume, situating the

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<sup>5</sup> See, e.g., Ruben C. Gur, *Brain Maturation and its Relevance to Understanding Criminal Culpability of Juveniles*, 7 CURRENT PSYCHIATRY REP. 292 (2005) (describing research into brain anatomy that indicates an inability for people to form full criminal intent until adulthood).

<sup>6</sup> See *id.*; see also Jay D. Aronson, *Neuroscience and Juvenile Justice*, 42 AKRON L. REV. 917, 919 (2009) (tracing the evolution of brain development studies over the course of the 20<sup>th</sup> century and discussing diverse opinions on the use of brain science by courts in legal proceedings).

<sup>7</sup> See CHRISTINE B. SIEGFRIED, SUSAN J. KO & ANN KELLEY, NAT'L CHILD TRAUMATIC STRESS NETWORK, VICTIMIZATION AND JUVENILE OFFENDING (2004), [http://www.nctsn.org/sites/default/files/assets/pdfs/victimization\\_juvenile\\_offending.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/victimization_juvenile_offending.pdf) (providing an overview of research connecting childhood trauma to adolescent violence and other juvenile offenses). See also TRAUMA AND JUVENILE DELINQUENCY: THEORY, RESEARCH, AND INTERVENTIONS (Ricky Greenwald ed., 2002) (detailing possible connections between childhood trauma and delinquency, as well as potential treatments and interventions).

<sup>8</sup> Bronfenbrenner's ecological systems theory views human development in terms of five "layers" of environment, including the microsystem (an individual's immediate environment), the mesosystem (defining the relationships between individual microsystems), the exosystem (defining the relationships between an individual's microsystem and other systems in which the individual is not directly involved), the macrosystem (the culture in which an individual lives), and the chronosystem (describing the way in which environmental effects develop and transition over time). *Ecological Theory of Bronfenbrenner*, N. AM. CMTY. FOR

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delinquent child in the broader context of family, community, and society. Consistent with this approach, the first section of the book uses a child development lens to frame the issues affecting youth in the justice system. In an introductory article, for example, clinical psychologist Marty Beyer uses the stories of several delinquent youth to argue that policy-makers and practitioners should incorporate the core developmental concepts of immaturity, trauma, learning disabilities, and individual youth potential when formulating juvenile justice policy and practice. In the same section of the book, physicians Paula Braverman and Robert Morris provide an overview of the physical and mental health status of youth in the juvenile justice system. They conclude that a confluence of family, socio-economic, and adolescent development factors contribute to higher rates of health problems among youth in the juvenile justice system than those faced by children in the general population. The authors argue that prevention and greater access to health care are the most effective ways to improve the health of youth who enter the justice system.

The book's second section is devoted to articles that examine issues faced by certain groups of youthful offenders, including youth of color, girls, and LGBT youth. In the lead article, attorneys James Bell and Raquel Mariscal tackle the issue of the overrepresentation of racial and ethnic minority youth in the juvenile justice system. The authors discuss the history and current status of "disproportionate minority contact" with the juvenile justice system, identify policies such as zero tolerance and drug free zones that have contributed to the problem of overrepresentation, and highlight recent initiatives aimed at reducing disparities. An article on girls in the juvenile justice system, authored by attorney and co-editor Francine Sherman

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CULTURAL ECOLOGY, <http://nacce.org/ecological-theory-of-bronfenbrenner/> (last visited May 6, 2013).

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and child development specialist Jessica Greenstone, uses the case study method to advocate for greater gender-responsiveness on the part of the juvenile justice system. Noting that girls are the fastest growing segment of the youthful offender population, the authors argue that girls have unique backgrounds and needs, including histories of family discord, victimization, and mental health problems. They conclude that any successful response to justice-involved girls must incorporate three elements – physical and emotional safety, relationship-building, and cross-system collaboration.

The third and longest section of the volume broadens its focus to address the roles of family, community, and society in youths' involvement in the juvenile justice system. One of the more interesting articles in this section is written by a team of psychologists and explores the complex relationship between delinquency and family violence.<sup>9</sup> As the authors note, many of the children in the justice system have experienced recurring violence in their homes and communities and are at an increased risk for delinquency and youth violence. According to the authors, one quarter of assault charges filed against juveniles include some form of domestic violence, with the largest percentage (51 percent) involving violence directed against a parent, especially a mother.<sup>10</sup> Significantly, research suggests that the strongest predictor of youth violence perpetrated against a parent is the parent's own verbal or physical aggression toward the youth within the previous six months.<sup>11</sup> As the authors suggest, this statistic highlights the pressing

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<sup>9</sup> Linda L. Baker, Alison J. Cunningham, and Kimberly E. Harris, *Violence Within Families and Intimate Relationships*, JUV. JUST.: ADVANCING RES., POL'Y AND PRAC., 245, 223-44 (Francine T. Sherman and Francine H. Jacobs eds., 2011).

<sup>10</sup> *Id.* at 223-24.

<sup>11</sup> *Id.* at 230.

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need to develop better strategies for identifying and responding to adolescent domestic violence.

While family and community disorganization, discord, and violence can contribute to youths' criminal behavior, there is also growing evidence that families and communities can play a constructive role in youths' successful rehabilitation. Evidence for this conclusion is probed in an article that advocates for the use of family and community "social capital" as a means of promoting positive outcomes for youth in the justice system.<sup>12</sup> The authors' somewhat vague definition of social capital is that it is the "by-product of social interactions that are embedded in, and accessed via, formal and informal social relationships with individuals, communities, and institutions."<sup>13</sup> In other words, youth benefit when the positive elements of individual and community relationships are linked—or bonded—to form a network of support, trust, and expectations that serves as a metaphorical protective cloak around a young offender. The authors conclude with a suggestion that service providers should make a special effort to understand all dimensions of a youth's social capital at each stage of the juvenile justice process in order to maximize his or her successful exit from the system.

The book's final section contains a series of articles on program-specific and system-wide initiatives to reform the current juvenile justice system. Given recent attention focused on the uniquely American problem of mass incarceration, a particularly useful article in this section reviews past and present efforts to improve the quality of care, education, and programming for detained and incarcerated

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<sup>12</sup> Robert L. Hawkins, Maryna Vashchenko, and Courtney Davis, *Making a Place for Youth: Social Capital, Resilience, and Communities*, JUV. JUST.: ADVANCING RES., POL'Y AND PRAC., 245-66 (Francine T. Sherman and Francine H. Jacobs eds., 2011).

<sup>13</sup> *Id.* at 248.

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youth. Written by a trio of authors who have worked on the front lines of institutional reform, the article identifies some common elements of an operable strategy for improving public safety, youth outcomes, and the cost effectiveness of youth corrections. These include the systematic use of evidence-based practices and programming, a commitment to small institutions, and the implementation of policies and practices aimed at reducing the number of youth who enter such facilities and limiting the time they spend in them. Other articles in the section emphasize the importance of research and data-driven decision-making and the need for improved communication and collaboration across departments and systems that affect youth. Another article repeats the often suggested, but less frequently implemented, need for a continuum of community care for youth at-risk or already involved in the juvenile justice system.

As this small sampling of articles suggests, one of the volume's greatest strengths is its interdisciplinary approach to understanding and improving the nation's juvenile justice system. As the editors propose, no single discipline has a lock on how to prevent juvenile crime, reduce recidivism, and improve youth outcomes. Instead, the most successful reform efforts rely on the cross-currents of knowledge that continually flow back and forth among researchers, policy-makers, and practitioners. A concrete example of this inter-dynamic relationship across disciplines and practice areas can be seen in the evolution of the U.S. Supreme Court's recent juvenile sentencing cases. The "get tough on juvenile crime" policies of the 1980s and 1990s served as a catalyst for the scientific community's interest in better understanding adolescent development and its connection to juvenile offending.<sup>14</sup> The resulting research, in turn,

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<sup>14</sup> See Diane Geraghty, *Models for Change: A Post-Modern Initiative to Promote a Fair, Rational, and Effective Juvenile Justice System*, CHILD. L. RTS. J., Winter

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heavily influenced the U.S. Supreme Court's decisions in cases that eliminated the death penalty for juveniles and sharply curtailed the imposition of lifetime sentences on youth under the age of eighteen.<sup>15</sup>

Despite its thorough and diverse treatment of the juvenile justice system, the book leaves important areas unexplored. One such area relates to the status and needs of children tried and convicted in the adult court system. Articles outlining the latest research on juvenile competency or the impact of automatic waiver on youth outcomes, for example, would be a welcome addition to the literature. Also unaddressed in this volume is a systematic examination of the implications of developmental research on young adults who are no longer subject to the traditional jurisdiction of the juvenile court but who lack the developmental maturity of adults. Should these young adults continue to be treated as fully-formed adults in the eyes of the law or should policies and practices be adjusted to reflect their relative immaturity? Another arguable limitation of the book is that it fails to acknowledge the magnitude of the role the private sector has played in supporting recent promising approaches to youthful offending. While the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) is referred to in several places, other efforts such as the MacArthur Foundation's major investment in juvenile justice reform through its Models for Change

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2007, at 66 (describing the MacArthur Foundation's establishment of a network of experts in the fields of psychology, law, sociology, and other areas to increase understanding about the relationship between adolescent development and juvenile crime).

<sup>15</sup> See *Miller v. Alabama*, 132 S. Ct. 2455, 2474-75 (2012); *Graham v. Florida*, 130 S. Ct. 2011, 2015 (2010); *Roper v. Simmons*, 543 U.S. 551, 578 (2005); see also Marsha Levick et al., *The Eighth Amendment Evolves: Defining Cruel and Unusual Punishment Through the Lens of Childhood and Adolescence*, 15 U. PA. J.L. & SOC. CHANGE 285, 300, 303 (2012) (citing the U.S. Supreme Court's reliance on research confirming developmental differences between adolescents and adults in applying Eighth Amendment jurisprudence to young offenders).