

MCC WASHINGTON OFFICE GUIDE TO Juvenile Justice



Mennonite
Central
Committee

Juvenile justice is that part of criminal law which engages persons usually 18 years or younger, individuals thought too young to be held fully responsible for criminal acts. State law and policy create 51 separate juvenile justice systems with some commonalities. However, national policy contributes funds and common standards. Rehabilitation is the initial claim and intent of juvenile justice systems. Yet, there are increasing signs that youth are treated like adults and rehabilitation is not readily achieved.

The view of a growing youth population as a source of violent, criminal “superpredators” may have receded during this current media cycle. Yet a residue of this fear still exists in public policy that must be overcome. Crisis or severe wrongdoing should not be the motivation to see that systems, institutions, and we, ourselves, are in need of transformation in dealing with juveniles and crime.

Our History, Present Law

In 1899, the first juvenile court was established in Chicago. By 1927, 47 states followed suit. Between 1966–1975, Supreme Court rulings further established juveniles’ due process rights. Decades of advocacy and reform efforts have produced the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974. Reauthorized in 2002, it awaits fiscal support through the budget process.

JJDPA requires states receiving federal funds to: not detain status offenders (runaways, truants) in jails and prisons; separate juveniles (“out of sight and sound”) from adult inmates; prohibit detention of juveniles under juvenile court jurisdiction in adult jails (with only a few temporary exceptions); and systematically address the disproportionate representation of minorities (i.e., youth of color) in the juvenile justice system.¹

Kids in Placement, Jails, Prisons

How do youth wind up in jails and prisons? In the 1990s, 49 states and the District of Columbia have enacted laws making it easier to prosecute youth immediately as adults. In any given year, transfers from juvenile to criminal court can be by: judicial waiver (8,000), prosecutorial discretion (estimates: 4,000–10,000), or legislative statute (estimates:

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50,000–200,000).² Other factors are the increased use of blending juvenile and adult sentences and “once an adult/always an adult” provisions.

Nearly 109,000 juvenile offenders were held in residential placement on the Census of Juveniles in Residential Placement census day in 1999.³

At mid-year 2002, a total of 3,055 state prisoners were under age 18. Adult jails held a total of 7,248 persons under age 18.⁴

Research has shown that children in adult jails are:

- eight times more likely to commit suicide;
- five times more likely to be sexually attacked;
- twice as likely to be beaten by prison staff;
- 50 percent more likely to be attacked by a weapon.

Regarding Race and Gender

Young people of color make up roughly one-third of the total youth population (70 million), yet they are two-thirds of their incarcerated peers. African Americans made up 58 percent of juvenile offenders admitted to adult prisons nationwide in 1997.⁵ A Human Rights Watch report states that Latino/a youth are incarcerated at higher rates than whites in 46 of the 50 states.⁶

In 2000, 655,700 arrests of females under age 18 represented 28% of all juvenile arrests.⁷ Between 1993 and 1997, increases in arrests were greater for girls than for boys in almost every offense category—rates have been rising since 1986.⁸

Regarding Zero Tolerance and Schools

During the 1990’s, Congress passed “zero tolerance policies,” requiring mandatory expulsion for possession of guns at schools. School districts expanded these policies to cover other infractions. In 41 states, various infractions must be reported to law enforcement. These policies have been applied to predominantly black, Latino and disabled students. While figures alone do not prove intentional discrimination, they are a cause for concern.

Regarding the Juvenile Death Penalty

Since the 1976 reinstatement of the death penalty, there are 83 death row inmates (all male) and 22 executed who were convicted as juveniles. The United States leads the world in such executions.⁹ ■

Children, Crime and Restorative Justice

A biblical reflection

Children are given tremendous importance throughout the Bible, Christian tradition and practice. They symbolize the agents and measures of faith. They reflect God's struggle for justice, peace, and love in the world (Matthew 18:1–6). Youth are even called to strive toward God's aim (ex., Samuel). Yet they, like all of us, encounter violence and crime in both the biblical and modern world.

Early in the Hebrew Bible, the fate of children is tied to the actions, consequences and training adults enact (Deuteronomy 4:10; 6:7; 32:46). In fact, nations are judged by this (12:25,28). Biblical narratives tell of the victimization of youth and their nurture or maturing into responsible adults.

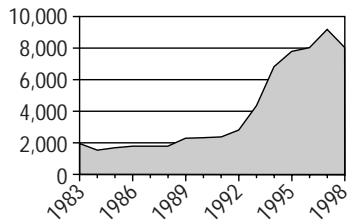
The status of youth engaged in the juvenile justice system is virtually equivalent to that of the orphan in the Hebrew Bible. Like the orphan, youth "in the system" may be unaccompanied, unheard, not treated fairly, or not well regarded by society and its systems.

God loves children and calls us to love them too (Psalms 10:12–18). In times of trouble, a kinsman-redeemer rescued the disenfranchised, including the orphan. Such interventions reflected deep love and prevailed over the troubles of social prejudice and mistreatment. They were even undertaken by non-relatives. Similar courses of action are needed

REGARDING ARRESTS

"In 2000, law enforcement . . . in the United States made an estimated 2.4 million arrests of persons under age 18. According to the [FBI], juveniles accounted for 17% of all arrests and 16% of all violent crime arrests in 2000. The substantial growth in the number of juvenile violent crime arrests that began in the late 1980s peaked in 1994. . . . Specifically, between 1994 and 2000, the juvenile arrest rate for Violent Crime Index offenses fell 41%. As a result, the juvenile violent crime arrest rate in 2000 was the lowest since 1988."¹⁰

Juveniles in Adult Jails,
1983–1998



Percent change 1983–1998, 366%

Bureau of Justice Statistics. (1999)
Sourcebook of Criminal Justice Statistics 1998. Wash., DC: U.S. Dept. of Justice.

today as youth face situations with schools, neighborhoods, the law, courts, and the brunt of public policy. Adults must stand with them.

In our advocacy for youth:

We are called to care because God cares. "In you [God] the orphan finds mercy," declares the prophet Hosea (14:3). "You shall not abuse any widow or orphan. If you do abuse them, when they cry out to me, I will surely heed their cry" (Exodus 22: 22–23). Other related verses are Psalms 146:5–9; Jeremiah 7:5–7; 22:3; Ezekiel 22:6–7; Zechariah 7:8–9; Malachi 3:5.

Our treatment, systems and relationships, must be fair and exercise both love and justice. Chastisement comes when people "have grown fat and sleek. They know no limits in deeds of wickedness; they do not judge with justice the cause of the orphan, to make it prosper, and they do not defend the rights of the needy" (Jeremiah 5:28).

We are to defend the orphan. "Learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Isaiah 1:17). This is a repeated theme throughout prophetic writings and it is Job's claim (Job 29:7–17).

Even with their profound capacity, youth must not be viewed as "little" adults. In the New Testament, Jesus exercises and demands the highest standards be placed upon the welfare and safety of children (Matthew 19:13–15; Mark 10:13–16; Luke 18:15,16). He tells us to enter the kingdom of God as "children." Like Jesus, we are called to welcome youth and maintain deep respect and care for them. ■

RETRIBUTIVE JUSTICE

RESTORATIVE JUSTICE

Crime: an act against the state, violation of a law/rule, an abstract idea.

... an act against another person or the community.

Crime: an individual act with individual responsibility.

... both individual and social dimensions of responsibility.

Focus on: blame, guilt, punishment, past.

... problem solving, what should be done, future.

Offender consequences: taking punishment.

... moves to accountability, repairing harm.

Punishment: somewhat effective.

... punishment partially effective.

Victims/community: often peripheral.

... are central to resolution of a crime. Respect needed for all parties.

The criminal justice system controls crime.

... solutions engage the community.

Adaptation of some principles in Howard Zehr's *Changing Lenses* (Scottdale, PA: Herald Press, 1990) and ongoing discourse regarding restorative justice. Note: these general principles require further inquiry.

Faith that reflects, faith that acts

Practical Efforts to Help Juveniles Gain Justice

For Further Reflection

- What was Jesus' concern for children and their treatment in society? (Matthew 7:11; 17: 25, 26; 19: 13–15; Mark 10:14; Luke 1:17; 7:32; 18:16)
- How does the Bible relate to the moral development and actions of children? What ways do these reflections help us with the issues of youth, violence, and crime? (Genesis 8:21; 18:19; Psalms 25: 6–7; 71:4–5; Mark 10:19–20; Luke 2:52; 18:20–21; 1 John 2:12–14)
- What has been the church's responsibility to youth? Follow the continuum of care from child dedication, support of parents, youth outreach, Christian education, life skills support, to other interventions? (Proverbs 22:6)
- What roles do family, peers, school/education, media, government, and community play in the lives of children? What would be ideal ways for them to interact? Do youth and your community recognize your congregation as a safe haven and resource for youth?

Action Ideas

- *How do we listen to the voice of children? As children grow into adulthood, what are the ways we can exercise deep respect and support for them (their leadership, etc.)?* (1 Timothy 4:12)
- *Learn about the particular interactions of the criminal and juvenile justice systems and youth. Recalibrate your understanding of youth as victims and offenders.* One resource: *Youth Today* (a newspaper that includes juvenile justice and policy), 1200 17th St., NW, 4th Fl., Wash., DC 20036; (202) 785-0764; <http://www.youthtoday.org>.

Notes

1. See Coalition for Juvenile Justice (<http://www.juvjustice.org>) for public and private sector state perspectives.
2. Butts, Jeffrey. (2002). *Youth in Adult Courts: An Overview*. Presentation to the Coalition for Juvenile Justice [Wash., DC] and editor's deductions from other juvenile justice resources.
3. Sickmund, M. (no date). *Juveniles in Corrections*. Wash., DC: OJJDP.
4. Harrison, Paige M. and Jennifer C. Karberg. (2003). *Prison and Jail Inmates at Midyear 2002*. (NCJ 198877) Wash., DC: Bureau of Justice Statistics, U.S. Dept. of Justice.
5. Strom, Kevin J. (2000). *Profile of State Prisoners under Age 18, 1985–97*. Wash., DC: Bureau of Justice Statistics. Also from 1989 to 2001, 25 studies,

- *Consider volunteering as a Court Appointed Special Advocate, a person who is appointed by a judge to advocate for the best interests of abused and neglected children.* Contact: National CASA Association, 100 W. Harrison, North Tower Suite 500, Seattle, WA 98119; 1-800-628-3233, <http://www.nationalcasa.org>.
- *Have a working knowledge of media's impact on children.* The Lion & Lamb Project works to reduce the marketing of violence to children. Contact them at: 4300 Montgomery Avenue, Suite 104, Bethesda, MD 20814; (301) 654-3091; lionlamb@lionlamb.org; <http://www.lionlamb.org>.
- *The testimony of youth makes a strong impact on state and national public policy.* An “adult crime, adult time” approach is costly to children. Officials need to hear from you and youth regarding accountability and helpful actions and resources. Some policymakers will reflect on the youth experiences shared. Urge the end of poor policy tradeoffs—more for prison expenditures, less budgeted for education, other opportunities, and life supports.

- *National public policy needs your input/advocacy.* Steady federal support is needed for: new initiatives; after-school programs; special education provisions; culturally and gender competent staff and programs; street outreach; emergency and transitional living programs for runaway and homeless youth; mental health and other services; alternative dispute resolution; teen-, drug-, and community-based courts; and better system accountability to the public. In any given year, related legislation can lend support. ■

document racial disparities in our nation's juvenile justice systems. Pope, Carl E., Rick Lovell, and Heidi M. Hsia. (undated). *Disproportionate Minority Confinement*. . . . Wash., DC: OJJDP.

6. See <http://www.hrw.org/children/justice.htm>.

7. Snyder, Howard N. (2002). *Juvenile Arrests 2000*. Wash., DC: OJJDP.

8. For more information contact: The Girls' Justice Initiative, (617) 552-2350. E-mail: info@girlsjusticeinitiative.org; <http://www.girlsjusticeinitiative.org>.

9. See Death Penalty Information Center, <http://www.deathpenaltyinfo.org>.

10. Snyder. (2002).

Resources on Juvenile Justice

Books

Bazemore, Gordon, and Mark Umbreit. (1999). *Conferences, Circles, Boards, and Mediations: Restorative Justice and Citizen Involvement in the Response to Youth Crime.* Wash., DC: OJJDP.

Feld, Barry C. (1999). *Bad Kids: Race and the Transformation of the Juvenile Court.* NY: Oxford Univ. Press.

Snyder, Howard N. and Melissa Sickmund. (1999). *Juvenile Offenders and Victims: 1999 National Report.* (NCJ 178257). Wash., DC: OJJDP.

Zimring, Franklin E. (1998). *American Youth Violence.* NY: Oxford Univ. Press.

Frontline: <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile>

Organizations

American Bar Association Juvenile Justice Committee

740 15th Street, NW, 10th Floor
Washington, DC 20005
Phone: (202) 662-1506; Fax: (202) 662-1501
Website: <http://www.abanet.org/crimjust/juvjus>

Children's Defense Fund Violence Prevention/Youth Development

25 E Street, NW
Washington, DC 20001
Phone: (202) 628-8787
E-mail: yvrc@childrensdefense.org
Website: <http://www.childrensdefense.org>

Fight Crime: Invest in Kids

2000 P Street NW, Suite 240
Washington, DC 20036
Phone: (202) 776-0027
Website: <http://www.fightcrime.org>
Group of 2,000+ police chiefs, sheriffs, prosecutors, crime victims to prevent criminality.

The Justice Policy Institute

4455 Connecticut Ave., NW, Suite B-500
Washington, DC 20008
Phone: (202) 363-7847; Fax: (202) 363-8677
Website: <http://www.justicepolicy.org>

A think-tank committed to reducing society's reliance on incarceration.

The National Center for Juvenile Justice

710 Fifth Avenue, Suite 3000
Pittsburgh, PA 15219
Phone: (412) 227-6950; Fax: (412) 227-6955
Website: <http://www.ncjj.org>

Produces research on topics related to the field of juvenile justice.

National Council on Crime and Delinquency

1970 Broadway, Suite 500
Oakland, CA 94612
Phone: (510) 208-0500; Fax: (510) 208-0511
Website: <http://www.nccd-crc.org>

Conducts research, programs and policies; encourages citizen involvement; includes the National Institute on Race and Justice.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)—U.S. Dept. of Justice

810 Seventh Street, NW
Washington, DC 20531
Phone: (202) 307-5911
Website: <http://ojdp.ncjrs.org/>

Youth Law Center

1010 Vermont Ave NW, Suite 310
Washington, DC 20005
Phone: (202) 637-0377; Fax: (202) 379-1600
Website: <http://www.youthlawcenter.com>

Includes Building Blocks for Youth

(<http://www.buildingblocksforyouth.org>) which promotes fair justice policies. Its report, *¿Dónde Está La Justicia? (Where is Justice?)*, indicated that Latino/a youth receive harsher penalties than white youth with similar backgrounds and offenses.

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Has monitored juvenile justice policy developments for years and can supply further resources.

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Website: <http://www.mcc.org/us/peaceandjustice/crime.html>