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## Introduction: Gun Violence Among Youth in Chicago

By Amanda Crews Slezak

### I. INTRODUCTION

In recent years, the rate of violent crime in Chicago has reached a thirty-year low, yet the number of shootings and persistent rate of violence affect everyone in the City and are particularly devastating to youth.<sup>1</sup> In Chicago, about half of all violent crimes involve youth who are school aged.<sup>2</sup> In 2013, out of the 1864 shootings that took place in Chicago, 212 of those shootings involved youth who were sixteen years old or younger, and eighty-two involved students of Chicago Public Schools.<sup>3</sup> A 2009 report by the University of Chicago Crime Lab found that, “low-income, gang-involved young minority males are vastly overrepresented as both victims and offenders of gun violence.”<sup>4</sup> The report included other factors that make youth more vulnerable to involvement with gun violence—as victims and as perpetrators—such as “alcohol use, mental health problems, and perhaps particularly school failure.”<sup>5</sup>

While the issue of youth gun violence in Chicago is well documented, despite what the headlines suggest Chicago is not the “murder capital” of the United States.<sup>6</sup> National media coverage and news reports highlight tragic cases of innocent youths who were killed over the past few years.<sup>7</sup> While there were more people murdered in Chicago in 2013 than in New York City or Los Angeles, Chicago’s crime rate ranks nineteenth among other large cities, similar to the crime rate of Houston and half of the crime rate of Detroit.<sup>8</sup> A recent Yale University report indicates that if Chicago continues on its current track, it will have both its lowest violent crime rate since 1972, and its lowest homicide rate since 1967.<sup>9</sup> Furthermore, the trend of lower crime rates is not specific to Chicago. The rates of all categories of crime, including violent crimes, have dropped nationwide over the past fifteen years.<sup>10</sup> Despite the violent crime rate in Chicago and the number of shooting incidents involving victims sixteen years old and younger decreasing overall, a large number of children are still affected by violent crime. This is especially

<sup>1</sup> NATIONAL FORUM ON YOUTH VIOLENCE PREVENTION, CITY OF CHICAGO YOUTH VIOLENCE PREVENTION PLAN 9 [hereinafter NATIONAL FORUM], available at [http://www.cityofchicago.org/dam/city/depts/mayor/supp\\_info/ylpFINAL.pdf](http://www.cityofchicago.org/dam/city/depts/mayor/supp_info/ylpFINAL.pdf).

<sup>2</sup> Maudlyne Ihejirika, *Shooting Incidents Among Youth in Chicago down 40 Percent: City Analysis*, CHI. SUN-TIMES.COM (Jan. 27, 2014), <http://www.suntimes.com/25216021-761/shooting-incidents-among-youth-in-chicago-down-40-percent-city-analysis.html#.U2a1Za1dWUA>.

<sup>3</sup> *Id.*

<sup>4</sup> ROSEANNA ANDER ET AL., GUN VIOLENCE AMONG SCHOOL-AGE YOUTH IN CHICAGO 2 (2009), available at [http://crimelab.uchicago.edu/sites/crimelab.uchicago.edu/files/uploads/Gun\\_Violence\\_Report.pdf](http://crimelab.uchicago.edu/sites/crimelab.uchicago.edu/files/uploads/Gun_Violence_Report.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*; see *FBI: Chicago Officially America’s Murder Capital*, FOX NEWS (Sept. 19, 2013), <http://www.foxnews.com/us/2013/09/19/fbi-chicago-officially-america-murder-capital/>.

<sup>7</sup> *Alexander Mayo Shot in Chicago as 2 Dead, 5 More Injured in Overnight Violence Around City*, HUFFPOST CHI. (July 19, 2013), [http://www.huffingtonpost.com/2013/07/19/alexander-mayo-shot-chica\\_n\\_3625217.html](http://www.huffingtonpost.com/2013/07/19/alexander-mayo-shot-chica_n_3625217.html) (discussing a nineteen-year-old young man who was shot and killed while he was escorting a female friend home in the North Lawndale neighborhood so she would be safe); Meredith Rodriguez, *Mom: Teen Killed While Earning Money Shoveling Snow*, CHI. TRIB. (Feb. 10, 2014), [http://articles.chicagotribune.com/2014-02-10/news/chi-chicago-shootings-4-shot-1-fatally-in-city-attacks-20140209\\_1\\_snow-cook-county-morgue-shooting](http://articles.chicagotribune.com/2014-02-10/news/chi-chicago-shootings-4-shot-1-fatally-in-city-attacks-20140209_1_snow-cook-county-morgue-shooting) (discussing the recent murder of a seventeen-year-old high school student who was shot and killed while shoveling snow to earn money near his home on the Near West Side).

<sup>8</sup> Cheryl Corley, *Despite the Headlines, Chicago’s Crime Rate Fell in 2013*, NPR (Dec. 31, 2013), <http://www.npr.org/2013/12/31/258413771/despite-the-headlines-chicagos-crime-rate-fell-in-2013>.

<sup>9</sup> Andrew V. Papachristos, 48 Years of Crime in Chicago: A Descriptive Analysis of Serious Crime Trends from 1965 to 2013, at 3 (Yale Inst. for Soc. & Policy Studies, Working Paper No. 13-023, 2013), available at [http://isps.yale.edu/sites/default/files/publication/2013/12/48yearsofcrime\\_final\\_ispsworkingpaper023.pdf](http://isps.yale.edu/sites/default/files/publication/2013/12/48yearsofcrime_final_ispsworkingpaper023.pdf).

<sup>10</sup> For example, there has been a forty-four percent decline in the rate of aggravated assault and a twenty-three percent decline in the rate of larceny nationwide between 1990 and 2000. Papachristos, *supra* note 9, at 4.

concerning because “[c]hildren who are exposed to neighborhood violence, particularly gun violence, suffer increased rates of depression, aggression, delinquency, poor school performance, and risky sexual behavior.”<sup>11</sup> As a result, the best way to address youth gun violence is to prevent it from happening in the first place, “rather than just addressing the problem after the fact.”<sup>12</sup> Many of the shootings that take place in Chicago are a result of gang violence, and there is general agreement that the City cannot “arrest its way out of its gang problem.”<sup>13</sup>

It is because of the devastating effect that violence has on every aspect of a child’s life that the *Children’s Legal Rights Journal* chose to host this year’s annual symposium on youth gun violence and devote this issue of the journal to the topic. The *Children’s Legal Rights Journal* (CLRJ) is a legal journal based in Chicago that releases three issues annually, edited by Loyola University of Chicago law students in cooperation with the National Association of Counsel for Children. Each year, CLRJ hosts a symposium related to a specific and emerging topic in the field of child law, this year’s topic being “Gun Violence Among Youth in Chicago.” Experts in the field are invited to speak, and practitioners, students, and other professionals are invited to attend for CLE or CEU credit. A keynote speaker delivers a scholarly address, and panelists speak about their expertise in the chosen area and provide written supplemental materials for attendees. The experts who speak, either as keynote or as panelists, are invited to submit an article for the symposium issue of CLRJ, which contains articles dedicated to the chosen topic.

## II. SYMPOSIUM

For this year’s symposium held on October 18, 2013, the keynote speaker was Dr. Deborah Gorman-Smith, a professor at the University of Chicago School of Social Service Administration and Principal Investigator of the Chicago Center for Youth Violence Prevention. Dr. Gorman-Smith spoke about the effects of witnessing violent incidents on children and discussed her research on effective methods to prevent youth violence. In addition to Dr. Gorman-Smith, three panels of speakers participated in the symposium. During the morning panel, focused on “Research and Statistics regarding Incidents of Youth Violence in Chicago,” professionals spoke about their research regarding victims and perpetrators of youth violence, and the effect of violence on youth who are exposed to it at an early age. This panel included Dr. Noni Gaylord-Harden, an associate professor and director of the Parents and Children Coping Together Research Lab in the Department of Psychology at Loyola University Chicago, Dr. Arthur Lurigio, a psychologist and senior associate dean for faculty in the College of Arts and Sciences at Loyola University Chicago, and Stephanie Kollmann, who manages juvenile justice research and reform projects at the Children and Family Justice Center at Northwestern University School of Law.

The lunch panel consisted of two young men who started RISE Chicago after one of their friends was shot and killed in Chicago when he was only nineteen years old. RISE Chicago is a youth-led organization that aims to raise awareness about youth violence in Chicago, establish one or more trauma centers on the South Side of Chicago, reduce youth murders in the City, and change negative rap music messages that encourage violence.

The afternoon continued with a panel, entitled “Seeking Solutions: Public Health and Law-Based Approaches to Addressing Youth Gun Violence,” consisting of experts from

<sup>11</sup> NATIONAL FORUM, *supra* note 1; *Youth Shootings Drop by 40 Percent in 2013 in Chicago*, CBS CHI. (Jan. 28, 2014), <http://chicago.cbslocal.com/2014/01/28/youth-shootings-drop-by-40-percent-in-2013-in-chicago/>.

<sup>12</sup> NATIONAL FORUM, *supra* note 1; ANDER ET AL., *supra* note 4, at 2-3.

<sup>13</sup> Corley, *supra* note 8.

organizations throughout Chicago who presented various approaches to addressing youth violence. For example, Ron DeWald spoke on behalf of the United States Attorney's Office for the Northern District of Illinois and Project Safe Neighborhoods about the law enforcement approach to preventing youth gun violence through education and outreach efforts in communities with high incidents of violence. Charlie Ransford, from Cure Violence, spoke about addressing community violence through a public health prospective. Cure Violence treats violence like a disease, and aims to interrupt violent events before they happen. Colleen Daley, the executive director of the Illinois Council Against Handgun Violence, spoke about preventing youth violence through policy and legislation. Toni Irving, the executive director of the Public Safety Action Committee, and Rebecca Levin, the strategic director of the Injury Prevention and Research Center at Ann & Robert H. Lurie Children's Hospital of Chicago and leader of the Strengthening Chicago's Youth violence prevention collaborative also spoke about their organizations' innovative approaches to preventing violence. More than 110 individuals attended the symposium, and questions from the audience contributed greatly to the general understanding of the issues and ideas discussed by each of the speakers.

As evidenced by the facts and statistics alluded to earlier, the Executive Board of CLRJ chose the topic of youth gun violence for the symposium because of the benefit derived from experts in a variety of different fields discussing their research on the subject. Because of the widespread effect of violence on children in Chicago, strategies and methods to prevent youth gun violence are important issues for all child advocates. For this reason, the articles included in this issue discuss approaches to youth violence prevention from a range of perspectives, including public health and international law.

In addition to her keynote address, Dr. Gorman-Smith's article entitled "Strengthening Families and Communities to Prevent Youth Violence: A Public Health Approach," appears in this issue of CLRJ. In her article, Dr. Gorman-Smith discusses a framework for understanding youth violence from a public health perspective that focuses on preventing violence before it begins. Her article also discusses the public health approach to reducing youth gun violence, which includes collaboration among many different academic areas, including psychology, social work, criminal justice, and education, among others.<sup>14</sup> A second article by Ryan Lugalia-Hollon, Meg Helder, and Eduardo Bocanegra, who comprise the leadership team for the YMCA of Metropolitan Chicago's Youth Safety and Violence Prevention programs, is also published in this issue of CLRJ. In their article, titled "Ensuring the Rights of the Child: A Legal Framework for New Public Safety Models," the authors discuss the rights of children under the United Nation's Convention on the Rights of the Child, and propose placing this international treaty at the center of the public safety system.

### III. LEGAL RESPONSES TO YOUTH VIOLENCE

While both of the articles in this issue of CLRJ present an innovative approach to analyze and prevent youth violence, it is also important to view these approaches in the context of the legal framework developed in response to youth violence in the United States. Understanding the legal context provides insight into the different, and sometimes contradictory, methods employed by the various fields to address youth violence.

In the United States, the legal responses to gun violence fall generally within four categories: information and training, gun buy-back programs, gun laws, and law enforcement

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<sup>14</sup> Deborah Gorman-Smith et al., *Strengthening Families and Communities to Prevent Youth Violence: A Public Health Approach*, 34 CHILD. LEGAL RIGHTS. J. 1,8 (2014).

campaigns.<sup>15</sup> This brief discussion of the legal framework for addressing youth gun violence will focus on gun laws and related policies because they have the most significant effect on the lives of youth offenders.

A variety of different kinds of laws have been passed that aim to reduce gun violence, the most prevalent being to increase the severity of legal sanctions for gun-related crimes. "In general, these laws either establish mandatory sentences or sentence enhancements (in some cases, both) in an effort to deter potential offenders from using a firearm when committing a crime."<sup>16</sup> Nevertheless, the available research addressing the effectiveness of these laws is mixed.<sup>17</sup>

Legal responses to youth gun violence have evolved since the mid-1990s, when statistics from the Bureau of Justice showed that "homicide offending rates for youths ages [fourteen] to [seventeen] more than tripled from 8.5 per 100,000 in 1984 to 30.2 per 100,000 in 1993."<sup>18</sup> As a result of that increase and because of widespread public fear, the reaction of legislators to the high rates of violent crime was harsher sentences for youth who commit violent crimes.<sup>19</sup> The harsher sentences included expanding statutes that required youth to be treated as adults when charged with particular offenses as well as mandatory minimum sentences for violations of gun laws.<sup>20</sup>

Since 1992, the majority of state and federal legislative responses to youth crime have focused on transferring an increasing number of youth at younger ages to adult criminal court.<sup>21</sup> In 1998, Congress further encouraged this shift by requiring states to have provisions that allow for the prosecution of youth over the age of fourteen as adults in order to qualify for some federal grants.<sup>22</sup> One change in the process through which juveniles who commit offenses are transferred to adult court was the expansion of judicial waiver,<sup>23</sup> which has been a part of some state juvenile codes since before the 1920s.<sup>24</sup> By the 1950s, most states had enacted judicial waiver laws that allow juvenile courts to waive their jurisdiction over individual youth and transfer them to criminal court, and these laws were nearly universal by the 1970s.<sup>25</sup> Judicial waiver, however, expanded in the 1990s to allow juvenile court judges to transfer younger juveniles and those charged with less serious crimes to criminal court.<sup>26</sup> In 1995, seventeen states expanded or amended their waiver statutes.<sup>27</sup> In addition, prosecutorial discretion expanded, granting

<sup>15</sup> Matthew D. Makarios & Travis C. Pratt, *The Effectiveness of Policies and Programs That Attempt to Reduce Firearm Violence: A Meta-Analysis*, 58 *Crime & Delinquency* 222, 223 (2012), available at <http://cad.sagepub.com/content/58/2/222.full.pdf>.

<sup>16</sup> *Id.* at 224.

<sup>17</sup> *Id.*

<sup>18</sup> Brandon K. Applegate & Robin King Davis, *Public Views on Sentencing Juvenile Murderers: The Impact of Offender, Offense, and Perceived Maturity*, 4 *YOUTH VIOLENCE & JUV. JUST.* 55, 55 (2006).

<sup>19</sup> See Greg Ridgeway & Robert L. Listenbee, U.S. Dep't of Justice, *Young Offenders: What Happens and What Should Happen*, JUST. RES., Feb. 2014, available at <https://ncjrs.gov/pdffiles1/nij/242653.pdf> (discussing how the "increase in the number of homicides committed by adolescents and young adults in the late 1980s and early 1990s in some cities alarmed the public and policymakers alike. By the end of the 1990s, all states had passed laws to make their juvenile justice system more punitive, and these new laws led to more juveniles being tried and sentenced as adults and then sent to adult prisons."); MALCOM C. YOUNG & JENNI GAINSBOROUGH, PROSECUTING JUVENILES IN ADULT COURT: AN ASSESSMENT OF TRENDS AND CONSEQUENCES 4 (2000), available at <http://www.prisonpolicy.org/scans/sp/juvenile.pdf>.

<sup>20</sup> Applegate & Davis, *supra* note 18, at 55-56; YOUNG & GAINSBOROUGH, *supra* note 19.

<sup>21</sup> YOUNG & GAINSBOROUGH, *supra* note 19, at 4.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Melissa Sickmund, U.S. Dep't of Justice, *Juveniles in Court*, JUVENILE OFFENDERS & VICTIMS NAT'L REP. SERIES BULL., June 2003, at 6, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/195420.pdf>.

<sup>25</sup> Patrick Griffin et al., U.S. Dep't of Justice, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, JUVENILE OFFENDERS & VICTIMS: NAT'L REP. SERIES BULL., Sept. 2011, at 8, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf>.

<sup>26</sup> YOUNG & GAINSBOROUGH, *supra* note 19, at 4; Richard E. Redding, U.S. Dep't of Justice, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, JUV. JUST. BULL., June 2010, at 1, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

<sup>27</sup> SHAY BILCHIK, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, JUVENILE JUSTICE REFORM INITIATIVES IN THE STATES 1994-1996 42 (1997), available at <https://www.ncjrs.gov/pdffiles/reform.pdf>.

prosecutors more authority to file certain cases in juvenile or criminal court as they see fit.<sup>28</sup> Statutory exclusion, which was also expanded, exempts certain kinds of youth offenders from juvenile court jurisdiction because of their age or the crime they committed.<sup>29</sup> Further, most states have statutes that require a juvenile who was once prosecuted as an adult in criminal court to continue to be prosecuted as an adult for all subsequent offenses.<sup>30</sup>

In addition to juvenile transfers to adult criminal court, there are many federal and state statutes that require mandatory minimum sentences for certain offenses and certain offenders. Mandatory minimum sentencing requires that an individual who is convicted of a certain crime be imprisoned for a fixed minimum term, as opposed to leaving the length of punishment to the discretion of judges, who would be able to weigh that individual's culpability along with any applicable mitigating factors.<sup>31</sup> Although the United States Sentencing Commission "has taken a series of steps to reduce, and in some cases eliminate, the use of mandatory sentences"<sup>32</sup> because of their proven ineffectiveness, there remain several types of mandatory minimum sentences that can be imposed for a variety of crimes including drug, gun, and sex crimes.<sup>33</sup> "The most widely recognized are those that demand that offenders be sentenced to imprisonment for 'no less than' a designated term of imprisonment."<sup>34</sup> These sentences may be imposed because of the nature of the offense or because of the offender's criminal record.<sup>35</sup> Another category of mandatory sentences consist of a flat single sentence statute, most of which call for life in prison.<sup>36</sup> A third category of mandatory sentences are known as "piggyback" statutes, which "are not themselves mandatory minimums but sentence offenders by reference to underlying statutes including those that impose mandatory minimums."<sup>37</sup>

One policy related to mandatory minimum sentences is the truth-in-sentencing laws. Many states enacted a truth-in-sentencing law, "which requires offenders to serve a substantial

<sup>28</sup> YOUNG & GAINSBOROUGH, *supra* note 19, at 4.

<sup>29</sup> *Id.* In the majority of states within the United States, the legislature has determined that juveniles should be treated as adults in certain cases (typically involving serious offenses). Sickmund, *supra* note 24, at 3. As a result, the law excludes those cases from juvenile court and prosecutors are required to file them in criminal court. Sickmund, *supra* note 24, at 3. In Illinois, for example, children will be excluded from the definition of "delinquent minor" for purposes of juvenile court jurisdiction and will be subject to adult criminal court jurisdiction for crimes including the following if the child is fifteen years old or older: (1) first degree murder; (2) aggravated criminal sexual assault; (3) aggravated battery with a firearm where the minor personally discharged the firearm; (4) armed robbery when the armed robbery was committed with a firearm, or (5) aggravated vehicular hijacking committed with a firearm. 705 ILL. COMP. STAT. ANN. 405/5-130 (West 2014). Additionally, Governor Pat Quinn signed House Bill 2404 into law on July 8, 2013, which permits seventeen year olds charged with misdemeanors and certain felonies to be tried in juvenile rather than adult court. *A Great Day for Juvenile Justice Reforms*, JUV. JUST. INITIATIVE (July 8, 2013), <http://jjustice.org/a-great-day-for-juvenile-justice-reforms/>. The law does not affect felonies, such as those listed above, which are subject to automatic transfer to adult court. *Id.*

<sup>30</sup> YOUNG & GAINSBOROUGH, *supra* note 19, at 4.

<sup>31</sup> *Mandatory Minimum Sentencing Law & Legal Definition*, USLEGAL, <http://definitions.uslegal.com/m/mandatory-minimum-sentencing/> (last visited Apr. 28, 2014). The Court, in the *Davis* case, summarizes in the paragraph below possible mitigating factors that a judge may consider when determining the sentence that should be imposed.

[A] mandatory sentence precludes consideration of such mitigating circumstances as: the juvenile offender's age and its attendant characteristics; the juvenile's family and home environment and the circumstances of the offense, including the extent of the juvenile's participation therein and the effect of any familial or peer pressure; the juvenile's possible inability to interact with police officers or prosecutors, or incapacity to assist his or her own attorneys; and the "possibility of rehabilitation even with the circumstances most suggest it."

*People v. Davis*, 6 N.E.3d 709, 718 (Ill. 2014).

<sup>32</sup> STEPHANIE KOLLMANN & DOMINIQUE NONG, *COMBATING GUN VIOLENCE IN ILLINOIS: EVIDENCE-BASED SOLUTIONS* 8 (2013) (explaining that the Sentencing Commission has suggested "safety valve mechanisms" that would allow judges to give sentences below the mandatory minimum prescribed by the statute).

<sup>33</sup> See generally CHARLES DOYLE, CONGRESSIONAL RESEARCH SERVICE FEDERAL MANDATORY MINIMUM SENTENCING 1-2, 59-69 (2013), available at <http://www.fas.org/sgp/crs/misc/RL32040.pdf> (discussing federal mandatory minimum sentencing laws).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 2-3. An example of this type of mandatory minimum sentence is the "Three Strikes" rule, in which a "defendant convicted of a federal 'serious violent felony' must be sentenced to life imprisonment under the so-called three strikes law, 18 U.S.C. 3559(c), if he has two prior state or federal violent felony convictions or one such conviction and a serious drug offense conviction." *Id.* at 97.

<sup>36</sup> *Id.* at 3.

<sup>37</sup> *Id.*

portion of their sentence and reduces the discrepancy between the sentence imposed and the actual time served in prison.”<sup>38</sup> Most states that have a truth-in-sentencing law require offenders to serve eighty-five percent of the prison sentence imposed on them.<sup>39</sup> While the Supreme Court has held that a juvenile’s mandatory sentence of life imprisonment violates the Eighth Amendment’s prohibition against cruel and unusual punishment, as well as “a particular term of imprisonment in those exceptionally rare cases when the punishment is grossly disproportionate to the offense,”<sup>40</sup> youth are still subject to mandatory minimums that impose less than a life sentence.<sup>41</sup> States also have mandatory minimum sentences that vary depending on the nature of the offense and perpetrator.<sup>42</sup>

As mentioned previously, however, “[t]he evidence indicates, repeatedly, that mandatory minimum sentences will not reduce gun violence. On the contrary, such restrictions are not only costly, but also counterproductive.”<sup>43</sup> Studies show that youth who are transferred to adult criminal court, particularly those who commit violent crimes, are much more likely to commit another offense.<sup>44</sup> Furthermore, “[d]evelopmental psychology offers evidence that ‘adolescent choices about involvement in criminal activity may reflect cognitive and psychological immaturity.’”<sup>45</sup> Although the law generally recognizes reduced responsibility as a mitigating factor in sentencing, the harsher sentences that emerged in the 1990s as a result of the high rate of youth crime shifted juvenile justice policy in the United States away from viewing young offenders as less culpable than adults, as they were generally thought to be when the juvenile court was created.<sup>46</sup>

The juvenile court system was developed during the nineteenth century when public opinion of how juveniles should be treated in the United States began to change. Social reformers opened special facilities for juveniles who were troubled, specifically in larger cities like New York and Chicago.<sup>47</sup> Supporters of the juvenile facilities “sought to protect juveniles by separating them from adult offenders.”<sup>48</sup> These individuals also focused on rehabilitation of the juvenile offenders and tried to help them “avoid a future life of crime.”<sup>49</sup> “In 1899, the first juvenile court in the United States was established in Cook County, Illinois,” and within twenty-five years, many states had developed their own juvenile court systems.<sup>50</sup> The early juvenile

<sup>38</sup> PAULA M. DITTON & DORIS JAMES WILSON, BUREAU OF JUSTICE STATISTICS, TRUTH IN SENTENCING IN STATE PRISONS 1 (1999), available at <http://www.bjs.gov/content/pub/pdf/tssp.pdf>.

<sup>39</sup> As discussed in more detail in the paragraph below, States were required to pass truth-in-sentencing laws in order to qualify for certain grants.

[T]he U.S. Congress authorized incentive grants to build or expand correctional facilities through the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Program in the 1994 Crime Act (Pub.L.No. 103-322, 108 Stat. 1796 (1994)). To qualify for the truth-in-sentencing grants, States must require persons convicted of a Part 1 violent crime to serve not less than 85% of the prison sentence.

DITTON & WILSON, *supra* note 38, at 3.

<sup>40</sup> DOYLE, *supra* note 33, at 25; Miller v. Alabama, 132 S. Ct. 2455, 2460 (2012).

<sup>41</sup> KRISTY N. MATSUDA, THE IMPACT OF INCARCERATION ON YOUNG OFFENDERS 7 (2009), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/227403.pdf>.

<sup>42</sup> KOLLMANN, *supra* note 32, at 3 (providing examples of state mandatory minimum sentences).

<sup>43</sup> *Id.* at 1.

<sup>44</sup> Redding, *supra* note 26, at 5.

<sup>45</sup> Applegate & Davis, *supra* note 18, at 56; see also Graham v. Florida, 560 U.S. 48, 68 (2010) (discussing developments in psychology and brain science that continue to show fundamental differences between juvenile and adult minds).

<sup>46</sup> A report from 2000 argued that juvenile justice “policies explicitly or implicitly present adolescent offenders as indistinguishable from adult counterparts, and reject the importance of youthful immaturity in assignments of criminal responsibility.” Applegate & Davis, *supra* note 18, at 56 (internal quotation marks omitted).

<sup>47</sup> American Bar Association Division for Public Education, *The History of Juvenile Justice*, in Dialogue on Youth and Justice 1, 5 (2007) [hereinafter *The History of Juvenile Justice*], available at <http://www.americanbar.org/content/dam/aba/migrated/publiced/features/DYJpart1.authcheckdam.pdf>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

courts hoped to rehabilitate juveniles rather than punish them.<sup>51</sup> Additionally, the juvenile courts were based on the legal doctrine of *parens patriae*, a Latin term meaning “parent of the country.”<sup>52</sup> As a result, juvenile courts focused on “the best interests of the child,” and they emphasized “an informal, nonadversarial, and flexible approach to cases.”<sup>53</sup> The juvenile cases were treated as civil, or non-criminal actions, and the primary objective “was to guide a juvenile offender toward life as a responsible, law-abiding adult.”<sup>54</sup> As previously discussed, however, juveniles are currently treated more and more punitively by the court systems, despite the fact that “[r]ecent studies have shown that juvenile justice system services and supervision are more effective than confinement in reducing antisocial behavior.”<sup>55</sup> For this reason, child advocates must utilize a variety of approaches to prevent and address youth violence, such as targeted interventions and focused policing, which have proven to be more effective solutions to gun violence than harsh prison sentences.<sup>56</sup>

#### IV. CONCLUSION

Because of the ineffective legal responses, child advocates have turned to alternative preventative and rehabilitative methods to address youth violence. This issue of CLRJ highlights some of the innovative and effective methods to prevent youth gun violence with holistic, interdisciplinary responses, and is intended to further the discussion regarding research and statistics of youth violence. The two symposium-related articles and corresponding Featured Practice Perspectives included in this issue inform the reader of some of the progress that has been made in developing effective methods to prevent youth violence, and the work that is yet to be done. Our hope is that this issue of the *Children's Legal Rights Journal* will contribute to the national conversation of experts and professionals discussing the most effective ways to protect children and prevent youth violence.

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Ridgeway & Listenbee, *supra* note 19.

<sup>56</sup> KOLLMANN, *supra* note 32, at 5.