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It's Time to Abandon the Sinking Ship: Juvenile Justice Reform in the United States

Sean Kincaid

Today's youth shall inherit this nation. For this reason, it is imperative that society prepares them to face the challenges that come with adult life. In general, the United States does an exceptional job developing youth through schools, youth organizations, and job opportunities that help them become functional members of society. One demographic of youth that we are failing miserably is the youth that find themselves in our current juvenile justice system. This system, which was originally created in order to save children from a life of crime through treatment and rehabilitation, is now focusing on getting tough and punishing juveniles. This shift in focus led us to become the only nation on the planet that sentences children to life sentences without the possibility of parole ("Young Offenders"). For decades now, this new policy of locking up juvenile offenders has proven ineffective and costly to both society and the juvenile subjected to this system. Countless lives, families, and communities have been ruined due to this catastrophic failure of a juvenile justice system and the United States can't remain on the course of incarceration any longer. The public along with legislators should push to drop the punitive model of justice for juveniles because it is extremely costly, ineffective, and often damaging to the youth. It is time to return to the treatment model because it has already been proven to be cost efficient, highly successful in lowering recidivism rates in many states, and the youth are still developing and can be changed to better prepare them to become functioning adults that contribute to our society.

Up until the late 1700's to early 1800's, juveniles in America were treated the same as adults in the justice system. Even children under ten years old could be sentenced to death. Legislators began to realize that juvenile offenders differed from "hardened adult criminals," and therefore decided that there was a need to handle their cases differently. Starting in the mid 1800's an entire juvenile justice system has evolved with separate courts, sentencing, and facilities for exclusively treating juveniles (Charles 2). In the past few decades, however, increased juvenile crime led to a change in policy. The media began to portray juvenile offenders as evil and the greatest danger to communities. The American public cried out for justice and for politicians to crack down on juvenile crime. Lawmakers began focusing on locking up the youth, with keeping them off the streets being the number one goal (Charles 3). Sentencing only became harsher over the years due to a lack of success with this new policy of punitive justice. Now, early teens can be convicted as adults in court and often face similar sentencing to adult criminals. The success of criminal justice programs is often measured in recidivism rates, meaning the rate at which offenders return to the system after being released. In states that still use detention as a primary means of punishment for juvenile crimes, the recidivism rates are disturbingly high. In a time when there is no room in the budget for such a massively failing program, many Americans are starting to demand that we return to a rehabilitative juvenile justice system.

Incarceration of juveniles is an extremely costly practice that is taking a great toll on this nation. The average cost for holding a juvenile in prison for a year is \$88,000 (Levin 2). In New

York, the cost is \$210,000 per child per year for detention (Cose). Those costs also go up as those incarcerated get older, even tripling at old ages (“Young Offenders”). Since there are many juveniles in prison serving life sentences without the possibility of parole for crimes they committed at ages as young as thirteen, we are investing millions of dollars to guarantee that almost an entire life is wasted in prison without any hope of them contributing to society. Even if incarceration was successful as a means of preventing crime, it is far too expensive to have a place in our already tight budget.

Several states have already begun taking alternative routes to incarceration and have noticed that it saves a great deal of money. Illinois began a program in 2006 known as Redeploy Illinois, which reduces the number of incarcerated youth by providing community-oriented services to treat juvenile offenders. Only one quarter of the counties in Illinois participated in the program so far (United States). Those counties have cut the average annual number of incarcerated youth in half. This has saved the state of Illinois \$40 million (“Redeploy Illinois Savings”). A similar model has been used by other states such as Ohio and Pennsylvania with fantastic results (United States). If similar programs were used throughout the United States, the savings would quickly reach billions of dollars. Such savings help to create more front-end programs that take a preventative approach to juvenile crime. These programs such as afterschool care and youth groups in churches provide children with positive options for growth to divert them from a life of crime. The success of these front-end programs keeps kids from entering the juvenile system later on, which leads to even more savings (“Both Sides”). The money could also be invested into quality education for struggling communities, which could also help develop children and divert them from a life of crime. There is no room in our budget for the expenses of our current juvenile justice system.

The current system of punishment is extremely costly, and even worse, it fails to produce acceptable results. The Sentencing Project, a collection of studies on recidivism rates from 1995 to 2009, has revealed that juveniles incarcerated without any special treatment programs recidivate at rates exceeding 50% in some states and reaching above 70% in several states such as Hawaii, Washington, and Delaware (Brinkman). This has been the trend for years now, and it’s time for a change. Imagine if those kinds of failure rates were considered acceptable in other areas of public service. Massive proportions of students would never graduate high school, people would be allowed to die of preventable diseases at alarming rates, and major construction projects would often be dangerous and faulty. So why do we allow such poor results from the system that is supposed to be treating our troubled youth in need of help?

Programs revolving around treatment of juveniles have had much greater success in substantially lowering recidivism rates. Average juvenile recidivism rates for counties that participated in Redeploy Illinois have dropped to 14.2% compared to 57.4% in counties that didn’t participate (“Redeploy Illinois Savings”). The recidivism rate was still lower for youth who failed to finish the Redeploy program than those who were incarcerated. Delaware had one of the highest recidivism rates for incarcerated juveniles in the Sentencing Project. The same project kept track of youth that were put into simple drug treatment programs rather than a prison and it cut recidivism rates in half for those juveniles. Several other states have reduced recidivism rates by implementing a wide variety of treatment programs as an alternative to incarceration (Brinkman). The success of such programs can be mainly attributed to the

approach. Missouri is famous for its success in juvenile treatment, which has lowered juvenile recidivism rates to 8%. According to Matt Steward, the director of the Missouri Youth Institute, the success is largely due to “values that put a premium on treating kids as individuals, not simply criminals to be confined and controlled” (Cose). The attitude towards the juveniles has a significant impact on the success of the programs and the directions that juveniles head in throughout their lives after treatment. Incarceration treats them as criminals to be punished while rehabilitative programs treat them as changeable lives in need of help.

Even with substantial evidence for the failures of the “tough on juvenile crime” policies, some still believe they are effective in keeping communities safe. Lawmakers in Florida have made it a priority to increase the number of incarcerated juveniles from 14,000 per year to 15,000 in order to lower the amount of crimes committed (“Florida Officials”). While it is true that keeping juvenile offenders off the streets would prevent them from committing any crimes, this strategy is a short sighted one. With recidivism rates as high as they were reported in the Sentencing Project, incarceration to protect the community could hardly even be called a temporary fix. By increasing the rate at which juvenile offenders are incarcerated, one would also be increasing the rate that these offenders are released back into society in years to come. Incarceration wouldn’t prevent juvenile offenders from recidivating; it would only delay further crimes. By locking up more and more youth, we are also replacing crucial years of development with jail time, which will be detrimental to the youth and increase the chances of recidivism. Terrance Graham was convicted of several home invasion robberies in Florida before he turned eighteen. He is currently serving a life sentence without the possibility of parole. According to Kent Scheidegger, legal director of the Criminal Justice Legal Foundation and supporter of this harsh sentence, “the judge decided a life sentence was needed for protection of the innocent” (“Young Offenders”). If there is any hope for juvenile offenders, then a society that claims to be dedicated to the protection of innocence should put forth every effort to save kids like Terrance from a wasted life in prison for mistakes he made when he was young. Justice Ginsburg of the Supreme Court spoke out on a similar case regarding life sentences for youth offenders, “...you’re dealing with a 14-year-old being sentenced to life in prison, so he will die in prison without any hope. I mean, essentially, you’re making a 14-year-old throwaway person” (Liptak 2). If protection of innocence is so important, then how could any justice system rob a troubled juvenile of what innocence they have left by giving them such a sentence?

Regardless of the length of sentencing, incarceration is harmful to the juvenile and hurts the community in the long run. Kids in prison are often physically and sexually abused by the staff members that should protect them (Cose). The criminal records for youth in the adult system stay with them for life and often push juveniles into a life of crime after release from the system (Rhodes 5). Having a criminal record can make it difficult for anyone to get a job or get into school. This limits the options people have which often leads them back into crime, hurting the community and putting them back into the damaging system. Many of these kids are serving time when they are in a crucial development period. It is at this age that social skills and rules are learned (Rhodes). By being locked up with adult criminals and disciplined by abusive staff members during this period of their life, the young offenders are being conditioned to live a life of crime. In a debate on juvenile sentencing, Marc Mauer, the director of the Sentencing Project argued that, “...children do not have fully matured levels of judgment or impulse control, and are more susceptible to peer pressure than adults. Brain imaging research documents that adolescent

brains are not fully developed, particularly in areas that control reasoning and risk taking” (“Young Offenders”). Mauer also pointed out that this is the exact reason that there are age limits on certain activities that demand maturity and responsibility such as driving, drinking, and voting. It is detrimental to the development of the youth to hold them accountable at the same level as adults.

The malleability of the juvenile mind is one of the reasons that incarceration is so unsuccessful, and it is the reason that alternative treatments are so successful in lowering recidivism rates. Supporters of incarceration want to lock up youth for years under the assumption that committing crimes at a young age means the offender will grow up to be a hardened criminal. Mauer argued that, “No matter how serious a crime committed by a 13-year-old, there is no means of predicting what type of adult he or she will become in 10 to 20 years” (“Young Offenders”). Juveniles have a huge potential for change, and their environment can have a huge impact on forming their identity (Rhodes). When their environment becomes a prison cell, they are shaped by it. When surrounded by criminals and treated as a nothing more than a criminal, juveniles are more likely to grow into that lifestyle. Kids make risky decisions more often than adults, and those individuals tend to stop making dangerous decisions once they grow older (Rhodes). The reason juveniles make impulsive decisions is because the prefrontal cortex, the part of the brain responsible for reasoning abilities, is not fully developed until they are in their early twenties. Until then, juveniles rely heavily on the amygdala, which is a part of the brain that controls impulse, fear, and aggression (Rhodes). Kids are biologically more vulnerable to making dangerous and illegal decisions so they should not be punished on a similar level to adults who are fully developed. Rehabilitative programs evaluate the needs of each individual and design the best treatment for the juvenile whether it be counseling, academic help, or involvement in community organizations. This allows for the greatest potential development for the juvenile since no two kids are exactly alike and what works for one may only hurt another.

The current juvenile justice system has done enough harm to this nation and it is time for a change. We have dumped billions of taxpayer dollars into incarcerating juveniles without reducing recidivism rates at all. The United States is in recession, and we simply can't afford such costly failures when there are successful programs already in place that substantially cut down on cost. Incarceration is harmful to the developing youth and is more likely to make them into an adult criminal than a law-abiding citizen. Our society is fixated with punishment for offenses masked as protection of the community. Programs like Redeploy Illinois have proven that if juveniles were treated and rehabilitated they could return to the community with a much smaller chance of recidivating, which is ultimately better for the community. For our own sake and the sake of the youth of America, it is imperative that we stop punishing juvenile offenders and focus on treating them to prevent them from living a life of crime.

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