Group wants juveniles out of adult correctional facilities

By Mary Sell Montgomery Bureau | Posted: Wednesday, January 27, 2016 12:10 am

MONTGOMERY — Officials with the Southern Poverty Law Center plan to ask Alabama lawmakers to make changes within the criminal justice system that would keep juveniles out of adult correctional facilities.

Ebony Howard, an attorney for the SPLC, told the Prison Reform Task Force at the Statehouse on Tuesday that on average, 1,000 juveniles are tried as adults each year in Alabama. In some of those cases, they've been convicted of misdemeanors, she said. Most juvenile offenders serve three to five years.

"Children need to be held accountable, but in a way that will allow them to re-enter society," Howard said.

State law allows for juveniles as young as 14 to be tried as adults. Howard said she knows of some as young as 15 currently serving. In 2013, the *TimesDaily* reported in the four-year period ending in 2012, 253 teenagers younger than 18 were in Alabama Department of Corrections' facilities.

Last year, prison reform legislation passed that said juveniles in state prisons have to be separated from adults. But Howard said there still are youths being housed before trials in county jails.

"They aren't getting the adequate education services or rehabilitative services," Howard said about teens in adult facilities. "We're asking for protections for kids who are in jails, and we're asking for better services for all kids."

The federal Prison Rape Elimination Act in 2003, a policy against sexual abuse in federal, state and local facilities, also has guidelines. No inmate younger than 18 may be placed in a housing unit where contact will occur with adult inmates in a common space, shower area or sleeping quarters. And outside of housing units, agencies must either maintain "sight and sound separation" between youth and adult inmates or provide direct staff supervision when the two are together.

Custody issue

Howard told lawmakers the SPLC would like to see separate facilities for juveniles in the adult system. Ideally, she said the organization would like to see juvenile offenders in the custody of the Alabama Department of Youth Services. In 2013, that agency said it isn't equipped to handle dangerous teens.

Task force chairman Sen. Cam Ward, R-Alabaster, said he believes there are improvements that can be made in how juveniles are handled, but the SPLC's request would cost too much money.

"There is no question that there is work to be done, but what (Howard) is proposing is prohibitively expensive considering our budget atmosphere," Ward said. State lawmakers have said budget cuts could be possible in the next fiscal year.

Howard is hoping to get a lawmaker to sponsor reform legislation this year, and called it a starting point. Task force member Sen. Vivian Figures, D-Mobile, said she would be interested in being a sponsor.

'Ban the box'

The task force also discussed proposed "ban the box" legislation from Sen. Quinton Ross, D-Montgomery. It would prohibit employers from asking about criminal histories on job applications.

Ross' legislation wouldn't stop an employer from eventually asking about criminal records, but the question would have to wait until a conditional job offer has been made.

Figures said employers also can run background checks.

"(Ross' bill) just gives the person a chance to explain themselves," she said.

It also would prevent people from being disqualified from obtaining state licenses based on previous convictions. Ward said he thinks that aspect of the bill has support, but the portion impacting employers may face an uphill battle in the Statehouse.

Asked if the bill would apply to murderers and sex offenders, Ross said it would apply to anyone who has served their time in prison.

Nancy Hewston, the Business Council of Alabama's vice president for communications, strategic information and federal affairs, said Tuesday the group doesn't comment on legislation until it has been introduced and is reviewed.

Mental health

For nearly two years, the task force has been looking for ways to reduce crowding in the state's prisons. Ward said this year, the task force likely will suggest lawmakers expand the state's community corrections programs and some of the services offered, including mental health services.

Alabama Department of Mental Health Commissioner Jim Perdue told the task force up to 40 percent of state inmates have mental health issues. But Ward said that number only includes severe mental illnesses. He said when others are factored, including post traumatic stress disorders, the number is

more like 50 to 55 percent.

The legislative session starts Tuesday.