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A new mind-set

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THE ISSUE: The new juvenile justice reform law changes how judges are supposed to deal with troubled kids who don't commit real crimes.

It makes sense that if a teen robs the corner convenience store, he's in for a long stay at a Department of Youth Services prison. Same for a 16-year-old who brutally beats up somebody as part of a gang ritual. The state is responsible for protecting citizens from violent predators, be they adults or children.

But what if a kid decides to skip school on a regular basis? Or what if he stays out past nighttime curfew a few times? Or what if he runs away from home?

In Alabama, too many of these nonviolent youngsters are sent off to juvenile jail like their violent counterparts. In fact, the majority of admissions to DYS facilities are low-risk juveniles with minor or noncriminal offenses. It's sometimes easier to send a child off to prison than to work with the child and his family to fix what's causing the problem.

The good news in Alabama today is that mind-set may be finally coming to an end.

The bad news is that the hard work to change practice and attitude is just starting.

When Gov. Bob Riley signed a law Monday revising the state's juvenile justice code, he set into motion a shift in philosophy about how young people are to be handled by the juvenile court system. No longer will it be acceptable for judges to send children who have committed noncriminal offenses to DYS prisons.

Some judges don't like their authority being clipped, but they are missing the big picture. The overriding concern shouldn't be about protecting turf but, rather, what's best for the children.

According to the Alabama Youth Justice Coalition, 77 percent of DYS admissions last year were for nonviolent offenses, including truancy and running away from home. Of all girls in DYS residential facilities, 64 percent have not committed what would be considered a crime in adult court.

Not only is this just plain wrong in most cases, it's very expensive. It costs a daily average of \$134 to keep a child in a DYS prison, and the average stay last year was 144 days. That's nearly \$20,000 that could be used for community programs to keep the child from being tossed into prison - or it's money that could be used to keep a violent offender locked up and off the street.

Plus, we're sending nonviolent but troubled kids to the best school in the state - if we want them to learn how to be violent criminals. For many of these children, their graduation will be to adult prison.

The law Riley signed this week gives counties 18 months to develop programs to deal with these nonviolent offenders, after which judges will be prohibited from locking up noncriminal offenders for extended periods.

That's not a lot of time to start new programs from scratch or to find the funding to support them. And while Jefferson County is blessed with many programs already, not even Jefferson County has enough capacity to deal with all the nonviolent children and their families who come before Jefferson County Family Court.

Jeff McGee, the court's administrator, said while it's important that these troubled kids not be turned over to DYS for warehousing, they also can't simply be referred to the Department of Human Resources, which has plenty to do already protecting abused and neglected children.

McGee sees these kids as falling somewhere between DHR and DYS, which means thinking of entirely new structures, programs and levels of services.

Riley gave a clear charge this week when he signed the reform bill: A child must actually be a criminal before a juvenile court can treat him like one.

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