

"Suffer the Little Children..." Juvenile Justice in the South

This is the third in a series of six pastoral statements by Catholic Bishops of the South on the Criminal Justice process and a gospel response.

"We bishops cannot support policies that treat young offenders as though they are adults. The actions of the most violent youth leave us shocked and frightened and therefore they should be removed from society until they are no longer dangerous. But society must never respond to children who have committed crimes as though they are somehow equal to adults' fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses."

U.S. Catholic Bishops statement, "Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice," November 2000.

As pastoral leaders of the Roman Catholic community, we would like to continue to reflect with you on the themes of responsibility, rehabilitation and restoration in light of the reality of crime and criminal justice in our area of the country. We are especially concerned about justice and compassion for our young people. Young people are our greatest treasure and our hope for the future. How we treat the children in our communities today will help shape the future for all of us tomorrow.

We are extremely concerned that child poverty remains so high. In several of our Southern states, one out of every five children lives in poverty.¹ We have consistently pointed out that extreme poverty is a serious contributor to crime. Fighting poverty, educating children, and supporting families are essential anti-crime strategies and we call on all people of good will to join in these efforts.²

We note with grave apprehension that there are over 100,000 children under the age of 18 held in juvenile and adult correctional facilities in the US on any given day. That number continues to grow.³ We know that there may, indeed, be cases where there is someone with an especially violent disposition and we need to protect society adequately. In spite of such a situation, putting more and more juveniles in jail is not the answer to crime. We call upon government to redirect the vast amount of public resources away from building more and more prisons and toward better and more effective programs aimed at crime prevention, rehabilitation, education efforts, substance abuse treatment, and programs of probation, parole, and reintegration.⁴

We recognize that nearly three quarters of the children in jail or prison are African American or Hispanic.⁵ African-American youth represent 15% of the population, 26% of juvenile arrests, 44% of youth who are detained, 46% of the youth who are judicially waived to criminal court, and 58% of the youth admitted to state prisons.⁶ We must again stress that discrimination and racism are serious contributors to crime. We join those asking our states to study why there is disproportionate racial prosecution and confinement of juveniles. We also stand with those who challenge racial bias in the juvenile justice system.⁷

We are disturbed by the trend towards trying children under 18 as adults and placing juveniles in prisons with adults. We oppose allowing juvenile inmates to be in contact with adult inmates - such contacts have devastating consequences. We also oppose efforts to give prosecutors, as opposed to courts, the authority to decide if juveniles should be tried as adults for serious crimes.⁸

We believe that our society must make more of an investment in prevention of crime by juveniles. We need to address the underlying problems that in turn attract people to crime - inadequate education, family

disintegration, poverty, poor housing, and powerlessness and greed.⁹ We encourage people to support programs in the community that engage young people and build their self-esteem. We encourage people to become a Big Brother or Big Sister, mentor children at risk, and support school or community center programs that offer diversions for children between the hours of 3:00 and 8:00 p.m. when parental supervision is often inadequate.¹⁰

We are deeply concerned about the access of children to handguns. The five states with the highest rate of gun ownership are all in the South. Children in those states are at increased risk of dying from accidental and intentional firearm injuries.¹¹ We support measures that control the sale and use of firearms and make them safer. We especially support efforts that prevent the unsupervised use of firearms by children, and we reiterate our call for sensible regulation of handguns, including a requirement that all gun manufacturers equip all guns with safety locks.¹²

We again ask all people of good will to join us in a thorough re-examination of our criminal justice system. When we respond to the evils of crime we must do so in a manner that is consistent with our commitment to the essential human dignity of each person, whether they be victims of crime or offenders. We call on all people of faith to pray, study and act in order to transform every unjust aspect of our current criminal justice system so that it respects the essential human dignity of each and every victim and each and every offender.

¹ In several of our southern states, one out of every five children lives in poverty. Children's Defense Fund, State of America's Children 2002. Page 50 has a table of percentages of children in poverty by state. <http://www.childrensdefense.org/data.php>

² US Council Catholic Bishop: "Responsibility, Rehabilitation and Restoration: A Catholic Perspective on Crime and Criminal Justice. (Hereafter USCCB, RRR) From third section titled "Policy Foundations and Directions, Section 3, Promoting Serious Efforts Toward Crime Prevention and Poverty Reduction."

³ US Department of Justice, Bureau of Justice Statistics, "Profile of State Prisoners under Age 18," February 2000 <http://www.ojp.usdoj.gov/bsj/pub/pdf/pspa1897.pdf>

⁴ NCCB, RRR, section titled, "Policy Foundations and Directions, Section 7, Insisting that punishment has a constructive and rehabilitative purpose."

⁵ US DOJ, Bureau of Statistics, "Profile of State Prisoners under age 18." www.ojp.usdoj.gov/bjs/pub/pdf/pspa1897.pdf

⁶ "Report on Disproportionate Minority Confinement," of the Center on Juvenile and Criminal Justice, a private non-profit organization with a mission to reduce reliance on incarceration as a solution to social problems. http://www.cjcj.org/jjcc/race_jj.php

⁷ "Juvenile Justice Legislation on the Move," USCB, Social Development and World Peace, September 1999: We"...support the House language which requires states to study disproportionate minority confinement (to help address racial bias in the juvenile system)." <http://www.usccb.org/sdwp/national/criminal/guncontrol.htm>

⁸ "Juvenile Justice Legislation on the Move," USCB, Social Development and World Peace, September 1999. We"...oppose provisions in both bills that give prosecutors and not the courts (as in current law) the authority to proceed against a youth committing a serious crime." (on web as in FN7)

⁹ NCCB, RRR, from a section titled "Policy Foundations and Directions, Section 9, Making a serious commitment to confront the pervasive role of addition and mental illness in crime." Also in Section 3, Promoting serious efforts toward crime prevention and poverty reduction." "Section 4, Challenging the culture of violence and encouraging a culture of life," and in "The Church's Mission, Section 3, reach out to the offenders and their families, advocate for more treatment, and provide for the pastoral needs of all involved."

¹⁰ NCCB, RRR, This is from the "Appendix: Suggestions for Action. Build Community."

¹¹ Harvard School of Public Health Study, released 2-21-02. The five states are Louisiana, Alabama, Mississippi, Arkansas, and West Virginia. Children in those states, as compared with the children in the five states with the lowest level of gun ownership, were 16 times more likely to die of unintentional firearm injuries, 7 times as likely to die from firearm suicide, and 3 times more likely to die from firearm homicide. <http://www.hsph.harvard.edu/press/releases/march.pdf>

¹² NCCB, RRR. This is from “Policy Foundations and Directions, Section 4, Challenging the culture of violence and encouraging a culture of life.” FN36 of RRR reiterates the call for the eventual elimination of all handguns except for law enforcement first proclaimed in “New Slavery, New Freedom: A Pastoral Message on Substance Abuse,” USCC, 1990. See also, “Handgun Violence: A Threat to Life,” Committee on Social Development and World Peace, USCC, September 11, 1975. “requiring gun manufacturers to equip all guns with safety locks,” is from Catholic Juvenile Justice Legislation on the Move, September, 1999, USCCB, Social Development and World Peace. Further, as to safety locks, see USCCB Questionnaire submitted to all Presidential candidates in 2000 asking whether they support “legislation to restrict the misuse of handguns through child safety locks.” <http://www.usccb.org/ogl/test.htm>

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