

The Super Predator Story

It is not often that a research article has a substantial impact on practice, but it has happened. One of the most significant research projects was the work of Professor John J. Dilulio, Jr. of Princeton University who in the mid-1990's coined the phrase "super predator." His article appeared in *The Weekly Standard* with the coverline "The Coming of the Super Predators." This article continues to have an impact on juvenile justice today, decades later.

According to Professor Dilulio the term "super predator" is a criminological concept that refers to a violent, aggressive, and remorseless offender, often associated with gangs and youth. Professor DiIulio argued that a new generation of violent teenagers was emerging in the United States. DiIulio's theory was that these super predators were impulsive, often urban youth who lacked empathy, disregarded the law, and were ready to commit violent crimes without remorse. He predicted that the number of super predators was increasing exponentially and would reach 270,000 young "murderers, rapists, and muggers" by the year 2010. He also predicted that these offenders would disproportionately be black.

The theory was quickly embraced by the media, police, and politicians, and had

a significant impact on the legal system where more than 40 state legislatures passed laws making it easier to transfer youths to the adult criminal system where longer prison terms would be available for sentencing purposes. It was as though the criminal and juvenile justice systems were waiting for this research to focus on black youths and remove them from society.



Super predators were described as less than human, unable to have empathy for others and who displayed behaviors like animals. "This kind of animal imagery was already in the conversation," said Kim Taylor-Thompson, a law professor at New York University. "The super predator language began a process of allowing us to suspend our feelings of empathy towards young people of color."

The super predator theory, besides being a racist trope, was not borne out in crime statistics. Juvenile arrests for murder —

and juvenile crime generally — had already started falling when DiIulio's article was published. By 2000, when tens of thousands more children were supposed to emerge as super predators, the theory was dismissed. Professor Dilulio finally admitted that he was wrong stating, "I'm sorry for any unintended consequences." Nevertheless, the laws passed in response to his writings remain on the books in many states. Few apologies have come from the media, but the Los Angeles Times admitted the media response was "... a blind spot, at worst an outright hostility, for the city's nonwhite population."

That is not all. There is substantial evidence that the juvenile justice system continues to detain and commit youth of color at disproportionate rates. The Sentencing Project found that the racial disparities between Black and White youths remain stubbornly high. Black youths are approximately five times as likely to be detained or committed than white youths. Black youths and other youths of color are still reported to be the first arrested and prosecuted.

The impact of race on the juvenile justice system remains a significant problem that our state is attempting to address. Legislators are changing our laws regarding youths and making it more difficult to transfer a youth to the adult criminal courts. Trainings for law enforcement and prosecutors are encouraged to deal with youths of color differently. Our judges should also work to recognize how youths of color are treated differently from white youths throughout the juvenile justice system. ●



Judge Leonard Edwards is retired from the Santa Clara Superior Court. His e-mail is judgeleonardedwards@gmail.com.