

TOP STORY

Juvenile justice reform expected in 2018 legislative session

By Mary Sell Montgomery Bureau Dec 22, 2017

MONTGOMERY — A multi-part bill to change how Alabama treats juvenile offenders is expected in the 2018 legislative session that starts next month.

The bill is still being finalized and is not yet available. It's the result of a task force's recommendations and will focus on community-based treatment and diversion programs and not locking up as many teens, said sponsor Sen. Cam Ward, R-Alabaster.

Ward said there are currently 14-year-olds being housed in Alabama Department of Youth Services facilities that are non-violent and being held for offenses adults aren't jailed for committing.

"Two-thirds of your juveniles didn't attack anyone, didn't hurt anyone, and we're still locking them up," Ward said Thursday. "For a 13- or 14-year-old, that has proven to be a failure."

The Juvenile Justice Task Force, which began meeting in April, this week recommended: keeping low-level offenders out of the juvenile justice system through early intervention programs; focusing system resources on youth who pose the greatest risk to public safety; and investing in "evidence-based programs in local communities."

Keeping juveniles in facilities costs taxpayers as much as \$161,694 per youth per year despite research showing poor public-safety returns, especially for youth who commit lower-level offenses, according to the task force.

"What (we're) trying to do is prevent a 13- or 14-year-old from becoming a lifelong burden on the state by getting to them early," Ward said.

Adopting the task force's recommendations would cut in half the population of youths housed in DYS facilities by 2023, saving \$43 million over five years, according to the task force.

There will be increased spending on the front end, Ward said. He estimates drug treatment and diversion programs will need an additional \$4 million in the 2019 budget.

The Southern Poverty Law Center in Montgomery for years has advocated for juvenile justice reform. While it praised the task force's recommendations, it also said they don't go far enough.

"Unfortunately, because it does not recommend ending the practice of charging children as adults, the task force fell short of its goals of protecting public safety, containing costs and improving outcomes for children, families and communities," SPLC said in a statement.

Current state law allows teens 16 and older who are charged with capital offenses, class A felonies and other violent crimes are automatically placed in the adult system. Another state law allows for teens as young as 14 to be tried as adults, if a transfer is requested by the prosecutor and approved by a judge.

According to a September Alabama Department of Corrections report, there was one 15-year-old, two 16-year-olds, nine 17-year-olds and 41 18-year-olds in adult prisons that month. That number doesn't include teens awaiting trial or sentencing.

Ward says he understands SPLC's concerns, but some of those 16- and 17-year-olds are murderers.

"They need to be incarcerated. Whether they should be incarcerated with adults, I would agree with Southern Poverty," Ward said. "But they still should be incarcerated."

Another recommendation of the task force is to eliminate fees and fines for teen offenders.

"Punishing children with fines and fees is incompatible with the juvenile justice system's goal of rehabilitation and ensnares children from poor families in the justice system," the statement from Southern Poverty said. "When children are unable to pay, their probation can be lengthened or they can serve time in detention or jail. This practice actually increases the likelihood of re-offense."

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