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Raising Children Behind Bars

The Juvenile Justice and Delinquency Prevention Act of 1974 created a far-sighted partnership between the federal government and the states that agreed to remake often barbaric juvenile justice systems in exchange for federal aid. Unfortunately, those gains have been steadily rolled back since the 1990s when states began sending ever larger numbers of juveniles to adult jails — where they face a high risk of being battered, raped or pushed to suicide. The act is due to be reauthorized this year, and Congress needs to use that opportunity to reverse this destructive trend.

As incredible as it seems, many states regard a child as young as 10 as competent to stand trial in juvenile court. More than 40 states regard children as young as 14 as “of age” and old enough to stand trial in adult court. The scope of the problem is laid out in a new report entitled *Jailing Juveniles* from the Campaign for Youth Justice, an advocacy group based in Washington. Statistics are notoriously hard to get, but perhaps as many as 150,000 young people under the age of 18 are incarcerated in adult jails in any given year.

As many as half of the young people who are trans-

ferred to the adult system are never convicted as adults. Many are never convicted at all. By the time the process has run its course, however, one in five of these young people will have spent more than six months in adult jails.

Some jails try to protect young inmates by placing them in isolation, where they are locked in small cells for 23 hours a day. This worsens mental disorders. The study says that young people are 36 times as likely to commit suicide in an adult jail than in a juvenile facility. Young people who survive adult jail too often return home as damaged and dangerous people. Studies show that they are far more likely to commit violent crimes — and to end up back inside — than those who are handled through the juvenile courts.

The rush to criminalize children has set the country on a dangerous path. Congress must now reshape the Juvenile Justice and Delinquency Prevention Act so that it provides the states with the money and the expertise they need to develop more enlightened juvenile justice policies. For starters, it should rewrite the law to prohibit the confinement of children in adult jails.