

Resisting the Temptation of Jail: The Lesser of Two Evils

Written by: [Judge Steven Teske](#) on Mar 11, 2013

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The onset of my unruliness happened when I first noticed girls — I mean really noticed them. I am not saying that girls are to blame for the trouble I gave my parents. That I blame on the creature of adolescent mayhem; puberty.

In my day — circa 1972 — the thing to do was to ask a girl to go “steady.” But “steady” isn’t “steady” until the boy gives the girl a ring.

So, how does a 12-year-old make that happen? I couldn’t walk into a jewelry store and buy a ring.

Asking my parents for help was out of the question. That would have revealed that I had — that’s right — a GIRLFRIEND! I was not ready for the great inquisition, not to mention the funny looks, the girlfriend quips and my younger siblings finding out and ridiculing me.

What is a 12-year-old boy whose back is against the wall and desperate to please his girl to do?

Steal it!

So, I thought I would play it safe and pilfer the ring from my Mom’s jewelry box.

“Safe” is a relative term depending on your perspective, of course. Mine was that of a clueless boy of 12.

When my Mom was not around I took the biggest ring from her jewelry box and gave it to my best friend Jerry to deliver to my girl.

The next day, my Mom was waiting for me when I came home, holding that big ole high school graduation ring. Jerry apparently wasn’t good at being discreet, another flaw of adolescent boys. His mother saw the ring, cross-examined him, and called my Mom.

Mom asked me why? I offered the best lie I could think of: “Mom — you never wear it!”

Boys in the beginning of pubescent adolescence have no concept of a graduation ring. I knew it looked nice, that’s all that mattered.

That was the worse whupping I ever got.

I would go on to do more stupid things, including — at 15 — drinking a ... My parents were patient, staying up until all hours of the morning waiting for me to come ... back now in shame, but

thankful to have caring but firm parents with a lot of common sense. It could have been worse.

They didn't call the police, though I am sure they thought about it. They told me later there was something "wrong" about placing me in a jail cell with delinquents.

Mom said, "It would only make you worse."

The Georgia Criminal Justice Reform Council established by Gov. Nathan Deal confronted this question and, without knowing it, adopted the Mama Teske theory of status youth and detention.

Whether to lock up an unruly kid is a struggle for judges because it involves bad choices — detain and risk the child's exposure to scary delinquent youth or release and risk a runaway to a pimp that in turn could lead to other dangers including death.

Most of my colleagues in Georgia agree that jailing status youth is not good — and the few that do reserve it for the kids that never stay home. It is a default option for them — a frustrating option at that. There still remains plenty of judges nationwide that jail status youth on a routine basis — to teach them a lesson.

There is no question that something must be done to change the unruly behavior some young people. Research shows that unruly behavior can lead to delinquency. Truancy, for example, includes the majority of status offense cases in juvenile court and is the strongest early warning sign that a young person is on a pathway to delinquency. (One longitudinal study found that truant youth were eight times as likely to become delinquent as non-truant youth.)

The question is how best to change the unruly behavior. How we respond can make them worse sooner than later. And in many cases they can become a greater threat to the community as a result of our good-intentioned use of jail.

Researchers have found that incarceration itself is the most significant factor in increasing the odds a youth will continue to misbehave after release. Research also shows that for a statistically significant number of status youth, incarceration can raise the likelihood they will engage in criminal activity after being released.

A number of judges, including myself, have anecdotal stories about detaining an unruly kid who "found Jesus" while in detention, coming out a renewed adolescent. Anecdotal stories should serve to illustrate a position supported by data that is measured using scientifically proven tools. Otherwise, they are unpredictable statistical anomalies, a hit or miss depending on the resiliency of the kid.

Detention of status and low-risk youth can be a traumatic event — for some toxic — and it usually causes emotional scarring that, one day, may manifest into something ugly. That could be more serious crime or it could be adulthood depression, difficulty in keeping a job or a relationship. And sometimes it can be suicide.

I don't have an answer for those young people who keep running away before we can treat them. Many states allow a status offender to be held in a residential facility, not a jail for delinquents. Knowing many communities do not have access to a residential center our governor is calling for a re-investment of cost savings to help communities develop these facilities. Regardless, the lack of these facilities remains a questionable reason to jail a status offender alongside the scarier delinquent youth.

There is no doubt that jailing a runaway will stop the running away — so long as he or she is in jail. For the most part jail suspends it — it doesn't cure it. We create a false sense of rehabilitation when we jail a runaway in a

facility designed for the most dangerous of kids in our community. The only “treatment” runaways get in jail is from their cellmates — “Hey, you want to hit a lick (burglary) when we get out?” or “What’s your number — I’ll call you and we’ll get together.”

In our good faith attempt to fulfill our primary duty to protect the welfare of each child we sometimes make decisions that are good-intentioned, but have hurtful unintended consequences. It took me a moment after taking the bench to realize that my good intention in jailing unruly kids made them worse by placing them in the best training center for delinquency — the jail!

What’s worse is the realization that I was contributing to the crime rate by unwittingly schooling status kids to become delinquent. It is tragic when kids jump off the cliff and take victims with them. I can’t save every kid bent on self-destruction, but how I respond may prevent others from getting hurt. Jail is a double-edge sword in our business — the kids who scare us need it for our protection, but the kids who make us mad don’t need it for our protection. We have a duty to protect kids — we have a higher duty to protect the community! Detention can protect us or it can hurt us.

I realize now the paradox I face today is the same one my parents experienced with me — the temptation of jail to control a child. My Mom’s graduation ring has become a symbol of redemption — my eventual deliverance from unruliness, but most importantly from becoming a delinquent. My parents took a risk not calling the police, but it was a calculated risk that paid off.

In this business we must choose which path is the lesser of two evils — I have chosen mine.

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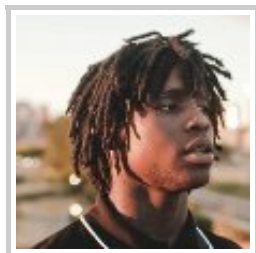
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Judge Steven Teske

Judge Steven C. Teske is the Chief Judge of the Juvenile Court of Clayton County and serves regularly as a Superior Court Judge by designation. He was appointed juvenile judge in 1999. Teske earned his Bachelor's, Master's, and Juris Doctor degrees from Georgia State University. He was a Chief Parole Officer in Atlanta, Deputy Director of Field Services of the Georgia State Board of Pardons and Paroles, and a trial attorney in the law firm of Boswell & Teske LLP. He also served as a Special Assistant Attorney General prosecuting child abuse and neglect cases and representing state employees and agencies in federal and state court cases. Teske is a past president of the Council of Juvenile Court Judges and has been appointed by the Governor to the Children & Youth Coordinating Council, DJJ Judicial Advisory Council, Commission on Family Violence, and the Governor's Office for Children and Families. He has written articles on juvenile reform published in Juvenile and Family Law Journal, Juvenile Justice and Family Today, Journal of Child and Adolescent Psychiatric Nursing, and the Georgia Bar Journal. He serves his community in numerous other capacities including past president of the Southern Crescent Habitat for Humanity and is currently on the advisory board.

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