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# The History, Problems, and Solutions of Juvenile Incarceration

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# THE HISTORY, PROBLEMS, AND SOLUTIONS OF JUVENILE INCARCERATION

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# INTRODUCTION

There is a trend that has swept across America's juvenile justice system, and that is to send children as young as fourteen years old into some of the most violent and oppressive adult prisons in the nation. When children are housed with adult criminals, the result is a process that does not rehabilitate children; rather it only seeks to further their criminality. Children have not always been treated this way, so we must ask the question: How did we get to this point in the justice system? When did we stop viewing children as children, and begin to fear them as hardened criminals?

The idea of "childhood" as a developmental stage has not always been an accepted fact. In the Middle Ages infancy ended at age seven, and adulthood began. At the age of seven one was expected to begin work, and these children were just seen as "little adults" (Sheldon, 13). It was not until the late nineteenth century that the term "adolescence" even became a part of the language (Sheldon, 12). Prior to this time any sort of child deviance was dealt with on an informal basis. If children acted out or committed a crime, it was up to the family to deal with this type of behavior. There were no juvenile courts, and children were not sent to prison. Juvenile delinquency was a family affair that needed to be dealt with on an individual basis, and was not a matter for the state to interfere in.

All of this changed in 1610 when King James 1 of England decided to increase the power of the crown by becoming the "father of the people" by instituting *parens*

*patriae*. This legalistic and medieval precedent not only established the king as the father of the country, but also gave the state authority over anyone unable to take care of themselves for any reason, including age, and has become the initial structure of juvenile law in the U.S. today. The notion of the state as a social control caretaker for juveniles saw its first incarnation in the United States with the advent in 1641 of the *stubborn child law.* This law, passed in Massachusetts in 1646 made it a capital offense for a child to disobey his or her parents, and they could, and would, be put to death for such an offense. (Shelden, 17). State control of the juvenile was now entrenched. But resistance to the extreme measures of the Stubborn Child Law grew and a movement formed in America to create and institute other non- capital programs dealing with youth.

The term "juvenile delinquent" actually developed in the early 1800's. In 1825 in New York City, the Society for the Reformation of Juvenile Delinquents was created and its purpose was to rehabilitate young lawbreakers by finding them work where they could develop skills that would help them become a productive member of society (Hubner and Wolfson, 67). These places of reform were called Houses of Refuge. Unfortunately this institution did not live up to this ideal. Satiating the need for cheap labor in a nascent industrial society, "delinquent" children were placed with small manufacturers doing the same menial task everyday, but not actually learning a trade. The wages went to the superintendent of the reform school, and the kids were thus essentially indentured servants of the superintendent. This treatment not only led to children running away and becoming more disruptive rather than becoming law abiding citizens of society, but it also set up the lead to the development of the juvenile court (Hubner and Wolfson, 67).

*People v. Turner* was the essential Supreme Court case eventually leading to the development of the juvenile courts. This case involved a young boy named Daniel O'Connell whose parents filed a writ of habeus corpus after he was placed in one of these Houses of Refuge because he was "in danger of growing up to become a pauper" (Sheldon, 26). The Supreme Court ruled that Daniel was being imprisoned and punished and so he deserved due process under the law. From then on only children who had actually committed a felony could be sent to Houses of Refuge. This ruling, combined with a concern that lower courts were increasingly unwilling to examine and sentence youths, led to the creation of the first juvenile court in 1899. (Elrod 1999)

According to John Hubner, a former probation officer, and Jill Wolfson, a writer and editor, in their book Somebody Else's Children, this court was created to "control behaviors in families by holding parents and children accountable. (69)" To protect the children, they would be held separate from hardened adult criminals, and the records would be confidential. This law also included such catchalls as truancy and incorrigibility that would eventually become known as "status offenses" (Sheldon, 31). The goal was to rehabilitate rather than punish children, and for this reason the hearings would be deliberately informal (Hubner and Wolfson, 70). The creation of the juvenile courts marks a significant turn for juvenile rights in the criminal justice system. Juveniles were granted legal due process, and they were deliberately separated from adult criminals who might harm them or encourage and teach criminal behavior.

The creation of the juvenile courts took time to spread across America. At first some states only created them for cities with large populations (Sutton, 157). Here in Denver,

Judge Benjamin Barr Lindsey played an influential role in the creation of the juvenile courts. Lindsey was a proponent of the importance of "the personal touch". Lindsey saw the truth in "violence projected violence, hate projected hate" (Mennel, 136). Lindsey would talk with the boys whose cases he heard, and gained their loyalty and respect. He wrote, "The Juvenile Court rests on the principles of love" (Mennel, 138).

Not every judge agreed with Lindsey's method of a personal touch. Some, such as Julian Mack a judge in the Chicago Juvenile Court, thought that the delinquents needed a structured system in place rather than a charismatic judge to make the rulings (Mennel, 138). While Lindsey fought for the development of a probation system that would become an "institution of human relations" Mack reminded the people that a system should not be based on one man's personality which he personally thought was threatening the development of the courts (Mennel, 138-189). The struggle between different visions for the new court led to a fight for what people wanted the courts to look like, and too often the children were caught in the middle and were forgotten in the political battle that ensued.

The new system was far from perfect. Probation officers were there to be the connection between the courts and the families. While they claimed to emphasize the friendly nature of their visit, they would then turn around and threaten the families and children with their legal power (Mennel 142). The attitudes of judges and probation officers were all too familiar to those in the early reform schools. The authoritarian, punitive reform schools were simply replaced with detention homes that often resembled a prison with barred windows and an atmosphere of fear. When detention homes were not

available, children were still just sent to adult jails to await trials, despite the fact that incarcerating children was forbidden by law in most states. (Mennel 144)

During the early 1900s, people were finally asking the question, why are juveniles delinquent? What makes certain children want to commit crimes, such as one seven year old who lit children's beds on fire in a detention home? William Healy a psychologist from England, began to look at the psychological aspect of juvenile delinquency (Mennel, 162). His work led to the creation of Child Guidance Clinics which could better serve children's behavioral problems without putting them into the system (Mennel, 163). Healy was bringing attention to ideas of environment and parental neglect affecting a child's behavior. He was critical of the juvenile courts and detention homes that were not equipped to handle the psychological problems of the youth (Mennel, 167).

In the 1920s and 30s the focus of juvenile delinquency shift again to a critical look at individual delinquency in a larger social context. Frederic thrasher's *The Gang* showed how older delinquents played a role in the development of younger children into delinquents (Mennel, 190). Furthermore, Clifford Shaw and Henry McKay made the connection between poor neighborhoods and delinquent boys, and really focused on learning the individual stories (Mennel, 188). People were really interested to know why certain children acted the way they did.

During these various studies on the nature of juvenile delinquency, the juvenile courts system remained in need of a change. The system that was supposed to eliminate the punitive, abusive reform schools had only been replaced with a system that bore a strong

resemblance to the reform schools. The abusive and oppressive nature of the system, and the affects of imprisonment on youth, were brought to the surface, and finally there was a real environment that was ready for change (Sutton, 203).

In America during the 1960s there was a push for the rights of children with regards to child abuse. Dr. Henry Kempe, a pediatrician at the University of Colorado School of Medicine published an article titled "The Battered Child Syndrome" in which he outlined physical evidence on children that could prove child abuse even after the original wounds had healed. (Hubner and Wolfson, 71). By 1966 in all fifty states doctors and health workers were mandated to report signs of physical abuse. The realization that many juvenile delinquents had experiences this type of abuse was spreading throughout America. The apparent failure of the system in place to protect children from abuse and neglect led to sympathy for juveniles at this time, which created the perfect environment for reform.

In the 1970's America saw a significant push to reform the juvenile justice system and seek new ways to truly rehabilitate juveniles. Nicholas Reuterman and Thomas Hughes, two professors of psychology at the Southern Illinois University wrote an article on the reforms of the 1970's and they point to six areas where the juvenile system was changed. According to Reuterman and Hughes, the reforms have relevance in the following areas: "the reduced use of detention, improved quality of staff, certain procedural changes, programmatic improvements, increased use of external resources, and separate handling of juveniles and adults (326)." The reduced use of detention was a goal to try to place more individuals in community corrections programs, and have fewer

'institutionalized' children. Improved quality of staff was a need because of lack of training, and often abuse to children. The last point is key: the separate handling of adults and juveniles; however the study points out that there was not a significant decrease in this trend at the time, and the practice is clearly still alive today.

Colorado As Example

This trend towards reform, and a "soft" approach to juveniles shifted dramatically in the late eighties and early nineties in America. All over the country and in Denver especially, a "get tough" mentality was surfacing, due to the recent media attention of violent juvenile crime. The so called "summer of violence" in 1993 in Denver gave enormous media attention to gang-related violence and led people to fear the youth of the nation. Gang warfare was a hot issue in major cities across the country, and juveniles were the perpetrators of this violence. America was afraid of its children, and wanted to see changes in the system to calm their fears. Public opinion was calling for harsher sentences, and for teens that did 'adult crimes', to do 'adult time'. However, juvenile crime was in fact in decline, especially violent crime. According to statistics in 2002, half of all juveniles who were in adult prisons were there for committing a nonviolent offense (Smith). This rise in concern over youth violence was because of the media attention a few select cases were receiving. Youth crime was on the decline according to statistics, but according to the media, our children were becoming more violent.

Because of this atmosphere of fear, many other states passed legislation in the early nineties that shifted from rehabilitation to punishment. Mandatory minimum sentences were imposed, and direct-file laws were expanded. Direct file means that

prosecutors have sole discretion on whether a child is sentenced as a juvenile or as an adult. Only fifteen states, including Colorado, allow direct file laws. The trend now is to protect the state from a new breed of criminal: the hardened youth who has no care for others and is unpredictable. Since this get tough mentality began, almost fifty juveniles, ages fourteen to seventeen, in Colorado have been sentenced to life without parole in adult prisons. (Moffeit and Simpson, 2). According to the Bureau of Justice Assistance, an office of the U.S. Department of Justice, children in adult prisons are more likely to be violently victimized, five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 8 times more likely to commit suicide (Reno, et al 7).

Placing children in adult prisons, even for the worst of the worst, is not the only option available. There are programs, designed specifically for violent offenders considered to be lost causes, which are still an option before adult prisons. Juvenile reform schools are an option instead of adult prisons. These correctional facilities have all the structure and security of an adult prison, without exposing juvenile offenders to hardened adult criminals. They can learn the same discipline and obedience that comes from an adult facility, with the protection of separation from adults. Another option similar to this is a boot camp where juveniles are taught discipline in an even more strict environment based on military training.

Another option is a specialized program, and there are many different ones. There are outward bound wilderness programs, intensive therapy programs, substance abuse facilities, community involvement, and other programs, to give an option for juveniles. Further, there is an employment option, in which inmates can be leased out to

learn a vocational trade that will hopefully turn into a career when they are able to get out. This is a good option for after-care because programs like this try to keep youth in their community and create ties to the people there and give them positive role models. One I will focus on is the option of an intensive therapy program with a determinate sentence. If the youth can make it through the program, they will get out on probation, and if they cannot they will be sent to a juvenile corrections facility, or an adult prison.

Among those who study juvenile prisons and reform school options, there are several different criteria used to define the success, or lack of success, of a particular institution. The main criterion used is the recidivism rate. This is a crucial point to look at when determining success. Too many children grow up in the system. They go through puberty, learn about suffering, and miss out on an entire childhood because they become institutionalized and are raised by the state. Institutions with lower recidivism rates are the key to discovering the right path towards rehabilitating juveniles. Unfortunately, recidivism rates are difficult to determine because of record keeping procedures. However, some research is available to help evaluate these programs.

Another less quantitative method to determine whether an institution helps children is to look at individual cases of children who have succeeded. Each child who gets out of juvenile detention, or prison and does not return is a success. Every juvenile who gets out and wants to change their life, and go on to lead a better life is an achievement. If juveniles are able to see the error of his or her ways, and see that they hurt someone with their crime, this shows that an institution has created positive change. It is the feeling of remorse for one's actions that will then prevent them from doing those

same things once they get out of prison. The last criteria I will use is the attitude of the staff of a facility. This method judges a facility by the way a corrections officer, or counselor of a juvenile facility feels about their job. If the job destroys them, if it makes them a worse, bitter person, I do not think the institution is succeeding. On the other hand, if the staff feels that they have the power to help reform individuals, then I think that shows a sign of positive energy. The staff of an institution is a reflection of the ideals of that facility, and thus can tell you a lot about it.

I will look first at juveniles in adult prisons. I will show who gets put into adult prisons, and how and why this happens to them and not other juveniles. I will then look at their recidivism rates and qualitative changes in a few selected cases. I will also look at the overall attitude of Corrections Officers who deal with juveniles in the adult system. After looking at the adult system, I will look at the juvenile detention facilities, and specialized programs. I will use the same criteria to discuss the good and bad parts of each of these sentencing options. In this way I will attempt to find some possible solution to the problem of unnecessary and lengthy juvenile detention in adult facilities, and ways to reduce recidivism.

## ADULT PRISONS

When kids are charged with a crime one of the first decisions made is whether the child will be tried as an adult, or as a juvenile. There are a variety of factors that affect this decision. Benjamin Steiner of the University of Cincinnati wrote an article for the Journal of Criminal Justice doing an analysis of who gets sent to adult prisons among juveniles. Steiner found that most juveniles sent to adult court were older (often seventeen year olds), had committed violent offenses, and had been convicted of a previous offense (606). This seems appropriate that the nearly adult, violent, repeat offenders would be transferred to adult courts.

In some states, the decision of which court a juvenile is sent to is made by a panel or jurors, a committee of people, or at least a judge decides at a hearing. Colorado and many other states have a direct file law, meaning that the prosecution has sole discretion on whether a child will be tried as a juvenile or as an adult. If children are tried as adults, they are transferred to an adult court, and if convicted are sent into an adult prison, even if they are not yet eighteen years old. In Colorado, children as young as fourteen have been tried as adults and sent to adult prisons for life without parole. Colorado just recently changed its laws and no longer allows children to be locked up for life without parole. However this law does not apply to the almost fifty kids already serving life sentences in Colorado.

For a child as young as fourteen to be thrown away for the rest of his or her life, without the hope of ever getting out, seems to be an incredibly harsh punishment. For

such a punishment, one would assume that a child must have committed an incredibly horrible act of murder. The sad truth of the story is that there are kids serving life without parole in Colorado, who did not kill anyone. This happens because of a law in Colorado called felony murder. This law states that if in the process of committing a felony, someone is killed, there is a mandatory life sentence, without the possibility of parole. Andrew Medina is an example of the way the felony murder law works. He was involved in a car-jacking, in which a person was tragically shot and killed. Nobody knew who had fired the shot, but the other two juveniles involved made deals with the prosecutor. Medina was not charged with committing the murder, but just with being involved in the car-jacking. He now serves life without parole in Colorado's supermax facility where he is locked down twenty-three hours of the day. He will never get out, and we will not know if this type of punishment will lower recidivism rates.

This get-tough mentality on juveniles has developed out of what Randall Shelden, a professor of Criminal Justice at the University of Nevada, calls a moral panic about the state of juveniles in our country (417). Society has come to fear its youth, and has made them into the enemy. This is especially true for youth who are thought to be in gangs, the ultimate evil of our society. According to Shelden, moral panics are a part of society. Once the threat is found, public interest regarding the issue will reach an all new high, and people will push for a harsher regulations on that issue, which in this case means longer sentences in higher maximum facilities.

Cheryl Armstrong is a perfect example of a moral panic and a long sentence for youth. She drove a getaway car and was accused of being the mastermind of a 1996

double homicide. There was huge media attention on her case, painting Cheryl as a sociopathic monster who would kill you as soon as look at you. Armstrong was sixteen years old at the time, and is now serving a ninety-six year sentence. In an interview posted on the Pendulum Foundation Website Cheryl has this to say about her crime and her life. "I know for a fact that I learned from my mistakes -- they changed my life and helped turn me into the person I've become today. Every day for the rest of my life, I will feel horrible about what I was involved in when I was 16. Not a day goes by that I don't think about my victims and the pain I've caused their families - and my own". In talking about the two criteria for establishing the success of a program, this one seems to fit. If a good facility is one that causes a true change in a person, and causes them to feel remorse for their actions, it would appear that an adult prison has been good for Cheryl. Cheryl has also had the benefit of obtaining her Associates degree while in prison and so her reform may also be a part of her education she has received while inside. It is unfortunate that she seems to have been reformed, yet it will be at least another eighty years before she can get out to live her reformed life. Cheryl is not the typical juvenile put into adult prison, and not every one of them has a story like hers. She is an anomaly and her story is one of great personal triumph.

The Juvenile Justice and Delinquency Prevention Act was passed in 1974 mandating that juveniles be removed from adult facilities because of the recent news of the horrible physical conditions, high number of suicides, and the frequency of sexual assaults (Shelden, 353). The law states that they can be in the same facilities, if they cannot see or talk to each other. However, juveniles tried as adults are allowed to be in

general population of adult prisons. Still, many states who house juveniles in adult facilities put the juveniles in what is called "administrative segregation," which is essentially isolation that keeps them locked up alone for twenty-three hours of everyday. This allows states to enforce the harsh punishment of adult prisons, and yet still follow the guidelines set down by U.S. law for juveniles not tried in the criminal courts. Administrative segregation is horribly punitive, and does absolutely nothing to reduce recidivism or reform our children. Complete isolation will drive a person crazy much quicker than it will help to reform their actions. Children need interaction with other people; I think all people do, in order for there to be any hope of reform and true change that will lead them away from further delinquency.

Research has been done at several institutions, including Harvard University Medical center, on youth brain development. Studies published by the Harvard University Medical center show that the part of the brain that controls goal-directed behavior and inhibition does not develop until the age of eighteen to twenty-two (Brookman, 92). It is the pre-frontal cortex which does not develop until this time, and is responsible for anticipating consequences, planning, and controlling impulses (Shelden, 420). This study shows us that juveniles, while still responsible for their actions, are less able to fully understand the consequences of them. Also, during the adolescent time of puberty our bodies release hormones that cause certain parts of our brain, such as the amygdale to expand, which causes highly emotional and impulsive behavior (Shelden, 420). Without trying to justify crime with puberty, it is an important factor to look at when evaluating juvenile crime. Jacob Ind, a juvenile who was convicted of killing his

sexually and physically abusive parents demonstrates this theory perfectly. According to a his biography, hours after the death of his parents, he worried about the cops finding the marijuana hidden in his bedroom. He later reflects on this worry he had, and realizes that he had no comprehension of what he had done.

Recidivism rates show us what prisoners are like when they get out. The reality is, most people who go into prison do get out, especially among juveniles. According to Randall Shelden, nine years is the average prison sentence for juveniles convicted as adults, and eleven years for violent offenders (418). This is a long time; however it means they will get out. The hope is that when they leave prison, they are reformed and will not return. Unfortunately as we know, this is not always the case, and this is especially true among juveniles who are housed in adult prisons. Recidivism rates around the country are high, for both adults and juveniles. It is a cycle that is hard to break once you go in the first time. From technical parole violations, to the financial temptations of crime for those living in poverty, many people end up back in prison.

In many studies, juveniles in adult prisons have higher recidivism rates that those in juvenile facilities. Dr. Richard Redding of the University of Virginia cites several of these studies in his article, "Recidivism Rates in Juvenile Versus Criminal Court". The most recent of these studies was done in 1999, further back because they have to follow juveniles for a few years after their release to determine recidivism rates. This study compared recidivism rates of 557 violent offenders. Of the 138 transferred to criminal courts, they were rearrested more quickly and more often than those in juvenile courts. All of the studies that Redding cites in his article show this same result. Shelden agrees

that juveniles housed in adult prisons are "more likely to reoffend and do so more quickly" (418). It seems clear that juveniles who are locked up in adult prisons are not being reformed, and are not being helped the way they need to be.

There are various reasons and theories as to why there are higher recidivism rates among juveniles incarcerated with adults. One thought is simply that juveniles are affected by the surrounding so called hardened criminals. They are among men who are career criminals, and they learn from them and become harder criminals themselves. Juveniles in adult prisons are victimized physically and sexually. Prison rape is real; it happens everyday, and for juveniles in adult prisons, it happens more often. It is extremely difficult to find statistics, because kids are terrified to report the rape, which would violate inmate's code of not 'ratting' on each other. The Campaign for Youth Justice, a national non-profit juvenile advocacy organization reported in November 2007 that "twenty-one percent of all substantiated victims of inmate-on-inmates sexual violence were under eighteen years old, even though youth make less than one percent of the total adult jail population." In addition to sexual assault, juveniles are subjected to vicious physical abuse. Dwight Abbott wrote I Cried, You Didn't Listen, on his experiences in the California Youth Authority, and in California adult prison. This book is a sad testament to physical and sexual abuse by adults, both other prisoners and prison staff being the abusers. When he first went into the adult prison he was told to fight to prove himself. After defending himself, he was hospitalized several times with serious injuries.

In Delinquency and Juvenile Justice in American Society, Shelden points out juveniles have a far higher suicide rate inside of adult facilities. This alone should show that putting juveniles in adult prisons is not helping, it is harming them. The Campaign for Youth Justice also points to higher suicide rates. In November 2007 they reported that youth are thirty-six times more likely to commit suicide in an adult jail than in a juvenile detention center. When someone is just simply trying to survive the daily violence and fear, how can they be expected to reform their ways and become productive members of society?

When looking at qualitative change, there are several case studies on individual juveniles we could look at. Frontline recently did a documentary titled "When Kids Get Life". This documentary featured five male juveniles who are serving life sentences in adult prisons. Andrew Medina was one of the boys featured. His crime, according to the documentary is confusing. Essentially his crime was a car-jacking gone awry, and a man was shot and killed. It is unclear who did the shooting, but Andy was fingered as the trigger man when both the other defendants made deals with the prosecutor when facing first degree murder charges. They got seventy and seventy-five years, as opposed to Andy's life without parole. Andy has spent four years in Colorado State Penitentiary, the state's highest security facility in total isolation locked up twenty-three hours of the day. It is unclear why Andy is in the highest security facility; he was accused of being in a gang when he has no gang affiliation or tattoos. According to his lawyer, since being in the 'supermax', he has developed twitches and become 'demoralized'. Andy's mother is upset by the limits imposed on their visits. "I can't hug him or give him a kiss on the

cheek or buy him a pop or a snack or anything, no. He's alive, but it feels like he's not," she told Frontline. Andy says he has changed since being in prison. He avoids drugs, and calls himself a different person now. He told Frontline, "I was a different person -- just the way I talk and the way I am -- the way I carry myself. I don't know, maybe it's just what I've experienced. I know a lot of people, they say you have to do things to change, but I don't think that's true. I think a person's change ... just happens. And it's happened to me." He has experienced a qualitative change, but like Cheryl he will never get out to experience how that change would help him on the streets. I think his case is different from many, because he will never get out. It is different than a ten year sentence; he has had much more time to contemplate his life and how this experience has changed him.

When evaluating the staff of an adult institution, it is difficult to limit this just to their dealings with juveniles, because they are such a small percentage of the population in adult prisons. Ted Conover, a sociologist, decided to examine this idea for himself and applied to become a corrections officer in New York at the infamous Sing Sing Prison. His book, Newjack: Guarding Sing Sing is about this experience and what he learned about the prison system during that time. During his first training, he was told the first three things he would get as a corrections officer, "A car. A gun. A divorce." This sergeant was preparing them for the fact that the job would take a terrible toll on their life, and many Corrections Officers got divorced because their personal life could not handle the strain of their job. During Conover's experience he describes the anxiety and fear that comes with the everyday tasks of the job. He experiences violence and verbal

abuse everyday on the job. This cannot be a positive work environment, and having patience for the inmates, even the juveniles must be incredibly difficult. If the facility is damaging to both the inmates and the staff, I do not think it can be called successful.

Juveniles and adults were separated in prisons for a reason. There is a significant difference between an adult criminal, and a juvenile delinquent. No matter how severe the crime of a juvenile, they should not be put into adult general population. If the goal of prison is to reform, this is clearly not the right option. However for many the goal of prison is punishment, not reform, and so this putting kids in criminal courts seems like the right choice. Adult prisons are clearly detrimental to the youth incarcerated in them. They increase suicide rates, instances of sexual and physical abuse, and raise recidivism rates. Even the staff of adult prisons are affected by the cruel environment. Qualitative change comes too late when there is no hope of it having a positive affect on society, and so in a sense it is a useless change. Severely long sentences throw juveniles away for life, and this to me seems unfair and counterproductive. We are just adding to the numbers of prisoners, a population that has increased at a rapid rate in the last ten years. According to the Colorado Criminal Justice Reform Coalition website, in 1980 there were 2,600 men and women in prison in Colorado. By 2006 that number grew to 22,000 (2007). New prisons are springing up all across the country, and Colorado is no exception. We are now in the process of building a Colorado State Penitentiary number two, a second 'supermax' facility to handle the growing numbers. There must be a better sentencing option for juveniles then putting them in adult prisons, and I will explore these options next.

## JUVENILE FACILITIES

There are options other than throwing kids in adult prisons and jails. The first is simply a separate system for juvenile offenders, or similarly a boot camp. I will discuss both of these options in one chapter, because they are similar in a lot of ways. They are based on the structure of adult prisons, but have certain aspects that are tailored to juveniles, and most importantly do not expose juveniles to adult career criminals. Juvenile penal facilities focus on discipline. These facilities provide the structure and penal aspects of prison that many people feel juveniles need in order to be reformed, but they keep the kids away from adult criminals who would prey on them.

According to Michelle Inderbitzen of Oregon University, who has spent time researching within the system, the goals of these facilities are to teach life skills: discipline, a work ethic, and anger-management (Inderbitzen 16). These are supposed to be taught through group classes and seminars. However in reality the teachers are usually the staff members who have little to no training to conduct classes in these areas. The goal is a good one, but it is not fully realized. The conclusion of Michelle Inderbitzen's research in juvenile facilities is that they "appear to do less harm than adult prisons." (23)

Inderbitzen spent fifteen months inside one of the juvenile facilities in Oregon that houses the states most serious juvenile offenders still kept in the juvenile system. The facility is the last stop in the juvenile system; further criminality would lead these young men into adult criminal courts and eventually prison (Inderbitzen, 11). Inderbitzen

focuses on “Blue” cottage, a group of violent offenders considered by the state to be the worst of the worst. Inderbitzen chose to observe at first, and not conduct formal interviews as an ‘outsider’. Because of this choice, the boys eventually got comfortable enough to share more with her than they might have been able to in a formal interview setting. Her visits became a treat for the young men there, a break from the endless days of being locked up (12).

The first thing Inderbitzen found in the juvenile system was that the young men still experienced the ‘pains of imprisonment’ (13). The residents, similar to those in adult prisons, still have to deal with the daily frustration of their entire lives being run by somebody else. Every moment of their life is structured from when they can eat, shower, talk to one another, or even use the bathroom. The residents have absolutely no control over any aspect of their life, which is very difficult for someone who is trying to mature. Many of these boys will quite literally become men behind bars, but will never learn to take care of themselves because their lives are so structured. They are stripped of their individuality, and become simply another number in the system, one who is told what to do and when to do it. There must be a better way to reform the youth of our country, a better way to prepare them for getting out. Since they will be released back into society at some point, wouldn’t we rather have an individual who is prepared to take care of themselves and support themselves, rather than someone with no skills or knowledge of how to live on their own, who will most likely end up back in the system?

Another thing that Inderbitzen learned that was very difficult for the boys is the total loss of privacy and personal possessions. Most of the boys she worked with had

roommates, and there were issues of race, age, and other annoyances of roommates. The boys never had a single minute to themselves, and according to the boys, this was a really hard part of their time in the juvenile system. When they enter the system, they are stripped of virtually all of their personal possessions. They have state-issues basic necessities, and the boys complained that these were "inferior products" (Inderbitzen, 14). The boys also complained about the food in the institution. It was filled with starchy bland items that were not as healthy as they would have liked (Inderbitzen, 15). Even the staff of the facility made fun of the food and told Inderbitzen not to eat it unless she was absolutely desperate. The counselors sometimes brought in treats, or 'eatable food' according to the boys, for birthdays or other special occasions. (Inderbitzen, 14).

A problem with juvenile facilities is that the wards still have affects of incarceration. When they are locked up, their time inside weakens their community bonds, contributes to school failure and unemployment, and increases likelihood for adult crime (Inderbitzen 23). Being taken out of a community, their ties there are also weakened. This could be with their family, friends, teachers, and mentors, anyone in their neighborhood. When kids are taken out of that environment we are only increasing the extent to which they feel alienated from society, which is a factor that leads to crime. It also can lead to failure in school and unemployment. While they can go to school inside, they are still not going to be able to get the best education possible, because they also have to deal with being locked up. It is not a normal school environment. Then when they get out, they have been out of their regular school for some time and the adjustment back to school can be difficult, and thus their grades will probably suffer. As

discussed before, they often do not learn life skills or vocational trades, so when they get out they are virtually unemployable. Who is going to hire an eighteen year old who has never had a job, and probably does not even have a high school diploma? Lastly, their time locked up increases the likelihood for adult crime, as Inderbitzen points out. Once they get out there are very few programs to help them reintegrate back into society, get back into school, or find a job. They are on their own, many for the first time in their lives, and for too many the temptation to go back to crime is too strong for them to resist without help.

Juvenile facilities are supposed to teach life skills, anger-management, victim empathy, and cultural literacy. However, Inderbitzen points out that the cottage staff are not given any training to teach these lessons, so how are they supposed to do so, in a meaningful way? Some staff members taught great classes, but some simply copied a page out of a book and gave it to the boys to read. Several classes consisted of watching a video program and then trying to discuss it. The idea of having these types of classes is great, however in reality the idea is not actualized to its fullest potential. It is not the staff's fault; they are not given proper training to teach the classes they are being asked to teach. It is unfair to the staff, and to the boys. One staff member Inderbitzen talks about is Luke. He teaches the boys about birth control, paying bills, and managing money. These are the lessons the boys really need to learn, but unfortunately not everyone on the staff is teaching this, and so many of the boys in this facility will not be prepared when they get out. A good thing that this institution had was a work program. Almost every boy in the cottage had a job in the institution in various areas such as the kitchen,

laundry, maintenance (Inderbitzen, 17). Even if they were just washing dishes, they were learning job skills, such as being a dependable employee.

A traditional approach in juvenile facilities is to use a boot camp model. The boot camp is supposed to teach the offender discipline, and 'whip them into shape' and turn them away from their delinquent path. These programs are run as though the offenders are in a strict military training camp, and they are taught to obey their guards' orders as if they were their commanding officer. There are several controversial issues surrounding boot camps.

The first problem with boot camps is the selection of the offenders placed in the camps. According to Angela Gover of the University of Maryland in her studies on boot camps, they focus on lower risk cases (54). Offenders with 'behavior problems' versus those with serious criminal behavior are placed in boot camps, and these are the kids who are less likely to recidivate anyway. Thus it is very difficult to see if boot camps are really lowering recidivism rates, because the population going into them already has a lower recidivism rate. According to Gover, most judges when faced with a community probation sentence versus jail time will choose the community service. However, at the same time if a judge is given the choice of a boot camp sentence, most judges choose boot camp, creating more institutionalized kids within the system (54).

According to Gover, juveniles need individualized treatment plans if they are to have any hope at reentering society and staying out of crime. However, in boot camps the individual is invisible. Offenders are placed into a unit upon entry. The unit attends classes, programs, and meals together, they are punished as a unit for individual

misconduct, and they finally graduate as a whole group. Their lives in the boot camp as individuals are lost in the conformity of the unit. Rigid schedules do not provide any flexibility for the individual treatment of any single juvenile. They are treated as a whole unit, a group of delinquents that are exactly alike. Mainstream psychology says that treatment requires positive reinforcement and interpersonal relationships in order to see real change in a person (Gover, 54). Unfortunately, in boot camps kids are confronted military style and positive reinforcement is not used at all. Gover states that this type of programming seems to encourage short-term change, but then juveniles are not taught reintegration skills, and so the program eventually fails. Gover cited several research studies that each confirm, there is no difference in recidivism rates among boot camp and non-boot camp offenders (Gover, 54). The key is reintegration. This should be taught while kids are still inside a facility, so that they are prepared to get out. Boot camps do not so this, and so we only see a short term change, if even that.

Gover's study looked at different comparisons between boot camps and traditional facilities. The first aspect the study focused on was environment. The boot camp facility, as expected, had a higher level of military structure in the program. For example, juveniles march to different activities, wear uniforms, participate in drill, and physical fitness training. Staff also wear uniforms and are addressed using military titles. (Gover, 59) However it is interesting to note that some structural components were exactly the same such as having to wake at a certain time, make beds, shower at a specific time, and follow strict daily schedules. Also security level and supervision were actually the same as well, even though boot camps had less serious offenders. This

higher level of discipline and structure is supposed to teach the juveniles to follow orders, so that they can someday follow the rules of society.

The hours spent in different programs varied between the two different types of facilities. In comparison to boot camps, traditional facilities on average had 6.1 more hours per week for vocational training, and 5.4 more hours per week for treatment services. Treatment services include substance abuse, psychological, and individual treatment. Boot camps had more physical fitness activities than in traditional facilities. Boot camps schedule on average 22.7 hours per week in comparison to 12.6 hours for physical fitness in traditional facilities. (Gover, 61-62) Both facilities provide education programming in the school year and the summer months. These programming elements are significant. Boot camps focus on physical fitness, and traditional facilities focus more on treatment services. Both are important aspects for health and self-esteem, and finding a balance among these activities is very important. Another important programming element was the staff to juvenile ratio. In traditional facilities there was an average of a one staff member for every 6.6 juveniles. In boot camps this average went up to 10.2 juveniles to every staff member. (Gover, 62) This means that juveniles in traditional facilities have more opportunity for individualized treatment and attention to help them. Individual attention is important for reform, as we will see later when discussing another alternative for juvenile offenders.

Another aspect that Gover's study examined was the extent to which juveniles had contact with the larger community that they would eventually reintegrate back into. Boot camps had more restrictions on visits, phone calls, and letter writing (Gover, 63). In

many of the boot camps visits were not allowed until the end of the first or second month in the facility, if at all. Overall the boot camp facilities were far more restrictive when it came to phone calls, letters, and visits. The boot camps kept juveniles from having significant contact with their community, making reintegration even harder later down the line.

This study shows us that boot camps have higher levels of military structure, more physical than therapeutic programming, less individualized attention, and more restrictions on community interaction. Overall, boot camps are more punitive than the juvenile facilities. Again we need to be asking the question, are kids locked up to be punished, or to be rehabilitated? Gover cited studies that show boot camps do not lower recidivism rates, and as far as qualitative changes, they are brief. Gover asserts that traditional facilities are more successful because they provide more individual attention and treatment. So let us now turn again to juvenile facilities and evaluate their effectiveness.

Michelle Inderbitzen concluded in her study that juvenile facilties, "appear to do less harm to the young offenders in their midst" than adult prisons (23). This was as positive as she was about the facilities. Juveniles, as mentioned earlier, still experience the pains of imprisonment and the affects of institutionalization that lead to adult crime. One important note about the boys of "Blue Cottage" that Inderbitzen makes is that "most had not yet fully committed to the convict world" (23). This is an important fact to note. In adult prisons, it is far more difficult to make this statement about juveniles, because they are surrounded by those who are fully committed to the world of crime. By keeping

juveniles away from adult criminals, it gives more hope for rehabilitation. We have already seen that juveniles in adult prisons have higher recidivism rates, so clearly just taking the step to separate juvenile and adult offenders lowers the recidivism rates.

Let us turn now to look at the staff of juvenile facilities and se how this affects the overall success of the programs, or not. The juvenile system has a history of sexual abuse and victimization by staff (Inderbitzen, 431). However, it is still better than the adult system as shown earlier with rape and abuse statistics. According to Inderbitzen in her article, "Guardians of the State's Problem Children", because of the current trend in juvenile justice toward punishment, rather than rehabilitation, staff at the facilities are being caught in the middle (432). Because of conflicting views, staff members are stuck between different ideologies and this causes stress as they try to balance punishment and treatment. They also face problems in lack of funding and training. They constantly have to struggle for resources, and face the challenge of providing programming without training. Staff members say that the only way to get through their work is through the relationships they build with the offenders.

According to Inderbitzen, the staff of the training school's "cottages" where the boys lived were sympathetic, and often pointed to the kid's troubled family life that led to their crimes (436). Many of the young men in the cottage that Inderbitzen was observing came from homes where they experienced severe emotional, physical, or sexual abuse during their childhood (437). Their parents were drug addicts, prostitutes, drug dealers, and often were incarcerated themselves. Many of the boys grew up as wards of the state, in foster homes or residential care. The staff members were the ones who told

Inderbitzen of the boys lives, to somehow try to explain their behaviors and crimes. The staff seemed to care about the boys, and want to help the researcher to understand what the boys had been through to make them act the way they do.

The staff members of this training school describe their relationship with their job as cyclical. They go from building relationships, and really loving their job, to getting burnt out and cynical for a while, and then finding a renewed source of energy to bring back the love for their job. (Inderbitzen, 439) In this job it is very easy to get frustrated with behaviors of the juveniles, and it is difficult to stay motivated to coming up with creative solutions to problems, but they still do. One staff member, Eddie, is a thirty year old African American who, like many of the boys, grew up in a rough neighborhood and understands their backgrounds. He says he does not like to use the disciplinary "checks" that most staff members use, but rather he tries to more creatively work with the guys and "use his mind and his mouth rather than strict disciplinary measures" (Inderbitzen, 441). Those staff members who did stick to the intense military style discipline, did not do as well with the guys. Robert for example was the "hard-liner" who yelled at the boys for even minor offenses, and was hated by the residents, and was eventually transferred to another cottage.

Inderbitzen says that because different staff members had different philosophies, there was generally a lot of friction among the staff (441). When a staff is unable to be cohesive, the residents are going to be able to literally divide and conquer. The staff is not creating a good environment for change; it is creating a space for manipulation of the rules because of different attitudes. It is so important for a staff to be on the same page,

and if the military style is not working, then maybe they all need to change to something else. If it is working, then they need to stick to it.

Overall juvenile training schools have benefits and downfalls. First, they appear to be better than putting kids in adult prisons where they experience more sexual and physical abuse, and have higher recidivism rates. They do have more programming aimed at juvenile offenders. Boot camps are similar in structure, but are more rigid and actually are not any better for lowering recidivism rates and creating qualitative change in individuals. By and large these facilities are better than adult prisons, but I think that there are still other options and ways to reforming juveniles that can be discussed as well.

## THERAPEUTIC APPROACH

A second alternative to juvenile reform is a therapeutic approach that emphasizes the importance of accountability. There are facilities that focus on group and individual therapy to help juveniles take responsibility for their own actions. The focus of places like this is to help the offenders to realize their actions truly hurt someone, and to see their victims as real people with real feelings. Until they can see that, they cannot begin to be rehabilitated. Facilities focus on looking into a juvenile's past, and often their own victimization, and connecting that to their crime. This process enables them to see the victim-victimizer cycle that has taken hold of their lives, and with this knowledge they can begin to try to break that cycle.

The Giddings State School in Texas is the model for this type of program. John Hubner, an investigative reporter for the San Jose Mercury News, wrote the book Last Chance in Texas, an exploration of Giddings State School, and specifically their "Capital Offenders" group designed to reform those violent offenders who are considered to be the worst of the worst. The program offers an intensive group therapeutic program for violent offenders. In group therapy the offenders discuss and tell their life story, and then their crime story. They have to do role plays, playing both themselves and then also the victim of their crime. The focus is on victim awareness and seeing their victim as more than an object. Getting accepted into this program is a long process. Kids who are accepted have spent years in the institution learning about 'resocialization'. The staff and facility in general are very intentional in referring to them as kids rather than inmates or

wards. They are referred to as students rather than prisoners, they are there to learn, not to be punished, and this is a huge distinction the facility is adamant about.

Hubner was granted access into the Capitol Offender's program, and was able to see the inner workings of the program. He spent countless hours behind a two-way mirror observing the group sessions and listening to the kids tell their tragic life stories, and their horrific tales of crime. Hubner's book divides into two sections and focuses on one male and one female Capitol Offender's group. In the section on the boys he narrows in on Ronnie. Ronnie tells his story from before he was even born, talking about his mother's life. He tells how he became to be the person who beat his own brother, and almost killed an elderly man for his money after kidnapping him. He tells his story in order to understand how he is a part of the victim and victimizer crime cycle. (Hubner, 30-50).

Giddings State School focuses on changing the way juveniles think, which will hopefully change the way they act. Giddings, Hubner points out, does not attempt to re-create the family most of these juveniles missed out on, because he says this does not work and only creates more anger within them (5). Instead, Giddings tries to teach them the skills they did not learn from their families, so that they have a chance at a life without crime. One of the first things students receive is Changing Course: A Student Workbook for Resocialization. Hubner says that students are directed to chapter three, and a list of nine "thinking errors", which are "deceiving, downplaying, avoiding, blaming, making excuses, jumping to conclusions, acting helpless, overreacting, and feeling special" (5). These "thinking errors" are at the heart of what the students will

learn in their time at Giddings state school, and are a significant part of the group therapy in the Capital Offenders group. The students will tell each other when they are using a thinking error, or will talk about a past time they themselves used a thinking error. Thinking errors point out the faulty thought process behind justifying criminal actions because of ones past (Hubner, 5). This is helping them to begin to take responsibility for their own actions, a crucial part of the program at Giddings.

The Capital Offenders group focuses on empathy. Linda Reyes, one of the therapists for the group says empathy is more important than forgiveness, and "far more difficult. Having empathy means taking responsibility" (Hubner, 8). Students of the group are taught to have empathy for their victims, and truly understand what their victims went through and take responsibility for that, and to make sure it does not happen again because of them. This is a crucial point in the therapy the juveniles go through. To truly understand and feel the pain they have put someone else through is an incredibly powerful experience. They have to do a role play and act as their own victim, and this process gives them an emotional, powerful insight into the feelings of their victim and allows them to feel this empathy. The theory is once they really understand what they have put another human being through with their actions, they would never want to do such a thing again. The great thing is it really seems to work when we look at the kids after they go through the program. According to the Texas Youth Commission, in 2007 Giddings State School graduates had a zero percent reincarceration rate.

Let us focus now on one of the individuals in the Capitol Offender's group that Hubner observed. This is Ronnie's story as told by Hubner. Ronnie was a small child

when his problems began. His father left his mother and went back to his family that shunned his mother from the beginning of the relationship. His mom, Marina, had a drug addiction and they often lived with his aunt while his mother disappeared for days or weeks at a time. His aunt beat him. The stepfather he would come to have a few years later would beat him and teach him how to use drugs. Ronnie entered the cycle of violence and began beating his little brother Kenny. He even threatened to kill his brother on several occasions. He had turned from the victim to the abuser. He becomes a miniature version of his drug dealing, abusive stepfather. He robs an elderly couple, kidnaps them, and by his own admission would have killed the old man if he had not escaped. Now it is the job of the capitol offender's group to try to piece all of this together and help him see what he needs to take responsibility for.

When he tells his story, he must use his victim's first names, Joseph and Martha, so he can see them as human beings. While he tells his story peers and therapists interject with thoughts trying to help him understand his life and his crime. Then comes the role play portion of Ronnie's therapy. Ronnie must play both his victim and himself. He is a mess of sobs and terror at the end of it all. He finally understands what he did to his victims, and how terrified and hurt they must have been, and how it must still affect them today. One of the therapists reminds him, "Don't use your past as the reason for who you are today. Let this program be the start for who you will become" (Hubner, 143). Hubner ends his book with an update on the young men and women in the programs. Ronnie was paroled to his mother, now single. He got a job at the nursing home his mother worked at. He reconciled with his real father, and he now accepts his

father for who he is, and what he could not be for Ronnie as a child. He is a real brother to Kenny now, and they do things together and talk. Kenny sees a real change in Ronnie. Ronnie has forgiven his aunt, and she lives across the street now. He looks as though he is on the right path now, and will hopefully remain that way for the rest of his life.

Hubner gives an update on each individual he observed in a capitol offenders group. Of those seventeen young men and women, two did not make it through the group and were transferred to prison. They did not make it through because they were not ready to take responsibility and move away from a life of crime. The other fifteen graduated from the program and were released, and none of them has been re-arrested since that time. This to me shows a successful program. We see juveniles coming out, and not going back in. We see a qualitative change in the kids, an example of which we see in Ronnie's story. He was able to see how much he hurt others, and begin to repair the damage with his family once he graduated out of the Capitol Offender's group.

The staff of the Giddings State School, and especially of the Capitol's Offender's Group is different than anything discussed this far. Butch Held, the superintendant has said, "This is all about taking care of the kids. And they [the kids] don't want us to" (Hubner, xxi). The staff gives the kids positive encouragement and specifically the therapy staff is very much there for the group members. The therapists hand selects this group, and they do research, they know the stories of the kids before they tell them. They care about the kids, and want to see them change. They do not focus on punishment, they focus on reform. This is the difference, and this is what helps the kids so much.

Juvenile training schools and especially boot camps focus intensely on physical fitness. They march, they run, they climb ropes, and do obstacle courses, all in the name of getting them into shape to help their self esteem and discipline. Giddings State School focuses on physical fitness too. However they do it in a very different way: football. Boys who are doing well in treatment and in school, and who have served half of their sentence are allowed to join the Giddings State School football team. The coaches remind players at practice that if they are showing negative behavior in their other programs, they will be kicked off of the football team. Even the star player can be kicked off is he begins acting out, which happened during the season that Hubner was observing at Giddings.

The coaches say they see the cycle of violence broken in a sport that some might think is too violent for these murderers, rapists, and armed robbers. However in two decade of playing, not one individual on the team has been in a fight in a game, or been ejected for a personal foul or unsportsmanlike behavior (Hubner, 98). Boys and girls who have worked their way up through the program are allowed to attend the game. Playing on a team and trusting one another teaches the boys skills they never learned within their own families where people continually disappointed them as they grew up. Sometimes the boys have family members show up to the games, something that does more for their self-esteem than any drill sergeant yelling orders to finish an obstacle course.

The coach of the team has a lot to do with its success as a football team and as a tool to help reform the youth. The coach is Sandy Brown, described by Hubner as a

polite man with a ferocious spirit. In his youth he was not an angel. He says he could have been sent to Giddings for things he wanted to do. He was just lucky enough to get out alive, a strong intelligent man. Brown said to Hubner of his football program, "Learning to block and tackle isn't going to change their lives. But coaches who take a personal interest in them might" (101). The individual attention juveniles do not receive in a traditional facility, they receive here. These boys know there is at least one person, Sandy Brown, who is on their side and will never give up on them. For most of them Sandy is the first person in their life like this, the first one to pledge to always be there, no matter what, and really mean it. This football team is a better outlet for physical fitness programming than what other facilities have, because it teaches teamwork, sportsmanship, and trust, among many other things. The players know they are responsible for their actions, because they will be kicked off of the team if they act out. It is a reward that helps to get them through their other programs and daily activities.

A former superintendant of Giddings, Stan DeGerolami calls it the "toughest prison in Texas", and says kids doing time in the "tough on crime" prisons have it easy (Hubner, xxii). He says this because of what Giddings forces the kids to do. In a regular facility, according to him, kids sit in their cells and contemplate how unfair the world is, and how they have been so grievously wronged. In Giddings, however, they are forced to deal with the actions that put them there. They have to look at what was done to them, and what they did to others. Examining who they have hurt, and why they did it, these are hard things to do. DeGerolami says, "Kids who go through that do not go out and reoffend. That needs to be screamed out loud: they do not reoffend" (Hubner, xxiii). This

program is hard, it is not for those looking for an easy way out. It teaches these kids the lessons they should have learned from the time they were little kids. They learn to take responsibility for their actions, and they learn to be members of a society, of a social network.

The California Youth Authority (CYA) is not known for its treatment of youth, in fact Hubner says, "Treatment in the California Youth Authority is all but nonexistent" (xxiii). However, there is one program that seems to be similar to Giddings State School that Hubner found later in the CYA. This program is called The Oak Lodge and it contains wards assigned to the Specialized Counseling Program (SCP). The SCP targets wards that have committed sexually related offenses. Group therapy is crucial; the staff, just like the staff at Giddings, tries to get the residents of Oak Lodge to see their victims as people, not as objects. Their motto is, "Humanitarian way is the only way" (Hubner, 270).

Unfortunately, the problem with this program, like so many others, is underfunding. Specialized and Intensive Treatment programs treat the most difficult and troubled wards of the state. These are the young men and women who need treatment desperately, but have never gotten it, so they are dangerously close to the point where there is no hope. It is essential that there are a sufficient number of qualified and trained staff available at all times. Currently, there are not a sufficient number of psychologists onsite to provide treatment for these wards. There is simply not enough funding for places like this. A spokesperson for CYA was quoted saying, "Ideally, we'd have 100 percent of our wards in programs like Oak Lodge" (Hubner 271). Unfortunately in 1996

one year in this place cost $30,100 per kid (Hubner, 271). There is not enough money in the budget right now for this program, even though it will save the state money later down the line because recidivism rates will be down, and they will be spending less money on kids coming back into the system as adults.

The state of Colorado has seen the need for this type of program for violent youth offenders, and for this reason Colorado's Youth Offender Services, commonly known as YOS was created. Juveniles who are sentenced to the adult criminal courts can be sent to YOS which is truly a last stop for juveniles before they have to be sent to adult prisons. The goal here is similar to the Giddings State School. If juveniles are kept separate from adult career criminals, and are given positive programs to help them, maybe they can break their own cycle of crime and become a productive member of society.

Unfortunately there are several problems with YOS, and it does not have nearly the same success rates that Giddings School has. The first problem is the way programming is implemented at the facility. According to a study done in 2004 by the Office of Research and Statistics, Division of Criminal Justice, "With the exception of education, there is not a cohesive program at YOS and the programmatic components that exist are colored by an overriding impediment to program implementation: the unresolved and ongoing conflict between the philosophies of custody and treatment." There is not a consistent method used for programming as there is at Giddings State School. Programs come and go and there is no stability to the program overall. The authors explained that there are differing philosophies on how to run the programs and

this creates a tension among the staff. This constantly changing environment does not provide an atmosphere where real change among the youth is possible.

Over the years services and programs at YOS have been taken away because of budget cuts. According to this report, when the nation's economy went down, states received budget reductions across the board. To add to this, because of the referendum the Taxpayer's Bill of Rights (TABOR), states have had spending limits imposed on them. YOS lost twenty-six employees, eighteen to cut positions and seven to retirements from positions that cannot be replaced until the budget allows again. (English et al, 1.1). These budget cuts affect the quality of the programs at the facility. Giddings State School is successful because it has the resources to really create a program that works.

Another problem at YOS is that they need a consistent incentive and rewards program. The facility is broken down into phases, similar to the levels at Giddings State School, however there is a problem in how juveniles are moved through the levels. Movement between the phases is often limited or determined by the number of available beds (English et al, xii). Movement between levels should be determined by a show of good behavior and compliance with programs, not by funding issues and space. Similarly, the way the juveniles are disciplined and given consequences is not consistent among the staff members. Juveniles who were interviewed for this study said their punishments ranged from loss of privileges, to being cursed at and written up (English et al, 26). This inconsistent, borderline abusive use of consequences should not be a part of a therapeutic facility for juveniles.

Another significant problem with the facility is the staff is not given enough training to do their job in a meaningful way. Staff should be trained to deal with at risk youth and should participate in staff development throughout their time at YOS. Unfortunately at YOS, the staff is not sufficiently trained (English et al, 24). According to the report, many of the YOS staff members come from other Department of Corrections facilities and have no training whatsoever in how to deal with juveniles (English et al, 24). This is the most significant problems, and biggest difference between YOS and Giddings State School. The staff of Giddings is specifically trained to deal with a certain population, violent juvenile offenders, and this is why they have such a successful facility.

When this 2004 study was done, there were one hundred and forty three juveniles who had been discharged for five years or more from YOS. Of those, fifty-three percent have had a new felony conviction and have gone back into prison. These numbers are incredibly high when compared to Giddngs State School's three year rate of seven percent reincarceration. YOS could be another program that really helps youth, but because of budget cuts and inconsistencies in the programs, it is not. This type of therapeutic program has proven that it works, but unfortunately it has also proven it needs a substantial budget to work correctly. While the lowered recidivism rates will cause spending to be reduced in the long run, at the start it appears to be a much more expensive option, and one that would be very hard to implement everywhere.

# CONCLUSION

We have now examined three different placement alternatives for juvenile offenders. The first is placing children into adult prisons. As we have seen this increases recidivism rates, the likelihood of sexual and physical abuse, and the rate of suicide. How can we expect a real qualitative change when kids are just trying to survive? And even if the do change, some of these kids, such as the two discussed, will not get out for years and years, if ever. Staff of adult facilities are told to expect "a car, a gun, and a divorce" as their thanks for being a correctional officer. There is a difference between a juvenile delinquent, and an adult criminal. They should not ever be housed together. Our goal for the children of this nation who seek a life of crime should be to reform them, not punish them with a life of fear among adult criminals. Putting children in adult prisons simply ensures that taxpayers will be paying for them for a longer period of time, during their current sentence, and the ones they will inevitably get later, as recidivism rates show us. Adult time for teen crime is truly not the right answer.

Juvenile facilities are a step up, but still need a lot of work. Too many of these facilities have unrealized goals. Their programming goals are great, to teach life skills, victim awareness, and anger management among other things. However, their staff members are not trained in providing this programming, and too many times they put in a video tape that the kids probably ignore, rather than facilitating a real discussion about the issue. These facilities strip the kids of their individuality, and make them one in a group of offenders, especially in boot camps. They have no control over their daily lives,

or any privacy. They are wards of the state, one of a number, and they are told what to do at every moment, and never learn to think for themselves, something they will need later when they are on their own. They have become institutionalized, and have experienced the pains of imprisonment. They have been removed from their community and placed in a fake world where everything is decided for them, and they never have to think. This is dangerous for them later in life when they are susceptible to gangs who will think for them. Boot camps provide too much physical fitness training, and no real treatment. Some critics think they do more harm than good. They restrict community interaction, and individuality to a point that is detrimental to the kids. The staff are in conflict with each other over ideologies, and divided they cannot help the kids. These facilities appear to be better than adult prisons, but I think there are still better options.

A therapeutic approach, such as the one at Giddings State School in Texas is the ideal juvenile reform approach. These kids actually learn the life skills that are the goals of the juvenile facilities discussed previously. They learn to take responsibility for their actions, and to see their victim as a person with feelings. These two points are the foundation of the Giddings mission, whose goal is resocialization of the individual. If they can change the way juveniles think, they can change their lives. They focus on group therapy and story telling to connect with one another, as they have not been able to connect with their families and peers before. They are forced to recall difficult events in their lives and their crimes in order to understand how their past is affecting their future. Kids who come out of this program are truly reformed. Of the seventeen juveniles Hubner observed, two did not make it through the program and were transferred to

prison, and the rest got out and have not been rearrested. This is a program for violent offenders, but it could be adapted for sexual offenders, property offenders, and various other types of juvenile delinquents. The specialized and individual treatment provided by the well training, and caring staff is what makes this program work.

Is this all we need? No. There is more to it. We need to provide aftercare for our kids once they get out if there is any hope for them to stay out. There should be a system in place to help kids who have literally grown up behind bars. When a kid goes in at fifteen or sixteen years old, and gets out when they are nineteen or twenty, just because they are legal adults does not mean they are ready to be adults in the real world. There should be help for kids once they get out. Unfortunately, again funding is an issue. In this country we would rather spend more money building new prisons, than on programs to keep people out of them. In the long run it will cost taxpayers more to continuously build new prisons for the ever growing numbers of criminals in this country.

A good form of an after-care program option for juvenile offenders is employment opportunities while incarcerated that can lead to gainful employment after they get out. These programs prepare juveniles for careers, and for the job-seeking process. The best programs have juveniles working in their own communities so they can develop ties to the community, and an attachment to an adult role model.

The Youth Conservation Corps are a good example of this type of program. They focus on environmental community improvement. Rather than older programs that took kids out of their community and into the wilderness to do environmental work, this program focuses on keeping them in their community to do positive actions for their

neighborhood. They do things such as neighborhood trash pick-ups, or improving a community park. The emphasis is on doing something positive for your community, not just to make up for past offenses, but to show that they are ready and willing to be a part of the community again.

Regional Youth Educational Facility is an employment based program that has several programming elements that includes counseling, education, GED preparation, character education, physical education, victim awareness, substance abuse education, career education, vocational training, reparative sanctions, religious programs, and aftercare. The research on this program is not perfect because you cannot do random selection, because of the ethical implications of placements of youth into different programs. It is impossible to have an exact control group, because if the two groups were exactly alike, they should all be accepted into this program. However, imperfect research methods aside, there is a significant difference in overall recidivism rates after 6 months. There was a sixteen percent recidivism rate for the RYEC wards, and forty-five percent for the control group (Armstrong).

Employment opportunity programs are far from perfect. Often juveniles are just channeled into jobs where they are doing a menial task over and over. The kids are not learning life skills and do not have a positive role model to guide them. These programs, like the therapeutic programs, are small and under-funded, and would need more research. However, they are a step in the right direction, and a good example of after-care programs for juveniles released from adult prisons, or juvenile facilities.

Juveniles commit crimes everyday, and the American people have a choice on how to deal with this. When juveniles go into the system, it is only time before they will be released. The question we need to ask ourselves, is who do we want coming out? Do we want someone who has been housed in an adult prison where they have been abused physically and sexually, and have learned to do anything to survive? Do we want someone who was just one in a number in a juvenile facility who is bitter from their experience? Or do we want someone who has examined their life and taken responsibility for what they have done to others, and is ready to change? It is more complicated that this obviously. There are funding issues, politics to be discussed. But on the very basic level we should remember we are talking about kids. Decisions made at the age of fourteen or fifteen are going to affect the rest of their lives, and that could be for good or for bad. Cheryl Armstrong made a terrible choice when she was just seventeen years old. She drove a get away car, and now she is paying for that mistake for ninety-six years and has been in an adult prison all this time. Is this right? It is time we answer that question, and say no it is not right, and begin to find a better answer to juvenile crime.

The juvenile justice system has changed drastically over the years since its advent in 1899. There have been periods of extreme leniency to the youth of America, separated by times defined by the punitive treatment of children. It is not unrealistic to think of changing the entire system from a punitive system that breeds the cycle of violence to one that teaches the youth of our nation life skills and chance that a place like Giddings State School gives them, a chance to start over and have a better life.

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