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James Bell

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Founder and Executive Director of the W. Haywood Burns Institute.

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Captured by the Clueless

Last week, the Bureau of Justice Statistics released a report that revealed about 12 percent of youths nationwide held in state-run, privately run or local facilities reported some type of sexual victimization including forced sexual activity with other youth and staff. Staff sexual misconduct was higher in state-run facilities.

It was the first report of its kind by the Justice Department, and the prevalence of sexual abuse by staff, particularly female workers, shocked even advocates. At our offices, we drew a deep breath and acknowledged the report as an addition to a growing list of reminders that incarcerating youth - the majority of whom are locked up for nonviolent offenses - is expensive, unproductive and harmful.

Every day, youth across the country who are incarcerated find themselves facing harms ranging from mental, emotional, physical and sexual abuse, to a lack of nutritious food and basic necessities including clean undergarments and adequate bathing supplies, and a lack of education and future opportunities. The majority are denied their liberty for minor offenses, and are placed in the mercy of a system that has been proven broken and in need of a serious and immediate overhaul.

Groups across the country work daily to protect and defend the rights of youth already incarcerated. We work to ensure youth will not be unjustly detained in the first place. As we look to persuade the public and the legislature to act upon the urgency we feel to transform the system, I refer to reports of some of the most egregious harms inflicted upon youth in the custody of the juvenile justice system.

Sadly, sometimes the most heinous incidents are the best aid in reminding us of how much needs to be done. Any of these children could have been yours, in some tragic twist of fate.

- In 2009, the U.S. Department of Justice released a report graphically documenting the persistent brutality and routine neglect of youth of color with mental health. The report summarized the results of a two-year investigation and highlighted abuse including a 300-pound guard forcing a girl to the ground so violently (she had threatened to urinate on the floor) that the girl suffered a concussion. Another girl with

mental health issues was placed in isolation for three months without treatment. She apparently deteriorated in the process, never changed out of her pajamas, and was forcibly restrained at least 15 times.

- In 2008, The New York Times reported that the Louisiana state legislature voted to close the Jetson Center, a large prison-style facility near Baton Rouge plagued by fights and reports of sexual violence. A young man reported being locked in a cell for about seven weeks: "This is where the guards beat, kick, stomp and punch you. I was beaten so badly in there in there by a guard that he broke my eardrum. The sex in there is horrible. The female guards, and even some male guards, were having sex with the kids....And there were rapes, but they weren't reported very often. If a kid was raped on a guard's watch, the guard would get fired and the other guards were going to make sure the kid paid for telling."
- In 2007, reporters in Texas found that more than 750 juvenile detainees across the state had alleged sexual abuse by staff over the previous six years. Officials in Austin ignored what they heard, and in rare cases where staff were fired and their cases referred to local prosecutors, the prosecutors typically refused to act. "Not one employee of the Texas Youth Commission during that six-year period was sent to prison for raping the children in his or her care," according to the New York Review of Books.
- In 2006, Martin Lee Anderson didn't make it past his first day at the Bay County Juvenile Boot Camp before he was abused to death. After "drill instructors" at this youth boot camp facility forced him do a fitness run with a 20-minute confrontation, Martin collapsed and died as a result of complications from a sickle cell trait.

Massachusetts Institute of Technology (MIT) Professor Simon Johnson coined the phrase "intellectual capture" in reference to the nation's kneeling at the altar of the gods of Wall Street. In essence, we are "intellectually captured" by the notion that whatever is good for Wall Street is good for America. Johnson goes on to posit that this intellectual capture is so powerful that it prevents the public and powerful politicians from exercising common sense and challenging basic assumptions.

This recent report, and this brief look at an ever-growing list of abuses, demonstrates clearly that our notions of crime and punishment for young people have us intellectually captured and clueless. Society at large, as well as the opinion shapers, the elites and those who wield power seem to be afraid to say what we all know to be true. Using cells to change the behaviors of teenagers is ineffective, expensive and more likely to increase crime.

Two-thirds of youth in detention are incarcerated for nonviolent offenses. What about incarceration only for those who pose a proven public safety risk? What about keeping nonviolent youth and those with minor offenses in community-based programs that involves therapy and engages their families? What about rehabilitation? Employing these methods has been shown to reduce crime, and the likelihood of abuse, and save money.

These ideas should no longer be novel or untried. San Francisco's District Attorney Kamala Harris has it right. In her new book *Smart on Crime* she invites us to get a clue about being, well, smart on crime. She observes that two thirds of inmates return in two years. The numbers are similar for youth as well. By comparison, two decades ago, Missouri replaced its guards with counselors and its cells with bunk beds. The new model focused on changing behavior through therapy rather than physical restraints. Today, only one in four of the youths who have gone through the state's system are re-incarcerated within three years of release.

How many more reports, tragedies and thrown away lives will we continue to endure? How long will we continue to waste precious dollars on this failed approach? How much longer will we, as a society, continue to be clueless and intellectually captured by the myth of "tough on crime"?

It's time to get a clue.

