

US government report reveals growing numbers of children in adult prisons

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On February 27 the US Justice Department released a report, Profile of State Prisoners Under 18, 1985-97, revealing that the number of children sentenced to adult prisons more than doubled between 1985 and 1997 from 3,400 to 7,200. The study, prepared by the Bureau of Justice Statistics, further establishes the erosion of the legal rights of juveniles.

The overall juvenile crime rate has been falling since 1995. Despite a 50 percent drop in the juvenile murder arrest rate between 1992 and 1998, politicians and prosecutors are seeking increased powers to bypass and undermine what remains of the juvenile justice system.

Profile of State Prisoners Under 18 traces the cause for the rise in youth incarceration in adult prisons to new state laws allowing the prosecution as adults of youth who would have formerly been handled by the juvenile justice system. Thirteen states have passed laws allowing youth 16 and older to be prosecuted directly in the adult courts, with several additional state laws recognizing a system of waivers that will allow adolescents to be tried as adults. At present, every state has at least one mechanism in place that allows juveniles under 18 to be handled by the adult criminal justice system, according to the report.

The Center on Juvenile and Criminal Justice, a nonprofit advocacy organization opposed to the incarceration of youth, points out that between 1992 and 1995, 40 states and the District of Columbia passed laws making it easier for juveniles to be prosecuted as adults.

In 1996 Michigan became one of two states allowing children of any age to be tried as adults. In October 1997 the law was used to prosecute Nathaniel Abraham, then 11 years old, for first-degree murder as an adult. Abraham became the youngest child in modern US history to face the danger of life in prison without parole.

In line with the changes in state laws, the US Congress is close to enacting similar legislation. In June the US House of Representatives passed a crime bill that would force states to either automatically transfer children 14 and older to adult courts or lose eligibility for federal funds. The vote was 287-139, with 80 Democrats voting for the bill. The bill has the backing of the Clinton administration, including Democratic presidential candidate Al Gore. The Democrats and Republicans have not been able to settle the final bill because the National Rifle Association--one of the most powerful lobbies in Washington--opposed a section of the bill containing gun control provisions.

Not surprisingly, the report established that the majority of prisoners under 18 in adult prisons were minority youth, a trend reflecting the massive incarceration of minorities in the prison system in America. An estimated 60 percent of the inmates were black, 19 percent white, 13 percent Hispanic and 8 percent Asian or American Indian.

While the US government claims to be a leader in the fight for human rights, it has repeatedly rejected the international charters that uphold the rights of children. According to Amnesty International, it is a violation of international law to sentence people to death for crimes committed before the age of 18. The International Convention on Civil and Political Rights and the UN Convention on the Rights of the Child mandate that imprisonment provide some form of rehabilitation, particularly for juveniles. While 192 countries have ratified laws of these conventions, only the US and Somalia have opposed them.

The risks facing children who are incarcerated alongside adults has been well documented in various reports, many produced by the government itself. The New Republic published an interview with a corrections officer who said that a young inmate's chances of avoiding rapes in an adult prison were "almost zero.... He'll get raped within the first twenty-four to forty-eight hours. That's almost standard."

A fact sheet published by the Office of Justice and Delinquency Prevention (OJJOP), another division of the Justice Department, paints the following disturbing picture of children in adult prisons:

- In 1997, approximately 9,100 youth in a one-day count were held in adult correctional facilities, according to data provided by the US Department of Justice.

- Children in adult institutions are five times more likely than children in juvenile facilities to be sexually assaulted, twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon.

- Children in adult institutions are eight times more likely to commit suicide than children confined in a juvenile facility.

The current "tough on crime" campaign began in the late 1960s, during the administration of Richard Nixon. By the 1980s and early 1990s this anti-crime campaign had resulted in the establishment in many states of uniform sentencing laws and mandatory sentencing (opposing early releases), as well as the "three strikes and you're out" policy in some states. The effect was

to make it impossible for judges to base sentences on extenuating circumstances.

The growth of the number of youth in adult prisons is related to the increase of the overall prison population in America. In 1971 there were fewer than 200,000 adult inmates in state and federal prisons. By the end of 1996 the prison population grew to 1.2 million people, a six-fold increase. With the addition of prisoners from the country's local jails, the total number of people imprisoned in 1997 rose to 1.7 million people, a population equivalent to Houston, Texas.

In February of this year the number of people incarcerated in the US reached the 2 million mark. The US now imprisons the highest number of inmates of any advanced country in the world.

The number of women prisoners has also substantially increased. In 1970 there were 5,600 women in state and federal prisons. By 1996 there were 75,000--a thirteen-fold increase. Criminologists estimate that at the present rate of increase, there will be more women in US prisons in 2010 than there were inmates of both sexes in 1970.

By the 1980s the anti-crime campaign began to focus on youth. In 1997, 2.8 million youth under 18 were placed under arrest. At the end of 1997, 100,510 youth, the overwhelming majority poor, were held in adult or juvenile detention facilities.

The cost of prison construction and housing prison inmates has already surpassed hundreds of billions of dollars. Reports have placed the incarceration costs in America presently at \$40 billion a year and growing, with the average cost per inmate now \$23,500 a year. The average cost for a bed in a maximum-security facility is \$75,862 per year. A recently passed California bill, which requires adult prosecution and incarceration in correctional facilities for juveniles charged with a broad range of offenses, is expected to cost \$5 billion over the next 10 years.

The overall increase in the prison population, and particularly the growth of youth incarceration, has corresponded to a decline in living standards for the majority of Americans. It has also coincided with a turn away--by the political establishment, the trade unions and civil rights organizations--from any pretense of opposing the deterioration of social conditions or advocating reforms.

Criminologist Elliott Currie states in his book *Crime and Punishment in America*, "There is an even more profound reason for the limited impact of the vast increases in imprisonment. They coincide with a sharp deterioration in the social conditions of the people and communities most at risk of violent crime.

"Thus, while we were busily jamming our prisons to the rafters with young, poor men, we were simultaneously generating the fastest rising income inequality in recent history. We are tolerating the descent of several million Americans, most of them children, into poverty--a kind of poverty that, as study after study showed, became deeper and more difficult to escape as time went on."

Currie notes that while the government cut spending for welfare and job-training programs, federal spending on "correctional activities" rose 521 percent.

The prevalence of violence in America is a serious matter, and one that has its most devastating impact within poor, working class communities. The overwhelming majority of crime and violence is

by the poor against the poor, particularly young males. The pervasiveness of drugs, particularly crack cocaine, which began to flood inner-city neighborhoods in the late 1980s, has played a direct role in the increase of arrests and imprisonment.

The World Health Organization reported that in 1987 the homicide death rate for American males aged 15 to 24 was 22 per 100,000. By 1997 this figure rose by two-thirds to 37 per 100,000. During this period the death rate among black males skyrocketed to 167 per 100,000. In New York City it reached the astounding rate of 247 per 100,000 black men. One study stated that black men between the ages of 15 and 24 were 66 percent more likely to die in 1993 than in 1985.

One hundred years ago criminologists and the legal establishment founded the juvenile justice system in America with the belief that young people could be rehabilitated and that the criminal behavior of children was the product of their environment. It was for this reason that liberal reformers established a system where the courts became the *parens patriae*, the parents of last resort for troubled children. The same general policy was true for adults, and the avowed aim of the justice system was rehabilitation.

Today this view is rejected by politicians and the courts, and has been replaced with the belief that personal responsibility is the answer to all social questions. The response is the drive to enact more and more punitive laws.

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