

Kids Are Kids—Until They Commit Crimes

By Marjie Lundstrom

Sacramento Bee, March 1, 2001

- 1 A week from now, a judge in Florida will decide how old Lionel Tate really is.
- 2 Never mind that he is indisputably twelve at the time of “the incident.” Is he a boy? Or a man?
- 3 It is a vexing question these days for the under-eighteen crowd, the group we routinely write off as “only kids.” It’s why they can’t smoke, or drink, or go to R movies without our OK. It’s why they don’t vote. It’s why they have curfews. It’s why we fret over their Internet access and fuss about driving privileges.
- 4 Hey, they’re only kids.
- 5 That is, until they foul up. Until they commit crimes. And the bigger the crime, the more eager we are to call them adults.
- 6 It’s a glaring inconsistency that’s getting more glaring by the hour as children as young as twelve and thirteen are being charged as adults in America’s courts.
- 7 A California appeals court recently stuck its nose into the quandary of when to charge young offenders as adults, returning that power to judges, not prosecutors.
- 8 Meanwhile, in Texas, a lawmaker has had it. You want to throw the adult book at kids? Fine, says Democratic state Rep. Ron Wilson of Houston.
- 9 Lower the voting age to fourteen.
- 10 And really, in light of things, how wacky is that? Today we are witness to criminal defendants—facing life sentences without parole—who cannot shave, still play with fire trucks and love to act out scenes from television or video games.
- 11 On March 9, Lionel Tate—who was twelve when he savagely beat to death a six-year-old girl—will likely learn if he must spend life in prison after his lawyer unsuccessfully tried to put pro wrestling on trial. Now fourteen and convicted as an adult of first-degree murder, Tate supposedly was imitating his World Wrestling Federation heroes when he pummeled his playmate, less than a third his size.
- 12 Last month in Sacramento, a fifteen-year-old Yuba City youth who reportedly claimed he was mimicking a TV program about little girls who rob a bank was given a 26-years-to-life prison term. Tried as an adult, Thomas A. Preciado was fourteen when he stabbed to death a minimart clerk.
- 13 In April, Court TV will air live daily coverage of the trial of Nathaniel Brazill, now fourteen, charged as an adult with first-degree murder. Brazill was thirteen and already in trouble for throwing water balloons when he returned to his Lake Worth, Fla., middle school and shot to death an English teacher, who would not let him say good-bye to two girls on the final day of classes.

- 14 This is not to say that the boys' crimes were not heinous, or that they should go unpunished. No one's talking about coddling here. But the zeal to corral wildly troubled, ever-younger kids and ram them through the adult system belies everything the juvenile justice system is all about: that kids are different. Their reasoning is not fully developed.
- 15 They are not adults.
- 16 "We've created this image that teenagers are something to be feared," said Dan Macallair of the Center on Juvenile and Criminal Justice in San Francisco.
- 17 This warped vision of America's youth was given an unfortunate boost with the recent arrest of two seemingly "good kids" in the brutal slayings of two Dartmouth College professors. Before they were even arrested, prosecutors had charged the teenagers, sixteen and seventeen, as adults.
- 18 Trouble is, statistics don't bear out the hysteria. While politicians and prosecutors press for hard-line stands against youthful offenders—nearly every state has moved to make it easier to charge kids as adults—juvenile crime is way down.
- 19 The nation's juvenile arrest rate for murder fell 68 percent from 1993 to 1999, hitting its lowest level since 1966, according to the Justice Department. The juvenile arrest rate for violent crime overall fell 36 percent from 1994 to 1999.
- 20 Macallair believes the excitable media have perpetuated and fueled the youth-violence scare of the 1980s. In fact, California voters were so persuaded by tough-on-crime rhetoric they passed Proposition 21 last March, shifting the power from judges to prosecutors in deciding which juveniles to charge as adults in certain crimes.
- 21 Sensibly, the 4th District Court of Appeals in San Diego disagreed, finding that the provision violated the separation-of-powers principle. The San Diego district attorney has vowed to appeal.
- 22 But the fact remains, politics and demagoguery do not make good public policy. Research suggests that adolescents squeezed through the adult system are more likely to come out as violent career criminals than similar kids handled on the juvenile side.
- 23 More lives, lost.
- 24 So what, then, to do about Lionel Tate—a kid who apparently still doesn't understand that "pile-driving" fellow inmates is not a good thing?
- 25 In another week, he will find out who tucks him in at night. And where.

Startling Finds on Teenage Brains

By Paul Thompson

Sacramento Bee, Friday, May 25, 2001

- 1 Emotions ran high at the trial of Nathaniel Brazill in West Palm Beach, Fla., two weeks ago. Friends of slain teacher Barry Grunow called for the death penalty, while a growing crowd of demonstrators outside the courthouse wielded hastily written placards reading, "A child is not a man." Jurors returned with their verdict May 16: Fourteen-year-old Brazill, charged in last May's shooting of middle-school teacher Grunow, was found guilty of second-degree murder.
- 2 A Florida grand jury had previously ruled that Brazill, who frequently looked dazed during the trial, would be tried as an adult, and if he had been convicted of first-degree murder he would have faced life in prison without parole. But Brazill's immaturity was evident throughout this incident—from the act itself of Brazill's shooting a teacher he considered one of his favorites, to his subsequent inability to give a reason for doing so, to the various quizzical looks that came across his face as the verdicts were read.
- 3 In terms of cognitive development, as research on the human brain has shown, Brazill—and any other young teen—is far from adulthood.
- 4 Over the last several years, as school shootings have seemed to occur with disturbing frequency, startling discoveries have emerged about the teenage brain. The White House held a televised conference on adolescent development in May of last year, and a flurry of papers on the teen brain has appeared in top science journals. Reporters and teen advocates ask: Do the studies help explain the impulsive, erratic behavior of teens? The biggest surprise in recent teen-brain research is the finding that a massive loss of brain tissue occurs in the teen years.
- 5 Specifically, my own research group at the University of California, Los Angeles, and our colleagues at the National Institutes of Health have developed technology to map the patterns of brain growth in individual children and teenagers. With repeated brain scans of kids from three to twenty, we pieced together "movies" showing how brains grow and change.
- 6 Some changes make perfect sense: Language systems grow furiously until age twelve and then stop, coinciding with the time when children learn foreign languages fastest. Mathematical brain systems grow little until puberty, corresponding with the observation that kids have difficulty with abstract concepts before then. Basically, the brain is like a puzzle, and growth is fastest in the exact parts the kids need to learn skills at different times. So far, all well and good.
- 7 But what really caught our eye was a massive loss of brain tissue that occurs in the teenage years. The loss was like a wildfire, and you could see it in every teenager. Gray matter, which brain researchers believe supports all our thinking and emotions, is purged at a rate of 1 percent to 2 percent a year during this period. Stranger still, brain cells and connections are only being lost in the areas controlling impulses, risk-taking, and self-control. These frontal lobes, which inhibit our violent passions, rash actions, and regulate our emotions, are vastly immature throughout the teenage years.

- 8 The implications are tantalizing. Brazill was only thirteen when he committed his crime. He said he made a “stupid mistake,” but prosecutors argued that by bringing a gun to school he planned the crime.
- 9 Does “planning” mean the same thing for a thirteen-year-old, with his diminished capacity for controlling erratic behavior, as it means for an adult? The verdict, in this case, seems to line up with the research. The jurors, by returning a verdict of second-degree murder instead of first, indicated that they believe Brazill’s actions, while not accidental, were not fully thoughtout, either.
- 10 Linking this maelstrom of normal brain change with legal or moral accountability is tough: Even though normal teens are experiencing a wildfire of tissue loss in their brains, that does not remove their accountability. What is clear from the research is that the parts of the frontal lobes that inhibit reckless actions restructure themselves with startling speed in the teen years. Given this delicate—and drastic—reshaping of the brain, teens need all the help they can get to steer their development onto the right path.
- 11 While research on brain-tissue loss can help us to understand teens better, it cannot be used to excuse their violent or homicidal behavior. But it can be used as evidence that teenagers are not yet adults, and the legal system shouldn’t treat them as such.

Paul Thompson is an assistant professor of neurology at the University of California, Los Angeles, School of Medicine.

On Punishment and Teen Killers

By Jennifer Jenkins

Juvenile Justice Information Exchange, Aug 2, 2011

- 1 “Some persons will shun crime even if we do nothing to deter them, while others will seek it out even if we do everything to reform them. Wicked people exist. Nothing avails except to set them apart from innocent people.”
— **James Q. Wilson, Harvard Professor and Crime Expert**
- 2 My youngest sister was the joy of our close family. When a teenager murdered her and her husband in 1990 in suburban Chicago, she was pregnant with their first child. She begged for the life of her unborn child as he shot her. He reported to a friend, who testified at his trial, about his “thrill kill” that he just wanted to “see what it would feel like to shoot someone.”
- 3 This offender is now serving three life sentences in the Illinois Department of Corrections. According to Charles Stimson, a leading expert in criminal law at the Heritage Foundation’s Center for Legal and Judicial Studies, he is one of 1,300 cases nationally of a teen killer sentenced as an adult to life, sometimes called JLWOP (Juvenile Life without Parole).
- 4 There are advocates who wish to minimize these offenders’ culpability simply because of their age. As a high school teacher, I have worked lovingly with teens all my life and I understand how hard it is to accept the reality that a 16 or 17 year old is capable of forming such requisite criminal intent.
- 5 We in America have to own this particular problem, with weapons so easily available to our youth, and the violence-loving culture in which we raise them. The Innuite people of northern Canada had no juvenile crime at all until 1980 and the introduction of television into their culture.
- 6 Both sides in the debate about JLWOP agree: Teens are being tried as adults and sentenced to prison for murder at alarming rates in the United States. But this actually disproves juvenile advocates’ reliance on the “underdeveloped brain” argument. If brain development were the reason, then teens would kill at roughly the same rates all over the world. They do not. Advocates often repeat, but truly misunderstand brain research on this issue. The actual science does not, according to experts such as Professor Stephen Morse, and others, in any way negate criminal culpability.
- 7 The offender in our case was a serial killer in the making. He came from privilege. Whenever he got in trouble, his parents fixed it. After a series of other crimes, he planned the murders for months, carefully and privately. He did not act on impulse or because of peer pressure. He was not mentally disabled—in fact was quite intelligent. But he got a rush out of breaking the law and ultimately started work on his other plan for mass murder at a local bank. Bragging to friends led to his arrest.
- 8 There are no words adequate to describe what this kind of traumatic loss does to a victim’s family. So few who work on the juvenile offender side can truly understand what the victims of their crimes sometimes go through. Some never recover.

- 9 The nationwide campaign to end JLWOP has spent millions of dollars advocating for these convicted murderers to be set free. Not a dime has been allocated for victim outreach or support.
- 10 With absolutely no regard to the impact on victims' families, they have published glossy "reports" widely distributed to the media and legislators. They feature propaganda photos of 7- and 8- year-old child models on the cover, with misleading headlines that the United States was "sentencing children to die in prison."
- 11 For the record, the nation is NOT sentencing children to die in prison. This photo is pure propaganda.
- 12 The juvenile death penalty was abolished here years ago and a life sentence still allows a great deal of good living to be done—even from behind bars—far more than these teen killers gave to our murdered loved ones.
- 13 Many JLWOP offenders are repeat violent offenders and many have killed multiple people. The propaganda campaign by the well-funded juvenile advocates attempts to paint a different picture.
- 14 Consistently, they don't talk about the facts of the crimes, just the "poor children in prison." And while we respect their right to advocate for reform, some of which is needed, we have begged them to embrace the victims of these crimes as well, and take a truly inclusive and restorative justice approach to their advocacy. Our pleas have fallen on mostly deaf ears.
- 15 The offender advocates have also promoted another horrible lie—that the United States is the only nation that sentences teens to life for murder. In fact, at least 11 other nations do, according to Stimson's research. Many nations do the equivalent and far worse—the juvenile death penalty, selling teens into sexual slavery, forced labor, sexual mutilation and the list goes on. Many nations do not have separate juvenile justice systems such as the enlightened system we have here, and many nations torture offenders of all ages without regard for human rights.
- 16 Legislative proposals for reforming JLWOP have been retroactive but without any victim notification, in full violation of constitutionally protected victims' rights. Advocates who wish to believe in the nobility of their actions cannot wrong murder victims' family members in this way without losing all credibility. Restorative Justice shows us the way out—a conversation focused on victims needs, with all stakeholders at the table.

Juveniles Don't Deserve Life Sentences

By Gail Garinger

New York Times, March 15, 2012

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Greg Ousley Is Sorry for Killing His Parents. Is That Enough?

By Scott Anderson

New York Times, July 19, 2012

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