

A COMMON SENSE APPROACH TO HOUSING JUVENILE OFFENDERS IN ADULT DETENTION FACILITIES

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The availability of juvenile detention facilities to deal with youth apprehended for violent crime is a significant problem in most areas of this country. In 1991, there were over 120,000 juveniles arrested in the United States for violent crime. It was estimated that there were just under 48,000 secure beds available to house those offenders. In my home jurisdiction, a county of about 320,000 people in the southeast Twin Cities metro area, we currently do not have a juvenile detention facility. In the last five years we have experienced dramatic increases in the number of juveniles charged with criminal conduct. Without a juvenile detention facility we have had to ship juvenile offenders who have been apprehended for murder, attempted murder and other violent crimes as far away as 250 miles to find available detention space. In some cases, juveniles who should have been detained to protect the public safety have simply been sent home on electronic home monitoring. While this has occurred, we have often had available detention beds in our county jail or at local police lock-ups. However, strict federal and state regulations prohibit the housing of juvenile offenders in adult facilities, even for relatively short periods of time.

The number of serious, violent and habitual juvenile offenders in need of detention space have risen dramatically over the last decade in America. Census projections also reflect a growth in juvenile population of close to 20% in the United States between 1990 and 2010. In my jurisdiction, we project an increase of over 60% in the number of youth between 14-17 over the next 15 years. Even if juvenile arrest rates do not continue to grow as they have for most of the last decade, the overall number of juvenile crimes committed will likely be dramatically higher in the next 20 years given these population trends. An ominous forecast indeed.

Sound public policy dictates that serious, violent and habitual offenders need to be incarcerated to protect the public safety and provide appropriate levels of punishment and accountability. Common sense dictates that using available space in local county jails and state prisons should be an available option, subject to reasonable restrictions. In fact, adult detention facilities are probably better equipped to deal with the type of dangerous and violent juvenile offenders we are seeing today than are most juvenile detention facilities. Why shouldn't we be able to take advantage of existing detention facilities, with staffs trained in managing serious and dangerous offenders, whenever possible?

Many of the concerns about poor conditions and untrained staff in local jails throughout America that in part led to establishing strict regulation of juvenile detention facilities, have long been corrected. We also cannot overlook the fact that the juvenile criminal offender we see throughout America today bears little resemblance to the juvenile offender seen 20-30 years ago. In many circumstances we are dealing with sophisticated, often gang connected, juvenile criminals committing crimes of violence with dangerous weapons. There are certainly fewer reasons today to be overly concerned about segregating these hard core juvenile offenders from adult offenders as there were 25 years ago. I am not suggesting

that we lock up every juvenile needing incarceration with hardened adult criminals and gang members. What I am suggesting is that local law enforcement officials be given greater flexibility in making the decision as to when and under what conditions housing serious and violent juvenile offenders in adult lock-ups is appropriate.

Most modern adult jails and prisons have segregated units to allow separation of offenders by categories, such as pre-trial/post-trial or men/women. These facilities can also easily segregate offenders by age groups. Juveniles aged 15-17 can be mandated by law to attend the same schools as young adults aged 18-19, but they are absolutely prohibited from being housed in a detention facility with the same young adults if they commit a crime. The fact of the matter is that in many cases the 16 year old offender was a partner with the 18 year old offender in committing the offense that lead to his incarceration in the first place.

Many juvenile offenders who have committed serious and violent crime can and should be prosecuted as adults for their offenses, thereby eliminating the current legal restrictions concerning detention of these offenders in adult facilities. However, some of these offenders will not be prosecuted as adults and even those who are ultimately dealt with in adult court must be detained prior to the transfer of their case to the adult system. Local corrections officials should be afforded the discretion to house serious, violent and habitual juvenile offenders in adult lock-ups if space is available and if it can be managed to insure segregation of juvenile and adult populations. It also seems appropriate to allow juveniles to be housed with young adults between the ages of 18-25 who are charged or convicted of similar crimes. Co-located juvenile and adult detention facilities, utilizing shared staff and joint use of recreational/lunch and open areas, are cost effective and should also be permitted in a time of limited resources and increasing detention needs.

Some easing of federal regulatory restrictions in this area have already occurred. Last year, regulations enacted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) did in fact ease some of the restrictions relating to sight and sound separation; co-location of juvenile and adult detention facilities, and immediate detention before and after court appearances. I am pleased with the direction of the leadership now being exhibited at OJJDP, as they seek to cope with how best to deal with the new breed of juvenile criminal seen today. Clearly, a balanced approach, of appropriately holding serious, violent and habitual juvenile offenders accountable for their crimes and looking for every available means to prevent these crimes from occurring in the first place, is needed. These efforts are not incompatible - in fact they compliment one another - and both protect the public safety. Common sense, and sound public policy also dictates that we further re-examine state and federal legislative restrictions dealing with the joint housing of adult and juvenile criminal offenders.