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## Juvenile Justice: Myths and Realities

**I**t's only me." These were the tragic words spoken by Charles "Andy" Williams as the San Diego Sheriff's Department SWAT team closed in on the frail high school sophomore who had just turned 15 years old. Williams had just shot a number of his classmates at Santana High School, killing 2 and wounding 13. This was another in a series of school shootings that shocked the nation; however, the young Mr. Williams did not fit the stereotype of the "super-predator" that has had an undue influence on juvenile justice policy for the past decade.

Juvenile justice policies have historically been built on a foundation of myths. From the "dangerous classes" of the 19th century to the super-predators of the late 20th century, government responses to juvenile crime have been dominated by fear of the young, anxiety about immigrants or racial minorities, and hatred of the poor (Platt, 1968; Wolfgang, Thornberry, & Figlio, 1987). Politicians have too often exploited these mythologies to garner electoral support or to push through funding for their pet projects. The general public has bought into these myths, as evidenced by numerous opinion polls illustrating the perception that juvenile crime rates are raging out of control (Dorfman & Schiraldi, 2001). Even during periods in which juvenile arrests were falling, the National Victimization Survey in 1998 reported that 62% of Americans felt that juvenile crime was rising. A 1996 California poll showed that 60% of the public believed that youths are responsible for most violent crime, although youngsters under age 18 years account for just 13% of arrests for violence offenses. Similarly, the

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public perceives that school-based violence is far more common than the rates reflected in official statistics. Several observers feel that these misperceptions are, in part, created by distorted media coverage of juvenile crime (Dorfman & Schiraldi, 2001).

By far the most destructive myth about juvenile crime was the creation of the super-predator myth (Elikann, 1999). The myth began with predictions of future increases in youth violence made by James Q. Wilson (1995) and John DiIulio (1995a). Wilson claimed that by 2010 there would be 30,000 more juvenile "muggers, killers, and thieves." DiIulio predicted that the new wave of youth criminals would be upon us by 2000. Within a year, DiIulio's (1996) estimate for the growth in violent juveniles had escalated to 270,000 by 2010 (compared to 1990). Other criminologists such as Alfred Blumstein (1996) and James Fox (1996) suggested that the rise in violent arrests of juveniles in the early 1990s would combine with a growing youth population to produce an extended crime epidemic. Fox warned that our nation faces a future juvenile violence that may make today's epidemic pale in comparison (Fox, 1996). He urged urgent action. Not to be outdone in rhetoric, DiIulio referred to a "Crime Bomb" and painted the future horror that "fatherless, Godless, and jobless" juvenile "super-predators" would be "flooding the nation's streets" (DiIulio, 1996, p. 25).

All of these dire predictions proved inaccurate. Juvenile crime rates began a steady decline beginning in 1994, reaching low levels not seen since the late 1970s. In part, the myth was based on a misinterpretation of the research of Wolfgang, Figlio, and Sellin (1972), which found that a small number of juveniles accounted for a large number of juvenile arrests. DiIulio and his panicky friends applied this number to the entire growth in the youth population to manufacture their bogus trends. But, even worse, the academic purveyors of the super-predator myth used overheated rhetoric to scare the public.

Consider that the definition of a predator is an animal that eats other animals. Perhaps only the *Tyrannosaurus Rex* might truly qualify as a super-predator. The symbolism of the vicious youth criminal who preys on his victims is truly frightening. This is reminiscent of the Nazi propaganda that referred to Jews as vermin that spread disease and plague. Further, the imagery of the child without a conscience was reinforced by media accounts of a generation of babies born addicted to crack cocaine and afflicted with severe neurological problems. Interestingly, a recent review of medical studies of "crack babies" found no substantial evidence that in utero exposure to cocaine negatively affected the child's development more than traditional risk factors such as parental alcohol and tobacco consumption. Herrnstein and Murray (1994) completed the

grotesque portrait of the super-predator by claiming to demonstrate a linkage between low intelligence and crime. They suggested that persons of low IQ would respond only to blunt punishments, rather than more subtle prevention or rehabilitation programs.

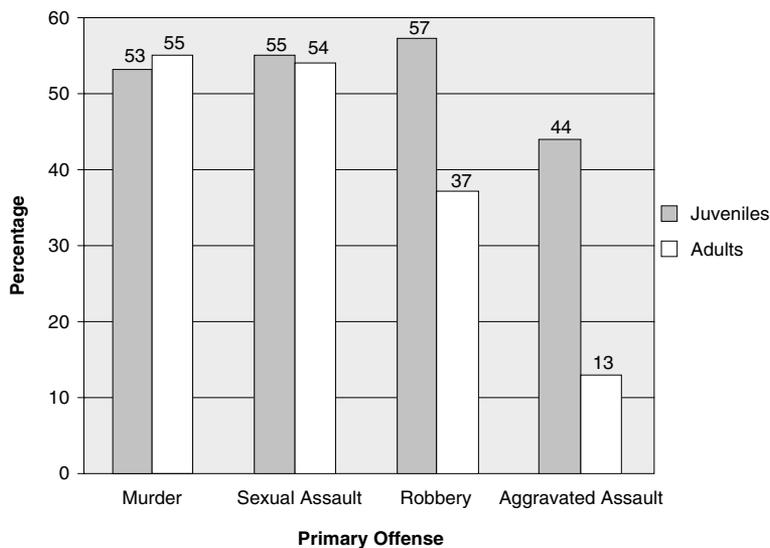
The media loved the dramatic story about the "barbarians at the gates," and the politicians soon jumped on the bandwagon. A major piece of federal juvenile crime legislation enacted in 1997 was titled The Violent and Repeat Juvenile Offender Act of 1997 (S-10).

At the state level, the super-predator myth played an important role in 47 states amending their laws on juvenile crime to get tougher on youthful criminals (Torbet et al., 1996). Legislators modified their state laws to permit younger children to be tried in adult criminal courts. More authority was given to prosecutors to file juvenile cases in adult courts. Judges were permitted to use "blended sentences" that subjected minors to a mixture of juvenile court and criminal court sanctions. Legislators also weakened protection of the confidentiality of minors tried in juvenile courts, allowing some juvenile court convictions to be counted later in adult proceedings to enhance penalties. State laws were amended to add punishment as an explicit objective of the juvenile court system and to give victims a more defined role in juvenile court hearings. Prior to these revisions, victims of juvenile crime had no formal participation in juvenile court proceedings. During the 1990s, rates of juvenile incarceration increased, and more minors were sentenced to adult prisons and jails. This social and legal policy shift and its consequences are discussed further later in this chapter.

The movement to treat ever younger offenders as adults was aided by other myths about juvenile justice. First, it was asserted that the juvenile court was too lenient and that the juvenile court could not appropriately sanction serious and violent youthful offenders. Second, it was argued that traditional juvenile court sanctions were ineffective and that treatment did not work for serious and chronic juvenile offenders. Neither of these myths is supported by empirical evidence.

An analysis of juvenile court data in 10 states found that juvenile courts responded severely to minors charged with homicide, robbery, violent sex crimes, and aggravated assaults (Butts & Connors-Beatty, 1993). This study found that juvenile courts sustained petitions (the juvenile court equivalent of a conviction) in 53% of homicide cases, 57% of robbery cases, 44% of serious assaults, and 55% of violent sex crimes. By contrast, a study by the Bureau of Justice Statistics of adult felony cases in state courts found that the odds of an arrested adult being convicted for violent offenses ranged from a low of 13% for aggravated assaults to a high of 55% for homicide (Langan & Solari, 1993). Figure 1.1 compares the

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**Figure 1.1** Odds of an Arrested Adult Being Convicted in Criminal Court vs. Odds of Conviction for Delinquency Referrals in 10 States

SOURCE: Jones and Krisberg (1994, p. 25).

odds of conviction for a violent crime in criminal versus juvenile courts (Jones & Krisberg, 1994). Other data also suggest that the sentencing of juveniles is not more lenient in juvenile courts compared to criminal courts. Data from California reveal that minors convicted and sentenced for violent crimes actually serve longer periods of incarceration in the California Youth Authority (CYA) than do adults who are sent to the state prison system (Jones & Krisberg, 1994).

Another study compares the sentences of 16- and 17-year-olds in New York and New Jersey. These two states have very different responses to youthful offenders. Whereas New York prosecutes most 16- and 17-year-olds in its criminal courts, New Jersey handles the vast majority of these youths in its juvenile courts. The researchers found that for youngsters who were accused of burglary and robbery, there were little differences in the severity of case dispositions in the juvenile courts of New Jersey compared to the criminal court proceedings in New York. Moreover, the study found that similar youths had lower rearrest rates if they were handled in the juvenile system rather than the adult court system (Fagan, 1991).

There is an impressive body of research that refutes the myth that nothing works with juvenile offenders. There are many studies showing the effectiveness of treatment responses for young offenders (Palmer, 1992). Gendreau and Ross (1987) have assembled an impressive array of studies showing the positive results of correctional interventions for juveniles. Others such as Greenwood and Zimring (1985) and Altschuler and Armstrong (1984) isolated the critical components of successful programs. More recently, Lipsey and his colleagues (1998) and the National Council on Crime and Delinquency (NCCD, 2000) have summarized the promising treatment responses for serious and violent juvenile offenders. More details about these successful interventions are reviewed in Chapter 8. For now, it is important to see how the myth that juvenile offenders cannot be rehabilitated misguides policy changes that restrict the jurisdiction of the juvenile court and that impose harsher penalties on children.

A related myth that dominates political discourse on youth crime is that longer mandatory penalties of incarceration would reduce juvenile crime. This recommendation rests on the notion that there are a small number of offenders who are responsible for the vast majority of violent crime. Thus, if we could lock away these "bad apples" for a long period of time, the immediate crime problem would be greatly reduced. This idea has some natural intuitive appeal, since incarcerated offenders cannot commit offenses in the community. However, incarceration does not guarantee cessation of delinquent behavior. Further, there are several studies that point to the "dangerous few"—the small number of chronic offenders, in particular, gang members, who contribute to a disproportionate amount of violent crime (Loeber & Farrington, 2001).

There are several flaws in the argument that longer, mandatory sentences would reduce violent youth crime. Presently the vast majority of youngsters who are incarcerated in juvenile and adult correctional facilities have been convicted of nonviolent offenses (Jones & Krisberg, 1994). Broad-based policies mandating longer periods of confinement are most likely to increase the extent of incarceration for property offenders, drug offenders, and youths who are chronic minor offenders. Further, high-risk juvenile offenders do not remain high-risk forever. Using incapacitation as a crime-control strategy assumes that criminal careers, once begun, will increase and include more violent behavior over time. Research studies on juvenile crime careers reveal a different picture. The prevalence of serious violent crime peaks between the ages of 16 and 17, and after age 20 the prevalence drops off sharply (Elliott, 1994). The likelihood that individuals will commit violent crimes during the ages of 21–27 is approximately the same as for children ages 12 and 13 (Elliott, 1994). Haapanen's (1988) long-term follow-up studies of youths released from the CYA show that

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longer sentences for youthful offenders would have little or no impact on overall societal rates of violent crime. In addition, the youth population is projected to increase substantially over the next 20 years. Thus, for every current juvenile offender that is taken out of circulation, there are increasing numbers entering their peak crime-committing years.

Juvenile justice professionals generally reject the notion that the incarcerative system by itself can exert a major effect on reducing crime rates (National Council on Crime and Delinquency, 1997). There is a growing body of knowledge that shows prevention and early intervention programs to be far more cost-effective than incapacitation in reducing rates of youth crime (Greenwood, Model, Rydell, & Chiesa, 1996). And, there is some evidence that secure confinement of youngsters at early ages actually increases their subsequent offending behavior (Krisberg, 1997).

These are just some of the major myths that continue to confuse and confound the process of rational policy development for the juvenile justice system. There are others that claim to offer “miracle cures” for juvenile delinquency. Citizens are fed a regular diet of these “miracle cures” by the entertainment media and local news broadcasts, politicians, and entrepreneurs. Many communities have implemented programs such as Scared Straight that claimed that brief, one-day visits by youngsters to prison to be yelled at by inmates can cure emotional and family problems—despite compelling research that the program was not effective (Finckenaure, Gavin, Hovland, & Storvoll, 1999). Juvenile justice officials quickly jumped on the bandwagon to start up boot camps with scant evidence that these efforts could reduce recidivism (MacKenzie, 2000). Programs such as Tough Love and Drug Abuse Resistance Education (D.A.R.E.) have garnered media attention and significant funding without possessing solid empirical foundations. Perhaps the most destructive “miracle cure” to surface in recent years has been the mistaken belief that placing youths in adult prisons would advance public safety (Howell, 1998; Krisberg, 1997).

To achieve the ideal goal of juvenile justice, which is to protect vulnerable children and, at the same time, help build safer communities, these myths must be debunked. If the emperor indeed has no clothes, we need to acknowledge this fact and move to sounder social policies. The following chapters will show how to assemble the evidence on which effective responses to youth crime can be built. We will review the best research-based knowledge on what works and what does not. There is a path out of the morass of failed juvenile justice policies, but we must look critically at current policy claims, and we must apply high standards of scientific evidence to seek new answers.

Chapter 3 gives an important historical context to the ongoing quest for the juvenile justice ideal. The history of juvenile justice has not been a straightforward march to the more enlightened care of troubled youths. There have been race, class, and gender biases that have marked some of the contours of this history. Learning how we have arrived at the current system of laws, policies, and practices is a crucial step in conceiving of alternatives to the status quo.

## Summary

Sadly, too much of what passes for public policy on juvenile justice has been founded on misinformation and mythology. Throughout our history, fear of the young, concern about immigrants, gender bias, and racial and class antagonism have dominated the evolution of juvenile justice. The media and politicians exploit these prejudices and fears for their own purposes.

The most powerful myth in the mid-1990s was the alleged wave of young super-predators. Some suggested that America would face an unprecedented increase in juvenile violence at their hands. This myth fueled a moral panic that shaped many public policies designed to get tougher with juvenile offenders. There were a large number of new laws that made it easier to try children in criminal courts, and that increased the number of young people in prisons and jails. Critics of the juvenile court argued that it was too lenient in its sentencing practices, although there was little evidence backing these claims. Calls for longer periods of incarceration were also part of this moral panic. The research did not support the assertion that more incarceration would lead to lower juvenile crime rates.

## Review Questions

1. What was the super-predator myth? How did its proponents support their claims? Did the predicted juvenile crime wave occur, and if not, what did affect juvenile crime trends in the late 1990s?
2. What unsubstantiated claims are used to support harsher sentencing for juveniles?
3. Does increased incarceration reduce rates of juvenile crime; how has this conclusion been reached?

