

No Place for Kids

by Mark Dostert

Christopher L. was 16. Had the Chicago media deemed his alleged crime salacious enough, they would have printed his full name. They revealed the full names of other kids at the jail where I worked as a guard in the late 1990s. Despite being younger than 18, those children — facing charges like first-degree murder or aggravated vehicular hijacking or armed robbery with a firearm — had been charged as adults, not juveniles.

Christopher hadn't killed or robbed or carjacked. Still, Christopher was an "automatic transfer" — an A-T, we called them. His drug possession case would be automatically transferred to adult court, similar to a murder or carjacking case. If Christopher was convicted, he faced incarceration in an Illinois penitentiary for a decade or more. Had he been 14 or younger, he could have been free at 18 or 21.

Christopher was lanky, frail even, like he could break into pieces if knocked around too hard. I remember his affability, his cartoonish voice and the divots in his uneven hair — no regular barber at the 500-cell juvenile detention center. When I think of my job there, that experience, I think of Christopher. Inmates like him made a tough job a little less tough.

I thought of Christopher again recently as Texas, my home state, once more considered raising its age of criminal responsibility to 18. For nearly a century, Texas has prosecuted its 17-year-olds in adult court, where they face sentences at adult prisons lasting well into adulthood. But Texas didn't raise the age. Instead, House Bill 676 is "in recess," and the 85th Texas Legislature will be known for lawmakers shoving one another and yelling bullet threats.

Christopher had been charged as an adult thanks to an Illinois law making drug offenses within 1,000 feet of a school or public housing a felony for 15- and 16-year-olds. Illinois has since reconsidered this. It now condemns fewer young people to two or three decades in prison for these crimes — crimes committed while their brains' frontal cortices are still developing. Neuroscientists say this region of the brain, a region crucial for impulse control, decision-making and long-term planning, isn't completely formed until the mid-20s. Thankfully, drug offenses in Illinois are no longer A-T charges for kids Christopher's age.

Illinois prosecutors can still petition that violent charges be moved from juvenile to criminal court. But the Illinois General Assembly and Gov. Bruce Rauner recently raised Illinois' A-T age from 15 to 16, even for first-degree murder. As terrible and unrectifiable as crimes like murder and rape are, I think we should indeed be slow to take away a vast span of someone's adult life for an act facilitated by one's child self. If sentences, at least for nonviolent offenses, last no later than offenders' 18th birthdays, those young people have more chances to change as their brains change.

I remember one chance that Christopher wanted back on Cellblock 3G. I'd asked through his steel-framed Plexiglas cell door why he'd pulled the thin green mattress off his bedframe onto the floor and pushed it against the thin gap between the floor and the bottom of his door.

"We got mice!" he answered.

I knew this but said something about there being no way for mice to enter his cell with the door closed and locked.

"No, they can crush their bones down!"

It was a chance he did have: thwarting a mouse from squeezing under his door. Other opportunities though, Christopher, if convicted, would not have, like at age 18 or 21 or even 25 making different choices about illegal drugs. For Christopher, these new laws would be too late.

My hope is that Texas lawmakers will soon make similar news. Instead of Texas making national news for its lawmakers behaving like children, how heartening would it be if we were known for creating a juvenile justice system that treats children more like children?

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