

R.I. grapples with faulty teen jail bill

By Ray Henry, Associated Press Writer | October 7, 2007

PROVIDENCE, R.I. --When 17-year-old Dennys George was arrested this summer, allegedly for carrying 10 grams of crack cocaine, he was taken handcuffed and shackled to the state prison's high-security wing -- not a juvenile facility.

George said he was strip-searched and spent the night in a cell with another teen. Though he didn't have contact with older inmates, he wouldn't shower because he was afraid of being near them.

"They told me, 'You're going to spend some time with the big boys,'" George said, recounting a talk with police. "I was so stressed, I didn't even know what was going to happen to me."

George is one of about 40 teenagers who have been jailed in the state prison under a new law that treats 17-year-olds as adults in the court system. Billed as a way to save money, youth advocates, judges and the attorney general sounded the alarm early that the proposal might actually be more expensive, and could hurt children.

Now, four months after the measure passed the Legislature, state officials admit their mistake: It's unlikely to cut costs, it has created confusion in the court system and it is imprisoning teenage offenders who might have been sent home with their parents instead.

State officials say it happened because the chain of people responsible for the proposal -- who drew it up, signed off on it, forwarded it to lawmakers and voted it into law -- never thoroughly researched it and ignored warnings. Now, they're pointing fingers, and grappling with how to fix it.

"Never underestimate the incompetence of government," said Steven Brown, executive director of the state branch of the American Civil Liberties Union, who wants 17-year-old offenders back in juvenile courts. "I think there's a lot of blame to go around."

Rhode Island is one of 14 states that try people under 18 in adult courts. Several of those are considering moving the age up.

Besides Rhode Island, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas and Wisconsin try 17-year-olds as adults, according to the National Center for Juvenile Justice. Connecticut, New York and North Carolina try 16-year-olds in adult courts, although Connecticut has raised the age of juvenile court jurisdiction from 16 to 18 for most offenses starting in 2010.

Rhode Island's problems began last fall when Republican Gov. Don Carcieri's administration realized the state faced what became a \$450 million deficit. The Department of Children, Youth and Families was asked to cut 11 percent from its budget, or \$20 million.

DCYF Director Patricia Martinez suggested in a memo to Carcieri that the state could save \$4 million by sending 17-year-olds to prison instead of the State Training School, where DCYF oversees young offenders. The average annual cost of keeping someone at the Training School is \$98,000, compared to \$40,000 in the state prison. But DCYF Deputy Director Jorge Garcia said in an interview that his staff thought the proposal wouldn't pass so never consulted with prison officials.

If they had, they would have learned 17-year-olds are put in protective custody, away from older, hardened inmates. That costs about \$104,000 per year -- a lot more than \$40,000.

At best, Garcia said he had a quick conversation with Department of Corrections Director A.T. Wall. Wall cannot remember that talk, his spokeswoman said.

Carcieri's office never consulted prison officials about the change, either, assuming DCYF had already checked, Carcieri spokesman Jeff Neal said.

Lawmakers on the powerful House Finance Committee are responsible for reviewing Carcieri's budget. Rep. Carol Mumford, a Republican, said reviewing a \$7 billion budget is an enormous undertaking.

"Picture five telephone books, that's how high it is," Mumford said, referring to the budget documents. "We frankly do read the budget, but there are idiosyncrasies in there that we do miss."

Her committee did receive repeated warnings from child advocates and prosecutors who argued that teenagers are better served by rehabilitation than incarceration.

A Family Court judge testified that Carcieri's staff had not consulted with the judiciary. Attorney General Patrick Lynch said he doubted the governor had even spoken with prison officials. Wall, the corrections director, never testified about the DCYF proposal. He later said the governor had not consulted him and he didn't realize the proposal might pass.

It did.

College-bound teenagers arrested under the new law risk losing federal financial aid if convicted of a drug crime. Those looking for work will have to disclose a criminal record. If the 17-year-olds had been in Family Court, their records would be hidden from public view.

Carcieri's staff admits the original proposal was flawed, but the governor wants to see how much the policy costs before tinkering further, Neal said.

Senate Majority Leader Teresa Paiva Weed, a Democrat, said she's urging lawmakers in the House to adopt a bill that would send 17-year-olds back to the juvenile courts. The Senate has already approved the measure.

Lawmakers could vote on it during a one-day special session tentatively scheduled for this month. But no date has been set, and lawmakers haven't promised they will take it up.

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