A 12-year-old stands in his windowless cell at the juvenile detention center in Biloxi, Mississippi.
Kristen Hannum is a freelance journalist based in Denver.

Bobby Garcia still remembers walking into prison carrying the bedroll and hygiene kit that the state of California had issued him. It was 1993. The 17-year-old from Los Angeles was terrified but determined not to show it. “There were grown men watching to see who the new guys were,” he says.

It was obvious those men lifted weights. It wasn’t long before other prisoners asked Garcia what gang he was in. Six months later they ordered him to assault another inmate in order to prove himself. Garcia remembers feeling ashamed. “I was raised Catholic, and I felt like I disappointed God,” he says.

Garcia was in prison because he’d been involved in a robbery, during which one of his co-defendants stabbed and killed a person. That made him guilty of felony murder assault. He was tried as an adult and sentenced to 25 years to life.

Garcia’s story reflects what’s wrong with the United States juvenile justice system. While he was 17 when he was imprisoned, he’d be 42 when released. He’d miss the chance to go to college, to have children, and to build a life for himself.

According to Jesuit Father Mike Kennedy, executive director and founder of the Jesuit Restorative Justice Initiative in Culver City, California, trying teenagers as adults is not unusual. “The punitive paradigm is the U.S. paradigm,” he says. But this focus on retribution—or punishment as vengeance instead of rehabilitation—is in stark contrast to Catholic teachings on justice, which have mercy at their heart.

“You can’t do this work without getting discouraged,” says Kennedy. There are thousands of kids like Garcia, who are serving in adult prisons or serving long-term sentences for crimes they committed as minors. Kennedy recalls one setback in particular: Proposition 21, passed in 2000, which mandated harsher penalties for young offenders and swept teens into the adult criminal justice system.

A shortfall of opportunity

Jody Kent Lavy, director and national coordinator of the Campaign for the Fair Sentencing of Youth, compares her upbringing—in a comfortable neighborhood in suburban Boston and a family that provided her with plenty of educational and extracurricular opportunities—with the kids she met as a Jesuit Volunteer at the Juvenile Detention Center in Los Angeles in 2002.

America is a bad place to be a juvenile offender, as the punishment often far outstrips the crime. Catholics around the country are speaking up about our broken justice system and calling for change.
She especially remembers a 15-year-old telling her he had no hope for his life. “His older brother and dad were in prison,” Lavy says. “He was deeply involved in gangs. His mother was working three jobs, trying to support her family. He was drawn to the streets by what he thought was love and respect.”

Lavy continues, “If we have 15-year-old kids with no hope, we’re doing something terribly wrong.”

Father Kennedy agrees. “I was a pastor in East Los Angeles,” he says. “I’ve had kids die in my arms from cross fire. Are there neighborhoods where kids are hopeless? When they’re hopeless they turn to gangs.”

Lavy notes that in many states there is no minimum age for being charged as an adult. “There are so many problems with that,” she says. “We know young people are more susceptible to peer pressure; they’re influenced by a home environment that they can’t escape. And they’re uniquely responsive to rehabilitation.”

But the juvenile justice system has not caught up to child psychology. Kalief Browder, a 16-year-old boy from the Bronx, ended up spending three years behind bars waiting to be tried for stealing a backpack. Bobby Garcia ended up sentenced to 25 years to life before he was legally allowed to get married, vote, or join the military.

America is a bad place to be a 16-year-old mixed up with other teens making bad choices. And this is especially true if you’re a minority.

The rise of juvenile imprisonment

The hopeful era of the 1970s, when prisons were deinstitutionalized and community-based programs instead of prison time were the norm, had vanished by the 1990s, replaced by zero-tolerance policies in schools and in the juvenile justice system.

Kids were being locked up for offenses that would have previously earned them a trip to the vice principal’s office, not jail, and kids were serving longer sentences for actual crimes. Thus, despite the fact that juvenile crime has been decreasing for years, more kids are behind bars than ever before.

Sociological studies point to a rise in conservatism, the growing coverage of crime on the nightly news, and a longing to do something, anything, about the very real rise in drug use in the 1970s and ’80s. A majority of voters and legislators embraced punishment for juvenile offenders. This thinking is still found in online comments: these teenagers deserve what they get, maybe they’ll be scared
straight, they can’t hurt anyone while they’re behind bars, and maybe tough sentences will make kids think twice about criminal behavior.

During the 1990s, 49 states and the District of Columbia made it easier to try juveniles as adults. By 2012 juveniles in 28 states could receive mandatory life-without-parole sentences. While the Supreme Court struck down this decision in 2012, as of 2014 only 13 of the 28 states had complied with this decision.

In 1995 Pennsylvania passed a law mandating that all juveniles accused of murder be tried as adults. By 2015 there were at least 214 people serving juvenile life-without-parole sentences from Philadelphia. That’s 9 percent of the total number nationwide, despite the fact that only half of a percent of the U.S. population lives in Philadelphia.

In 1995 John DiIulio, a politics and public policy professor at Princeton, coined the term “super-predator.” Super-predators, he said, are “kids that have absolutely no respect for human life and no sense of the future... These are stone-cold predators!”

Lynne Abraham, Philadelphia district attorney from 1991 to 2010, wrote an op-ed in 1994 for the Philadelphia Inquirer about the need for tougher sentencing for juveniles: “Nothing is more frightening than a child who has no social conscience but who does have a gun,” she wrote.

But while DiIulio and Abraham were calling for getting tough on children, they were addressing a problem that was already beginning to improve. According to The Marshall Project, there was a 75 percent decline in homicides committed by children and teens from 1994 to 2013. That number might suggest that mass incarceration works to protect the common good, but the decline in homicides was nearly identical in Texas, which increased its number of incarcerated youth from 1995 to 2006 by 48 percent, and in California, which reduced its number of incarcerated youth by 75 percent during the same time.
This young woman has lived in the same cell in Camarillo, California since she was 14, and she’ll remain until she ages out of the system at age 25. “I’m a different person at 20 than the drugged child I was at 13,” she says.

Five years later, Dilulio told a reporter from the New York Times that he regretted his words. “If I knew then what I know now, I would have shouted for prevention of crimes,” he said.

Dilulio may have changed his mind about how to deal with juvenile offenders, but problems persist. In 2014 more than a million children and teens were arrested. According to a 2011 report for the National Institute of Corrections, 250,000 minors wind up in the adult criminal justice system each year. On any given night, 10,000 young people are in adult prisons and jails.

Mandatory minimum sentencing for juveniles, charging children as adults, racial inequities in which minority youth are sentenced differently than white, and overwhelming evidence that indicates that the United States incarcerates far too many children and teens in the first place are all continuing justice issues.

“We’ve never had as good a base of knowledge as we have now about how to bring kids back on track,” says Shay Bilchik, founder and director of the Center for Juvenile Justice Reform at George-town University’s McCourt School of Public Policy in Washington, D.C. and former administrator of the Office of Juvenile Justice and Delinquency Prevention (part of the U.S. Department of Justice). He says that while “there was a lot of misguided policy, there was also a lot of research.”

The lag in implementing that knowledge is frustrating. Bilchik says that because every state has a different system with different laws, there’s
tremendous variability regarding the progress that has been made over the past decade in reforming juvenile justice in the United States. There has been some reform in some states. On the other hand, New York and North Carolina still automatically prosecute 16- and 17-year-olds as adults.

"Why are we seeing facilities isolate kids?" Bilchik asks. "It’s not like we’re operating in a vacuum here. There are great behavior management programs."

Bilchik thinks that systems and facilities aren’t making the changes as quickly as they need to because human beings struggle with change. "If you’ve been doing something a long time, it’s hard to imagine doing it a different way," he says.

Church leaders speak out
Lavy and Father Kennedy encouraged juvenile offenders serving life without parole to write Pope Francis. They sent him 500 letters. Pope Francis replied, writing that their “stories and their plea that this form of sentencing be reviewed in the light of justice and the possibility of reform and rehabilitation moved me deeply.”

And while the juvenile justice system is lagging, the Catholic Church remains adamant that prison justice is a Catholic issue. In his July 2000 “Message for the Jubilee in Prisons,” Pope John Paul II said, “Not to promote the interests of prisoners would be to make imprisonment a mere act of vengeance on the part of society.” That same year the U.S. Catholic bishops wrote that the U.S. justice system does
J, age 16, sits in a segregation cell. His room has no mattress and no sheets, and he gets all his meals through the slot. He’s been there for a month and a half and is serving a 6-month sentence.

not live up to the best of our nation’s values and falls short of our religious principles.

Their statement Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice laid out a plan for reform based on advice from St. Paul: “St. Paul outlined our task when he told us to ‘test everything; retain what is good. Refrain from every kind of evil’ (1 Thess. 5:21). He calls us to affirm the demands of both justice and mercy, the place of punishment and forgiveness, and the reality of free will and poor choices.”

In their statement, the bishops showed support for solutions focused on poverty reduction and crime prevention, rather than punishment and retribution.

They also called for restorative justice. “Restorative justice focuses first on the victim and the community harmed by the crime, rather than on the dominant state-against-the-perpetrator model,” the statement says. “This shift in focus affirms the hurt and loss of the victim, as well as the harm and fear of the community, and insists that offenders come to grips with the consequences of their actions.”

Moving toward change

It seems like the rest of the nation might be starting to listen to what the church has been preaching for decades. The Jesuit Restorative Justice Initiative, the Annie E. Casey Foundation, the Campaign for the Fair Sentencing of Youth, and several other organizations have been hard at work for decades to bring more merciful and effective policies to U.S. juvenile justice. Their work is bearing fruit. The media has become more receptive to young offenders’ stories and has also conveyed that there are better ways of dealing with juvenile crime. President Barack
Obama became the first sitting U.S. president to visit a federal prison and in January 2016 banned the use of solitary confinement for juveniles and low-level offenders in federal prisons. Conservatives have begun tallying the cost of getting tough on crime. Catholics and others have seen Pope Francis make visiting prisons a priority.

Progress began tipping toward hope with the 2005 Supreme Court decision that it is unconstitutional to execute anyone under the age of 18. Other Supreme Court cases, in 2010 and 2012, found that juveniles could not be sentenced to life without parole for non-homicide crimes and that juveniles convicted of homicide could not receive mandatory life sentences with no chance for parole. States have also changed their laws; California’s Senate Bill 260, which went into effect in 2014, gave a second chance to prisoners who were under the age of 18 at the time of their crime.

Bobby Garcia was one of the prisoners who was released as a result. “If it wasn’t for 260, I’d be spending 10 more years in prison,” he says. Garcia was released in 2014, after 19 years in prison.

Now Garcia attends classes at California State University, Dominguez Hills, and works with Father Kennedy at the Jesuit Restorative Justice Initiative. “That’s my passion,” says Garcia. “I want to share how to grow. With these new bills passing, prisoners have hope that there’s some meaning for their life. That’s priceless. They can tell their families, ‘I do have a chance to get out.’”

Father Kennedy believes that if people visited prisons the way Pope Francis has, they would understand the transformative, redemptive power of mercy—to both the prisoner and the person visiting the prisoner. After all, visiting the imprisoned is one of the corporal works of mercy to which Catholics are called.

“If we have 15-year-old kids with no hope, we’re doing something terribly wrong.”

when you go into prisons, like the pope has, that there’s the transforming moment. We don’t need words like preferential option. It’s where you put your body. Like Christ did.”

Healing and reform

In 2000 more than 100,000 children were incarcerated on any single day. In 2013, that number was down to 54,000. The children who previously would have been in prison are now typically able to stay at home, and they and their families are receiving treatment for a fraction of the cost of incarceration.

Most hearteningly, restorative justice programs are gaining a foothold. These programs, which bring victims and offenders together, allow victims to have a voice and offenders to hear how they hurt other people and the community. They provide a space for reparations and healing.

“Holding young people accountable for what they’ve done is appropriate,” Lavy says. “But nothing is more hopeless than being told as a child that you’re worthless and will die in prison.”

Lavy believes everyone has a lot to learn from the incredible stories of forgiveness she hears from the families of victims, many of whom had loved ones who were killed. “If those families can find it in their hearts to forgive, as a society we need to think about whether looking at the worst thing a young person has ever done and defining them as that for the rest of their lives is moral,” she says. “In this Year of Mercy, I hope we’ll look at the systems that exist and think about the damage they’re doing to young people in the name of justice.”

Father Kennedy also believes that Catholics uniquely contribute to the world of juvenile justice while collaborating with rehabilitation experts. “The real power we have is going back to the healing power of Jesus,” he says. “That’s what I’ve seen working in prisons in juvenile hall. There’s nothing that compares with the moment someone meets Jesus inside themselves and comes to terms with what they’ve done and accepts how God can forgive them. It’s a great moment.” USC