

Spare the What?! The argument for more jail beds fall flat

BY SHANNON WIGHT
CONTRIBUTING COLUMNIST

Willamette Week's May 7 piece on juvenile justice in Oregon, "Spare the Jail, Spoil the Child," demanded a reaction. As the title suggests, the article posited that Multnomah County in particular, and Oregon in general, need to

use more jail beds to address juvenile crime. Nothing could be further from the truth.

In fact, "Spare the Jail" is a one-sided tribute to the dying gasps of dinosaurs whose time is coming to an end. Across the

country, states are recognizing the importance of using research and outcomes to drive our juvenile justice policies. Prosecutors in Oregon see this trend as undermining their powerful role within our justice system and are trying to breathe life into a tough-on-crime belief system that is becoming increasingly extinct.

Let's be clear: youth who commit crimes should be held accountable. We need to hold them accountable proportionate to their crime and then ensure that our system reduces the chances that they will commit other crimes in the future. Some youth need to go to jail, but most need something else. While the views expressed in "Spare the Jail" equate incarceration to accountability, research shows that jail often has a negative impact on youth and can make them more likely to commit crimes in the future. There are many reasons for this, but consider that half of youth who are arrested for a crime are never arrested again. Now, take that young person and throw him in jail and consider the impact. Good kids who make bad choices and end up in jail become worse kids.

The juvenile justice system, more than any other aspect of our public safety system,

has been studied and analyzed extensively in Oregon and across the nation. We know what works. We know what doesn't work. Of course, there is always more to learn and room to improve.

A 2012 report by the National Academy of Sciences, *Reforming Juvenile Justice: A Developmental Approach*, opens with the line, "The past decade has seen an explosion of knowledge about adolescent development and the neurological underpinnings of adolescent behavior." Relying on numerous studies, the report argues that accountability for juveniles is most effective when youths are kept in their communities, are provided with opportunities to accept responsibility for their poor choices and the harm they may have caused, and can be accountable to victims and pay restitution. The report recommends that juvenile justice systems "use confinement sparingly."

Twenty years ago, Oregon, like most of the rest of the country, embarked on a now-failed experiment of mass incarceration for both adults and youths. A recent editorial in the *New York Times* concluded, "The American experiment in mass incarceration has been a moral, legal, social, and economic disaster. It cannot end soon enough."

And it's not just the liberal *New York Times* calling for changes to our justice system. Republicans across the country have helped lead efforts to reign in costs on our failed experiment with over-incarceration. One group involved in these efforts, Right on Crime, includes conservative stalwarts like Newt Gingrich and Pat Nolan.

Contrary to the claim that Oregon's juvenile justice system is "one of the least transparent parts of the state's justice system," it is in fact the offices of state prosecutors that have virtually no oversight. Elected district attorneys are not

accountable for how they use state resources or what outcomes their policies and practices deliver. They have been beating the same "we want to send more people to prison" drum for 20 years – but no one is asking them, "Do prisons and jails make people less likely to commit future crimes; more likely to pay restitution to victims or more likely to keep our communities safe?"

Juvenile justice research reveals the answer is no. Yes, some youth need to be incarcerated, but arguing that we need more incarceration in Oregon is like asking for teachers to be allowed to spank students. It's not effective and people educated in the research on juvenile justice know it.

As Oregonians, like the rest of the country, if we get smarter about our approaches to criminal and juvenile justice policy, prosecutors will have less power over the system and be forced to take their rightful place as one party in the adversarial process. It's not surprising that they wouldn't go down without a fight.

The tide is turning and prosecutors will keep swimming upstream until the current is too strong for them. There's nothing we can do about that except understand it for what it is.

What we can also do is declare what is true: It's long overdue for district attorneys not to just call for accountability of others – whether it's youth who commit crimes or the systems that hold them accountable – but to be subject to some oversight themselves. Our legislature or secretary of state should begin to evaluate their offices' spending practices and outcomes rather than listen to their misleading closing arguments in the case for sending more youth to jail.

An abbreviated version of this column appeared in the Willamette Week as a letter to the editor on May 21.

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