



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Juvenile Injustice

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It hardly comes as a surprise that 14-year-old Philip Chism has been indicted for murder (as well as aggravated rape) for the death of 24-year-old Danvers teacher Colleen Ritzer, and will, therefore, be tried as an adult. The brutal nature of the crime and the circumstances surrounding it reflect murder, not manslaughter, and in the Commonwealth of Massachusetts all defendants age 14 and over accused of murder are automatically prosecuted in criminal court.

The problem is, however, that Chism is not an adult in any way, shape or form. Although teenagers sometimes act like adults, at least in terms of criminal behavior, they think like children when it comes to their capacity for making sound decisions. With the portion of the brain that evaluates options and their consequences not yet fully developed, adolescents act impulsively, failing to think through the likely outcome and aftereffect for themselves, much less for their victim.

From the perspective of the Colleen Ritzer's family -- in terms of their pain, anguish and sense of loss, the age of the accused is not a factor. Whether the perpetrator was 14 or 44, the awful fate suffered by their loved one is the same. But that is true in cases of manslaughter or negligent homicide where punishments are moderated despite the fact that a victim was killed.

This is not to say that juveniles should never be tried as adults. Repeat violent youthful offenders should be waived over to adult court, as they have demonstrated through their recidivism that they are unreachable by the juvenile justice system. Criminal prosecution is generally inappropriate, however, for a 14-year-old first-time offender, no matter how repugnant the act.

Punishment should fit the crime, to be sure, but also should fit the criminal. Justice is not only about a victim's plight, but also an offender's state of mind and maturity. Certainly, teenagers know right from wrong, and recognize the finality of killing. But they just don't quite comprehend the enormity of the impact.

I'm not suggesting that punishments for such juvenile murderers should be lenient. In the early 1990s, the Massachusetts legislature wisely changed the law pertaining to juvenile homicide by establishing a sentence of 20 years incarceration for juveniles convicted of first degree murder. Unfortunately, the subsequent reaction to the Eddie O'Brien case prompted the legislature to act once again by calling for all teenagers as young as 14 charged with first or second degree murder to be prosecuted as adults, no matter

what the circumstances. As we have seen time and time again, punishments designed with the worst case in mind do not effectively serve the cause of justice in all cases.

In many other parts of the country, a defendant like Chism could be tried in juvenile court and receive a sentence commensurate with his or her youth. But in Massachusetts, it is all about juvenile punishment, not juvenile justice.