Youth System Isn’t Broken

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Oklahoma lawmakers should be careful as they consider changing the state’s Youthful Offender Act. The public may be outraged when Mitchell Roberts is released in Tulsa just 2½ years after his conviction for murder at age 15, but rewriting laws in response to a single case is risky and potentially unjust.

Sending juveniles to adult prison is not guaranteed to reduce crime. Research shows that an aggressive system of juvenile treatment may prevent more crime than prosecuting youths as adults and giving them lengthy prison sentences.

Criminalizing juvenile offenses may make us feel better because it sounds tough, but it doesn’t make us safer and could undermine the constitutional foundations of juvenile law.

As designed in the early 1900s, the juvenile justice system was not supposed to be driven by sentencing formulas that mete out specific sentences for particular crimes. Juvenile courts were to view young offenders in context: How mature are they? What circumstances surround their crimes? Are they amenable to treatment?

We asked juvenile court judges to consider these factors anew in each case so they can focus on the offender, not just the offense. In practice, young lawbreakers usually got tougher sentences in juvenile court. A 15-year-old mugger or drug dealer was more likely to be incarcerated by a juvenile court than by a criminal court.

In fact, the most sweeping juvenile law reform of the past 50 years -- the 1967 U.S. Supreme Court case that mandated procedural protections in juvenile courts -- was actually prompted by concerns that juvenile judges were too tough.

Before 1967, juvenile courts were exempt from due-process restrictions. Judges could take decisive action even when the evidence in a case wasn’t rock solid. It seemed like a good bargain: Young people had fewer rights, but in return they were tried and sentenced in courts that cared about their future potential and not just their past mistakes. In the past 40 years, lawmakers have remade juvenile courts into scaled-down adult courts by taking power away from judges and making case outcomes more automatic.

Oklahoma followed the trend. It is one of 14 states that allow prosecutors to send some juveniles to adult court without a judge’s consent. It is one of three dozen states that can send juveniles to adult court legislatively -- without the approval of either a prosecutor or a judge. And it is among two dozen states where "blended sentencing" laws mix juvenile and criminal sentencing provisions, knocking down the wall between juvenile and adult justice.

If legislators in Oklahoma continue to erode the unique qualities of the juvenile justice system, an appellate court may one day rule that it’s no longer constitutionally permissible to have a different legal system for young offenders. This could damage the public’s safety in ways that nobody wants or expects.

Butts directs youth justice research at the Urban Institute in Washington, D.C. These views are his own and don’t necessarily reflect the views of the institute. Roberts and his stepfather pleaded guilty to first-degree murder in a 2001 case.