

HOW THE CRIMINAL JUSTICE SYSTEM IS ANTI-YOUTH

There is a growing misconception that juvenile violence in and out of schools is on the rise. Despite the inaccuracy of this belief, the government has responded with an approach to juvenile justice that is considered “tough” on youth crime, focusing more on punishment than on rehabilitation. Furthermore, a more militaristic school environment replete with drug-sniffing dogs, gun-toting police officers, and metal detectors is not only detrimental to a healthy learning environment but also disproportionately impacts and punishes young people of color.¹ Outside of school, the system arrests, prosecutes, and sentences young people of color more aggressively than young White people, and puts youth in the adult system more frequently than ever before. In addition, increased expenditures on criminal justice often detract from educational funding. In all, this harsh new approach to curbing a crime epidemic that does not exist has come at the expense of the future of our youth.

One result of this approach is a “zero tolerance” policy that creates a uniform system of punishment, resulting in pushing youth out of the school system and into the juvenile and adult criminal justice systems. While the shootings at Columbine High School in Littleton, Colorado occurred in a predominantly White middle-class suburb, the resulting tough on youth policies often negatively impact students of color and those with special needs, especially in urban schools.

THERE IS A MISCONCEPTION THAT YOUTH CRIME IS ON THE RISE.

- **Despite declining arrest rates for young people in almost all categories from 1994-1999**, including murder, rape, robbery, and aggravated assault, 62% of the American people believed that youth crime was on the rise during that same period.²
- **Even though there was a 40% decline in school-associated violent deaths between 1997 and 1999**—and the chance that a school-aged child will die in school is only 1 in 2 million—71% of the population thought that a school shooting was likely in their community.³
- **The media is partly responsible for this misconception.** Much of this is due to the embracing of false terms like “crack-babies” and John J. Dilulio’s label of “superpredators,” who are young people born out of “abject moral poverty” and who become “stone-cold predators” and are “more impulsively violent and remorseless than ever.”⁴ USA Today reported in 1995 that homicides among children 12 and under had risen 125%, even though the total number of homicides nationwide from this demographic was not even 40.⁵ Between the years 1992 and 1996--when homicides actually declined by 20%--television coverage of homicides on ABC, NBC, and CBS rose by a staggering 721%.⁶

THE CRIMINAL JUSTICE SYSTEM TARGETS YOUTH IN A RACIST FASHION.

- **Despite the fact that White youth aged 12-17 are as likely—or more likely—to sell or use drugs than Black youth, Black youth are three times as likely to be sent to an adult prison for drug offenses than White youth.**⁷ This is in part due to automatic transfer laws that mandate youth charged with drug offenses within 1,000 feet of a school or public housing project be tried in adult court. Since schools and public housing projects are closer in proximity in urban areas than in rural and suburban areas, it is more likely for Black and Latino youth to be convicted under these laws. For example, between 1995 and 1999 in Cook County, Illinois, 99.2% of youth transferred to adult court under the automatic transfer laws were youth of color.⁸

- **While 123 nations use the death penalty, only the U.S. and Iran currently sentence juvenile offenders to death.** China and parts of Pakistan have recently amended their laws to exclude death as a penalty for youth. However, since 1973, 226 juvenile offenders have been sentenced to death and 22 have been executed in the United States. The United States has, over the past decade, executed more juvenile offenders than every other nation in the world combined.⁹
- **Black youth are overrepresented in the number of offenses filed in adult court,** especially in drug and public order offense cases. For example, Black youth accounted for 64% of all youth arrested for felony drug offenses, and also represented 76% of the drug offenses that were filed in adult court.¹⁰
- When controlling for the crimes committed, Black youth (43%) and Latino youth (37%) are much more likely than White youth (26%) to receive a sentence involving incarceration (as opposed to a split sentence, probation or rehabilitation treatment).¹¹
- Black youth are given longer sentences in almost all offense categories than White or Latino youth.¹²
- White youth are about twice as likely as Black youth to retain private counsel (21% vs. 11%). Regardless of race, youth that are represented by private counsel are less likely to be convicted.¹³

DESPITE NO INCREASE IN SCHOOL VIOLENCE, SCHOOLS HAVE INCREASED THE RATE OF SUSPENSIONS AND EXPULSIONS, ESPECIALLY AMONG YOUTH OF COLOR.

- **The number of school suspensions have nearly doubled** from 3.7% of students in 1974 to 6.8% of students in 1998, even though the level of self-reported crime in schools did not change during that period. The total number of suspensions and expulsions now equals 3.2 million students per year...¹⁴
- **In 1998, Black youth made up only 17% of public enrollment nationwide but accounted for 32.7% of suspensions,** while White students made up 63% of enrollment and represented only 50% of suspensions.¹⁵ Nationally, Black students are suspended at approximately 2.3 times more than White students.¹⁶
- **Black students are suspended, on average, for more subjective and often less serious offenses than White students,** including disrespect, excessive noise, and loitering. It is not that Black students are necessarily more prone to misbehave than White students, but that they are more frequently and more harshly disciplined, even for less serious offenses.¹⁷
- **Students who are suspended or expelled are likely to believe that schools do not want them** and consequently are more likely to drop out of school. Once out of school they are more likely to be arrested for delinquent acts. For example, about 68% of state prison inmates in 1997 had never completed high school.¹⁸
- **There is a disturbing rise in the “school-to-prison pipeline.”** Since students who are enrolled in school are less likely to be arrested or incarcerated, the increasing number of suspensions, expulsions, and grade repeating (mainly through a growing dependency on state exams) is leading to higher rates of youth incarceration.¹⁹

YOUNG PEOPLE’S RIGHTS ARE EVEN MORE ABUSED WHEN THEY ARE SENT TO ADULT COURTS, OFTEN BECAUSE OF THEIR AGE AND BECAUSE THEY MIGHT BE UNINFORMED.

- **Young people are generally unemployed or have little money, and thus are heavily dependent upon public defenders,** who rarely get sufficient time with their clients because of the extremely large case loads placed on these attorneys.²⁰
- **The increase in youth being sent to adult prisons has terrible consequences.** Youth incarcerated in adult prisons are much more at risk to be violently victimized than in juvenile prisons. In adult institutions, sexual assault is five times more likely, beatings by staff twice as likely, and attacks with weapons almost 50% more common.²¹ Furthermore, several large-scale studies have shown that juveniles tried in criminal court have greater recidivism rates than those tried in juvenile court.²²

SCHOOLS ARE BECOMING INCREASINGLY MORE PRISON-LIKE.

- *Schools and prisons both use metal detectors*, identification badges, uniforms or clothing standards, surveillance cameras, personal searches, locked perimeter doors, and other similar methods to ensure safety, order, and control.²³
- The use of such security devices, in some cases, can detract from classroom experiences, and actually add to an atmosphere of fear.²⁴

SPENDING ON THE CRIMINAL JUSTICE SYSTEM TAKES AWAY FUNDS FROM EDUCATION.

- *Between 1985 and 2000, state corrections spending grew at 6 times the rate of spending on higher education.* In total, there was a \$20 billion increase (166%) on corrections spending while there was only a \$10.7 billion increase (24%) on higher education.²⁵
- Higher expenditures on corrections takes a toll on state budgets with the effect of placing a larger burden for paying for college on students. For example, student tuition for higher education rose at 8 times the rate of state support. These particularly impacted low-income families, as the cost of tuition increased from 13% of their incomes in 1980 to 25% in 2000.²⁶

CALIFORNIA'S PROPOSITION 21 IS AN EXAMPLE OF YOUTH CRIMINALIZATION.

- *Proposition 21 expands the number of offenses under which a 14-15 year old can be tried as an adult*, increases the number of offenses that allow a prosecutor to directly file charges against youth 16 years and older in an adult court (without hearings of fitness), and imposes mandatory adult jurisdiction for youth 14 years and older who have been charged with capital offenses and serious sex offenses.²⁷
- Proposition 21 also requires that youth are sent directly from court to an adult prison, whereas current law allows them to remain within a juvenile center until they turn 18.²⁸

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8 Ibid.

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