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On Juvenile Detention, a Place Where the Right Meets the Left

Written by: [John Lash](#) on Feb 24, 2012

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Today's problems with an overcrowded and aging prison population are in part a direct result of efforts in the 1980s and '90s to "get tough" on crime. Several strategies were adopted across the United States that were intended to protect society and send a message to would-be criminals. Mandatory minimum sentences, increased penalties, removal of parole for certain crimes and life without parole were all part of the plan.

Juvenile criminals were also included in this crusade against crime. Many of the laws passed in relation to juvenile crime were based on the now discredited "super predator" theory put forth by John DiLulio of Princeton University and James Fox of Northeastern University. Their position was that these "super predators" were unlike juvenile criminals of the past. They were beyond rehabilitation and needed to be put away for the safety of society. A higher juvenile crime rate and press sensationalism of cases involving young people created the

perfect environment for these ideas to flourish.

This theory was used by conservative politicians to push for laws that streamlined the process of transferring young offenders to adult court, sometimes by putting more power into the hands of prosecutors (by taking it from judges) and also by making whole classes of crimes automatically adult offenses.

Today, due mostly to the economic downturn of the last several years, states are facing the fiscal reality of these measures, both in adult and juvenile systems. When governments were flush with tax revenues the "lock 'em up" position was easy to take. It spiraled further and further out of control as politicians competed to prove who was tougher on crime. Even if they doubted the positions of their party no politician who wanted to be reelected could afford to seem soft on this issue. Now, both conservatives and liberals are able to advocate for reform, both from an economic standpoint and from compassion.

A recent story in [Bridge](#) magazine highlights some of the changes of the past few years. Legislators and activists of all political stripes are supporting efforts to rewrite laws in a more reasonable fashion. Now, instead of "getting tough," they are "getting smart." A lot of these efforts are having an effect on juvenile laws as well.

According to the [Bridge](#) article the Michigan Department of Corrections spends \$33,000 a year to house an inmate. The cost for keeping youths in their own homes, where they are monitored and participate in treatment, is about 3,600 a year. Figures like these help fiscally conservative politicians support change. In Ohio, where Republicans control the Legislature and the governor's office, a law was passed that diverts first time non-violent juvenile offenders to community programs, creates alternatives to incarceration, and puts

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transfer authority back into the hands of juvenile court judges.

One conservative group that is leading the way in criminal justice reform is **Right on Crime**. This Texas-based organization supports reform based on conservative ideas of accountability from government agencies and a commitment to best practices to increase public safety and reduce costs. These go hand in hand with the concepts of community-based intervention and alternative sentencing programs that utilize families, schools, community members, faith based groups, and monitoring by juvenile probation and parole officers.

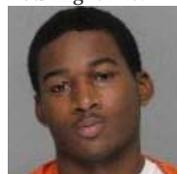
Their position on juvenile justice reform calls for flexible funding for localities to implement practices that work for them, evidence-based approaches, removing employment barriers after a juvenile is released, improving school discipline by fostering approaches such as peer courts and peer mediation, and reviewing the sentences of those convicted while minors to determine if they can be safely released.

The country has suffered greatly because of the economic problems of the last few years, but there is a silver lining. Finally society and its politicians are being forced to face the realities of the cost, in dollars and in human suffering, of the war on crime. Hard times have driven rhetoric from the debate, and we can get down to real reform based on facts instead of positions.

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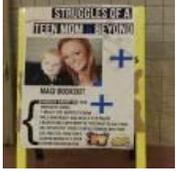
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John Lash

John Lash served nearly 25 years in Georgia prisons. He was released in December 2009. While in, he began to practice Zen meditation and other approaches to studying consciousness. He later became interested in interpersonal communication and group processes. He studied and taught nonviolent communication and restorative practices in prison where he also got his BS in human resources management from Mercer University. He is a participant in Compassionate Leadership, a non-violent communication training program, and is a student in the Master of Conflict Management program at Kennesaw State University.

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