

Parents Need to Be Held Accountable in School Shootings

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FULL TEXT

Bringing a criminal case against the parents of an accused school shooter is never an easy decision for a prosecutor. But some cases involve negligence so extreme that they demand prosecution, and that's why the parents of a 15-year-old charged with shooting four classmates to death in a Michigan school last November find themselves accused of involuntary manslaughter.

The parents, Jennifer and James Crumbley, appeared in court on Tuesday in Oakland County, Mich., for a preliminary hearing.

Charging the parents of the teenager, Ethan Crumbley, won't solve America's epidemic of school shootings, but it could be an important step in averting some of these unspeakable tragedies. Holding parents criminally accountable for failing to secure guns in their homes might encourage them to be more responsible.

Parents aren't to blame for their children's mental illness, of course. And as anyone who has ever been a parent will confirm, it's impossible to fully prevent or even anticipate a child's misbehavior, whether it's minor or extremely serious. We don't hold parents criminally accountable for everything their children do.

But it's different when adults buy a child a gun, oversee their child's training to use it and leave the gun where it is readily accessible. It's worse still when parents conceal the child's access to the gun from school officials, who warn them he is having vivid, violent fantasies, and then insist to those officials that he remain at school.

That's the evidence prosecutors say they have gathered against Mr. and Ms. Crumbley. In addition to four counts of first-degree murder, their son faces charges of assault with the intent to commit murder in the wounding of seven others, including a teacher. The parents have pleaded not guilty to four counts of involuntary manslaughter and remain in jail, each unable to post a \$500,000 bond. They face as many as 15 years in prison on each count.

"There were a lot of things that could have been so simple to prevent," Karen D. McDonald, the prosecutor in Oakland County, Mich., said. She called the facts of the case "so egregious" that they required prosecution. School officials had alerted the parents to a note drawn by Ethan Crumbley and found by a teacher the day before the shooting that contained images of a gun, a person who had been shot, a laughing emoji and the words "Blood everywhere" and "The thoughts won't stop. Help me."

Ms. McDonald pointed to that note in explaining her decision to charge the parents. "The notion that a parent could read those words and also know their son had access to a deadly weapon, that they gave him, is unconscionable, and I think it's criminal."

Seeing parents charged after a school shooting by their child is unusual. That's because the legal bar is high. Every state has its own criminal code; homicides are typically divided into different degrees of murder and manslaughter. The distinction between charges turns largely on a defendant's state of mind. The murder charges against Ethan Crumbley are predicated on evidence of premeditation and the intent to kill. Involuntary manslaughter does not require an intent to kill; instead prosecutors must establish gross negligence beyond a reasonable doubt.

That means the prosecution must show more than mere carelessness. In the parents' case, prosecutors will have to prove that the Crumbleys knew he posed a danger to others and that they failed to take steps that could have prevented the shooting —by securing the gun out of his reach, for instance, or checking his backpack before he returned to the classroom. Jurors must be convinced that it would have been clear to a reasonable person that it

was likely that someone could be seriously injured if the parents didn't take those steps.

Mass shootings and school shootings, in particular, have become common. We know the names of the victims, and we mourn their deaths, even as cruel and evil people in our society spin conspiracies that a shooting didn't happen or claim that the presence of more guns would have prevented it.

The Michigan prosecution is a rare and welcome moment of accountability, with the potential to provide some much-needed deterrence in a country awash in guns. A conviction would set an outer limit on how permissive parents can be with firearms without exposing themselves to criminal charges. A child who poses some risk simply cannot be allowed access to a firearm.

Prosecutors won't be able to charge all of those who procure the guns children use in shootings, but they should be aggressive when the facts point to gross negligence. The precise contours of just what parents must do may remain unclear even if this prosecution is successful, and that's a good thing; greater concern that carelessness could be criminal is likely to discourage people from reckless behavior and encourage more attention on how they store and handle their guns.

State legislatures could make it easier to prosecute parents in such situations by passing laws that specify the kinds of conduct and failures to act that constitute involuntary homicide. Those could include measures specifying that a failure to secure a firearm with a minor in the household constitutes the gross negligence that merits charges of involuntary manslaughter.

This prosecution and even new laws are no guarantee that schoolchildren won't continue to send frantic text messages to parents to say, "I love you. There's an active shooter here." But in an era of permissive gun ownership, the prosecution of parents may provide one of the few available paths to keeping our children safer.

Joyce Vance, a professor at the University of Alabama School of Law, was the U.S. attorney for the Northern District of Alabama from 2009 to 2017.

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