

# Juvenile Delinquency, Treatment & Rehabilitation

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*Abstract: Juvenile delinquency, also known as “juvenile offending”, is participation in illegal behavior by minors (Juveniles, i.e. individuals younger than the statutory age of majority). Most legal systems prescribe specific procedures for dealing with juvenile delinquent in the United States is a person who is typically below 18 years of age and commits an act that otherwise would have been charged as a crime if they were an adult. Depending on the type and severity of the offense committed, it is possible for people under 18 to be charged and treated as adults.*

*In recent years a higher proportion of youth have experienced arrests by their early 20s than in the past, although some scholars have concluded this may reflect more aggressive criminal justice and zero-tolerance policies rather than changes in youth behaviour. Juvenile crimes can range from status offenses (such as underage smoking), to property crimes and violent crimes. Youth violence rates in the United States have dropped to approximately 12% of peak rates in 1993 according to official US government statistics, suggesting that most juvenile offending is non-violent.*

*However, juvenile offending can be considered to be normative adolescent behaviour. This is because most teens tend to offend by committing non-violent crimes, only once or a few times, and only during adolescence. Repeated and/or violent offending is likely to lead to later and more violent offense. When this happens, the offender often displayed antisocial behavior even before reaching adolescence.*

## I. INTRODUCTION

Crime committed by children and adolescents under statutory age is called delinquency. The maximum age limit and also the meaning of delinquency varies in most countries. But it is always below 18 years.

According to the Pennsylvania Juvenile court act juvenile Delinquency is defined as follows: “A delinquent child is one who violated any laws of the commonwealth ordinance of the city, a child who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian, custodian or legal representative, a child who is habitually truant from school or home or child who habitually so deports himself as to injury or endanger the moral or health of himself or others”.

“Delinquency” according to Coleman (1981) ‘refers to behavior of youths under 18 years of age which is not acceptable to society and it generally regarded as calling for some kind of admonishment, punishment or corrective actions’. Starting from use of illegal drugs, and homicide it may include to other dangerous, criminal offences. Thus, briefly, it is a socially unacceptable behavior, a social evil, committed by boys and girls below 18 years age which

actually requires some kind of punishment or corrective measure. In India any person between the ages 7 and 18, who violates the provisions of the children’s acts, the IPC and CPO, will be considered as delinquent, Persons above the age will be considered as criminals. However many thinkers now argue that the age should be reduced to 16 years.

The juvenile defendant whose name was Mohammad Afroz (Have confusion on his name & religion) according to some reports also known by his alias “Raju” was declared as 17 years and six months old on the day of the crime by the Juvenile justice Board (JJB), which relied on his birth certificate and school documents. The JJB rejected a police request for a bone ossification (age determination) test for a positive documentation of his age.

On 28 January 2013, the JJB determined that he would not be tried as an adult. A petition moved by Janata Party President Subramanian Swamy seeking the prosecution of the minor as an adult because of the extremely violent nature of his alleged crime was rejected by the JJB. The minor was tried separately in a juvenile court.

## II. INCIDENCE OF DELINQUENCY

As reported by Coleman (1981) the incidence rate of delinquency increased by 100 per cent between 1968-1975. Though mainly boys are involved in delinquency currently females are also actively engaged in this malicious work. It is indeed shocking to note that almost half of the serious crimes in U.S.A. are committed by juveniles.

While female delinquents are commonly taken under custody, for sexual offences, drug usage, running away from home etc. male delinquents are more engaged in stealing, drug usage, robbery, aggravated assaults, sexual abuses etc. Currently the incidence of delinquency is specially increasing in a large Metropolitan centres and it is really a matter of great concern for the world at large. Some reports show that lower class youths and those residing in slum areas are more engaged in delinquent behavior, while some other studies (Strow, 1974) do not support this. Henry and Gold (1973) in an important study found significant relationship between social status and delinquency behavior. It is also of significance that the delinquency rate of socially disadvantaged youths appears about equal for whites and non-whites.

## III. INCIDENCE OF DELINQUENCY IN INDIA

Reports show a steady increase in the percentage of delinquency in the home country while it was 16,160 in 1961, according to the reports published by the Ministry of Home Affairs, Govt. of India. Thus in 13 years, the increase in the incidence is 250 per cent. While considering this nevertheless, the corresponding rise in population is also to be taken note of.

Among all the states in India, Maharashtra as reports show had the highest per cent of juvenile crimes. Second place went to M.P. and third place to Gujarat. Kerala had an incidence rate of only 0.2 per cent and hence had last position in the rate of delinquency.

## IV. DELINQUENT AREA

Studies of Burt in England indicate that there are certain localities children come. In these areas, there is poor housing over crowding and lack of recreational facilities. Most delinquents also come from the areas where cinema houses and hotels are located. Burt found a high correlation of 77 between delinquency and density of population. Shaw in a similar study found that the majority of the Juvenile delinquents came from the centres of Chicago and the number of juveniles decreased from centre to periphery. But this is not applicable to all children staying in crowded localities.

## V. CAUSES OF DELINQUENCY

In many parts of India, criminal tendency in an individual is looked upon as the result of evil deeds in the past life of the parents, grandparents and great grandparents. This is no doubt a misconception, a prejudice. If the child develops

delinquency, also it is believed by many that it is due to faulty actions, omissions and commissions by the parents during his childhood. This belief is to a great extent correct.

Delinquency lacks ethical standards and emotional ties. Delinquents are very impulsive and indulge in acts at the spur of the moment. They are socially insensitive, and lack guilt feeling. They suffer from impulse control disorder.

Delinquents, in spite of their socially unacceptable behaviour are normal individuals with normal desire, but with some sort of maladjustments. These maladaptive behaviours create difficulties for the self as well as for others. Considered as a learned behavior delinquency was found to be highly correlated with low life styles, lack of recreational facilities and lack of permanent residence. There are also psychoanalytic and biological explanations of delinquency.

In the development of delinquency various conditions may be involved either singly or in combination with others. The variables of delinquency may broadly be divided into – (a) personality characteristics, (b) family pattern and interactions, (c) delinquent gang and subcultures. Shanmugam (1980) found multiple factors underlying juvenile delinquency. He found extraversion, neuroticism, psychoticism, criminal propensity, maladaptive creativity low I.Q., low L.O.A and cognitive dissonance as important characteristics of delinquents.

## VI. PERSONALITY CHARACTERISTICS

### PERSONAL PATHOLOGY

Under personality characteristic we have (a) Brain damage, (b) Drug abuse, (c) Mental retardation, (d) Neuroses, (e) Psychoses.

- ✓ **BRAIN DAMAGE.** According to the reports of Caputo and Mandell (1970), Kiester (1974) in about 1 per cent of the delinquents brain pathology such as brain damage leads to lowered inhibitory control and a tendency to show violent behavior. The genetic theorists argue the presence of an extra "y" chromosome in delinquents.
- ✓ **DRUG ABUSE.** Quite a large number of delinquent's particularly those who are engaged in theft, prostitution and psychical assault are found to be addicted to drugs like heroin, secobarbital and alcohol. Drug addicted females are usually engaged in stealing and prostitution.
- ✓ **MENTAL RETARDATION.** Among 5 per cent of delinquent's low intelligence and mental retardation may be accounted to delinquency. Such people have no foresight to the consequences and significance of their action. So they commit impulsive behavior like sexual offence, small aggressive behavior and petty stealing. Even more intelligent psychopaths and gangs exploit them and include them in their group. In some instances mental retardation is associated with serious brain damage and leads to a combination of features of both the organic and the mentally retard delinquent.
- ✓ **NEUROUS.** About 3 to 5 per cent of delinquent behavior. Seems to be directly associated with psychoneurotic disorders. Here the delinquent act is mainly tinged with compulsive behavior, such as stealing things which one

does not actually need, creating certain nuisances like peeping, eve teasing etc. This type of compulsion also leads to sexually deviant behavior because of the sexual restriction and beliefs that masturbation and other forms of overt sexual behaviour are very much undesirable and a sin.

- ✓ **PSYCHOSES.** In a limited number of cases, i.e., about 3 to 5 per cent, delinquent behaviour is associated with psychotic disorders. According to Bandura (1973) often this involves prolonged emotional and social withdrawal arising out of long standing frustration. Then there is an explosive outburst of violent eruption. Here the delinquent act is the function of terrible personality maladjustment and disturbances rather than a consistent antisocial orientation.

#### PATHOLOGICAL FAMILY PATTERNS

On the basis of the studies conducted on juvenile delinquency, the following pathogenic family patterns have been to be most strikingly related to delinquency- (a) Broken home, (b) Faulty discipline of parents and child rearing practices, (c) Sociopathic parental models, (d) Parental absenteeism, (e) Mother dominance, (f) Father rejection, (g) Undesirable peer relationship.

- ✓ **BROKEN HOMES.** Studies show that children come from broken homes where parents are separated or divorced lead to delinquent behaviour, than those children coming from broken homes where the home is broken by the death of the parent. Thus, this cause of delinquency seems to be affecting more the children of western countries where separation and divorce of parents are quite common and even day affair. There are, in fact, very few incidences in western countries where the parents have not been at least once separated or divorced. But in India, it is not a common cause of delinquency as separation and divorce are rare among Indian married couples. In a study of institutionalized delinquents in the state of Colorado Barker and Adams (1962) found that only about one-third of the boys and girls come from complete home setting i.e., where they live with both their original parents.
- ✓ **FAULTY DISCIPLINE AND CHILD REARING PRACTICES.** When the parents or one of them use rigid discipline it leads to the elevation of hostility in the boy for the fact that all the wishes and desires of the child are restrained. This leads obviously to the development of an antisocial, hostile and rebellious personality in the growing child. Constant suppression of desires make him boiling inside. Conflicting views of parents regarding discipline and etc. and contribute.

The child rearing practices if are faulty and based on rigid dictatorial principles if the child is not handled with due love and care, if the discipline is harsh, inconsistent and irrational, his suppressed aggression is vented through antisocial and delinquent behaviour.

- ✓ **SOCIOPATHIC PARENTAL MODELS.** Glueck and Glueck (1969), Ulmar (1971) and Bandura (1973) have found high presence of sociopathic traits in the parents of the delinquents. Sociopathic traits include alcoholism, brutality, antisocial attitudes, failure to provide frequent

unnecessary absences from home, lack of communication with the child. All these traits make the father an inadequate and unacceptable model for the child.

According to Scharfman and Clark (1967) the chief variables in the delinquent behaviour of girls were (a) broken homes combined with emotional deprivation, (b) irrational, harsh and inconsistent parental discipline, (c) patterns of only aggressive and sexual behaviour modeled by psychopathic parents.

- ✓ **PARENTAL ABSENTEEISM.** In studies of juvenile delinquency, Martin (1961) and others have emphasised the feeling of unrelatedness and detachment from the family and society as a key cause of delinquency. Lack of communication with one or both parents, leads to the failure to learn appropriate social value. This finally leads to a tendency to act out inner tension in hostile and destructive manner.

Why this feeling of unrelatedness or insecurity arises among young people who differ vastly in age, I.Q. personality make up and socio-economic status? A key source of this feeling appears to be parental absenteeism. When parents are too much absorbed in their own occupations and activities, and do not provide the youth optimum attention, needed support and encouragement during the crisis period of the growing age, they turn to peers and others as models who might be lacking the qualities of ideal models for the child.

- ✓ **MOTHER DOMINANCE.** When the father is busy with his own work and commitments or for other reasons if he plays a submissive role in the family life, the mother takes over the function of providing affection and discipline to the boy. During adolescence, the boy who has already identified with the mother and depended greatly upon her as a role model, probably finds it difficult to develop a masculine self concept. Thus, he expresses his masculinity, independence and courage and finally the so called male ego is rebellious and commits offenses. By being engaged in such antisocial acts, he gets the satisfaction that he is really masculine.
- ✓ **FATHER REJECTION.** Andry (1962) on the basis of the findings of his studies, concluded that the delinquent boys felt rejected by their fathers but loved their mothers. Non-delinquent boys, on the other hand, felt to be equally loved and cared by both the parents.

A child who is rejected by one of his parents day in and day out, develops naturally an inner feeling of hostility towards him. The gap in communication and lack of understanding between the two paves the way for antisocial behaviours in the form of anguish, aggression and hostility. When he finds that a large part of his world is unable to deal with him properly, he in turn does not like to understand the world either. This hostility is transformed in the form of antisocial and delinquent behaviour. He in fact, lacks normal inner controls. He does he tends to act out on his aggressive impulses.

- ✓ **UNDESIRABLE PEER RELATIONSHIP.** Delinquency is said to be a gang experience. In support of his Hanery and Gold (1973) found that about 66 per cent of the delinquent behaviours are committed in association with

other persons. Usually, it is a homogeneous group, so far as sex is concerned.

#### GENERAL SOCIOCULTURAL FACTORS

- ✓ Alienation and rebellion. It is viewed by many ego psychologists that the modern youth is only a bundle of confusions so far as his values of life are concerned. Most surprisingly, it is common in youths coming from all socioeconomic levels. They do not accept the values of their parents and they are even confused of their own values and sense of identity. Thus, in short, they are all in a mess. What to accept and what to reject they know not. They always show a feeling of alienation from family and society at large. This lack of identification and development of clear values and lack of socialization turn them to the outer world, to peers and friends for guidance and approval. They take drugs and engage in other illegal, antisocial activities. There are innumerable instances where my modern youths who run away from home as a sort of reaction to their rebellious feeling tend to join gangs, indulging in delinquent behaviour or prostitution and so on.
- ✓ Similarly, socially disadvantaged youths such as belonging to lower income groups, lower social caste and lower status, may turn to delinquency also.

The social rejects. Young boys and girls who lack the motivation to do well in school become drop outs as soon as they can; just like the boy in Gulzar's film "Kitab". So they do not qualify usually for any job They feel irrespective of class, sex or wealth that they are not needed in the society. This lack of hope, feeling of uselessness, insecurity and that they are rejects of the society lead them to show undesirable antisocial behaviour. Many of them remain unemployed. Those who somehow get some employment are funnily, unable to hold the job, and so they shift from job to job, engage in delinquent behaviour, partly as a result of frustration and partly due to confusion and hopelessness.

#### VII. DELINQUENT GANG SUBCULTURE

Though the gang has all the characteristics of an in group like cooperation unity, fellow feeling belongingness it is also associated with crime like rioting, steeling, homicide, rape, dacoity, corrupt politics, boozing, eve teasing, sexual and physical assault and murder and so on. Thus, in an organized way they create terror in the area. Studies have shown that these children are sexual and physical roughly between 10-16 years of age. They also come from poor families with constant friction between parents and family members. Those children who usually become the members of the gang have often little or no parental guidance.

Studies also indicate that delinquency is committed in groups and in company. Shaw analysed 6,000 cases of crime and found that in 72 per cent of the cases two or more companions were involved. Healy reports that companionship was a single factor causing delinquency in 34 per cent of the cases while Burt gives the figure at 18 per cent and Udaysankar gives it at 23 per cent.

In recent years female delinquents have also developed their gangs with a purpose to project and defy themselves. They find a sense of acceptance, belongingness, give and take, sympathy, understanding, companionship, loyalty power and authority which they so not find in the socialized world, which they consider to be an out group. It is also a fact that many of these gangs are not organized and cohesive.

Why a person becomes a member of a gang? Gang membership provides them a sense of status and approval and sense of belongingness which they did not get from their family and other social agents. In a gang, the responsibility or blame of threat is not shouldered by any individual member, but by the gang as a whole just like in a mob. Thus, some prefer to steal or booze and do other illegal acts in the name of gang. Studies have indicated that the groups outside the home have a tremendous impact on the personality of the adolescent. The gang starts and eventually from a gang and the behaviour of the person is mostly influenced by the gang and so he develops delinquent tendencies. Thought the gang has all the qualities of an in group like cooperation, unity, fellow feeling and belongingness, it is also associated with crimes, like stealing, eve teasing, rioting, homicide, rape, murder, boozing, taking various drugs and abusing them, dacoity, assault and murders etc. Thus, they from a racket and in an organized way they create terror in the area. Studies have indicated that these children are roughly between 10-16 years age. They also come from poor families with constant friction between parents and family members. Those children who usually become of the gang have often little or no parental guidance.

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#### VIII. POVERTY

Ample evidence are there to hold that a large percentage of the delinquent children come from poor homes. It is found that even 50 per cent of the delinquents come from lower strata of the society with very poor economic background and hand to mouth living standard. Gueck's (1934) study revealed that only 28.8% of the children came from comfortable homes with good economic status of parents. Those who are disadvantaged and under privileged due to their poverty had to take recourse to some anti-social action for their living also. Hence, keeping all other factors constant, a child coming from

a poor under privileged family, Glueck's study also showed that 37% of the fathers of delinquent children were skilled labourers while 23% were semi-skilled labourers and 40% were unskilled labourers. Findings of his study showed that not a single parent of the delinquent children came from the clerical services. Glueck's study, thus, brings the fact to light that the nature of job of parents is also an important determinant of delinquency. Of course, Glueck's study was conducted about sixty four years back and many changes have taken place during these six to seven decades. Children of some well to do highly educated parents doing very good jobs in government and non-govt. Offices also, no a days, are engaged in delinquency and the percentage is growing up day by day. But compared to their lower SES counterparts the percentage is very low. According to Uday Sankar's 83% of the juvenile delinquents came from poor homes, 13% from border line (neither poor nor rich) homes and only 4% came from comfortable homes. But poverty cannot be the role cause of delinquency. Had it been so, in India where poverty is found in most homes, the number of delinquents would have been more than the rich and better off countries which is not a fact. In India the percentage of Juvenile delinquency is very low and most people are peace loving and disciplined unlike other developed and developing countries. A study conducted by the Ministry of Education (1952) Govt. of India Indicate that 32,400 children were awarded sentences for delinquency in 1948. But in 1950 it was noticed that 40,119 children of all the states of India except U.P. were put up trial in the juvenile courts. But besides these recorded cases, there might have been some unrecorded cases also.

Poor parents have leaved their children and go for work. Thus, the mother is not available to take proper care of the child. They are neglected and the child becomes wayward. Children from poor homes also do not get scope for education as they have to supplement the earning of their parents. Poverty is, therefore, a contributing cause of delinquency, although it is not the sole cause.

## IX. HISTORY OF JUVENILE JUSTICE LEGISLATION OF INDIA

A revamper juvenile justice bill was passed in the Lok Sabha on 7 May 2015 in the after month of Delhi rape case of December 2012 in which a minor was found guilty. The new bill will allow minors in the age group of 16-18 to be tried as adults if they commit heinous crime. The crime will examined by the juvenile justice board to ascertain if the crime was committed as a child or an adult.

## X. TREATMENT AND REHABILITATION OF DELINQUENTS

Delinquency had always been considered as a legal and social problem. So psychologists and psychiatrist did not pay much attention to it until it was considered as a psychological problem. Those who control their impulse of anger, aggression and hostility commit many crimes and violence. So it should be controlled behaviour Modification Therapy.

Currently in all the progressive and civilized countries of the world the laws with regard to the standard juvenile delinquents have been changed. Special courts are established with specially trained magistrates for the trial of the delinquents. Today delinquency is being looked upon as misbehavior than a crime. In every state the children's act has been changed. For instance, the Bombay Children's Act (1944) required custody, control and punishment of young offenders. It also provides for the establishment of reformatory schools for them. But the revised Bombay Children's Act of 1948 provided not only for custody and control, but also for treatment and rehabilitation of young offenders. Unfortunately, there are only two states in India, i.e. Tamil Nadu and Maharashtra, which have standard juvenile and child guidance centres. In many states probation officers are appointed to watch the juveniles and look after their educational and vocational needs. They are sent to schools and encouraged to persue their studies and learn a vocation. But most of the states in India do not have proper "juvenile Homes."

Psychologists, psychiatrists and social workers are always attached to look after their difficulties. In western countries delinquents in small groups are brought up in residential areas and given individual treatment, to have in them the feeling that they are a part and parcel of the society. Thus, they are removed from the aversive environment and allowed to learn about the world of which they are a member. If required, they are given individual therapy, group therapy and psychological counseling. Here their behaviour is resocialised by the help of group pressure. Counseling with the parents in the rehabilitation centre is also of immense importance for the rehabilitation of delinquents. Many delinquents who are uneducated and illiterate, are given education and training to become literate and socialized.

Institutionalization may not be quite successful in case of juvenile status offenders, i.e., youths whose offences have involved acts that would not be considered criminal if committed by an adult, such as running away from home or engaging in sexual relations. If such types of delinquents are kept with those who have committed serious crimes, they would in turn learn these offences from them. So it may aggravate their behavioural problems instead of correcting them. The teachers of reformatory schools opened for rehabilitating delinquents should act as substitutes of good, warm and understanding parents and help the children to obtain a sense of security and involvement. The school must also develop a number of group activity which will help to change his ego.

The parent must also be helped to developed an insight to the problems of the boy, to have insight to their own behaviour as well which has led to the maladjustment in the child. The society and public should also change their attitude towards delinquency. Society as a whole should give up its fear and hostility against the criminals and delinquents. They should developed a flexible attitude so that proper analysis is made treatment and prevention of delinquency.

Vast amount of money is being spent now in India and other countries to develop recreation centers. Mentally retarded children should be dealt with caution by the parents and the teachers for they are more liable to turn towards

delinquency. They should be taught in such a way that their attention can be sustained. In case of psychopathic and neurotic children they should be given the opportunities of necessary therapeutic measures to prevent the development of delinquent behaviour.

All kinds of delinquents should not be given similar rehabilitation facilities. Differential diagnosis of the delinquents for this purpose is necessary. This can be made possible by the services of professional psychologists and psychiatrists. In spite of these rehabilitation programmes it is true that they are not enough keeping in view the rapid growth of juvenile delinquency in the entire world. The inadequacies of the correctional systems, to prevent delinquency should be prepared. This can be made possible by improving the conditions of the slum areas, provision for suitable educational and recreational facilities, education of parents, disciplined and organised society with role relationship defined, development of proper ego identity etc.

Odell (1974) has developed a programme that combined educational development and job placement facilitating entry into the opportunity structure more effective than traditional casework methods in preventing juvenile recidivism.

Finally, it can be said that the emphasis should be more on rehabilitation than punishment.

Other some of them broke the image of Ganesh and broke the mike. Consequently one members of a gang fell down on the ground with serve blows and head injury. After this incident immediately the culprits fled from the spot leaving the injured boy there. After ten minutes two persons came and took away the injured boy in a rickshaw. After 3-4 minutes police came to the spot and after necessary enquiry booked the culprits. Members of both the gangs were kept under the custody of the police for the whole day. Alas! The Puja could not be performed in time. Why the two gangs fought? Gang No. 1 contribute to their Puja. So there was conflict and quarrel between the two gangs. Numerous such quarrels, violence and conflicts occur everyday between the street corner and Zhopodi gangs. Some members of these gangs are involved in petty theft and anti- social behaviour. They are famous for creating social nuisance.

## XI. CONCLUSION

However, it is quite reasonable to assume that early childhood training and parental attitude, how the child is

reared up, all these have tremendous impact in deciding delinquent behaviour. These predisposing characters are precipitated in a gang thus leading to delinquency. Recently female delinquents have also formed their gangs with a purpose to protect and defy themselves. They find a sense of acceptance, belongingness and give and take, sympathy, understanding, companionships, loyalty, power and authority which they do not in a socialized world which they consider to be an out group.

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