

CASE EXAMPLES: JURISDICTIONS THAT HAVE REMOVED YOUTH UNDER THE AGE OF 18 FROM ADULT JAILS

Cost-Effective, Research-Based Approaches – Multnomah and Los Angeles Counties:

In recent years, jurisdictions that have successfully removed youth from adult jails have undertaken collaborative efforts to place these youth in more appropriate juvenile facilities. Instead of building new facilities, these jurisdictions have identified bed space in existing facilities or undertaken system-wide reforms to house these youth in appropriate settings.

Los Angeles County, California – Finding an Effective Solution:

In the early 2000s, the Los Angeles County Probation Department contracted with the Sheriff's Department to house up to 44 youth in the county jail. These youth were held in a separate juvenile module inside the jail with no contact with adult offenders, where they spent over 23 hours per day in their cells and received minimal education, mental health care, and other programming.

These conditions led to several advocacy groups raising awareness about the inhumane conditions of confinement, and they began investigations to bring litigation against the facility. After a large public awareness campaign around the suicide attempts of two boys in jail in 2003, the Los Angeles County Board of Supervisors voted unanimously to remove these youth from the adult jail.

County officials, including the Chief Administrative Officer, Sheriff, Probation Department, and State Board of Corrections, collaborated and within two weeks identified alternatives to detaining these youth in the jail. Upon their recommendation, the youth were moved just 5 months after the passage of the resolution to a facility operated by the California Youth Authority (CYA)¹. In this new setting, the youth were able to attend classes in a group, eat meals together, use recreational facilities, and participate in regular religious services.

Multnomah County, Oregon – Collaborative County-Driven Reform:

Multnomah County has nearly eliminated the practice of holding transferred youth in adult jails. In December 2008, the Multnomah Board of County Commissioners unanimously passed a resolution creating a presumption that youth detained pre-trial should be held in the juvenile system.² Several factors contributed to the passage of the resolution.

- In 1994, the number of youth held in adult jails in Oregon increased significantly due to a change in the state's transfer law that required all youth 15 and older charged with certain felonies to be prosecuted in adult court.
- Commissioner Lisa Naito and the County Commissioners were concerned about research consensus showing that youth held in adult jails face extremely dangerous conditions, including a high risk of physical and sexual abuse and a greatly increased suicide risk.
- The County worked with the Juvenile Detention Alternatives Initiative³ to create community-based alternatives to detention – a day reporting center, shelter care, and home detention – and to reduce its juvenile detention population through an objective and culturally sensitive risk assessment tool. These alternatives helped the county reduce its average daily population at the juvenile detention facility from 96 to 21.
- Commissioner Naito facilitated ongoing collaboration among stakeholders, including the Sheriff, District Attorney, Chief of Police, and the Department of Community Justice (DCJ).
- DCJ engaged its counterparts in the District Attorney and Sheriff's offices, conducted an assessment of available bed space at the detention center, determined the detention center had enough space for adult-charged youth, and created a back-up plan in case the number of detained juveniles unexpectedly rose.

Since the resolution's passage, the vast majority of youth have been held in the juvenile detention facility and no more than one youth has been held in the jail at any given time.

Expensive Endeavors in Overbuilding Facilities - Kentucky and West Virginia:

Kentucky and West Virginia also removed youth from adult jails, but took a very different approach from Los Angeles and Multnomah Counties' strategies - they built new detention centers across their States. Both of these jurisdictions have much in common:

- They had very few detention centers before building new facilities;
- They built these facilities in the late 1990s and early 2000s during a time when the Department of Justice (DOJ) made funds available to States specifically for building new facilities;
- They overestimated - and overbuilt - the number of new detention beds needed.

Kentucky – Responding to Litigation:

Over the past 15 years, Kentucky has gone from being out of compliance with the JJJPA's jail removal requirement to completely removing all youth from adult jails and prisons. In the early 1990s, Kentucky had only two juvenile detention centers in the entire State, resulting in many youth being held in adult jails. During this time, advocates in Kentucky filed two lawsuits based on violations of JJJPA and the youth's constitutional rights to safe conditions of confinement. As a result of these lawsuits and other investigations, Kentucky chose to forgo federal funds and not comply with the JJJPA from 1992-1996, rejoining the Act in 1997 after a settlement agreement was reached. From 1997 to 2005, Kentucky closed its juvenile holding facilities in adult jails and built nine regional juvenile detention centers across the State so that there is now a facility within an hour of each county. The transition was coordinated by the Department of Juvenile Justice (DJJ), which held meetings with stakeholders at each site to coordinate the closing of their jails' juvenile sections. Now all youth under 18 - including those charged as adults - are held at the regional juvenile detention centers. Although data on the number of youth detained in Kentucky are not available, data from OJJDP indicate that no residential facilities are over capacity, and 38 of 49 facilities are operating under capacity. Additionally, youth who are convicted in the adult criminal system cannot be housed in an adult prison. Youth convicted as adults remain in the juvenile facilities until age 18 at which point they can be released, held in a juvenile facility for up to six months, or transferred to the adult system.

West Virginia – Going Above and Beyond JJJPA Requirements:

West Virginia ended the practice of holding the vast majority of youth in adult jails in the early 1980s when the JJJPA's original jail removal and sight and sound separation requirements came into law. In 1997, West Virginia changed its law to prohibit the placement of youth transferred to adult court in adult jails.⁴ The Supreme Court of Appeals and a Juvenile Facilities Review Panel were key players in implementing the jail removal changes in West Virginia. The Panel began overseeing youth held in adult jails after Justice Darrell McGraw of the Supreme Court of Appeals attempted to visit a jail to personally investigate the suicide of a 17-year-old boy who had been illegally confined there. However, after arriving at the facility, Justice McGraw was forcibly prevented from accessing the facility and he was arrested. After this incident, the panel conducted unannounced inspections of jails to ensure they were not holding any youth and shared this information with judges, legislators, state agencies, and other facilities. The State provided technical assistance to facilities not in compliance and required all facilities to report on remediation of any noncompliance. Until the late 1990s, West Virginia had five juvenile detention centers throughout the state. Between 1998 and 2005, the state built nine new regional juvenile detention centers. Although building these new facilities lessened geographic distance to any facility, West Virginia now has more detention beds than it needs, indicating that West Virginia built its system without undertaking the detailed assessment necessary to determine its actual need.



END NOTES:

1 In 2005, the CYA became the Division of Juvenile Justice (DJJ) within the Department of Corrections and Rehabilitation. See https://www.cdcr.ca.gov/Juvenile_Justice/ for an overview of DJJ.

2 Resolution No. 08-166, available at <https://www.prearesourcecenter.org/sites/default/files/library/multnomahcountyresolution08-166.pdf>.

3 JDAI is an initiative to reduce the unnecessary detention of youth in the juvenile justice system run by the Annie E. Casey Foundation. More information on JDAI is available at <https://www.aecf.org/work/juvenile-justice/jdai/>.

4 W. Va. Code Ann. § 49-5-16(a) (as amended 1997) <http://www.wvlegislature.gov/wvcode/code.cfm?chap=49&art=5>.