

Chapter 5

How Juvenile Court Became a Criminal Court With Younger Defendants: The Philadelphia Version

ABSTRACT

Chapter 5 utilizes data from Philadelphia's juvenile court (JC) to detail the ways in which JC evolved from a would-be clinic (with a family/community focus) to a criminal court (with younger defendants committing real crimes) from the 1940s to later in the century. Perhaps the most critical development was adding 16- and 17- year-olds to the jurisdiction, which became a common trait among JCs during the first few decades after JC was founded. The older youths brought more numerous and serious crimes with them to JC. This time period also experienced a decline in the use of benign facilities, and a corresponding use of delinquent institutions to house juveniles. Meanwhile, JC became more official, dependent upon trials, and rights-oriented. The JC became criminalized, or much more like its criminal court (CC) counterpart during this time as Chapter 5 discloses. These changes in JC's nature resulted in making transfer to CC more relevant and necessary.

INTRODUCTION

Chapter 5 utilizes data from Philadelphia's JC to detail the ways in which JC evolved from a would-be clinic (with a family/community focus) to a criminal court (with younger defendants committing real crimes) from the 1940s to later in the century. Perhaps the most critical development was adding 16- and 17- year-olds to the jurisdiction, which became a common trait among JCs during the first few decades after JC was founded. The older youths brought more numerous and serious crimes with them to JC. This time period also experienced a decline in the use of benign facilities, and a corresponding use of delinquent institutions to house juveniles. Meanwhile, JC became more official, dependent upon trials, and rights-oriented. The JC became criminalized or much more like its CC counterpart during this time

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JCs relied heavily upon the judge and probation officer (PO) to serve as family to troubled youths. There were constant proclamations among the early JC advocates that judges and POs were to act as though their own children were before the court (see Barrows, 1904; Lindsey, 1904; Tuthill, 1904). Perhaps the handwriting was on the wall when Barrows noted the "personality of the judge, as well as that of the probation officer, is an element of vast importance in the success of any juvenile court (Barrows, 1904, p. xiii). One had to wonder how long this could last.

THE EVOLVED/CURRENT PURPOSE OF JC TRANSFER TO CC

The *evolved* purpose of JC is not the same as its several original ones. History has disclosed that most of the original theories/purposes (T/Ps in Chapter 2) have been adjusted to various degrees (#1, #3-6, #8-9, and, #14-17), if not abandoned (#7, #12-13, #18 and #20); only #2, #10-11 and #19 currently seem to be receiving emphasis similar to the beginning days. JC's character, mission, and operation have evolved dramatically from the early decades of the 20th Century.

Warnings of the potential demise of the original JC soon surfaced. A JC advocate lamented that the local Chicago detention home had changed from a family dwelling to one that

has every appearance of being a jail, with its barred windows and locked doors. Its attendants do not understand the psychology of childhood; they know very little about dependents and delinquents; their idea seems to be that every child in the institution is there for punishment and that they are all potential criminals... (Bowen, 1925, p. 309).

While the ATC acknowledges the evolutionary changes in JC, they attribute the metamorphosis mostly to the U. S. Supreme Court's intervention into the system via the granting constitutional rights to defendants facing trial in JC (*In re Gault*, 1967; *In re Winship*, 1970). While the legalization of the adjudicatory hearing (AH) contributed to the *criminalization of JC* (see Feld, 1984a, 1990, 1991), other more critical factors explain how JC became a CC with just younger offenders.¹ These factors contributed to the need for the Supreme Court's intervention.

Several Theories/Propositions (T/Ps) account for the changes that transpired in JC. They complement the 20 original T/Ps and add to the debate regarding the theory surrounding the transfer controversy.

T/P #21: JC Evolved into A CC Via Numerous Modifications

The evolution of JC was marked by several developments during the mid-20th Century decades and later that transformed its essence to increasingly mirror its CC counterpart:

- increase in the minimum age required for prosecution in JC;
- increase in the average age of juvenile defendants;
- increase in the maximum age of JC jurisdiction;
- increase in the volume and severity of crimes committed by juveniles;
- decreased reliance upon POs to informally resolve cases;

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