DAVID ONEK: Welcome to the Criminal Justice Conversations Podcast, a coproduction of Berkeley Law School and the Berkeley School of Journalism. I’m your host, David Onek. Criminal Justice Conversations, recorded in the Berkeley School of Journalism studios, features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policymakers, advocates, service providers, academics and others. The program gets behind the sound bites that far too often dominate the public dialog about criminal justice to have detailed, nuanced conversations about criminal justice policy.

Today’s guest is Javier Stauring, co-director of the office of restored of justice of the Los Angeles Archdiocese. Stauring has been ministering to incarcerated youth and their families for over twenty years. He manages the largest Catholic detention ministry in the country. Stauring is also the policy director of Faith Communities for Families and Children, a diverse interfaith coalition that provides support for and advocates on
behalf of children and families involved in the juvenile justice system. Stauring was honored by Human Rights Watch in 2003 as a global rights defender and he joins us from a Los Angeles studio this morning, Javier Stauring welcome to the program.

JAVIER Stauring: Thank you David, it’s real nice to reconnect with you.

ONEK: So Javier in the intro I explained that you were on the office of restored of justice for the Los Angeles Archdiocese, I’m sure some of our listeners are thinking what does that mean exactly, can you explain what the office does and what your role is?

Stauring: Sure, so when I started ministering with incarcerated youth about twenty years ago our office was called Office of Detention Ministry because that is really what we did, we went in and we accompanied incarcerated youth and adults and their families. In the last ten years our office has evolved and now what we attempt to do is respond to the needs of everybody who’s impacted by crime so that means not only the offender and their families but obviously also victims of crime, their families, so we have a ministry for victims of crime and we focus on
surviving victims of homicide and we also have a ministry for families of incarcerated. We have a ministry for people getting out of prison, so we try to respond to the needs of everybody who’s been impacted by crime.

ONEK: Now tell me about the first time you stepped foot in a juvenile detention facility.

Stauring: I think that I went in like most people not knowing what to expect with fears, wondering do I have to watch my back, pretty much the image that I had of kids that are locked up is what I saw on the five o’clock news so gang members and killing innocent people and all of those really misconceptions that are out there about who are incarcerated youth really are and when I went in and sat down with them and I started to hear their stories, it really struck me that they were not that much different than my own nieces and nephews of their age or they weren’t that much different from what the kind of kid that I was so I really started to identify with them and some of the struggles growing up. When I started to hear their stories about childhood stories and being born in situations where, very difficult situations where challenges that poverty brings on and lack of opportunities and then falling into a system where they
are not given many opportunities at all either, it really just, I felt called to this type of work.

ONEK: In addition to the work you do with individuals, you’re very involved in the policy side of these issues too, and one of the big issues facing California right now is the proposed closing of the division of juvenile justice which was formally known as the youth authority. Now in recent years, the Division of Juvenile Justice has been reduced from ten thousand youth down to just about a thousand youth which is a remarkable transformation which hasn’t received a lot of attention, Governor Brown has proposed completely eliminating DJJ and returning all youth in state custody to county supervision and there’s a vigorous debate now on the merits of the plan. Advocates who completely agree on the rejections we have had so far are divided on whether we should take a final step and shut down the Division of Juvenile Justice completely, what are your views on this?

Stauing: Well you know I’m somewhere in the middle I guess, I agree that the ideal situation is to house youth as close to their families, as close to the communities that they will be coming back to as possible. We really need to ensure that the
counties are capable of rehabilitating and giving services to the youth that would be coming back to the counties. It’s ironic because anybody who’s in this line of work is well aware of the horrible history that DJJ has for the last few years but they were actually from my perspective, they were actually getting to appoint where because of the law suits, because of all eyes were on them, to where they were starting to really hone in on appropriate services, especially for kids with more severe mental health issues, especially with kids that are convicted of sex crimes, those two populations that I think they are very specific needs. My fears are that counties are not prepared to take on those two populations so my hope is that counties really look at this as an opportunity and really figure out what we need to do so that we really can help our youth. I mean there are a lot of experts here in California and I know you’ve had many of them on your show, we know what the right approach is, and we have the right models out there. It’s really a matter of having a pyridine shift when it comes to the philosophy, the beliefs that we have of our incarcerated youth, do we really believe that they are valuable and the have potential to do better things in their lives and then if we start from that point of view, the information is out there, the research has been done as to what works and what doesn’t work. We just really
need to make sure that there’s oversight with the counties to ensure that we are prepared to bring back out youth from DJJ.

ONEK: One of the concerns that has been raised that some counties are much more prepared than other counties to take youth back and some counties are sending very few youth in the first place because they are handling most of their youth locally while other counties rely on the state to a much greater extent and don’t have the community and local programs to serve the type of youth that you are talking about with serious mental health issues, sex offenders, violent offenders, how do we deal with that challenge of the unevenness of programs in the counties if the state system is indeed shut down?

Stauring: Well I think that, what I just mentioned about having oversight to ensure that counties are doing the right thing with the funds they are being allocated, that their spending the funds, investing them in developing and implementing evidence base models that we know will help out youth, not just to build more beds, not just to build the space to accommodate the youth. I think the space is there, I think the space for the most part in counties, there are empty beds, the real question is do we know what to do with the youth once we get them, to ensure that
they come out better than when they first came into the system. Another big concern David is that many counties will increase the number of youth being tried as adults and again all of the research that exists, I don’t think you’ll find any research that trying kids as adults is a smart thing or is an effective thing to do. We all know that as much as we can we should try to keep kids in the juvenile system where at least in theory the mission is to rehabilitate youth. When we send them into the adult system I think we are giving up on kids and so we want to make sure that if we do end up closing the state facilities that doesn’t translate into more kids going into the adult system. Another fear is that—

ONEK: Can I just break in there for a minute Javier which is that just to flush that out a little, the concern is that in counties that do not have strong county programs particularly that prosecutors may feel that without DJJ to send very serious to, that they will not be comfortable with what the county has to offer on the juvenile side so they will feel the only way to protect the public is to try youth as adults which has the negative consequences that you just mentions but how do we address what are legitimate concerns they have if there are not a lot of string programming at the local level?
Stauring: Develop the string programming. I mean it’s, you know there’s a tendency to go for the easy out and to view some of our youth as disposable youth and to go against everything that logic tells and to against everything that research tells us is the right thing to do. Sometimes is requires a little bit more work and it requires a little more effort to do the right thing but in the long run I think we all benefit from it because another thing that I’ve heard that might happen with closure of DJJ is that then we would reopen juvenile yards in adult state prisons and reopen juvenile modules in adult county jails because counties are going to say oh no these kids are way too dangerous for us to manage, we need to have an out somewhere to where we can send them and many of here in California worked very hard to shut down juvenile modules in county jails and to shut down the juvenile yards in prison and it would be horrible for us to go back to the way it used to be.

ONEK: Let me follow on that for a moment because I know you played a central role in removing youth from the LA men’s central jail. Can you tell us a little bit about what that experience was like, what were the conditions there and what did you and other advocates do to change the policies?
Stauring: Back in 2004 and many years prior to 2004 men’s central jail had an area where they would house up to forty five youth under the age of eighteen years old and they were in one man cells, they were locked up twenty three hours a day or twenty three and half hours a day. They would come out only for showers. The school consisted of a teacher coming by every other day and handing off a study sheet, just leaving it there between the bars and then the teacher would come back two days later to pick up the study sheet in case the kids wanted to fill it out. Family visits were the mom waiting in line for up to four hours to get twenty minutes over the phone through a Plexiglas window with their kid. Recreation was going up to the roof maybe once a week at the most where they would put them again in single man cells up on the roof just to get a few minutes of sunshine, so they were the absolute worst. I have visited maybe about twenty five prisons in the state of California and not even Pelican Bay, no prison compared to the type of conditions of confinement that the youth were held under and many of us, community organizations, faith based organizations, we had religious leaders go in and visit and meet with the sheriffs, meet with the county supervisors. We advocated for years to shut that place down and it wasn’t until two kids were found
hanging in the cells, they put sheets up to hang themselves. Fortunately they were not successful in committing suicide but it was that finally the LA Times grabbed that story and started bringing attention to just how horrible things were and eventually we had that place shut down.

ONEK: You talked about how your office expands its mission from working only with youth who are incarcerated to working with victims as well, working with families as well and I just wanted to, a lot of the families involved in the system or the individuals are both victims and offenders. It is often youth involved in the system sometimes in a retaliatory way are, we say today’s victim is tomorrow’s shooter and I’m just wondering how the challenges that you have or what it’s like to be working with families that are on both sides of this issues, but really you should call it sides in the restorative process but I think you know what I’m getting at.

Stauring: I know exactly what you’re getting at. The sad reality is that many of the moms that come and visit their kids in juvenile hall on Sundays, the day before they were at the cemetery visiting their other son and it’s so true that the families that are impacted by the experience of incarceration
are also overwhelmingly impacted by murder and other forms of victimization. Some of the most impactful work that we have been involved in is where we bring together families that had kids who are serving life without parole and families who’ve had kids murdered and we bring them together for healing dialogues and so you have one mom sharing her pain and her journey of having buried a son, telling that story to a mom who has the pain of having a kid locked up for life and what happens is they start telling each other their stories and they start identifying with each other’s pain and they figure out that there’s more things that they have in common than what makes them different and it’s really powerful to see how they identify with each other and they console each other and from that we’ve done a lot of this work around the issue, the sentencing of life without parole for juveniles and these groups of families, like you said what society considers on both side, victim and offender, we’ve gone up to Sacramento and lobbied for a bill SB9 which would change the practice of sentencing young people to life without parole so in the legislators office you have a mom who had her son murdered and a mom who son is serving life without parole and their both telling the legislator we don’t believe it’s right to sentence kids to life without the possibility of parole, we don’t believe that it’s morally correct to give up on our youth
at such a young age and it’s really powerful, it’s very healing for the families.

ONEK: Well I want to get back to juvenile life without parole in a moment but I’m very intrigued by what you are saying and I’m wondering how did that start, how did you get started, who were the first people you approached to bring them together in dialogue and was there hesitancy on either side to come forward and make themselves vulnerable in this way?

Stauring: We hand pick the families that are invited to these gatherings so we have a victims ministry that works with victims in support groups and because we have been in relationship with them, we know them, we know where they are at in their journey of healing. We can them approach them ask them if they would be open to participating in this process and in the same way with the families who have a loved one incarcerated. We know that they are at a certain place in their journey where they can be open to listening to the mother of a victim and accept her pain and not judge one another but just be open to listening to each other and it’s a little scary I have to tell you because it is a very delicate situation but overwhelmingly it’s just been really positive, really a healing experience for those who participate.
ONEK: How many of those sessions would you say you have done at this point?

Stauring: You know our victims ministry has done I would say if I had to put a number on it, I’d have to say six of them and then specific to life without parole we’ve done two large ones and it’s been amazing. I sat in a group where it was sibling so we had brothers and sisters who lost a sibling to murder and another one serving life without parole and I remember this one sister just balling and talking about when her little sister was murders she lost part of her identity. That the reason she went to college and the reason she was in a master’s program was because she felt this responsibility of being an older sister of being a good role model that everything that she saved was to buy her little sister things that she couldn’t afford when she was growing up and just really sharing this very painful story and next to her was Brandy who’s brother serving life without parole and she’s just holding her and—

ONEK: Serving life without parole for a murder that was committed?
Stauring: As a juvenile for a murder that was committed. And then Brandy starts talking about how she can relate because she grew up with that identity of being the older sister and how guilty she felt that she couldn’t save her brother from committing this horrific act and being sentence to life without any possibility of parole and how part of her life, she lost part of her life when her brother was incarcerated and just to see them come together and support one another, it’s really powerful stuff and it’s something that our traditional system of justice does not offer and not only does it not offer it, systemically tried to keep that from happening so you have victims, families of victims and offenders in the court room that are told you can’t speak to each other, you need to stay on separate sides. It does the opposite then what a restorative justice model does which is involve the people that have been impacted by the crime most directly and try as best as you can to try to repair that relationship that has been broken by this violent act.

ONEK: That reminds me of a story that another restorative justice pioneer Sujatha Baliga talked about on this show where when she was a public defender before she got involved in restorative justice, she had a client who had killed someone
but had done so in self-defense he felt in kind of a drunken brawl situation and even though he felt it was self-defense he understood the role that he had played in it and wanted to write a letter of apology to the family and as his lawyer she had to say you cannot send, he did write a letter, and say you cannot send this letter, this will be evidence against you at trial if you send this letter so I think your point about how the regular system not only does not encourage this but keeps it from having the possibility of happening is absolutely true.

Stauring: That is so true. You know I can’t tell you how many times I’ve had similar situations where a young man wants to express sorrow, wants to take responsibility and again the attorney has to look out for their best interest to say you can’t do it and even post-conviction because then you are looking at, what about an appeal, you can’t write this letter, you can’t send this letter because it might affect your appeal so it makes it very difficult for there to be exactly what the victim wants to hear is that someone takes responsibility for that harm that they’ve caused and that somebody expresses regret, that somebody wants to make things better. That’s what the victim overwhelming really wants to hear and that experience that could bring so much healing to victims of crime is not
allowed really in our system.

ONEK: Let’s move back to juvenile life without parole and talk about the advocacy work you’ve been doing on that issue. There’s a lot of momentum on the issue in the past few years. The Supreme Court ruled in twenty ten in Grim vs. Florida that life without parole for juveniles that did not commit homicide is unconstitutional. Billed a ban life without parole for juveniles in California failed by just one vote in the state assembly last year tell me about your involvement on this issue and what do you see as the prospects for change in the year ahead?

Stauring: I really believe that this is the worst that our system has. Sentencing juveniles to life without any possibility of parole and that’s exactly what it means, it means that we sentence a youth to die in prison regardless of how much they can change, regardless how they can turn their lives around. Just a quick story about life without parole, because we are the only country in the world that does this, no other county in the world sentences youth to die in prison. Back in 2004 I was invited to give a talk in Germany and it was being simultaneously translated and when I said in the state of California we give fourteen year olds life sentences, everybody
in the audience looked back to the translator and asked him to repeat because they thought he made a mistake so the translator asked me to repeat and I said we give fourteen year olds life sentences and the hands in the audience started to go up and they said well what does that mean a life sentence? And I said that means that a fourteen year old goes into prison and will die in prison, will never come out and people started saying well why don’t you tell society what these prisons are doing? I guess they thought this is behind the walls of prison and no one is aware of it and I said no the laws exist because our society voted for those laws and at the end of the conference this lady stood up and said, she said one of the most powerful things, she said we live in a country, in Germany that committed the worst atrocities against human kind of our generation, obviously referring to the holocaust and she said in some ways we look to the United States to learn and to believe that there was a chance, there is a chance for redemption, that there is a second chance and how sad that you’re not willing to give your own children a second chance. So other countries look at us and look at this as such a barbaric senseless practice, sentencing youth to life without parole. We’ve been working on it now specifically going on four years. There is a bill in the legislature as you mentioned, it came up one vote short last
year. It’s Senate Bill 9, the author is Leland, Senator Leland of San Francisco. It could go up for a vote any day now, it’s hard to believe and sad to say we’re still kind of in that same situation where we need one more vote to ensure that it will get passed. We need forty one votes on the assembly side and we’re asking folks to contact their legislators to tell them that it’s a moral issue, it’s logical, financially it doesn’t make sense, and scientifically it doesn’t make sense. We know kids change, we know kids think different than adults and we should be giving our kids at least an opportunity for an opportunity. This bill would not allow anybody who was sentence to life without parole to just simply come out, all it says is that after they serve twenty five years, they would go before a parole board and the parole board then would decide whether or not they have done enough to rehabilitate themselves, that they’ve done enough to prove that they are worthy of being granted parole and then it goes through the entire parole system and we know how difficult it is to be released so it’s just giving our kids a chance for a chance that’s all it is.

ONEK: Javier lets close by talking about the upcoming juvenile justice week of faith and healing that’s coming up early next month. Can you tell us what this week is about and why it’s
needed?

Stauring: Sure thank you very much. This is a week that we have once a year where we invite faith communities, universities and schools to do whatever works best for them to raise awareness around these issues of juvenile justice, to talk about the needs of incarcerated youth, to talk about the needs of victims of crime and families of both and we have a website, it’s healingjusticecoalition.org and it gives examples of what we’ve done in years past, it has resources in the form of prayers, fact sheets, what folks can do during this week, it’s going to be March 5th through the 11th and last year LA city council introduces a resolution, it was introduced by Councilman Tony Cardenas which say now that every first week in March in California will be considered juvenile justice week of faith and healing so it’s really an opportunity to raise awareness because you know most people don’t know, most people don’t know that we sentence fourteen year olds to life in prison. Most people aren’t aware of the needs that victims have and how difficult or what we can do to help them in their journey towards healing. Tomorrow we’re bringing in twenty religious leaders from different faith traditions, so we’re bringing in Rabbis, Emans, Ministers, twenty religious leaders will come
into central juvenile hall and they will sit down with a couple of kids each for one hour just to listen to the kids, to learn from them. The kids will share their stories of growing up in rough neighborhoods and what led them in their life to now where they are at juvenile hall and how faith communities can help so that other kids don’t end up going to juvenile halls and how faith communities can help those kids that do end up in juvenile hall so we’ll spend a couple of hours with the youth tomorrow afternoon at central juvenile hall in preparation for juvenile justice week of faith and healing.

ONEK: Well best of luck with it and Javier Stauring, thanks so much for joining us.

Stauring: Thank you.

ONEK: Please tune in next week when we’ll be joined by Greg Berman, Director of the Center for Court Innovation. Thank you for listening to the Criminal Justice Conversations Podcast. You can find this episode of the program, and all prior episodes, on our website at www.law.berkeley.edu/cjconversations, on NPR KALW’s website, and on iTunes. You can also become a fan of Criminal Justice Conversations on
Facebook, and you can follow us on Twitter on CJ Conversations. Our production assistant is Nicole Jones; I’m David Onek, thanks for listening.