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## BECAUSE RETRIBUTIVE JUSTICE IS NECESSARY, REDEMPTION IS POSSIBLE†

LINDA J. COLLIER, ESQ.\*

Understanding why juveniles commit crime and how to curtail it has deeply challenged American society for more than a century.<sup>1</sup> Although statistics show the rate of violent juvenile crime has been decreasing,<sup>2</sup> the fact that violent juvenile crime exists at all is repugnant. Stories about juvenile misdeeds in schools and the proliferation of weapons in minors' hands abound. The cores of our urban environments in cities such as Philadelphia; New York City; Washington, D.C.; and Detroit continue to suffer from the scourge of violent crime perpetrated by juveniles. There seems to be little surcease.

The goals of the community, parents, and schools should be to help a juvenile establish his moral compass, avoid violence as a means of conflict resolution, and develop coping strategies. With clear and cogent guidance, juveniles may learn coping strategies to help meet the challenges of day-to-day existence. After sentencing and introduction into the criminal justice system, redemption is no longer an arbitrary goal, but a necessary restorative imperative to heal the wounds that exist between juveniles and the community.

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† On November 7, 2007, the *Notre Dame Journal of Law, Ethics & Public Policy* hosted a panel discussion entitled, "Lost Innocence: Hope and Punishment in the Juvenile Justice System." Dean Collier's remarks have been revised for publication.

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1. The first juvenile court in the United States was founded in Cook County, Illinois in 1899.

It [was] founded on the idea that juvenile offenders need protection and treatment, not just punishment. The idea comes from the British justice system's principle of *parens patriae* (the State as parent), meaning that the state has a duty to protect children under its care. By 1925, all but 2 of the states [had] juvenile courts or probation services. These institutions operate much less formally than their counterparts in the adult judicial system.

Justice Learning Issues, [http://www.justicelearning.org/justice\\_timeline/Issues.aspx?issueID=10](http://www.justicelearning.org/justice_timeline/Issues.aspx?issueID=10) (last visited Feb. 19, 2008).

2. See HOWARD SNYDER & MELISSA SICKMUND, U.S. DEP'T OF JUSTICE, JUVENILE OFFENDERS AND VICTIMS 63-90 (2006).

In the United States, more than 2225 youths under seventeen currently serve prison terms of life without parole.<sup>3</sup> While the U.N. Convention on the Rights of Children has barred this punishment, the United States remains one of a few countries that has not ratified the U.N. Convention.<sup>4</sup> By permanently incapacitating these juveniles, have we made the decision to wash our hands, reject redemption, and throw away the key? Might we be able to turn the tide and reclaim our youth by supporting their physical, financial, and educational needs more fully?

Universally the old adage applies: the punishment should not be too severe or disproportionate, but it must still fit the crime.<sup>5</sup> Because punishment is necessary—whether it be in the context of school or the criminal justice system—for a juvenile to appreciate the wrongfulness of his acts,<sup>6</sup> fairness and redemptive measures are equally germane in realigning and reintegrating the juvenile back into the classroom or the community. Helping youth to re-establish and re-acquaint themselves with correct morals and values enables them to reclaim, if possible, their true law-abiding selves and return to the community as a functioning member.

All too often, the specters of Gregory Martin,<sup>7</sup> Nathaniel Abraham,<sup>8</sup> William Wayne Thompson,<sup>9</sup> Christopher Simmons,<sup>10</sup>

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3. Fanny Carrier, *Too Young to Drive, But Old Enough for Life in Prison*, AGENCY FRANCE-PRESSE ENGLISH WIRE, Oct. 19, 2007, available at WL 10/19/07 AGFRP 07:27:00.

4. *Id.*

5. For discussion by the U.S. Supreme Court regarding proportionality, see, e.g., *Harmelin v. Michigan*, 501 U.S. 957 (1991); *Solem v. Helm*, 463 U.S. 277 (1983), *overruled by Harmelin*, 501 U.S. 957; *Weems v. United States*, 217 U.S. 349 (1910).

6. “[E]mphasis on culpability in sentencing decisions has long been reflected in Anglo-American Jurisprudence.” *California v. Brown*, 479 U.S. 538, 545 (1987).

7. Gregory Martin, at age fourteen, was arrested on charges of first-degree robbery, second-degree assault, and criminal possession of a weapon based on an incident in which he and some friends hit a youth on the head with a loaded gun and stole some of the victim’s clothing. Martin was held in pretrial preventative detention on the order of a New York Family Court judge prior to being found guilty on the robbery and criminal trial charges. See *Schall v. Martin*, 467 U.S. 253, 281 (1984) (finding that preventive detention of juveniles is valid under the Due Process Clause of the Fourteenth Amendment).

8. Nathaniel Abraham, at age eleven, was tried as an adult in Michigan for the murder of an eighteen-year-old. A jury found him guilty of second-degree murder. The trial judge rejected any adult punishment and sentenced Abraham to eight years of juvenile detention with a mandated release at age twenty-one. See *People v. Abraham*, 599 N.W.2d 736, 744 (Mich. Ct. App. 1999) (holding that defendant voluntarily waived his *Miranda* rights and that evidence at probable cause hearing was sufficient to send case to trial).

and other juveniles, pervade my consciousness. While the names of the juveniles may change over time, the insidiousness and malice of their acts looms over our criminal justice system.

In our treatment of juveniles, the anecdotes of these familiar cases inform our decisions. Difficult lessons learned serve as reminders that while we all have our differences, we are all in some ways surprisingly the same. The following precedents provide a strong argument regarding our need to re-adapt our thinking. No case should bar the hope for redemption and reintegration. I submit the following as an evidentiary showing to support the need for that allowance by examining three cases: *Ingraham v. Wright*,<sup>11</sup> a case involving corporal punishment in school and the Eighth Amendment; *Thompson v. Oklahoma*,<sup>12</sup> a case involving the death penalty and the Eighth Amendment; and *People v. Abraham*,<sup>13</sup> a homicide case, in which the defendant was recently released.

## I. THE EIGHTH AMENDMENT AS A GUIDE

Something less than the death penalty is permissible punishment for juveniles under the Eighth Amendment of the United States Constitution. In the 1971 case of *Ingraham v. Wright*, the United States Supreme Court decided whether the practice of corporal punishment in public schools, which was permitted under common law, remained constitutional pursuant to the Eighth Amendment and, if so, what process might be due. Attempting to lay the basis for their Eighth Amendment claim, two students, Ingraham and Andrews, complained of unusually harsh punishment by members of the Dade County School Dis-

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9. William Wayne Thompson, at age fifteen, brutally murdered his brother-in-law, who had been abusing Thompson's sister. He was tried as an adult, convicted, and sentenced to death. The capital sentence was overturned by the U.S. Supreme Court as cruel and unusual. See *Thompson v. Oklahoma*, 487 U.S. 815, 838 (1988) (holding that the Eighth and Fourteenth Amendments prohibit execution of a person who was under the age of sixteen at the time of the crime).

10. Christopher Simmons, at age seventeen, kidnapped and murdered a woman by throwing her, hands bound, off of a bridge. He was tried as an adult, convicted, and sentenced to death. The U.S. Supreme Court affirmed the Missouri Supreme Court's ruling setting aside the capital sentence. See *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (holding that the Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of eighteen when their crimes were committed).

11. *Ingraham v. Wright*, 430 U.S. 651 (1977).

12. *Thompson v. Oklahoma*, 487 U.S. 815 (1988).

13. *Abraham*, 599 N.W.2d 736.

trict. According to Ingraham, because he was slow to respond to his teacher's instructions,

[he] was subjected to more than 20 licks with a paddle while being held over a table in the principal's office. The paddling was so severe that he suffered a hematoma requiring medical attention and keeping him out of school for several days. Andrews was paddled several times for minor infractions. On two occasions he was struck on his arms, once depriving him of the full use of his arm for a week.<sup>14</sup>

According to both students, the typical punishment by school officials consisted of no more than five paddles or licks, not twenty as in their cases.<sup>15</sup> The students characterized their treatment as unduly harsh and severe.

The Court rejected their argument, saying, "[T]he proscription against cruel and unusual punishment confirms that it was designed to protect those convicted of crimes. We adhere to this longstanding limitation and hold that the Eighth Amendment does not apply to the paddling of children as a means of maintaining discipline in public schools."<sup>16</sup> The Court went on to say:

We are reviewing here a legislative judgment, rooted in history and reaffirmed in the laws of many States, that corporal punishment serves important educational interests. This judgment must be viewed in light of the disciplinary problems common-place in the schools. . . . Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Assessment of the need for, and the appropriate means of maintaining, school discipline is committed generally to the discretion of school authorities subject to state law.<sup>17</sup>

Careful dissection and review of the Court's language supports the notion that the Court is advocating a swift and certain punishment. The Court's belief that such decisions are more effective when they come from school officials who observe the abhorrent behavior appears to be supported by the Court's past rulings. Although it is not specifically mentioned, an inference can be drawn supporting the notion of reform and redemption of the juvenile. The administration of the punishment appears to end any further inquiry into the bad behavior.

The Eighth Amendment also seems to permit zero-tolerance policies. Any disciplinarian could solve a disciplinary problem by

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14. *Wright*, 430 U.S. at 657 (footnotes omitted).

15. *Id.* at 656-57.

16. *Id.* at 664.

17. *Id.* at 681-82.

simply expelling the students and ridding the environment of the troublemaker. Zero-tolerance policies provide for such easy dismissals and eliminations. After all, the federal government laid the groundwork in 1990 for eliminating problems and implementing a zero-tolerance policy with the passage of the Gun-Free School Zones Act.<sup>18</sup> The Act (in its current form) provides that "local educational agencies [should] expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school."<sup>19</sup>

Nearly a decade after the passage of the Act, expulsions from public school seemed to be on the decline.<sup>20</sup> School officials expelled fewer students during a one-year period in the late nineties: "During the 1997–1998 term, 3930 students were expelled for bringing firearms to public schools, 31 percent fewer than the 5724 expulsions for weapons reported for 1996–1997."<sup>21</sup> One message we can glean from the decrease in school expulsions might be that because the law's punishment is swift and certain, it has a strong deterrent effect. The possibility of punishment sends an immediate and lasting message and discourages a repeat of the wrongful conduct. What happens during the student's year of expulsion and then again upon the student's return is less clear. Possibly, a yearlong absence does promote a thoughtful, reflective process. Students who are arrested for such weapons offenses may be counseled and reformed enough to eventually return to school.

But redemption is a very esoteric concept. Atonement can only be determined by an outward show of remorse, payment of debt, and reconciliation.<sup>22</sup> If a student is free from further violent incidents, can we infer that the student is remorseful and has been redeemed? Or do we merely assume that anyone accorded mercy will eventually sustain a catharsis of conscience and seek redemption?

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18. Gun-Free School Zones Act of 1990, 18 U.S.C. § 922(q) (1994) (barring possession of a firearm on school grounds or within 1000 feet of a school), *invalidated by* United States v. Lopez, 514 U.S. 549 (1995).

19. Gun-Free Schools Act, 20 U.S.C. § 7151(b)(1) (Supp. V 2005).

20. *Expulsion for Weapons in Schools Down Nearly a Third*, CNN.COM, Aug. 10, 1999, <http://www.cnn.com/US/9908/10/guns.in.school/index.html>.

21. *Id.*

22. "To make atonement is to do that by virtue of which alienation ceases and reconciliation is brought about." M. G. EASTON, ILLUSTRATED BIBLE DICTIONARY 70 (rev. ed., Baker Book House Co. 1978) (1897), *available at* <http://eastonsbibledictionary.com/a/atonement.htm> (last visited Feb. 20, 2008).

In *Thompson v. Oklahoma*, the Supreme Court overturned a death penalty conviction, not because the Court made the assumption that William W. Thompson would eventually undergo a catharsis of conscience, but because it found that imposing the death penalty on anyone under the age of sixteen amounted to a violation of the Eighth Amendment's proscription against cruel and unusual punishment.<sup>23</sup> Thompson, a fifteen-year-old at the time of his crime, had been tried as an adult for murder, found guilty, and sentenced to death.<sup>24</sup> In 2005, the Supreme Court went one step further in *Roper v. Simmons*, abolishing the death penalty for any individual who commits murder as a juvenile.<sup>25</sup> The Court sensed a national movement of anti-death penalty sentiment was afoot.<sup>26</sup> Feeling that national standards of decency had evolved enough to prohibit anyone under the age of eighteen from receiving the death penalty, the Supreme Court reasoned: "When a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."<sup>27</sup> As a result, anyone who committed a crime as a juvenile can no longer be sentenced to death.

## II. A PENALTY LESS THAN DEATH

The Supreme Court, in deciding that retributive justice principles could be met by means other than the death penalty, said in *Roper*, "In concluding that neither retribution nor deterrence provides adequate justification for imposing the death penalty on juvenile offenders, we cannot deny or overlook the brutal crimes too many juvenile offenders have committed."<sup>28</sup> Instead of punishing juveniles with the death penalty to answer for their crimes, many juveniles convicted of adult crimes may now be sentenced to life without the possibility of parole. As of 2004, at least 2225 youths were serving such sentences of life without the possibility of parole.<sup>29</sup>

With these alternative means, a child relegated to spend the rest of his life behind bars may still have an opportunity to

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23. *Thompson v. Oklahoma*, 487 U.S. 815, 838 (1988).

24. *Id.* at 818–19.

25. *Roper v. Simmons*, 543 U.S. 551, 570–71 (2005).

26. *Id.* at 560–61.

27. *Id.* at 573–74.

28. *Id.* at 572.

29. AMNESTY INT'L & HUMAN RIGHTS WATCH, THE REST OF THEIR LIVES 1 (2005), available at <http://www.amnestyusa.org/countries/usa/clwop/report.pdf>.

achieve some semblance of redemption. Although an idealist would hold out the hope of reintegration for the youth, achieving redemption does not necessarily mean the child is allowed to return to the sanctity of the community and to be reconciled within it. Segregation may be the only way to achieve reconciliation. A heinous crime which shocks the conscience may require that any atonement or reconciliation must be made from afar.

Yet in the Michigan case against Nathaniel Abraham, the trial court afforded the boy a unique opportunity to pay his debt in eight years and reclaim his freedom.<sup>30</sup> His opportunity to show remorse came in the form of an apology made directly to the family of his victim, Ronnie Green, before the taping of an Oprah show a month after his release.<sup>31</sup> Although cases like this rarely occur, in some situations, reconciliation with the community is a real possibility.

### III. REDEMPTION IN THEORY; REDEMPTION IN PRACTICE

Even when some youths have the opportunity of redemption, society, especially the families of the victims, is sometimes not ready for the youth's reintegration and reconciliation. For example, in the case of Scott Dyleski, the victim's family cannot yet contemplate a state of forgiveness, nor countenance receiving any acts or words of remorse. A jury found Dyleski guilty of first degree murder committed during a burglary, which carried a compulsory sentence of life in prison without the possibility of parole.<sup>32</sup> At his sentencing in September of 2006, Dyleski's lawyer, Ellen Leonida, argued her client should receive a lesser punishment, citing a hope for redemption: "Scott Dyleski made a terrible mistake. There is always the possibility that he can

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30. Jennifer Chambers, *State Pays Abraham's Housing, College Tabs*, DETROIT NEWS, Jan. 19, 2007, at 1A, available at <http://www.detnews.com/apps/pbcs.dll/article?AID=/20070119/METRO/701190397>.

31. Jennifer Chambers, *Oprah Gets Abraham to Apologize to Family*, DETROIT NEWS, Feb. 1, 2007, at 1A, available at <http://www.detnews.com/apps/pbcs.dll/article?AID=/20070201/METRO/702010370>.

32. See Lisa Sweetingham, *Best Friend Testifies Against Teen Accused of Brutally Killing Prominent Attorney's Wife*, COURT TV.COM, Aug. 3, 2006, [http://www.court tv.com/news/horowitz/080206\\_ctv.html](http://www.court tv.com/news/horowitz/080206_ctv.html). In October of 2005, at age sixteen, Dyleski was charged with the burglary and murder of fifty-two-year-old Pamela Vitale, the wife of lawyer and legal pundit Daniel Horowitz. Dyleski purchased lamps to grow marijuana with stolen credit card numbers and used Horowitz and Vitale's address as the billing address. When the lighting company, suspecting credit card fraud, refused to ship the lighting, Dyleski vowed to "take care of it," and the next day, Vitale was found dead, bludgeoned to death with crown molding and a flash light. *Id.*



mature into a responsible, productive citizen.’”<sup>33</sup> On the other hand, Vitale’s husband was unwilling to reconcile with Dyleski and asked the court to “show the same lack of mercy to the boy who showed his wife no mercy or humanity.”<sup>34</sup> The judge rejected the defense’s request for leniency and sentenced Dyleski, then seventeen, to life in prison without parole.<sup>35</sup> Neither society (represented by the judge) nor the family of the victim was ready to reintegrate the youth and afford him redemption.<sup>36</sup>

Sometimes, youths find redemption within the confines of prison, such as in the case of convicted murderer James Tramel, who served a sentence for killing a homeless man named Michael Stephenson.<sup>37</sup> Tramel became an Episcopal Priest during the twenty years he spent in prison.<sup>38</sup> After a battle to gain his freedom in 2006, he became a Rector at Trinity Episcopal Church, married, and had a child.<sup>39</sup> As Pastor Richardson of Church Divinity School of the Pacific said, “[Tramel] is proof that there can be redemption . . . [and] [t]hat a person really can turn his life around.’”<sup>40</sup> Because of his remarkable conversion, Tramel was invited in April 2007 to give testimony to the California State Senate Committee prior to a vote on S.B. 999, the “California Juvenile Life Without Parole Reform Act.”<sup>41</sup> If passed, the bill would amend the California Penal Code by barring sentences of life without the possibility of parole for juveniles and allowing a

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33. Lisa Sweetingham, *Teen Dyleski Guilty of Murdering Wife of Prominent Defense Attorney*, COURT TV.COM, Aug. 29, 2006, [http://www.courtstv.com/news/horowitz/082806\\_verdict\\_ctv.html](http://www.courtstv.com/news/horowitz/082806_verdict_ctv.html).

34. Lisa Sweetingham, *Teen to Serve Life Without Parole for Killing Lawyer’s Wife*, CNN.COM, Sept. 27, 2006, <http://www.cnn.com/2006/LAW/09/27/dyleski.sentence/index.html>.

35. *Id.* Certain that her pronouncement was the correct one, the judge said, “This was a very deliberate, planned murder. You planned this, sir, and this was a very brutal killing. As she lay dying, at your feet, you proceeded to stab her. That was unnecessary. You added to her pain, Mr. Dyleksi.” *Id.*

36. *Id.*

37. See CYNTHIA HUBERT, *Journey from Darkness to Light*, SACRAMENTO BEE, May 3, 2007, at A1, available at [http://www.youthlaw.org/juvenile\\_justice/lwop\\_bill/journey\\_from\\_darkness\\_to\\_light/](http://www.youthlaw.org/juvenile_justice/lwop_bill/journey_from_darkness_to_light/). Seventeen-year-old Tramel and prep-school roommate David Kurtzman were convicted of the 1985 killing of Michael Stephenson. The youths, who had sought retaliation against gang members who had terrorized some classmates, stabbed Stephenson, who in reality was not involved with the gang. Tramel received fifteen years to life, while Kurtzman received an additional year for use of the weapon during the murder. In 1985, California law prohibited sentences of life without parole for youth. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

juvenile convicted as an adult to request parole after a minimum prison term of twenty-five years.<sup>42</sup>

Our system of punishment is founded upon a common denominator: the human being as a rational actor. The determination of rationality requires a means-end calculation. The central element of the equation, according to Jeremy Bentham, the eighteenth-century moralist and philosopher, involves a cost-benefit analysis: *pleasure* versus *pain*.<sup>43</sup> The actor's choice, with all other conditions considered equal, will almost always be directed towards the maximization of individual pleasure.<sup>44</sup> Clearly, the swiftness, severity, and certainty of punishment are key elements which inform and control human behavior and impact our decisions. So, if we are prone to rational choices, what is our society saying by upholding *Roper v. Simmons*'s abolition of the death penalty for any individual who commits murder as a juvenile<sup>45</sup> while simultaneously maintaining legislation nationwide which imposes sentences of life without parole on our youth?<sup>46</sup> Proportionality is also a significant element of our punitive system. Do first time offenders deserve such a harsh sentence? Should there be some other consideration? What would Jeremy Bentham do?<sup>47</sup> Is there room for hope?

#### IV. MAN'S HUMANITY TO MAN

Even when youths re-enter society, they still require additional services to decrease the likelihood of recidivism. While nationwide research suggests that the recidivism rate of youth parolees—that is, the likelihood that youth will re-offend and

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42. *Id.*

43. JEREMY BENTHAM, INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION 1 (Henry Frowde ed., Clarendon Press 1907) (1789).

44. *Id.*

45. *Roper v. Simmons*, 543 U.S. 551, 578 (2005).

46. According to the National Center for Youth Law, 237 juveniles in California are currently serving sentences of life without parole. Nat'l Ctr. for Youth Law, *CA Senate to Vote on Life Without Parole Ban for Juveniles*, [http://www.youthlaw.org/juvenile\\_justice/lwop\\_bill/ca\\_senate\\_to\\_vote\\_on\\_life\\_without\\_parole\\_ban\\_for\\_juveniles](http://www.youthlaw.org/juvenile_justice/lwop_bill/ca_senate_to_vote_on_life_without_parole_ban_for_juveniles) (last visited Feb. 15, 2008). Nationwide, more than 51% of all youth sentenced for life are first time offenders; only ten states in the United States prohibit such a sentence. *Id.*

47. Bentham declared:

Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne.

BENTHAM, *supra* note 43, at 1.

return to prison—is as high as 55–75%,<sup>48</sup> some states offer extensive programs to cut these alarming statistics. For example, in January 2007, over the objections of opponents to the program<sup>49</sup> and state prosecutors, the Michigan Department of Human Services ordered a special support package for Nathaniel Abraham and waived certain provisions to accommodate Abraham after his release from incarceration.<sup>50</sup> The package provided him with an apartment paid for through the Foster Care Demonstration Project, a pilot program designed to help Wayne County foster children who have aged out of the system.<sup>51</sup> In addition, he was made eligible for four years of free college tuition and food stamps.<sup>52</sup> Only time will tell if Nathaniel Abraham's detractors were right, or if he rightly earned the humanity he has been shown.

The Michigan Department of Human Services knew what we all should know: we cannot just relax our rules to provide youth with the *right to return* to society, we must also provide bona fide, worthwhile opportunities *upon their return*. This means that plans must be in place for re-entry into the community. Financial assistance, mental health counseling, addiction services, shelter, a means of support, and educational strategies must be in place prior to release to yield the best results and prevent recidivism.<sup>53</sup>

Retributive justice is necessary for the evolution and continuation of our society. And because retributive justice is necessary, redemption is possible, although not guaranteed.<sup>54</sup> Generally, punishment is necessary for a juvenile to appreciate the wrongfulness of his acts,<sup>55</sup> but we have a duty to encourage fairness and persuade those convicted to seek redemption. Such tools are equally germane in realigning and reintegrating the juvenile

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48. Pat Arthur, *Issues Faced by Juveniles Leaving Custody* 6 (Apr. 6, 2007), [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events\\_trainings/following "Issues\\_Faced\\_by\\_Juve. . ."](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events_trainings/following_Issues_Faced_by_Juve...) hyperlink).

49. Opponents stated, "My point to [the state] was if Wayne County doesn't need that spot, transfer it to Oakland . . . . We have plenty of kids aging out of the system who have nowhere to live and they sure didn't kill somebody." Chambers, *supra* note 30.

50. Chambers, *supra* note 30; *see also* *People v. Abraham*, 599 N.W.2d 736 (Mich. Ct. App. 1999).

51. Chambers, *supra* note 30.

52. *Id.*

53. Arthur, *supra* note 48, at 7–11.

54. *See* DIG. 1.1.10.pr. (Ulpian, *Regularum* 1) (Theodor Mommsen et al. eds., D.N. McCormick trans., Univ. of Pa. Press 1985) ("Justice is a steady and enduring will to render unto everyone his right.").

55. *See California v. Brown*, 479 U.S. 538, 545 (1987) ("Emphasis on culpability in sentencing decisions has long been reflected in Anglo-American jurisprudence.").

back into the community. Helping youths to re-establish and reacquaint themselves with the correct morals and values enables them to reclaim, if possible, a law-abiding posture and to reintegrate into the community.

