Lecture 28: Proposals and Recommendations

Kody Scott/Sanyika Shakur

• Secondary sources on Sanyika Shakur’s Monster
  – Brent Staples in New York Times
  – Salim Muwakkil in In These Times
  – Mark Horowitz in Atlantic Monthly

Monster Group Exercise

• Goal: Critical thinking about autobiography before exam and essay
• What does Staples mean by the American fascination with “black Frankenstein”s”? How is Monster relevant here?
• What did Kody Scott leave out of his autobiography that the Atlantic Monthly writer thought important?
juvenile justice

- **Current Trends and Stubborn Problems**
  - Increasing formality
  - Overuse of detention
  - Juveniles (still) in adult jails
  - Racial disparities

constitutinal protections for juveniles

- **Kent v. US (1966)** – right to hearing before waiver to adult court, right to counsel in interrogation, records
- **In re Gault (1967)** – right to counsel, notice of charges, confront witnesses, avoid self-incrimination
- **In re Winship (1970)** – reasonable doubt standard
- **McKeiver v. Pennsylvania (1971)** – no right to jury
- **Breed v. Jones (1975)** – prohibits double jeopardy (trying in both juvenile and adult court)
- **Roper v. Simmons (2005)** – juvenile death penalty unconstitutional under 8th and 14th Amendment

Barry Feld (MN law) – abolish the juvenile court

- Shift from a “nominally rehabilitative social welfare agency into a scaled-down second-class criminal court for young people.”
  - Kids get neither therapy nor justice
  - Substantive and procedural convergence with adult system
- Alternative: An “age discount”
  - Youth as a mitigating factor
  - 14 year old gets 25-33% of adult time; 16 gets 50-66%; 18 year old gets 100%
Lundman’s Recommendations (L11)

- **ABANDON** traditional delinquency prevention, DARE, area projects, boot camps, and scared straight (bizarre)
- **MAINTAIN** routine probation as most frequent sentence option (PSIs)
- **EXPAND** diversion for status & minor property offenders (pains); community treatment for nonviolent offenders (cost/reality)
- **RESERVE** institutions for personal index offenders (incapacitation & deterrence)

Chesney-Lind’s recommendations

- **the “ideal program”**
  - Sensitivity to issues of abuse, rape, violence
  - Emphasize skill building, especially in employment
  - Housing, medical, and employment services for girls who can’t go back

QUICK N’ DIRTY, CRUDE N’ OVERSIMPLIFIED HISTORICAL OUTLINE

<table>
<thead>
<tr>
<th>era</th>
<th>cause of delinquency</th>
<th>image of delinquent</th>
<th>institutional response</th>
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<td>1640s</td>
<td>sin</td>
<td>sinner</td>
<td>church/courts: banish, expiation</td>
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<tr>
<td>1770s</td>
<td>choice or free will</td>
<td>rational calculator</td>
<td>legislature: criminal code</td>
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<td>1870s</td>
<td>biological determinism</td>
<td>born criminal</td>
<td>incapacitation? eugenics?</td>
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<td>1900s</td>
<td>individualized treatment</td>
<td>wayward youth</td>
<td>juvenile court: psi, indet. sentence</td>
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<td>1920s</td>
<td>social disorganization</td>
<td>conforms to ‘hood</td>
<td>area projects: prevention</td>
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<td>1930s</td>
<td>differential association</td>
<td>conforms to peers</td>
<td>peer, guided group interaction</td>
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<td>1940-60s</td>
<td>anomie, opportunity</td>
<td>frustrated striver</td>
<td>mob. for youth, war on poverty</td>
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<td>1960s</td>
<td>labeling</td>
<td>victim of label</td>
<td>diversion, deinstitutionalization</td>
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<td>1970s</td>
<td>low social control</td>
<td>detached drifter</td>
<td>families, schools, scared straight</td>
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<td>1980-90s</td>
<td>low self control</td>
<td>career criminal</td>
<td>DARE, boot camps, wave to adult</td>
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<td>2000s</td>
<td>life course &amp; effects</td>
<td>disenfranchised?</td>
<td>Reentry, reintegration, rest. justice?</td>
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</tbody>
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next

- Tuesday – Class Discussion & Review
- Thursday – 2nd Midterm