

3.2 Reasons for Delinquency A series of reasons exist for the prevalence of delinquency in the society:

- Poverty.
- Criminal tendencies of some individuals.
- Public normlessness/environmental instability.
- Religious sentiment and faith.
- Greed.
- Weak law enforcement agencies.
- Weak laws.
- Poor socialisation
- Mental instability
- Ignorance of the law Individuals need to be responsible for their own actions.

An understanding of root causes cannot and should not be seen as a way to absolve us from personal accountability. However, while individuals have an obligation to act responsibly and with respect for their fellow citizens, communities have a responsibility to address those conditions, which hinder healthy development and can become the breeding ground for crime. The root causes of delinquency are well documented and researched. Delinquency is primarily the outcome of multiple adverse social, economic, cultural and family conditions. To prevent crime it is important to have an understanding of its roots.

These are many, complex and interrelated, but can be summarised in three main categories:

- Poverty and Economic variables
  - Social variables and Environment
  - Familial variables
- Poverty and Economic Variables In addition to lack of financial resources, poverty manifests itself in a lack of educational opportunities, lack of meaningful employment options, poor housing, lack of hope and the prejudice against persons living in poverty. Societal Variables and Environment Our social structure mirrors to citizens and communities what we value and how we set priorities. Social root causes of crime are: inequality, not sharing power, lack of support to families and neighborhoods, real or perceived inaccessibility to services, lack of leadership in communities, low value placed on children and individual well-being, the overexposure to television as a means of recreation.

Familial Variables The families are uniquely placed in contributing to raising healthy responsible members of society. But the task of putting children first goes well beyond the family to include communities and society. Dysfunctional family conditions contribute to future delinquency.

### The Root Causes of Delinquency

These conditions include:

- Parental inadequacy
- Parental conflict
- Parental criminality
- Lack of communication (both in quality and quantity)
- Lack of respect and responsibility
- Abuse and neglect of children
- Family violence
- Peer pressure
- Psychological imbalance
- Poverty • Environmental uncertainties

### 3.3 Risk Factors for Delinquency

When several risk factors are combined, there is a higher probability that delinquency occurs. "Root Cause" is not the most accurate term when talking about risk factors. In fact a cause-effect mindset makes it too easy to assume that the existence of a risk factor inevitably leads to delinquency. For example, the research literature overwhelmingly points to poverty as a factor in delinquency. However, many poor youths do not necessarily engage in delinquency. Individual risk factors Individual psychological or behavioural risk factors that may make offending more likely include: intelligence, impulsiveness or the inability to delay gratification, aggression, empathy, and restlessness (Farrington, 2002). Children with low intelligence are likely to do worse in school. This may increase the chances of offending because low educational attainment, a low attachment to school, and low educational aspirations are all risk factors for offending in themselves (Walklate, 2003). Children who perform poorly at school are also more likely to truant, which is also linked to offending. (Farrington, 2002), "If strain theory or subcultural theory is valid, poor educational attainment could lead to crime as children were unable to attain wealth and status legally. However it must be born in mind that defining and measuring intelligence is troublesome. Young males are especially likely to be impulsive which could mean they disregard the long-term consequences of their actions, have a lack of self-control, and are unable to postpone immediate gratification". This may explain why they disproportionately offend. Graham & Bowling: 1995, Farrington, (2002) & Walklate, (2003) observed that impulsiveness is seen by some as the key aspect of a child's personality that predicts offending though it is not clear whether these aspects of personality are a result of deficits in the executive functions of the brain, parental influences or other social factors. Mental disorders Conduct disorder usually develops during childhood and manifests itself during an adolescence life. (Holmes et al: 2001) Some juvenile behavior is attributed to the diagnosable disorder known as conduct disorder. In accordance to the DSM-IV-TR Codes 312.xx ( where xx varies upon the specific subtype exhibited) adolescence who exhibit conduct disorder also show a lack of empathy and disregard for societal norms. The DSM is the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association [7] and most often referred to by Psychiatrists for diagnosing mental disorders. Juvenile delinquents who have reoccurring encounters with the criminal justice

system are sometimes diagnosed with conduct disorders because they show a continuous disregard for their own and others' safety and property. Once the juvenile continues to exhibit the same behavioral patterns and turns eighteen he is then at risk of being diagnosed with antisocial personality disorder and much more prone to become a serious criminal offender. (DeLisi: 2005) One of the main component used in diagnosing an adult with antisocial personality disorder consists of presenting documented history of conduct disorder before the age of 15. These two personality disorders are analogous in their erratic and aggressive behavior. This is why habitual juvenile offenders diagnosed with conduct disorder are likely to exhibit signs of antisocial personality disorder as they mature. Once the juveniles reach maturation their socially unacceptable behavior has grown into a life style and they develop into career criminals. "Career criminals begin committing antisocial behavior before entering grade school and are versatile in that they engage in an array of destructive behaviors, offend at exceedingly high rates, and are less likely to quit committing crime as they age."

### Family environment

Family factors which may have an influence on offending according to Graham & Bowling 1995, include:

- the level of parental supervision,
- the way parents discipline a child,
- parental conflict or separation,
- criminal parents or siblings,
- parental abuse or neglect,
- quality of the parent-child relationship.

Children brought up by single parents are more likely to start offending than those who live with two natural parents, however once the attachment a child feels towards their parent(s) and the level of parental supervision are taken into account, children in single parent families are no more likely to offend than others. (Graham & Bowling, 1995). Conflict between a child's parents is also much more closely linked to offending than being raised by a single parent. (Walklate: 2003) If a child has low parental supervision he is much more likely to offend. Many studies have found a strong correlation between a lack of supervision and offending, and it appears to be the most important family influence on offending. When parents do not know the whereabouts of their children, activities or who their friends are, they are more likely to truant from school and have delinquent friends, each of which are linked to offending (Graham & Bowling 1995). A lack of supervision is connected to poor relationships between children and parents, as children who are often in conflict with their parents may be less willing to discuss their activities with them which may result in weak attachment to their parents that leads to offend. (Graham & Bowling: 1995)

## **TYPES OF DELINQUENCY**

### **3.1 School Oriented Delinquency**

Nigeria as a nation is beset by the problem of delinquency. Delinquent acts can be tied to school activities. And these behaviours include truancy, absenteeism, school refusal, drop outs, bullying etc.

#### **Truancy**

When a child stays off school without the knowledge and agreement of parents and teachers, it is called truancy. Sometimes, parents don't seem to mind that their child is not going to school, and even approve or encourage them (e.g. by sending them to hawk products like pure water). Many children who are truants also have behavioural problems such as stealing, lying, fighting and destructiveness and there may be problems at home. (Carr, 2000)

#### **School Refusal**

School refusal refers to a phenomenon in which a child is too fearful or anxious or afraid to go to school. Worrying about going to school can make such children feel vaguely unwell, with sickness, headaches, tummy aches, poor appetite and frequent visits to the toilet, although usually, no physical cause can be found for these symptoms. The symptoms are usually worse on weekday mornings and tend to disappear later in the day. This is sometimes called "school phobia". However, the problem does not always lie with school. A child may seem to be worried about going to school, when actually they are fearful about leaving the safety of their home and parents or are afraid of being bullied or being victimized by teachers. They can be rather clingy and lacking in confidence. Scott, Shaw, & Joughin, (2001).

#### **Adolescent School Drop Outs**

The common sense conception of drop out is straightforward: A dropout is a student who leaves school before graduating. The social science conception of dropouts is more complicated, however, because it is influenced by differences in schools' calculation procedures. Schools may differ in what they count as an absence, the procedures they use for adding students to the rolls, the time frame during which a dropout is counted, the range of grade levels selected to represent a pool of possible dropouts, and the method of student accounting.

#### **Bullying**

Bullying refers to the brutalization of weaker individuals because one has the power to do so. Bullying is a problem among young people more especially in primary and secondary school. The bully beats up other students and collects their property for personal use. The bully usually has followers who provides social support and who are also groomed to become bullies. Bullies usually have a strong physique and are very aggressive. They are known to have low self esteem and an inferiority complex. It is a rampant problem in Nigerian schools, more especially

the public schools where poverty makes bullying a rewarding pastime for students who are inclined towards it.

### 3.2 Crime Oriented Delinquency

Nigeria has a crime problem. It is however disquieting that crime has spread to encompass the youths of the country. Delinquent acts can be totally crime oriented. These behaviours include stealing, youth gangs, rape, assault, pick pocketing, etc

#### Stealing

It is normal for a very young child to take something, which excites his or her interest. This should not be regarded as stealing until the youngster is old enough, usually three to five years old; to understand that taking something which belongs to another person is wrong. When an adolescent takes someone else's property without permission it is stealing and constitutes a delinquent behaviour. Most children are not actively taught by their parents about property rights and the consideration of others. Parents are role models and are found to at times encourage their children to steal. Some parents come home with stationary or pens from the office or brag about a financial mistake at the market. When this occurs, the lessons about honesty will be a lot harder for the child to understand.

#### Rape

Rape is the crime of forcibly engaging in sexual intercourse with a person who has not consented. When individuals think about rape or sexual assault, many imagine a situation in which an evil and unknown perpetrator jumps out of the bushes and attacks an unsuspecting victim. Although this kind of "stranger rape" does occur, a much greater percentage of rapes are committed by individuals who know their victims, and is referred to as "acquaintance rape" or "date rape." "Acquaintance rape is forced and unwanted sexual intercourse with a person you know. It is a violent "power trip" on the part of the perpetrator, and a violation of your body and trust. It is wrong, and it is illegal.

#### Sexual Assault

Sexual Assault is any unwanted sexual contact or attention made through force, threats, bribes, manipulation, pressure, tricks or violence. It may be physical or non-physical and includes rape and attempted rape, child molestation and incest, and sexual harassment. All forms of sexual assault are crimes.

#### Pre-Marital Sex

Premarital sex refers to sexual relationships between underage persons. Farrow and Shapiro (1999) asserted that teenagers who feel incomplete, inadequate and unappreciated are more likely to seek comfort in a sexual relationship. But those with a life rich in relationships, family traditions, activities, interests and - most of all- consistent love and affirmation are less likely

to embark on a desperate search for fulfillment that could lead to unwise sexual decisions. Those who have a healthy, productive faith in God are more likely to have deeply rooted reasons to respect and preserve the gift of sex and to respect rather than exploit others.

### 3.3 Anti Social Delinquency

#### Adolescent Fighting

Fighting refers to physical exchange of blows between people for reasons that are personal to them. Swahn (2001) examined demographic characteristics and psychosocial factors to determine the correlates of physical fighting and alcohol-related physical fighting among adolescent drinkers. Although research shows that alcohol use and fighting are associated in adolescence, most drinkers do not fight. Little is known about adolescent drinkers who fight or who fight due to drinking alcohol (alcohol-related fighting).

#### Youth Gangs

Youth gangs are a conglomeration of youths who come together for mutual protection and who are willing to fight against other individuals and groups for dominance. Decker and Van Winkle (1996) view joining youth gangs as consisting of both pulls and pushes. Gang membership can enhance prestige or status among friends, especially girls and provide opportunities to be with the boys (Slayton, Stephens, and MacKenna, 1993). Gangs provide other attractive opportunities such as the chance for excitement by selling drugs and making money. Thus, many youth see themselves as making a rational choice in deciding to join a gang; they see personal advantages to gang membership. Social, economic, and cultural forces push many adolescents in the direction of gangs. Protection from other gangs and perceived general well-being are other key factors (Baccaglini, 1993; Decker and Van Winkle, 1996). As noted above, some researchers contend that the underclass status of minority youth serves to push them into gangs. Feeling marginalised, adolescents join gangs for social relationships that give them a sense of identity. For some youth, gangs provide a way of solving their social adjustment problems, particularly the trials and tribulations of adolescence. In some communities, youth are intensively recruited or coerced into gangs and they seemingly have no choice. A few are virtually born into gangs as a result of neighborhood traditions and their parent's earlier (and perhaps continuing) gang participation or involvement in criminal activity (Moore, 1978)

#### Adolescent Drug Use

Drug abuse has to do with the use of illicit drugs. Most of these drugs are addictive. Such drugs include alcohol based products like beer, palm wine, whisky, gin, brandy, marijuana, LSD, cocaine, heroin etc. Substance abuse is a major public health problem that puts millions of adolescents at increased risk for alcohol-related and drug-related traffic accidents, risky sexual practices, poor academic performance, juvenile delinquency, and developmental problems. Although several national surveys indicate that teen use of most illicit drugs has held steady during the past few years, adolescent drug abuse remains alarmingly high. Moreover, use of alcohol and nicotine (cigarettes) is common among teenagers while the use of marijuana appears to be increasing among adolescents.

## Runaway/Street Children

A runaway is a minor or a person under an arbitrary age, depending upon the local jurisdiction, who has left the home of his or her parent or legal guardian without permission, or has been thrown out by his or her parent and is considered by the local authorities to lack the capacity to live under his or her own accord. "Street children" is a term used to refer to children who live on the streets of a city. They are basically deprived of family care and protection. Most children on the streets are between the ages of about 5 and 17 years old, and their population between different cities varies. Street children live in abandoned buildings, cardboard boxes, parks or on the street itself. A great deal has been written defining street children, but the primary difficulty is that there are no precise categories, rather a continuum, ranging from children who spend some time in the streets and sleep in a house with ill-prepared adults, to those who live entirely in the streets and have no adult supervision or care.

## 3.3 Juvenile Justice System and Delinquency

The Juvenile justice system is a system set up to protect and help juvenile offenders/delinquents. It was established in 1868 to protect children from the influences of adult prisoners, divert youthful offenders from the criminal courts and to encourage rehabilitation based on the juvenile's needs. (Crime, Panel J., et al. Juvenile Crime, Juvenile Justice. 2001 Print.) History The Juvenile justice system was established by Jan in 1868 in Chicago as a byproduct of the Progressive Era. Before this, anyone under the age of 17 years who committed a crime was placed in the same system as adults. However, by this time, social views had begun to change. With recent discoveries and research by psychologists, many started to see juveniles as youths who had simply lost their way, rather than as hardened criminals. It was believed that with proper structure and disciplinary guidelines instituted in the youth's life they could be rehabilitated and become productive members of society (Burton, 2002). The qualifications for what designates a minor as "juvenile" under the law vary from country to country. In most instances, the system applies to anyone between the ages of seven and seventeen. Children younger than seven are not held accountable for their actions. This is called the defense of infancy. Burton, (2002) has described Chicago juvenile justice reformer Mary Bartelme as the single most important person in the first 25 years of the Cook County Juvenile Court, the first juvenile court established in the U.S. Functions The juvenile justice system is a network of agencies that deal with juveniles whose conduct have come in conflict with the law. These agencies include police, prosecutor, detention, court, probation, and the Department of Juvenile Corrections. The Juvenile justice system acts as a shield for juveniles who perform adult criminal acts or status offences. That is acts that are illegal only when performed by a juvenile; such as truancy, being beyond control of parents or guardians, running away, and/or knowingly associating with criminals (Vito, Tewksbury, and Wilson, 1998). The Juvenile Justice System is set up to help rehabilitate, rather than imprisoning and punishing them.

### How Does the System Work?

There are various stages in the process. At each stage important decisions are made about how to handle cases.

## Police contact

When the police determine that a crime has been committed and have a suspect, they have the option of referring the juvenile to the prosecutor's office and returning the juvenile to his/her parent or requesting that the juvenile be detained.

## Intake

The purpose of intake is to screen cases to determine how they will be handled. If a juvenile is detained and a petition is filed, the case is referred to court. However, in the case of minor offenses, the case may be referred for informal handling through the youth accountability board or through the probation department. Repeat offenders and felony cases are automatically referred to court by the prosecutor's office.

## Detention

Detention is a short-term secure facility where juveniles are held awaiting court hearings. Juveniles may be held because of the seriousness of the offense, a history of criminal offenses, the juvenile is a threat to others, or to insure that the juvenile returns to court. The juvenile may also be placed in detention after the sentencing by the judge as a consequence for his/her actions. Parents may be ordered to pay detention costs.

## Arraignment

The initial hearing is for the purpose of informing the juvenile and parents of the charges and their rights. The judge will also decide where and under what conditions the juvenile will stay until the next hearing.

## Evidentiary hearing

The evidentiary hearing is the same as a trial, except that juveniles do not have the right to a jury. At this hearing, the judge listens to everyone's testimony and determines whether the acts charged actually happened.

## Sentencing

At the sentencing hearing the judge will decide what services will be ordered and what conditions the juvenile and parents must fulfill. Before the hearing, a probation officer will investigate the case by interviewing the family and other people to gather information to help the judge make a disposition. The judge may also order evaluations such as psychological, substance abuse, medical, etc. At the hearing the judge will consider the evaluations, reports, and statements made by all parties, including the victim. The juvenile and parents will be ordered to repay the victim for losses.

## Dispositions

The two main dispositions the court may order are probation or commitment to the Department of Juvenile Corrections.

Probation is the disposition made in most juvenile court cases. The judge will order that the juvenile live with a responsible adult, usually the parents, and order that certain conditions be followed. They may include a curfew, school attendance, counseling, etc. The judge may order that the parents follow certain conditions and if they fail to, may be ordered to pay fines up to 5,000 naira or serve jail time. The judge may determine that the juvenile needs treatment that is not available in the community or that the community needs to be protected from the juvenile's behavior. In such cases, the juvenile may be placed in the custody of the Department of Juvenile Corrections. The Department may then place the juvenile in foster care, a group home, a hospital, secure confinement, or placement in another state.

Although the Department has legal custody of the juvenile that does not mean that the parents lose either their rights or responsibilities as the parents. The Department will require that the parents pay for the treatment of their child while he/she is in the state's custody.

#### Waiver to adult court

The judge may determine that the juvenile is not going to respond to the juvenile system and presents enough of a danger to the community that the juvenile should be treated as an adult. First there has to be a hearing where the prosecutor must prove that the child should be treated as an adult. If the judge orders the juvenile into the adult system, he/she will be subject to any punishment available in adult court. There are certain offenses where a juvenile may be waived into adult court automatically. Any juvenile between the ages of fourteen and seventeen who is charged with first or second-degree murder, any type of gun violation (Armed Robbery), or any crime relating to gang violence is automatically tried as a youthful offender, which really means that the juvenile is charged as an adult. If convicted, the juvenile will be sent to an adult prison to serve.