

Politics and Juvenile Justice

by
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The juvenile justice system was designed to rehabilitate more than punish those juveniles that had lost their way. In early America, there was no separate juvenile system from the adult criminal system (Marion, Oliver, 2006). Kids that committed certain crimes over the age of seven were considered to be responsible enough to understand the consequences, and therefore jailed along with the adult offenders. Over a period of time, the parents were considered to be the sole custodians of a child's behavior, and if the parents could not control the child, then the child would be put into an institution to be re-trained (Marion, Oliver, 2006).

Even though most people think the juvenile justice system works for the best interest of the child that is brought into it, most do not know that politics plays a huge role in the daily operation of this system (Marion, Oliver, 2006). The juvenile justice system is handled totally different from the adult criminal system, and when applying public policy and politics to it, that first and foremost must be into consideration. There are those that believe every child can be rehabilitated, and there are those that believe in strict punishment, believing the only way to steer a juvenile away from a life of crime is to give them a taste of jail early in life. However, in some cases, this tends to backfire, and makes the child even more angry and hateful than before (Marion, Oliver, 2006).

The focus has usually been on preventing crimes committed by juveniles before the juveniles grows up into a serious offender. Research has shown that various external influences can turn a child towards a life of delinquency, and early childhood developmental experts are trying to head this type of behavior off before it gets too out of hand (Marion, Oliver, 2006). When juveniles are first introduced into the system, there are many variables that must be looked at before deciding the best course of action for each individual child. There are a lot of people that have a say in which happens to each child, from social workers to probation officers, to guardians provided for by the system in case that child is taken from the home, or enters into the system due to having no parent or legal guardian on the familial side. If an offense has been committed, the police are instructed to take that child into custody, and either notify the parents, a legal guardian, or child welfare services (Marion, Oliver, 2006).

The rights of juveniles is one that is looked at on a regular basis, to ensure not only do juveniles get afforded the rights they need, but also deserve. Those involved in setting public policy concerning juvenile rehabilitation and punishment want to make sure that every piece of evidence is looked at and every possible angle of the case is looked at prior to handing down punishment on a child (Marion, Oliver, 2006). President Johnson created the President's Commission on Law Enforcement and Administration of Justice in 1967, which included a provision that examines juvenile crime. The report that came from the commission stated the need to provide jobs and programs for underprivileged

youths that would lead to their success as an adult, and would keep those inclined towards a life of delinquency hopefully out of that lifestyle (Marion, Oliver, 2006).

The juvenile justice policies still in place today are a result of the harsh reforms that came about in the 1990's, when politicians thought juveniles should be put into boot camps to be reprogrammed, not in facilities to be retrained and put into a stable environment. These policies were a knee jerk response to an increase in crime in the 90s, when every state got tough on its juvenile justice policies (Steinberg, 2008). These policies were put into place during a zero tolerance society that put kids into the situation of being incarcerated that should not be, without the chance of parole for more serious offenses, and in effect, have thrown away the key on these kids. These policies need to be rewritten to ensure juveniles get a fair trial, or fair treatment, and not be made a scapegoat by the media portraying every juvenile delinquent as a sociopath that needs to be locked up for the remainder of their lives. (Steinberg, 2008).

The Policy Process

There are those that believe changes need to be made to the policy process. Because authorities feel that juveniles are unable to make proper decisions concerning their well-being, the system feels juveniles should be afforded every opportunity to be rehabilitated or retrained before any mention of incarceration or institutionalization is made (Marion, Oliver, 2006). The different programs are designed to help juveniles get back on track, away from a life of crime, and change the outcome of their future.

In regards to juvenile justice policy, those writing the policy, the legislators and congressman, those individuals have the best influence on how the policy goes, as they get their input from the law enforcement agencies that deal with juveniles on a regular basis. There are also those that see how the system has been working so far, and think changes should be made when it comes to how juveniles are handled once in the system (Drowns, Hess, 2000). Some researchers feel the current system is not working, and needs to be revamped to go along with the changing attitudes and lifestyles of today's youth. Today's youth isn't just into property violations; today's youth are now committing serious crimes that, if committed by an adult, would be considered a felony. Researchers state that the traditional delinquency efforts should be abandoned, and diversion policies should be in place as the first step to the juvenile justice system (Drowns, Hess, 2000).

There are various committees out there that conduct research into the juvenile justice system to ensure it is not only kept up to date with the crime trends, but also keeping policies up to date with the changing law not only in relation to juvenile offenders, but adult offenders as well, because the two can go hand in hand on occasion. A company called Public Policy Associates, based in Michigan, works with The Michigan Committee on Juvenile Justice, to help keep the state compliant with state and federal requirements concerning juvenile justice policy (Padden, 2011). The Michigan Committee distributes funding from the federal government various delinquency

prevention and rehabilitation programs, and to also care for the rights of juveniles in the justice system. PPA personnel also observe juvenile facilities throughout the state to make sure the policies and how those policies are carried out are in accordance with the laws of the U.S. Office of Juvenile Justice and Delinquency Prevention (Padden 2011).

Experts recognize the fact that not all policies need to be changed. But how these juveniles have been dealt with so far seems to not be making much headway in keeping juvenile crimes down. Apparently the effort to scare the kids straight no longer works, and taking away their freedom still has no effect on them (Drowns, Hess, 2000). PPA takes the crime data and stats, identifies the numbers, where the most crimes are being committed, and releases that information to local, state, and federal law enforcement agencies, which in turn will help these individuals know which area is in the greatest need of police support and concentration in the state. With PPA gathering the data, this will help the police get a step ahead of juvenile crime and to ensure the approach to crime reduction with juveniles is handled properly. And with that, perhaps change state policy on juvenile programs (Padden, 2011).

Right now, the problems with the policies already in place is that these policies are outdated, and need to be revamped. In the 1990s the knee-jerk reaction to juvenile crimes were to incarcerate all juveniles, regardless of the crimes committed by those juveniles (Velazquez, 2009). With state and federal funding always in debate about what should be cut and what should not, juvenile justice and incarceration policies need to be looked into. There are a lot of kids that are either incarcerated or housed in an institution that really should not be, same as with the adult justice system. Because of the law enforcement packaged signed by the President in the 90s, the policy makers and legislation felt if there were more incarcerated, there would be less crime. That may or may not be entirely true. With everyone looking at severe budget restrictions, now is the time for those in authority to consider ways to lessen spending within the juvenile justice system that won't take away from the need for public safety (Velazquez, 2009). Various states are in the process of looking into the juvenile justice programs in place, seeing where fiscal responsibility can be shifted (Velazquez, 2009). This way, instead of the state having to come up with the money to pay for juveniles housed in either a detention facility or other places, the county can accept either some or all of the cost of housing one of their own. That takes the burden off the state, and the county can get federal funding for this type of rehabilitative or public safety efforts (Velazquez, 2009).

The answer to juvenile delinquency is not incarceration, but prevention and deterrence. If the programs set up by local, state, and federal agencies were utilized properly, a lot of kids would be off the streets and kept in programs that would help them achieve success, not backslide into a life of crime (Marion, Oliver, 2006). The programs for kids and families that get the first cut with budget constraints aren't really saving the state any money; the state actually ends up spending way more on court costs, lawyers, and housing so-called criminals until they reach the majority age.

The money set aside for court costs for juvenile offenders would not be needed if the after-school programs for kids were kept in place. Instead of the police being in the position to run kids off the property, they should be monitoring for gang activity, to help the good kids stay good and deter the bad from bothering them (Schwartz, 1992). In order for kids to stay good, or on the right track, they need positive reinforcements from all areas of their lives, from teachers to police to parents and guardians. Instead of the public thinking juveniles are always up to no good, the public need to see kids in action, doing community service with the elderly, painting over graffiti, taking care of school grounds, etc. Use the resources at hand, and help kids become successful and help the self-esteem issues so many seem to have (Schwartz, 1992).

However, the problem lies with making thoughts and recommendations into policy. The fact that the public want those juveniles that commit serious crimes tried like an adult in adult court, the public does not want the juveniles housed with adult offenders. The public also does not want the serious offenders housed with those non-serious offenders (Schwartz, 1992). The fact is a happy medium needs to be reached, and no one so far has figured out how. The point of the juvenile justice system is ensure justice for juveniles, but also the need for keeping the child safe. So again the need for alternative programs for kids to try to rehabilitate has come around because apparently putting more kids in jail or institutes is not the answer.

More work needs to be done in the area of prevention and deterrence (Schwartz, 1992). Those in charge of writing and changing policy need to get everyone one involved, and not just those that want to see more kids in jail. There has to be an unbiased but concerned opinion when it comes to the need of the child, because keeping those kids safe should be the highest priority, not incarceration until they reach majority age, and then they become adult offenders because that is all these juveniles know of life – these kids need to be given the chance to succeed, not fail (Velazquez, 2009). Those programs written for children and family support need to be in place better, without the foregone thought of taking parental control away from families, but rather a retraining of parents on how to not only care for the child better, but what resources are in place for those that need help on occasion. Taking the child out of the household is not always the best choice (Velazquez, 2009).

Juvenile Justice Issues

Right now the issues that policy makers and legislatures involved in the policy process is whether or not the policies in place are actually working. There is always an ongoing search for alternative when it comes to dealing with juveniles and juvenile crime, one that will ensure the juvenile is protected, and that the rights afforded them aren't violated (Schwartz, 1992). Deterrence and diversion are used quite a bit, but in order for deterrence to work the police must be one or two steps ahead of those intent on committing crimes. Most juveniles will follow the pattern that is less complicated, and sometimes when one is caught, there is also one or two that will take the place of the one caught (Schwartz, 1992).

Law makers do not want to incarcerate these individuals for the rest of the youths childhood, so alternate procedures and programs are always in the works. Unfortunately, when budget cuts come around, the first thing to get cut are family and youth services and programs from the city budget (Schwartz, 1992). Diversionary tactics to be used involve either keeping the youth from harmful activities, or keeping the youth from formal processing while something else can be thought of when trying to handle these situation. With today's economics, trying to place juveniles in various job situations sometimes will mean taking a job opportunity from someone that is trying to support a family, even if it is menial in nature and may only pay minimum wage (Schwartz, 1992). Gone are the days of employing youths to keep them out of trouble; employers have to choose between the one that has a family, and those needing diversionary means to stay out of trouble.

Other issues involve the level of punishment juveniles receive, and what the chances are that these kids can actually become a success as an adult and hopefully live a crime-free lifestyle after release from whatever facility they are placed into (Marion, Oliver, 2006). The facilities used to house juveniles offenders are limited, and those in charge do not want the non-violent offenders in with the violent offenders. Trying to keep these kids straight is a goal of juvenile rehabilitation, and keeping them safe is most important. Retraining and reeducation is vital for these kids if those in authority expect these kids to become a viable and successful part of society. These kids need to be given a second or even a third chance, depending on the home life they were put into, and the circumstances surrounding their incarceration and detention (Marion, Oliver, 2006).

However, there are some juveniles that commit such a serious offense that authorities have no choice but to remand them into adult custody, and try to fix the problem before the juvenile is released back into society, and hopefully the rehabilitation and retraining has taken effect (Marion, Oliver, 2006). There are programs that can help the individual slowly make their way back into society, with aftercare programs and probation officers that can mentor these kids into a somewhat normal life, not one full of crime, but one that will help them be a success in society. There are also police programs that help youths stay straight, with the police keeping an eye out for kids, instead of treating them like criminals (Hess, Wroblewski, 2006).

Police can help in the mentoring process too, in conjunction with probation officers and other juvenile justice officials, and perhaps using that as a deterrence and diversion will help kids see it actually pays to stay straight, not in a life of crime or drugs, but actually seeing a light at the end of the tunnel, a viable way for these kids to get out of the lifestyle known to them, and giving them hope of a better life (Hess, Wroblewski, 2006). Not every child is a juvenile delinquent, and given the chance, will make something of themselves.

Other programs sponsored by police have been put in place to not only help the community, but to let the kids help themselves and the community by being proactive in crime prevention and public safety (Hess, Wroblewski, 2006). The purpose of these community programs is to get the help of parents, youths, and the community to help in the prevention of juvenile crimes by suppressing delinquent behavior before it can get out of hand. It used to be when a youth committed a crime against a person or property they had to do something to make up for that offense, either community service or working to pay off the debt. Now, they are taken into custody and it costs taxpayers more money to get this offense adjudicated and referred to another program (Hess, Wroblewski, 2006).

Juvenile delinquency prevention programs can be in any shape or form, and being able to work with not just the at-risk kids, but including the family of those kids (Higgins, 2010). Education, recreation and family-intervention programs are all examples that aim to lower the number of juvenile offenders. There are other programs that are used to reform those individuals that have been convicted by partnering with detention centers and probation officers, who's primary job is preventing repeat offenses both during and after offenders' release from custody (Higgins, 2010). Juvenile delinquency prevention looks to better a kids self-image, social skills, and attitude about life. The purpose of juvenile delinquency programs is to lessen the numbers of those kids being arrested or re-arrested. (Satcher, 2002).

How the Two Work Together

One of the best ways to get juvenile justice issues to work with policy procedures and vice versa is to make it an all hands effort. In keeping with the fact that the primary objective is rehabilitation and re-education instead of punishment these programs can work with parents, probation officers, the courts, legislation, etc. The justice system, primarily judges, have the authority to intervene punitively in the cases they determine it, or these judges can refer these cases to a lesser means, by way of probation and training, education, anything other than incarceration (Marion, Oliver, 2006).

Not all juveniles need to spend time in jail to get the message that crime does not pay. In some instances, putting kids in jail just puts them in a secure environment, with three meals and a bed. Some kids would give anything for that luxury. And some kids just do the time, get out, and right back to where it all started (Siegel, Welsh, 2008). Not all kids are bad, some have just gotten in with the wrong crowd, maybe because the parent works all day and the kids cannot get into the house and does anything to kill time. Most kids that spend enough time in the juvenile justice system go on to become adult offenders because that is the only life known, the only choice to be made. Being lenient is not the answer, either. One must pay for the crime committed, and the punishment should fit the crime (Marion, Oliver, 2006).

The system understands that young people simply cannot make adult decisions when it comes to their own well-being and recognizes these decisions must be made by other

adults, parents and guardians if available, social workers and child services if not. The policies must be written by legislators, with input from local law enforcement agencies, child services personnel so that it can be written with the best interest of the child the top priority (Siegel, Welsh, 2008). Each case must be handled differently, as each child and each case is different. One cannot just put all the delinquent kids in one house until majority age is reached; that does not do anyone any good. The research is ongoing when it comes to effective alternatives for juvenile justice, and how to better handles kids that desperately need help getting lives back on track (Schwartz, 1992).

The one thing that needs to be stopped is the constant cutting of funds when it concerns family and child services. Inevitably, the ones making the budget cuts are not the same people that are working with or seeing the results of those funds when cut (Marion, Oliver, 2006). In an article written for the Statesman, an Austen, Texas newspaper, it was said that with the budget cuts proposed, those individuals who are in state programs created to “prevent child abuse, neglect and delinquency would lose those services under a state budget-cutting proposal, according to Health and Human Services Executive Commissioner Tom Suehs” (MacLaggan, 2010) .

Those in charge of the Department of Family and Protective Services is saying it will need to cut the delinquency prevention and early intervention programs due to the state’s budgetary loss for the 2012-2013 budget. These programs contract with non-profit organizations and local governments to provide services such as “mentoring, parenting classes and family crisis intervention counseling” (MacLaggan, 2010).

Supporters for the at-risk kids say to cut the funds from the budget would be simply devastating for those low-income families that are the main receivers of those types of benefits. Not only that, those in charge say that taking away those programs and services created to keep kids out of the juvenile justice system and child welfare systems would cost the state more in the long run (MacLaggan, 2010).

Conclusion

The juvenile justice system is intended to have the best interest in mind when it comes to the kids. Society must be able to depend on the kids, as these kids are the future of this society. When kids get on the wrong track, it is up to society to help them get back on the right track. There are some that chose a life of crime, just as some adults have, and there are some that just fell into a bad lot, and cannot find the way out. It is up to those in authority to get input from local law enforcement agencies, social and family services, and anyone that has any type of contact with juveniles or the families that are in need of counseling, re-education, and rehabilitation to ensure that public policy if written with the intended purpose of helping those that need help, not just pushing them aside. These kids are in need of help, and are unable to help themselves. Those that have the ability to help, have the responsibility to help. Too many in society have turned a blind eye to the needy, acting like those in need got there on purpose or by their own hand. In some cases that would probably be true; In most cases it is not. If those

juveniles in need are not helped, the future of society is going to go just as the juveniles have; incarcerated, to become adult offenders later in life. Those in need must be helped now, not later when it is too late.

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