

VIEWPOINT

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More Juvenile Justice, Fewer Excuses

by Robert James Bidinotto

In June 1968, Leslie Allen Williams, then a 14-year-old Michigan youth, broke into a neighbor's home. For that act, he received juvenile probation, and was placed in the foster home of a relative.

Within months, Williams molested his relative's eight-year-old child. His punishment? He was removed from the home, but allowed to continue on probation.

Three charges of breaking and entering and damaging property soon followed. Each crime earned him more wrist-slaps—small fines and more probation.

Thanks to a lax juvenile justice system, Leslie Allen Williams was learning that the law had no teeth. It should hardly be surprising that his crimes began to escalate alarmingly. Each time, he received only a fraction of the punishment the law allowed, and was returned to the streets. Eventually, Williams became a notorious serial killer.

The Williams case illustrates how our legal system sends budding young criminals the wrong message: You aren't morally responsible for your acts, and you won't be held legally accountable. What should we do about this? Recently, more than 700 Michigan high school debate students were assembled by the Mackinac Center for Public Policy at six workshops around the state to discuss solutions. The consensus was clear among these bright young people in whose hands rests the future of our state: Until we change the system, we won't stop the epidemic of juvenile crime.

Our nation's first juvenile court, established in Chicago in 1899, rejected the idea that children are "capable of criminal intent." Judge Julian Mack wrote that juvenile court judges "must be willing and patient enough to search out the underlying causes of the trouble and to formulate the plan by which . . . the cure may be effected."

In effect, the courts were to treat youthful offenders therapeutically, not punitively. And they have. Peter Greenwood, director of the Rand Corporation's Criminal Justice Program, outlines characteristics of modern juvenile justice systems:

1. *Absence of legal guilt.* Juveniles are not held legally responsible for their acts, but are found "delinquent"—what Greenwood describes as "a defense against criminal responsibility."

(more)

2. *Treatment rather than punishment.* “Many states do not include accountability as one of the guiding principles upon which their treatment is based,” Greenwood points out.

3. *Environment as a reason to excuse the crime.* This is based on the dubious assumption that “forces” in the offender’s background “drove” him to commit crimes, that he had little or no choice in what he did.

4. *Short-term confinement, if any.* Probation rather than incarceration is typical; any confinement—even for the worst of crimes—ends on the 18th birthday in many states, on the 21st in Michigan.

During their formative years, then, young trouble-makers become convinced that the law is a paper tiger. No wonder that each year, we see more and more cases like that of Leslie Allen Williams.

Between 1987 and 1993, arrests of those aged 10 to 17 for all violent crimes shot up 62 percent; between 1984 and 1993, arrest rates among the same age group for murder skyrocketed 169 percent. Though these rates have fallen a little in recent months, they are still many times higher than they were three decades ago.

Teenagers have always committed a disproportionate share of crimes. More than one out of three violent crimes is perpetrated by someone under age 20. Demographers note that the teen population, which declined sharply during the 1980s, will rebound dramatically during the next decade. Many of them worry openly about a coming explosion in violent youth crime.

Clinical psychologist Dr. Stanton E. Samenow has worked with juvenile criminals for over two decades. He is convinced that even children make moral choices—and therefore should be held accountable. “Although they do not choose the environment in which they are raised,” he writes, “they do choose how to deal with it.” Environment is not irrelevant, he says, “But don’t forget, it is the child who ultimately makes the choices.”

One thing is certain: Our present approach to juvenile crime hasn’t worked. It’s time to rethink the basic premise underlying our juvenile justice system. Young people are morally responsible for their acts, and therefore they should be held legally accountable as well.

A rational juvenile justice policy would be the very opposite of much of what we have been doing. It would entail less therapy and swifter, more certain punishment; minimizing excuses such as “his environment made him do it”; and basing confinement on the seriousness of the crime, not the perpetrator’s age.

In short, a rational reform of the juvenile justice system would compel young people to take responsibility for the consequences of their actions.

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(Robert James Bidinotto is an adjunct scholar with the Mackinac Center for Public Policy, a Midland-based research and educational organization. Permission to reprint in whole or in part is hereby granted, provided the author and his affiliation are cited.)

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