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## Do kids belong in adult jails?

### Sen. Specter wants to penalize states that mix adult, juveniles

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By Moriah Balingit, Pittsburgh Post-Gazette

There are 33 boys ages 15 to 17 in the Allegheny County Jail.

All have been charged with crimes as adults -- ranging from homicide to robbery -- and are awaiting hearings or trials. Although they are housed in a single pod and attend school together in the jail, some have adult cellmates and all are mixed to some degree with the adult population.

It's a situation seen state- and nationwide: Boys and girls younger than 18 who are adults in the eyes of the justice system and are housed at adult facilities awaiting trial or other legal processes. There were about 5,000 youths nationwide sitting in adult jails in 2004.

Sen. Arlen Specter, R-Pa., is co-sponsoring an updated version of the Juvenile Justice and Delinquency Prevention Act that would penalize states that put those younger than 18 in adult facilities before trial by reducing their federal funding for juvenile-justice programs. Pennsylvania receives about \$4.6 million through the current version of the act.

The bill, titled the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, would require a judge to determine whether it is "in the interest of justice" to house someone younger than 18 in an adult jail during the pretrial stage and would give states three years to phase in the provision.

It was to be heard before the Senate Judiciary Committee last week, but the panel could not achieve a quorum, so it will likely be heard before the committee's next executive business meeting, which has not been scheduled.

Advocates of the bill say that putting children in adult jails puts them at substantial risk.

"Kids who are prosecuted in the adult criminal justice system are more likely to re-offend," said Liz Ryan, founder of the Campaign for Youth Justice, a proponent of the bill. "It does create a very negative environment for them."

Local administrators and juvenile justice experts do not disagree. But they emphasize that putting children charged with serious crimes in juvenile detention centers meant to hold juvenile delinquents carries risks as well.

Melissa Sickmund, chief of systems research of the National Center for Juvenile Justice in Pittsburgh, said children should be housed separately from adults in most circumstances, even if they have been charged as adults. But she said the same logic should apply to separate children who have been charged as adults from those who have been charged as juveniles.

"The logic, though, is that you don't want those that are small and vulnerable, perhaps not so entrenched in their criminal behavior, to be in environments with worse criminals," she said.

Ms. Sickmund added that weight should be given to the fact that the state decided children who are charged as adults should be treated as adults.

"The states have decided that these offenses or kids are serious enough that they should be handled with the full weight and sanctions of the criminal court," she said. "So do you want to put those really serious kids in with juvenile delinquents who have not committed crimes that are as serious?"

Beyond the risk that children who commit adult crimes might pose to delinquents, there is simply no room for them, said Jim Reiland, who heads the county's juvenile probation program.

"We could not today transfer the number of youths who are in the Allegheny County Jail to Shuman [Juvenile Detention Center] and have a safe environment," he said.

The center has 130 beds and is frequently over capacity. Right now, there are 111 children housed there.

The center is not run like a jail. Most of the children there are awaiting hearings, which are required to occur within 10 days

of a child being detained, or placement, so very few stay in the facility beyond a month. There are no armed guards and no on-site medical staff.

Housing 33 or so young adult offenders would be difficult, if not impossible, said Shuman Center Director William "Jack" Simmons.

"We're set up for short-term detention. We don't have the long-term services that's required for some of these kids," he said.

Mr. Simmons said he thinks children charged as adults should be housed separately from Shuman's ordinary residents. Housing children charged with adult crimes would undoubtedly require more staff trained to deal with higher-risk inmates. It would probably require an additional facility if the two populations of children are to be kept separate, he said.

"I would be certainly asking the federal government for money to go along with that," he said. "From a fiscal standpoint, we would not be able to handle that."

Under current legislation, states out of compliance with any provision are to use their funding to fall into line.

Others fear that housing children charged with adult crimes in the detention center would leave delinquents under-served.

"I could have a kid on the juvenile side that really should be detained, but I can't detain him because there are adult offenders ... taking up the beds," said Judge Kim Berkeley Clark, an administrative judge with the Family Division of Common Pleas Court.

She added that where children charged with adult crimes are housed before trial is only a small part of the issue. Ultimately, it's which children get charged with adult crimes that needs to be re-examined. She called the bill "a sham."

"Do they belong in the criminal justice system or the juvenile justice system? That's the real issue," she said. "I'm not saying they belong in the county jail. I just don't think that's the point."

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