

# The Washington Post

## Juvenile Justice

Some changes would improve legislation in the Senate.

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SINCE 1974, federal law has required that juveniles picked up for breaking the law be kept separate from alleged adult offenders -- and for good reason. Juveniles held in adult facilities are more likely to be attacked, more likely to commit crimes once released and more likely to commit suicide than those held in facilities that house only minors. This week, the Senate Judiciary Committee is scheduled to consider reauthorizing an updated version of the 1974 bill. The Juvenile Justice Delinquency and Prevention Reauthorization Act of 2008 strengthens protections for juveniles while safeguarding judicial discretion to deal with exceptional cases. It also calls for preservation and expansion of programs that have been particularly effective in combating delinquency and crime among youth, including mentoring and after-school supervision. The bill should be passed, with some changes.

Over the past decade, an increasing number of states have adopted laws allowing juveniles to be charged as adults for certain serious crimes; prosecutors in these jurisdictions often have the last word on charging decisions. Those jurisdictions often also require that these juveniles be held in adult facilities. Under the proposed bill, even juveniles charged as adults must be held in juvenile facilities or out of "sound and sight" of adults in adult facilities unless a judge specifically orders otherwise. A judge must take into account the alleged offender's age, his physical and mental maturity, and the nature of the crime, among other factors; a judge must review every 30 days the decision to send a juvenile to an adult facility. This approach is sensible. The bill should be amended to explicitly allow prosecutors and other state officials to flag for the judge juveniles they believe would be a danger to other minors and so would be better held in adult quarters.

The legislation also takes a step in the right direction by setting stricter limits on detentions for status offenders -- those youths who are picked up for skipping school or running away from home. Such youths have not committed crimes and would not have been locked up for these infractions had they been adults. Studies show that these juveniles -- and the community -- are better served when they are directed to mentoring or school-based programs. As it is, judges in many jurisdictions may hold juveniles indefinitely for status offenses; the proposed bill would limit that to seven days. That's an improvement, but lawmakers should consider eliminating these detentions altogether.

The Congressional Budget Office has not yet estimated the cost of the new juvenile justice bill. According to Justice Department figures, the existing version of the law cost taxpayers just under \$300 million last year -- real money but a fair price to pay for smart and effective programs.

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