

On Punishment and Teen Killers

By Jennifer Jenkins

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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 Inuit 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.