

Justice for juveniles

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Congress is set to reauthorize the Juvenile Justice and Delinquency Prevention Act, originally passed in 1974. The law established a set of protections for juvenile offenders; state and local governments that adhere to its guidelines are eligible for federal funding to maintain and improve its juvenile justice facilities. As lawmakers review the bill, they should take into serious consideration research that demonstrates the negative effects the criminal justice system has on offenders and, ultimately, society. An improved act should include provisions that prevent courts from treating minors like adults. Instead, the courts should be urged to find alternative methods that ensure these youth offenders are able to return to society as productive, law-abiding citizens.

A recent report, written by Michele Deitch, an attorney with over 23 years experience working on criminal justice policy issues, demonstrates why the adult criminal justice system is a poor, and often dangerous, place for young offenders. Every year, nearly 80 young offenders 13 and younger are transferred to adult court, mostly for what are considered minor offenses. While held in adult facilities, these youth face a higher risk of both physical and sexual assault. The younger the child, the more at risk they are. Often, the decisions about whether or not a young offender will be treated as an adult are made with racial and other biases.

The U.S., as it is with most aspects of the criminal justice system, is behind the times when it comes to the way it treats its youth offenders. According to the report, most countries, even those considered among the worst of human rights violators, do not try young children as adults and do not give them long sentences. And with good reason: young children sentenced to adult jails often return to society more violent than they left, only to end up back in jail, this time for more serious crimes.

In 2005, the U.S. Supreme Court declared it unconstitutional to sentence a youth under the age of 18 to the death penalty. Justices in support of the ruling felt these young minds were not mature enough to fully appreciate the consequences of their actions. That decision was a big step in toward creating a justice system that works to rehabilitate youth offenders. Now, Congress has the opportunity to build upon the Court's ruling when it reworks the Act.

Young offenders should be tried and convicted within the juvenile justice system and laws that call for the mandatory transfer of juveniles to adult court should be removed from the books. These young people should be housed in safe, juvenile facilities. In addition to education, counseling should be mandatory for these young offenders. Connecting them with mentors, who can guide them as they leave the system, is also critical.

The way the U.S. currently approaches crime, particularly the crime of juvenile offenders, does not work. It has been shown to actually foster criminality, not prevent it. It is time that new approaches are used to ensure these young people return to society ready to contribute. Doing so will contribute to a reduction in crime, creating safer neighborhoods for everyone.