

## Pre-course Assignment

JRA Academy

### “Building Blocks for Youth”

Read the attached article regarding the *Building Blocks for Youth* taken from a speech by **Vincent Schiraldi**. Answer the following question in 3 complete paragraphs (400-500 words) 14 days prior to the course; your answer will be turned in with your pre-course work for the JRA Academy. All pre-course work will be reviewed by the instructors for comment. If it is late, incomplete or sub-standard it will be returned. Failure to complete pre-course work 7 days prior start date, will result in ineligibility for attendance of the JRA Academy. Keep a copy for you to use during a discussion on the first day of the JRA Academy.

Answer the following:

What are your opinions regarding the article?

What will have the greatest impact on change and why?

Why is this relevant to us in our role as JRA employees?

## Pre-course Assignment

JRA Academy

# Building Blocks for Youth

### Speech by Vincent Schiraldi, President of JPI, on Transfer of Youth to the Adult Court

When he was locked up in the Birmingham jail, the Reverend Martin Luther King, Jr. wrote "Injustice anywhere is a threat to justice everywhere." Nowhere is Reverend King's exhortation to create a fair and effective justice system more relevant than in the administration of Florida's juvenile justice system.

The Lionel Tate and Nathaniel Brazil cases brought home to people in Florida, around the country and even the world, the sad reality that youth of color are increasingly exposed to harsh and unforgiving treatment at the hands of Florida's juvenile justice system. But even before the dramatic Brazil and Tate cases, Floridians had plenty to be concerned about. Let me start with a few less well-known examples:

A 15-year-old first offender in Palm Beach County I'll call him William was prosecuted in adult court for stealing 2 dollars from another student in his special education class. The African American boy's mother had died the month before, and his grandfather, the only male figure in the house, passed away a few months before that. Even though he used no weapon of any kind and there was no injury to his victim, William spent the first Christmas since his mother and grandfather died in an adult jail.

A 15-year-old, five-foot-five, 135-pound Latino boy from Miami let's call him Carlos ñ was prosecuted in adult court for burglary, the most common crime for which Florida youth are sent to adult court. Carlos had no prior convictions for violent crimes, and no prior convictions for felonies, only for misdemeanors. He had also never been tried in any residential juvenile rehabilitation programs but rather was shipped off to prison after he missed curfew twice while on probation. Although he has a sterling disciplinary record in prison according to the Miami Herald, he's had to defend himself in numerous prison fights. Carlos says about his prison experience: "They'll come up to me and test me. And that's when you've got to fight. If you let them pick on you, that's when they really abuse you."

Fifteen year-old Jeannette was born to a father who is serving life in prison for sex crimes. She was sent to prison for two years for a burglary and auto theft in Ft. Lauderdale. Again, she had no prior record of violence, and again, she skipped straight into adult prison without be tried in any juvenile residential programs. Her story was also profiled in the Miami Herald last year. Jeannette had this to say about her prison experience "In our dorm, I've seen a lot of girls slit their wrists. All of the fighting and stuff, it really bothers me. Sometimes I wish I could have my own cell or be in my own school. It's hard to be good in here."

I wanted to start by talking about real flesh and blood people because for much of the rest of my presentation, I'm going to talking about statistics and numbers. But this isn't about numbers; it's about real young people ñ William, Carlos, and Jeannette ñ serving time in prisons with real adults, whose lives are being altered for the worse. I think you all ought to care about what's

## Pre-course Assignment

JRA Academy

happening to them because it's not right to imprison anyone unnecessarily and it's not fair to imprison black and Latino youth or poor youth for crimes that white youth or richer youth would get probation for. But on top of that, it's also really bad public policy to lock kids up in prisons where they learn to become worse criminals when you still have a chance to work with them and help turn their lives around. I believe that all of that unnecessary imprisonment, unfair imprisonment, and ineffective imprisonment is happening in Florida to thousands of young people every year.

On the other side of the fence, however, are real victims, who also live real lives and really suffer. I myself have been the victim of all of the crimes William, Jeannette and Carlos were convicted of – robbery, burglary, car theft – as well as other violent and non-violent crimes they were convicted of. It's no joke to be mugged, or to have your house burglarized and your personal items stolen, all of which makes it all the more important to respond to youth crime in a way that holds the best likelihood of reducing crime and turning young people's lives around.

Now that I've told you some of the stories, I'd like to talk to you about what the research and numbers say about Florida's practice of trying young people as adults in several different respects. First, I want to paint a statistical picture of what kind of young people go to prison in Florida, both in terms of their race and ethnicity, and the seriousness of their offenses. I want to talk to you a little about what the research says happens to young people in adult prisons and how young people fare after being tried as adults as compared to how they do when they are kept in the juvenile justice system. Finally, I want to say a little about what I think can be done to correct some of the glaring problems in Florida's juvenile justice system, to make it both fairer and more effective.

The racial disparities in the rates at which youth get tried as adults in Dade County are nothing short of shocking. White youth make up around 20 percent of the county's youth population, but only seven percent of the youth in juvenile detention, and only 5 percent of the youth in the county jail.

Conversely, African American youth make up a similar 20 percent of the population, but are 68 percent of the youth in juvenile detention and 74 percent of the youth in the county jail.

Put another way, African American youth are incarcerated in the Dade County jail at 15 times the rate of white youth. Latino youth are about 50% more likely to be locked up in the jail as whites. Statewide, minority youth are almost 3 times as likely as white youth to be transferred to adult court.

It would be one thing if these were the worst of the worst, or if these young people had been placed in intensive programming before the decision to transfer them was made. But too often, youth tried as adults in Florida are neither convicted of particularly serious crimes, nor have they been given opportunities to turn their lives around, before the heavy hand of the adult system is applied to them.

## Pre-course Assignment

JRA Academy

According to an extensive report in the Miami Herald last March, the majority of youth tried in Florida's adult court last year were charged with non-violent offenses such as burglary, drug charges, and theft. Only two out of 100 were tried for murder, the crime we most often hear about when this issue is brought up. Nearly half had either one or no prior felony convictions. In the majority of cases, youth were sent to adult court without having had a chance at being rehabilitated by the state's most intensive level of juvenile justice programs. According to research by the Building Blocks for Youth initiative, African American youth in Dade County are nearly twice as likely to be tried for non-violent offenses as violent offenses.

Once they are sent to adult prisons, the safety of these young people is in grave jeopardy, and their chances for the future are greatly jeopardized. National research shows that youth in adult prisons are five times as likely to be raped as youth in adult institutions and nearly 8 times as likely to commit suicide.

The data from the Herald's report found equally troubling assault rates for young people in Florida's prisons. Youth in Florida's prisons are four times as likely as adults to report being assaulted. Perhaps more troubling, children in Florida's adult prison system are nearly 21 times as likely to be assaulted as those sent to Florida's juvenile justice system.

Robert, a fifteen year old from Broward County was sent to adult prison and, by age 17, was dead. On May 8, 1997, Robert's future roommate, an adult inmate with an extensive and violent prison record, wrote to the Department of Corrections that "I will do my best to injure any roommate I may receive in the future." Two weeks later, Robert was placed with this inmate and after that, Robert was strangled to death by him.

Not surprisingly, there is a large and growing body of data that shows that youths tried as adults are rearrested at higher rates than youth with similar prior records and similar charges who are kept in the juvenile justice system. This is no small matter in Florida where one out of every 13 prison inmates are serving sentences for crimes they committed as youths.

In 1993, in the wake of several murders of tourists by Florida's teenagers, the legislature made it much easier to try juveniles as adults and gave Florida's prosecutors ñ as opposed to judges ñ much greater discretion to decide which youths go to adult courts and which youths are retained in juvenile court. Last year, 99 percent of the determinations to try youth in Dade's adult courts were made by prosecutors. Florida's juvenile code is now one of the toughest in the nation and in 1997, the last year for which data is available, Florida locked up one out of every 9 juvenile inmates in adult prisons in America.

Florida prosecutors are particularly proud of this approach, and can be frequently heard to claim that their tough approach is helping to reduce juvenile crime here. Indeed, index ñ or serious ñ crime arrests of juveniles have declined by 13% in Florida since 1993.

But all states have seen substantial declines in crime since the early 1990s, with an approach that much more punitive than the rest of the country, Florida's reductions in juvenile crime should be mightily outshining the changes in youth crime in the rest of the youth arrest. Indeed, if

## Pre-course Assignment

JRA Academy

imprisoning juveniles with adults is the cure for crime some claim it to be, Florida should be a juvenile crime free paradise by now. But national comparisons tell us that we should hold off on the victory party just yet. Since 1993, while the serious crime arrest rate for Florida's juveniles was falling by 13%, the serious crime arrest rate for the US declined by a much more impressive 53%. In 1993, Florida's serious juvenile arrest rate was twice the national average. Now, Florida's serious juvenile arrest rate is nearly four times the national average.

Both common sense and research tell us why this is so. After all, if you lock up a teenager with murderers, rapists and robbers, guess what he'll want to be when he grows up?

Several studies on Florida's practice of trying youth in adult court have shown that young people fare worse when they are tried as adults. A recent report paid for by the United States Justice Department and issued by Florida's Department of Juvenile Justice carefully matched 315 pairs of youth on age, gender, race, prior offense history and current offense. Department of juvenile justice Secretary and former Senator Bill Bankhead summarized the findings as follows in a letter to Governor Bush, "The study reveals that, after age 18, youth transferred to adult criminal court were more likely to commit a felony, and when they did, they committed more serious crimes. The researchers concluded that transferring youth to the adult criminal system is more likely to aggravate recidivism than to stop it."

Indeed, the young people themselves recognize the superiority of the juvenile justice system over the adult system. In a previous report, the same researchers interviewed youth in Florida's prisons and in a maximum-security juvenile facility. Only two percent of the youth in the juvenile justice facility reported that they were "learning new ways to commit crimes" while incarcerated, compared to 40 percent of the youth in the adult system.

One of the youth confined in the juvenile facility stated "They helped me know how to act. I never knew any of this stuff. That really helped me, cause I ain't had too good a life." By comparison, a youth in the adult prison said, "When I was in juvenile programs, they were telling me that I am somebody and that I can change my ways, and get back on the right tracks. In here, they tell me I am nobody and I never will be anybody."

There is something that can be done to return some semblance of sanity to Florida's juvenile justice system -- return discretion over the decision of who gets tried as an adult to judges where it belongs. As I stated earlier prosecutors in Florida have broad powers to decide who is and who is not fit to be tried in juvenile court. The Dade-Miami has indicated support for a series of legislative reforms that would return discretion to judges to make important, individualized decisions about the fate of troubled youths after hearing evidence from both the defense and prosecution.

Florida's practice of allowing prosecutors broad discretion to send large numbers of young people to adult prison can be viewed as a massive social experiment. The results on that experiment are now in. Youth of color are tried as adults in numbers far exceeding their representation in the general public, youth are brutalized in Florida's prisons more frequently than adults and more frequently than youth kept in juvenile facilities, Florida's youth crime rate

## **Pre-course Assignment**

JRA Academy

has continued to outpace the national average, and youth tried as adults get rearrested significantly more frequently and for more serious offenses than similar youth retained in the juvenile system. It's time now for this experiment to end, and for judges to do the job they were hired to do, make informed, individual decisions about the fate of Florida's troubled youth.