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### Rehabilitating America's Youth

Living in a nation known for its freedom, Americans are guaranteed in the eighth amendment of the Bill of Rights, freedom from cruel and unusual punishment. However, our ancestors failed to define what is to be considered cruel or unusual. With a constant rise in violent crimes committed by adolescents, this has become an even bigger debate, in the past twenty years, than ever before. From violent youth gangs to school shootings, concern about the management of juvenile offenders is rising. As a result of this rise in crime, juveniles have received increasingly harsh punishments and sentences. Supporters for these harsh punishments believe that children who are adult enough to commit such crimes should be treated as such in a court of law. There is, however, much debate that adolescents are more likely to be able to be reformed than adult offenders. There has been a long-standing feeling of a need for retribution in this nation. Whereas criminals, especially those of a juvenile age, could benefit far more from methods of prevention and rehabilitation. Juvenile offenders should not be sentenced to death, sentenced to adult prisons, or sentenced to life without a possibility of parole. With a stronger focus on preventing adolescents from turning to a life of crime, and rehabilitating those who have, many juvenile offenders and would-be offenders could grow to become productive citizens in society.

Before one can definitively decide whether or not they believe that juvenile offenders should be treated and sentenced as adults, a closer look at why juveniles turn to violence is

required. Marty Beyer of the *American Journal of Orthopsychiatry* completed developmental assessments of 50 first-time juvenile offenders from 1998 to 2002. He found that 48 out of 50 had suffered severe trauma at an early age. Among these traumas were physical abuse, sexual abuse, parental abandonment or negligence, and an early exposure to substance abuse by parents or guardians (207). At least 12 out of these 50 had described committing their violent crimes out of a feeling of retaliation or self-preservation against an adult who was victimizing them. More than half of these studied adolescents were diagnosed with having had untreated depression before their offenses. These factors combined largely affected their mental development, and often led to substance abuse and violent behavior (208). This destructive chain of events can only lead to an emotionally unhealthy and unstable adolescent. While this particular study only covers 50 out of the thousands of juvenile offenders currently imprisoned, almost all of these 50 had severe trauma in their past. This should be considered a significant enough number to question whether they could have benefited considerably from some form of rehabilitation, as opposed to harsh punishment.

The harshest punishment that any person can receive for a crime is the death penalty. However, this is especially cruel in the case of children. According to *Counterpoise*, a journal for liberty, social responsibility, and dissent, a 1989 Supreme Court decision made the death penalty an allowable sentence for minors aged sixteen years and older, stating that it did not violate the eighth amendment (“Humans Rights Abuses” 50). While this was later overturned in March of 2005, the damage had already been done. According to Ori Nir’s article in *Forward Newspaper*, from 1990 to 2003, the United States executed more juvenile offenders than all the other countries in the world combined (3). *Counterpoise* also states that as of 1998, 70 juveniles were still awaiting execution (50). For these offenders, this sentence removed any possibility of

any kind of rehabilitation, or any desire to be rehabilitated on the part of the juvenile. Removing the death penalty from the plethora of possible sentences for minors is a huge step towards a better solution, but it is not the only seemingly cruel sentence being handed down to these juvenile offenders. Juveniles are still, today, being sentenced to adult prison facilities, often for life without a possibility of parole.

Dr. Gregory Fritz, an editor for *The Brown University Child and Adolescent Behavior Letter* states that from 1990 to 2004, there was a 200% increase in the number of adolescents sentenced to adult prison facilities (8). Lawmakers have been growing increasingly tough on juvenile offenders in the hopes of lowering the crime rate. Greg Mathis, a newspaper writer for *Afro-American Red Star*, argues that according to the American Journal of Preventive Medicine, this has not been an effective course of action. Integrating youths into adult prisons only further exposes them to violence and negative influences. Since nearly two thirds of all juvenile offenders have dealt with a traumatic experience that influenced their behavior, this exposure to even more violence and trauma only increases the risk of recidivism (A9). Fritz goes on to say that “Adolescents in such institutions compared to those in juvenile detention, are five times more likely to be sexually assaulted, eight times more likely to commit suicide, twice as likely to be beaten by staff, and 50% more likely to be attacked with a weapon” (8). Adult prisons are also unable to provide the same level of professional assistance as a juvenile detention facility, where the rehabilitative efforts are targeted to persons of adolescent age. Rehabilitation in the harsh environment of an adult prison becomes almost impossible.

Dr. Fritz also brings up a very valid point about juvenile’s rights. The voting age in this country is eighteen years. This age limit is a representation of an accepted level of maturity at that age, but not prior to it. The same rule applies for consumption of alcohol, and joining the

military (8). It is widely accepted that a child has not developed enough mentally or socially before turning eighteen to be allowed to make such crucial decisions. Yet, children under age eighteen are sentenced as adults and forced to serve out harsh sentences for crimes committed at an age where they were not even accepted as mature enough to decide to fight or die for their country. Even more disturbing is that according to statistics written by Bernadine Dohrn from the *Guild Practitioner*, a National Lawyers Guild, six out of seven juvenile offenders are arrested for non-violent crimes such as shoplifting, drug possession, and larceny (65). This sort of immature behavior only further emphasizes that these juveniles are not adults, and should not be sentenced as such. There is an unacceptable inconsistency in when and how children are treated as adults by law officials and by the general public.

In recent years, public focus has turned more toward the use of rehabilitation, yet the country's efforts seem minimal. Francis T. Cullen and his colleagues at the University of Cincinnati found that in a 2001 national survey, 80% of those surveyed supported rehabilitation for juveniles over harsh retribution. Similar results were found again in a poll promoted by the National Council on Crime and Delinquency in 2006, proving yet again that the public as a whole would prefer to try to save these young offenders from lives in prison (666). There is increasing proof that rehabilitation programs help reduce the risk of recidivism on a broad scale, but especially in juveniles (668). With the escalating support that the public has for these rehabilitative efforts, it begs the question of why the United States is not doing everything possible to keep adolescents out of adult prisons.

The United Nations Convention on the Rights of the Child manages children's rights and requires that nations act in the best interest of a child's needs. Article 37 of the Convention states that "the arrest, detention or imprisonment of a child shall be in conformity with the law

and shall be used only as a measure of last resort and for the shortest appropriate period of time” (qtd. in Jackson 36). Tony Waterston and Rachel Davies of *The Lancet* state that many of the countries who have ratified this convention are not properly imposing it. Even more shocking is that the United States and Somalia are the only two countries in the world who have yet to ratify the Convention (635). Ratifying this Convention would force this country to put a bigger emphasis on rehabilitation for juveniles, and would make huge strides in reforming those who want and need the help.

Several different rehabilitative alternatives exist for juvenile offenders, including prevention therapy, probation, juvenile detention facilities and counseling. In order to ensure a high success rate, there needs to be a mixture of these alternatives. Prevention would possibly be the most difficult of the alternatives because it starts at home. An unstable home life is so often a leading cause of delinquency that prevention at home is not always possible. When home life prevention is not feasible, it then falls to the schools. A strong support system at school is essential in a juvenile’s life, especially for those who are at risk for offending. Schools need to have stronger programs to recognize these problems and counsel those youths who are at risk. An increase in drug education and mentoring programs in schools would also assist prevention. As great as this sounds, it will not always be the most effective route, unfortunately. This method can only help those juveniles who are willing to receive it, and it can only help those who haven’t yet committed their crimes.

Once a juvenile has committed a crime, other alternatives must be utilized. For smaller offenses, often probation can be enough to scare juveniles out of wanting to re-offend. Even in these cases, counseling and therapy should be incorporated into the requirements of the probation. In more violent crimes, this is not enough to both help the juvenile and keep the

community safe. One alternative that may be appropriate in this situation is a juvenile detention facility. In such facilities, adolescents are still serving time, but in an environment more conducive to rehabilitation. Dr. Gregory Fritz points out that staff members of juvenile correctional facilities are more able to provide an education, and psychological counseling targeted specifically to juveniles. Adolescents in such facilities are able to learn and grow in ways that are impossible in adult facilities due to a lack of rehabilitative services (8). The activities they are involved in promote positive self-confidence that better prepares them to be successful and productive after leaving the facility.

Obviously, these alternatives will not be possible in all situations. Juveniles who have committed the most serious and violent crimes will still have to serve some sort of sentence in accordance with the law and not all juveniles will be receptive to rehabilitative efforts. Justice must still always be served in the best interest of the public, and the victims, but it is imperative that an effort is made for those offenders who could be rehabilitated to prevent further violent behavior. These alternatives are especially important in those who will one day be reintegrated into society. The goal is to lower recidivism and violent behavior in their future endeavors. While it is unreasonable to think that every juvenile offender or would-be offender can be saved, there needs to be a greater effort on attempting to do such. With prevention programs such as mentoring or counseling, the crime rate would without a doubt decrease. For those juveniles who have already committed violent crimes, focus needs to be directed towards helping them become more emotionally healthy and stable, so that they may reenter the general population one day to be a useful and productive member of society. By offering these youths the help they need instead of condemning them to a violent and often terrifying life in prison, we can contribute to their growth and productivity as they grow from adolescents to the future adults of

the world.

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