

"JUVENILE CRIME"

On May 26, 2000, the last day of classes before summer vacation, Nathaniel Brazil, a 13-year-old honors student, took a stolen gun to school and shot Barry Grunow, his English teacher, because Grunow would not let him into a classroom to say goodbye to two girls. Palm Beach County, Florida, prosecutors charged the student as an adult with first-degree murder.

In his room in a stark triplex on H Street, his mother, Polly Powell, wondered how anyone could call him an adult when it seems like only yesterday that her son was playing in the dirt with a yellow Tonka truck. "He is not a man," she said. He doesn't shave. He can't drive a car, or go into the service. He can't buy cigarettes or beer, or a lottery ticket. He's a child," she said, and like any other he is impulsive, eager to impress friends, ignorant of the long-term consequences of the things he does. He is charged as an adult, which carries a maximum penalty of life in prison, rather than as a juvenile, which might have ended in his being sent to a juvenile detention center for a few years. He is being held in a special ward reserved for teenagers in the county jail.

Whether such a charge is appropriate is the same question being asked in other states with school shootings, as courts decide how to punish killers too young to see an R-rated movie. California's Little Hoover Commission in 1994 reported some disturbing statistics about juvenile crime: 30-40% of urbanized youth will be arrested before their 18th birthdays: 250,000 California youths out of 3.5 million are arrested annually: between 1983 and 1992 the number of juveniles arrested for violent crimes doubled. Many feel that current law is inadequate to reduce juvenile crime, contending that juvenile offenders should be treated on a par with adult offenders. Others believe that efforts should be focused on remediating the causes of juvenile crime instead of increasing the population of teenaged prison inmates, which they believe rehabilitation efforts.

"Our juvenile justice system is outdated, designed to address infractions like truancy and petty theft. These were serious problems a century ago, but they bear no resemblance to the 'routine' infractions of the present day: everything from rape to crimes involving guns to cold-blooded murder," claims Tom Reilly, a district attorney in Massachusetts. "How can we possibly treat cold-blooded juvenile killers as 'delinquents' and not as the dangerous predators their own actions prove them to be? When a person, any person, brings himself to a point where he deliberately murders another human being, there is no going back. A mere hope for rehabilitation is nothing but a gamble on other people's lives. The public has a right to expect that a killer will never, ever have the chance to kill again. Juveniles accused of murder should be tried as adults and, if convicted, sentenced as adults."

Advocates of stronger punishment argue that the juvenile court system is ineffective because it does not hold juveniles fully accountable for their crimes. They cite numerous cases of juvenile offenders being released without punishment, only to commit the same crimes again. If America's youth are becoming more violent, they say, then solutions such as lengthier prison sentences for teenage offenders, however unpleasant, must be enforced in order to protect innocent victims. One common rallying cry proclaims that if you "do the crime, do the time."

Opponents of these increasing penalties, such as Laurence Steinberg, of Temple University, are concerned about the implications of punishment through adult vs. juvenile court. The adult system is an adversarial model; the juvenile system is a more cooperative model, allowing the court to take personal circumstances and age into account. In the juvenile system, the names of juveniles are protected, and their record is erased when they become adults. Steinberg believes the juvenile system is better equipped to consider a broader range of circumstances in juvenile cases, thus allowing more appropriate means of punishment rather than a one-size-fits-all model of the adult system, which removes this discretionary power from juvenile courts.

Abbe Smith, deputy director of the Criminal Justice Institute at Harvard Law School, says, "Subjecting children to punishment with adults defines cruel and unusual punishment. Sexual and physical assault are already

prevalent in adult prisons. One can imagine the scale of these offenses if we send in a fresh crop of younger and more vulnerable prey." Instead of spending millions of dollars annually to house juvenile offenders in state prisons, these funds would be better spent on juvenile justice programs that have been shown to work, appropriate after school activities, counseling, and funds for poverty-ravaged neighborhoods.

Cases like Nathaniel Brazill's have caused some Florida lawmakers to consider legislation to create some middle ground. For now, defendants like Brazill can only be sentenced to hard time in a state prison for adults, perhaps for the rest of their lives. But some lawmakers are considering legislation that would allow judges to take age into consideration, perhaps allowing younger offenders to serve time in a juvenile center and then in a state prison rather than locking them away in a state prison.

The debate will continue. On the one hand, we live in a society that increasingly demands that all offenders, whether adult or juveniles, be held accountable for their crimes. An offender who is off the street cannot commit additional crimes. On the other hand, we live in a society that also recognizes the special pressures that juveniles face in a culture that is generally perceived to be a violent one, conditions which may need alternatives to increased or required prison terms.

There are no easy answers. But lives are at stake, both for juvenile offenders and their victims.