

JUVENILE VIOLENCE, 1861-1865 (CIVIL WAR ERA). Reliable juvenile violence rates during and after the Civil War years (1860-1890) are unknown. There was no uniformly collected criminal data on adults or juveniles during this period. Information about crime and juvenile violence during the Civil War period comes from historians, U.S. census reports, and police records from a few cities. These sources indicate that there was an increase in overall crime after the Civil War and that the increase stabilized after the war through the end of the nineteenth century. While the sources cannot be relied on to document juvenile crime rates, they do provide a good indication of society's responses to social problems at the time.

Until 1820, American juveniles were imprisoned with adults. This began to change in 1824 when the Quakers developed the House of Refuge. It was an institution to help juveniles and separate them from adult offenders, and it was partly prison, school, and job training. In 1825, the State of New York enacted legislation that provided funding for the first House of Refuge. Twenty-five years after New York's House of Refuge opened, it had transformed into a reformatory where secured custody, rather than help, became its main purpose. By 1860 there were twenty, and by 1885 there were forty-five, juvenile reformatories in the United States.

The reformatories held a disproportionate share of Irish immigrants, and in some states, black youth were not allowed in them unless there was room in a limited number of segregated dormitories. When there was no room, they were sent to adult prisons.

An increase in crime during the Civil War has been attributed to complex changes in the American social structure. In addition to the problems of slavery and the war, the country was becoming industrialized, and economic conditions were changing. Families frequently moved from rural to urban living situations and vice versa. The authoritarian method many families used to control youth was challenged by the loss of fathers and older brothers who went to fight in the war. It is also estimated that between 250,000 and 450,000 boys, and a few girls, under the age of fourteen fought in the Civil War.

The 1850 U.S. Census reports numbers of people (including juveniles) imprisoned in poorhouses and prisons, which total around 18,000. By 1890, census reports state that there were 14,840 (11,535 male and 3,311 female) inmates in juvenile reformatories. The ages of

Encyclopedia of Juvenile
Violence, Ed. Findley, Greenwood
Press: Westport, Connecticut.

the juveniles ranged from under age five to twenty-nine years. The average age of inmates was fourteen. Less than three hundred inmates were over the age of twenty. The problems of putting younger juveniles with the older, more hardened juveniles were apparent to prison officials at the time. Officials saw the need to separate them, but lacked funding for separate facilities.

The 1890 census report compares the number of juveniles incarcerated in 1880 with the 1890 number and indicates a slight increase in the rate of juvenile inmates in reformatories over the decade. In 1880, 11,468 juveniles were incarcerated, compared to 14,846 incarcerated in 1890. The resulting rate was 229 per million of the total population in 1880 and 238 per million in 1890.

Out of the 14,846 juvenile offenders, only 308 were incarcerated for violent offenses, which included 16 homicides, 16 rapes, 1 kidnapping, and 275 assaults. The remaining juvenile offenders were imprisoned for offenses “Against the government,” “Against society,” “Against property,” and “Miscellaneous,” which included twenty-one children under the age of five. Twenty-nine older juveniles were “Held as witnesses.”

After offenses against property, which 4,515 juveniles were imprisoned for, the next largest group of 4,069 was imprisoned for “incurability.” In addition to being imprisoned for this vague offense, over 2000 juveniles were imprisoned for other social reasons, including 1,760 for being poor, 196 for not having a home, 22 for unfit parents, 102 for exposure to criminal contagion, 230 for juvenile delinquency, and 79 who had vicious habits.

The issue of imprisoning juveniles for social problems, and not crimes, was determined unconstitutional in 1870 by the Illinois Supreme Court case in *People ex rel. v. Turner*, 55 Ill. 280 (1870). The court found the state had violated a teenager’s due process rights when it imprisoned him for “misfortune,” which included being a “vagrant, destitute of parental care, growing up in mendicancy, ignorance, idleness or vice.” This case was part of the impetus for establishing juvenile courts, which Cook County, Illinois did first in 1899.

During the Civil War period, several cities, including New York, collected police department data, including some arrest and conviction statistics of juveniles. New York City was especially plagued by social problems because of an expanding and newly diverse population and a lack of social support for people. Thousands of children, estimated between 5,000 and 30,000, lived on the streets during the nineteenth century. Some juveniles became involved in gangs, but most of their criminal behavior concerned theft, not violence, and most of the theft in New York City concerned juveniles. In 1854, 80 percent of felony indictments and 50 percent of petty offenses for larceny were for juveniles under age twenty-one. A review of indictment samples between 1859 and 1876 for pickpocketing shows only 19 percent of the youth were accused of being physically aggressive, for instance, by snatching a purse or wallet and then running away with it. Despite the lack of violence involved in most crimes committed by juveniles, New York increasingly imposed harsh sentences on them. Before 1873 it never sent more than six juveniles a year to prison, but in 1874 and 1876, fifty teenagers were sent to Sing Sing Prison.

FURTHER READING

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Lorenn Walker