

## Do Adult Crime, Do More Than Adult Time

By Mike Males

In the 1970s, innovative juvenile justice researchers assessed the impact of intervention by randomly referring one-third of 2,500 nonviolent youthful offenders to prosecution in court, diverting another one-third to intensive family and community treatment programs, and releasing the rest without consequences. The percentages rearrested within a year: court-referred youth, 32 percent; program-treated youth, 31 percent; released youth, 30 percent.

Embarrassingly, “radical nonintervention” – just letting kids go – worked as well as our best conservative, get-tough and liberal programming deterrents. That might suggest humility and rethinking.

Instead, ideologies have hardened.

Get-tough advocates deride juvenile courts as lenient wrist-slappers and urge transferring today's supposedly meaner young thugs to adult criminal courts, where they allegedly get sterner sentences. Juvenile court champions deplore trying “children” as adults and defend their institution's supposedly kinder, gentler rehabilitations for youngsters guilty mainly of adolescent brainlessness.

As typifies modern youth policy debates, both sides fan hostile prejudices against young people to defend their institutions. We should lock up more ideologues and fewer kids.

The crowning irony is revealed by California Youth Authority figures comparing 32,000 youth and 600,000 adult parolees over the past 15 years: Youths sentenced by juvenile courts spent more time in prison than did youths sentenced by adult courts for equivalent offenses.

Worse still, youths got longer sentences from both juvenile and adult courts than adults received for the same crimes. For murder, burglary and drug offenses, California youths sentenced by juvenile courts served an average of 62, 32 and 22 months, respectively. For these same offenses, youths sentenced by adult courts served just 55, 30 and 19 months, respectively. Adults?

They served a paltry 49, 29 and 16 months. Other offenses show similar patterns.

It isn't just California. “Do adult crime ... do more than adult time,” the U.S. Office of Juvenile Justice and Delinquency Prevention said in 2000, summarizing juvenile sentencing nationwide.

While publicly insisting that juvenile courts coddle thugs, California prosecutors actually are trying more youths than ever in juvenile court. The most significant shift has been in murder cases – the offense that conservatives say justifies treating kids as adults. In the 1980s, 43 percent of the youths sentenced for murder in California went through adult courts. In 2001, it was only 9 percent. Overall, 10 percent of California youths released from prison in the 1980s were tried in adult courts. Today, it's just 6 percent.

And why not? Modern juvenile courts are a prosecutor's dream. They deny youths' basic rights while imposing indeterminate sentences resulting in longer lockup than adults suffer – an unconscionable human rights violation, since juvenile offenders typically have shorter criminal records, fewer offenses and fewer victims than do adult offenders.

The justice contract – that youthful defendants give up constitutional rights (to habeas corpus, jury trial, appeal, etc.) in exchange for more humane, personalized treatment – has been betrayed. Back in 1966, an outraged Supreme Court quoted juvenile justice experts (in *Kent vs. U.S.*): “The child receives the worst of both worlds – neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.”

Yesterday's outrage is today's routine. The fact is that teens are better off when the law treats them as adults than as children.

A new MacArthur Foundation study led by Thomas Grisso of the University of Massachusetts Medical School, “Juveniles' Competence to Stand Trial,” found nearly all youths ages 16 to 17, 90 percent of those

ages 14 to 15, and three-fourths of those ages 11 to 13 to be as competent as adults in reasoning, future orientation, appreciating consequences and similar legally-relevant measures. In light of this, the continuing crusade by juvenile court advocates to preserve their institution by disparaging teenagers as retarded savages is disgraceful and damaging.

Get-tough lobbies should also face cold facts: America's rigid adult courts have failed to stem the 25-year explosion in adult violent, property and drug-related crime. Why extend adult courts' bankrupt model to youth? We should try more adults in juvenile court than the other way around.

Until Americans finally resolve to face the family and socioeconomic roots of youth crime and to restore the juvenile-court model of tailored, individualized handling, we might as well just let the large majority of youthful arrestees go.

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