



I believe our criminal justice system can continue to protect our citizens without attaching the “scarlet letter” to kids for life.

Kids Are Kids, Not Adults

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Author’s Note: *The following is an edited version of the editorial I wrote for the June 1997 issue of Corrections Today, which, like this edition, focused on the theme of juveniles. Although nearly seven years have passed, I still feel the same way about juvenile offenders.*

First, this editorial, and all others written in this space, are my personal and professional opinions. My beliefs are mine and mine alone. They are grounded in my faith, my parents, my education, my wife and kids, and by learning from you and others.

This issue focuses on juveniles. Today, there is a national debate going on about what to do with our kids in the criminal justice system. Everyone has an opinion, including me. Here’s mine.

Congress, the president, our governors and our state legislators have embarked on a sobering approach to juvenile justice. State and federal legislation was passed, which allows prosecutors to determine where a juvenile is tried — in juvenile or adult court. That’s wrong. The American scales of justice should be equal or at least we should constantly strive to make them so. A judge, and not the prosecutor, should make the decision on which court a juvenile goes to. The prosecutor’s job is to present the state’s or public’s case against a juvenile so accused. To allow the prosecutor to determine which court a juvenile goes to also would determine where the juvenile would serve time, if convict-

ed. It is, in my opinion, a flawed and quite unbalanced approach to fairness.

Second, I believe that in cases of violent offenses, such as rape, felonious assault or murder, juveniles can be tried as adults, if a judge so determines, and can serve time in adult institutions. Most adult corrections directors and wardens do not want juveniles in their systems. These juveniles are special needs offenders. Reginald Wilkinson, former ACA president and current director of the Ohio Department of Rehabilitation and Correction, once said that their adult correctional systems are capable of incarcerating, treating and meeting the needs of juveniles. And in some cases, the juveniles belong in those systems. But trying 9-, 10- and 11-year-olds as adults is wrong.

Kids today may be maturing physically earlier than before, but mentally they still require teaching, training, loving, skill-building and learning through years of maturity. Bodies may be growing faster, but no child is born with morals, with judgment, or with remorse; they learn these and other emotions and controls.

Juvenile records are subject to public scrutiny now in many places. Why? So the public can be protected, so the public’s right to know and the press’ right to know is exercised, we’re told. So the end result is that a 12-, 13- or 14-year-old will live with his or her juvenile mistakes throughout life. In most cases, people stop committing crimes in their late 30s or 40s, sometimes after that. I believe our

criminal justice system can continue to protect our citizens without attaching the “scarlet letter” to kids for life.

I believe that not only should the Office of Juvenile Justice and Delinquency Prevention be continued, but that it should be the highest of priorities for increased funding. OJJDP has made a positive impact on how we view, treat and work with juveniles. And while I didn’t always like the requirements placed on me when I was a sheriff, I believe OJJDP’s mandates have been protective of juveniles’ rights and generally on the right course. I believe that OJJDP should stick to its time-honored leadership position in doing all it can to protect kids — all kids.

Kids are our future. Kids who are abused, neglected and unloved have very little chance to “go the right way.” They can’t walk away from lives of crime — they don’t know about programs, alternatives and services available to them unless an adult becomes involved. A child is nearly at a dead end if he or she suffers at the hands of adults, whether it is parents’ or others’.

The call for a national “crackdown on juvenile offenders” and the fear of a “new generation of super predators” is, I believe, an overreaction to one of our weakest emotions — fear.

Are there juveniles who belong in institutions in order for society to be protected? Of course. Should some of them serve substantial sentences? Of course. Some may even require continued institutionalization because they are beyond treatment or help. I

hope critics of my opinion will not charge me with coddling, softness and the other adjectives often used for those who hold opinions like these on children. I hope those who agree with me on most of what I've written won't shout, "Hooray for Jim; he sees it our way."

What I would like everyone to do is to close their eyes, sit in a quiet place and remember their childhoods. Reflect on them, think about them, meditate about them. Were you happy most of the time; did your parent or parents tell you that you were loved; did they show it? Did you have teachers, coaches, counselors, clergy, relatives or friends who set examples for you? Did adults make a difference in your life? Think about the possibility of virtually nothing but negatives blocking you at every step you took as a child.

Think about your own kids, grandchildren, nieces, nephews or friends' children. Don't they make you laugh? Don't they make you smile? Aren't they bringing joy, purpose and mean-

ing to your lives? Don't you want them to be happy, to do well in life and to lead moral lives of sharing, caring and giving like you do? Think about your son or daughter "messing up" and landing in the juvenile justice system. How would you like them to be sentenced to adult court, adult prisons, with public juvenile records and less protection of their rights?

Today it is so easy to criticize, to tear down, second guess and propose quick-fix solutions. The debate will rage on about why we got where we are today with our kids. Is it family values, too much sex and violence on television and in the media, too much leisure time, too much money to spend? Is it not enough spiritual faith, a breakdown in discipline, inadequate schools, a welfare state? Is it parents too busy to spend time with kids, more neglect, child abuse, and drug and alcohol use?

We may not even have discovered what we've failed to do. Whatever the reason, more kids use guns, alcohol, drugs and do other things that we as

a nation are uncomfortable seeing our kids do.

But it troubles me deeply that our focus is on juvenile justice and not juvenile education. It's about trials and not about schools or discipline. It's about punishment and not about mentoring. It's about dropping mandates and not about day care. No, I can't understand it and I don't agree with it. We will never, in my view, solve our problems on the back end with punishments. We will solve our problems only when we are united with a higher purpose of doing better on the front end with day care, preschool, schools, churches, other institutions and yes, families.

Kids are our future and we need to invest in them. Treating kids as adults solves very little; it's another quick-fix solution to a complex problem that took years to reach and will take years to resolve. *Corrections Today* invites your comments on this problem. ♦

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