

# THE COUNTY COMMISSIONER

OFFICIAL PUBLICATION OF THE ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA

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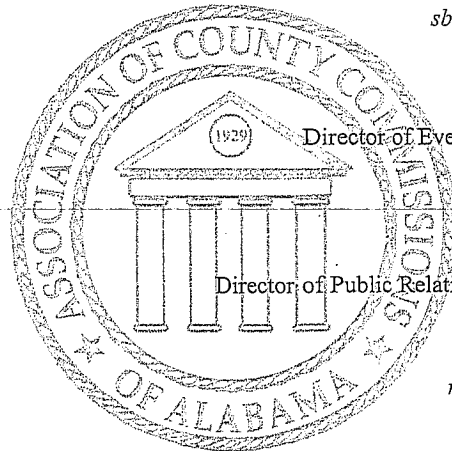
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Clarke County Commissioner Rhondel Rhone was elected President of ACCA during the 78 <sup>th</sup> Annual Convention in August. To read more about what President Rhone has on tap for his year at the helm, turn to page 4.	

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Mary Pons  
Staff Attorney

# In Legal Terms

## Juvenile justice system needs major reform

Some of you may recall that a bill was introduced during the 2006 Regular Session of the Alabama Legislature to rewrite Alabama's juvenile justice code. ACCA staff became involved in negotiations on this legislation because it included several provisions that would have significantly increased the county's already-too-high costs for detention and care of juveniles in detention. The bill was opposed by several agencies and interest groups who deal with juveniles and did not move.

Following the session, staff at the Administrative Office of Courts (AOC) formed a study committee to take a comprehensive look at the legislation that had been proposed and to work on a compromise bill that could provide some needed improvements in the current juvenile justice system. AOC is to be commended for its diligent efforts in bringing all interested parties (including counties) to this discussion, and as the representative from the ACCA staff serving on this committee, I can report that the committee has worked very hard over the last several months to find common ground. The final report on this proposed legislation is not yet prepared, but it does appear that a bill will be introduced to address many concerns related to the judicial process for juveniles and the roles of the various state agencies charged with protecting and providing programs for juveniles – and it does appear that the legislation will not statutorily increase current county costs.

Participation in this committee has been a very eye-opening experience for me. Unfortunately, one thing I have learned is how much I do not know about the juvenile justice system in Alabama, and how the programs and procedures in place at the state and judicial level significantly impact the costs incurred by counties. It has also raised my awareness that Alabama is not adequately addressing the needs of juveniles

finding their way into “the system”, either through delinquency or dependency.

I have learned that the problems in this system are wide-spread, and much deeper than the inability of the Alabama Department of Youth Services to take custody of juveniles ordered into their care within the statutory seven-day time frame. There are not enough programs for juveniles – both those adjudicated as delinquent and those eligible for “alternative sentencing,” and there are inadequate alternatives to physical detention.

Additionally, there is often a huge backlog within the court system causing delay in bringing children to court, meaning that where a child has been ordered detained pending “trial,” he or she is often held in a juvenile detention facility (at the county's expense) for several months awaiting trial, learning from others more about juvenile crime and perhaps not attending school or receiving any services.

Most importantly, perhaps, I have learned that there is a tendency to treat juveniles in much the same manner as adults are treated – a “lock-them-up” mentality that leads to detention of children for minor offenses, or for actions that would not be considered crimes if committed by adults (so-called “status offenders”). There also appears to be a disconnect between troubled juveniles and frustrated or troubled parents who willingly turn the child over to the judicial system and push for detention to avoid dealing with the child in their parental role.

Borrowing statistics provided by the Alabama Youth Justice Coalition, it is estimated that 40 percent of children in Alabama who are placed in residential facilities each year have not committed a crime, but instead are charged with a “status offense,” such as underage drinking or have failed to comply with the terms of probation or an aftercare agreement. The national average for children in these categories is 16 percent. Putting aside what this says about our commitment to properly providing for children in trouble, these statistics support the theory that Alabama has chosen the most expensive means of dealing with juve-

nile delinquency. Again borrowing figures from the Alabama Youth Justice Coalition, the daily cost of housing a juvenile in a detention facility runs from \$132 to \$141. Alternatively, community-based advocate supervision averages \$42 a day, electronic monitoring and supervision about \$26 a day, and house arrest with electronic monitoring about \$7.50. It is easy to see that developing alternatives to detention not only offers better opportunities for the child to get effective help, it saves both state and county coffers in significant amounts.

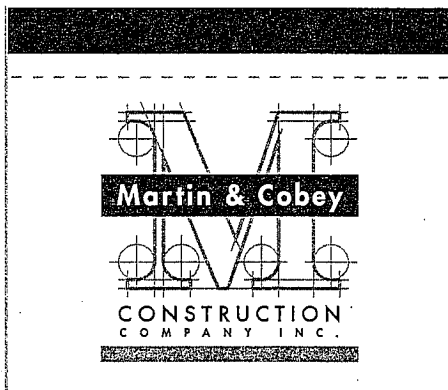
The good news is that there are several juvenile advocacy groups (including the Alabama Youth Justice Coalition) working diligently to raise awareness of these issues and build coalitions to address the systemic problems with how Alabama approaches juvenile justice. The judicial system and state

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agencies charged with administering these programs appear ready to participate in working on finding the solutions.

And, members of Alabama's Legislature have begun to speak out about these problems and the long-overdue need for a major overhaul of the system. Alabama's counties must also participate in this discussion, and be a part of the solution. Not only can a better juvenile justice system decrease significantly the costs incurred by counties for the detention and care of Alabama's troubled juveniles, but improvements in our current system increase significantly the chances that a misguided adolescent will become a contributing member of society as opposed to another statistic and long-term resident in an adult correctional facility.

The ACCA staff hopes to bring counties more information on these issues in the coming months, and will continue discussions with all interested groups and entities about how best to work toward significant changes in the system. In the meantime, counties are encouraged to look at the system as it operates on the local level, and if possible begin discussions with local judges, probation officers, and state agency representatives to see what improvements can be made in local procedures to, among other things, streamline the court process, develop alternatives to detention, and provide community-based programs which cost less than the cost of detention, and provide a better chance of success for the child.



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