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ST. JOHNS DOUBLE SLAYING

Guest opinion: Seeking justice for crimes - and youngsters

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The case of a St Johns boy charged at age 8 with two murders is unusual in every respect.

While information to the public is limited, the case highlights some critical issues related to children and the justice system.

Children are not like adults, and a criminal justice system that is designed for adults does not work for young children.

Eight-year-old boys in third grade can't plan ahead the way adults do and don't understand the long-term consequences of their actions.

Pronouncements that this young boy should be tried as an adult are absurd.

This idea contradicts everything we know about children and public safety.

The evidence about the failure of transferring youth into adult criminal courts is now strong and clear.

The federal Office of Juvenile Justice and Delinquency Prevention as well as the Centers for Disease Control and Prevention both have analyzed the research and concluded that prosecuting youths as if they were adults harms community safety because it substantially increases recidivism.

The adult criminal justice system is simply not designed for children.

And the juvenile justice system is not designed for very young children. Both the facilities and treatment programs are designed for teenagers, not 8-year-olds.

These young children are not competent to stand trial, even in Juvenile Court, because they can't fully understand the proceedings and can't participate in their defense in a meaningful way.

Children this young are different from adults and adolescents in the way they think, react, feel and behave.

The idea that prosecution in this case could be delayed for years until the boy was older and could be transferred to adult court violates every notion of justice we have.

Our laws have minimum ages based on children's immaturity when their behavior is against the law.

Taking them to court when they grow older doesn't change the way they were when the incident occurred. And it doesn't lead to healthier youth or safer neighborhoods.

Instead, we need to have effective responses that give children the treatment they need for their own safety and for the safety of our communities.

There are also questions about the appropriateness of the initial interview of the child by law enforcement - for more than an hour with no other adult present.

Children get worn down quickly, want to please adults, and don't understand the consequences of what they may say. So, for justice to be served, police interviews of children just can't be handled the same as they are for adult suspects. Although it is rare for an 8-year-old to be charged with any crime, there are lessons to be learned from this case, and actions should be taken to make our communities safer and healthier.

- Strengthen behavioral health and child abuse prevention services to help families prevent crises and to help them cope after a crisis. Many children end up in the juvenile justice system because they or their families didn't get the services they desperately needed.
- Raise the minimum age of delinquency jurisdiction from 8 to 10 years old, since it is extremely rare that children younger than age 10 can meet the competency standards required to stand trial.

Children younger than 10 would be considered "dependent" and could get behavioral health, rehabilitative treatment, and/or foster care services with oversight by the court.

- Require any investigator interviewing a child to be trained in forensic interviewing.

Interviews of children who may be victims of abuse require specific training.

Interviews of children who may have committed delinquent acts should also require training to assure the interview is fair and admissible.

Just as important is to require an attorney representing the child to be present during any investigative interview of a possible child witness or offender.

- Clarify the law to assure that prosecutors do not abuse their discretion in charging a youth in adult court.

Our state laws give prosecutors latitude to charge youth aged 14 and older in adult criminal court.

The idea of keeping children in a system designed for them should be based on their age when the incident occurred. But the law is not clear and prosecutors have been delaying prosecution of selected cases.

To think that a prosecutor could wait seven years to try any child as an adult is an insult to our justice system.

With changes like these, our justice system can be more effective for the youth who need it and for our communities.

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