Juvenile Hall is inappropriate for young minors

By Supervisor Dave Cortese

Speak to anyone on the street and discover near unanimity that most minors under the age of 18 should not be placed in adult jail facilities where they would interact with hardened criminals and witness unsavory activities. This viewpoint was actually memorialized with the passing of the 1974 Juvenile Justice and Delinquency Act. This Federal law prohibited the placement of youth in adult jails except under very limited circumstances so that young minds would not be influenced by older offenders in adult jail.

It is with this similar reasoning that, at my request, the Santa Clara County Board of Supervisors has adopted a policy which states that minors 12-years old and younger should not be placed in Juvenile Hall and that the county should develop local alternatives for the safe, temporary placement of children, age 12 and under, who commit a serious crime.

Congregate care settings, such as Juvenile Hall, present numerous opportunities for impressionable young children to model the behaviors of their older peers who have often been through the system many times and have developed negative behaviors. As a result, rather than providing them with positive role models, a stint in Juvenile Hall actually increases the chance that the young children will become repeat offenders.

That is not to say that children should not be punished for committing serious crimes; rather that children of that age are easily influenced and that the county should help guide them towards being a good citizen of society. Too often, young children who commit crimes are instantly labeled as life-long criminals but, with the right atmosphere and mentoring, they can learn right from wrong.

By sending young children to Juvenile Hall, there is a risk of aggravating the trauma they are likely to have already experienced. According to the study by the County’s Juvenile Justice Commission, 90 percent of the children under 13, who have been placed in Juvenile Hall from 2007 to 2009, had a history of trauma or child abuse, a diagnosed mental illness or an absent parent. Rather than correcting the behavior, the experience of incarceration will likely increase the difficulty of educating the youth on how to become a model citizen.

As an alternative, the county is developing therapeutic foster homes which allow for a more positive experience for the children who have come into the system. As such, these children will be more likely to respond to the positive inputs provided by the staff in a nurturing environment and will have a greater likelihood of a positive outcome.

It is believed this policy is the first of its kind in the nation. Therefore, I have also asked that the County explore working with neighboring counties to develop a policy of shared placements appropriate for children 12 years old and younger who commit a serious crime. Rather than allowing older criminal offenders to influence another generation, we can break the cycle and steer these young children on the path towards success. Also, by working with other Bay Area jurisdictions, we can design a successful program to help guide our youngest members of the community. Ideally this program will be adopted by others around the nation to truly make a difference in the lives of the generations to come.

If you would like to learn more about this policy or would like to know how you can help, please contact me at (408) 299-5030 or Dave.Cortese@bos.sccgov.org.