NEWS RELEASE

Report Reveals Unwarranted Detention Of Massachusetts Youth

Invest In Programs Aimed At Reducing Need For Detention Rather Than In Jails, Say ACLU and Children's Law Center Of Massachusetts

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BOSTON -- Massachusetts police and probation officers are unnecessarily incarcerating youth arrested when juvenile court is typically not in session, according to a report released today by The American Civil Liberties Union, the ACLU of Massachusetts and the Children's Law Center of Massachusetts. Many have been arrested for minor infractions and pose no obvious risk of flight or danger to the community.

The report, "A Looming Crisis: The Secure Detention of Youth After Arrest and Before Arraignment in Facilities Administered by the Massachusetts Executive Office of Public Safety and Security," reveals that youth securely detained after being arrested in the late afternoons, evenings or over a weekend are frequently denied access to bail and subjected to conditions that do not meet state regulations.

"Far too many kids are being locked up and detained in substandard conditions for no good reason," said Robin Dahlberg, senior staff attorney with the ACLU Racial Justice Program and the primary author of the report. "Unnecessary detention has a dramatic and negative impact on our children by pushing them deeper into the criminal justice system."

A sizeable majority of these youth are detained in locked-down secure facilities known as Alternative Lock-up Programs (ALP's), administered by the Massachusetts Executive Office of Public Safety (EOPPS).

Two of the EOPSS ALPs are not licensed by the state agency responsible for overseeing residential child care facilities – the Massachusetts Department of Early Education and Care. These facilities have operated without showers, without recreational activities, without sufficient staff or sufficiently trained staff, and without female guards for female detainees.

Further problems include the detention of youth under the age of 14 in violation of state law and the disproportionate detention of youth of color. Minority youth comprise between 20 and 25 percent of all adolescents in the Commonwealth, yet account for more than 60 percent of the children detained in the EOPPS ALP's.

"We are failing our youth, and particularly our youth of color, by not looking for alternatives to incarceration in situations where incarceration is completely unwarranted," said Barbara Kaban, Deputy Director of the Children's Law Center of Massachusetts. "Locking kids up unnecessarily, particularly first-time offenders, sends the wrong message about how we as adults view them."

According to the report, Massachusetts officials have consistently refused to utilize state funds to finance the ALP's, relying instead on federal money that is intended to fund programs designed to reduce the need for detention and combat recidivism.

"The Commonwealth is trying to get away with detaining kids on the cheap," said Carol Rose, Executive Director of the ACLU of Massachusetts. "If we don't help our youth now, they will become an even bigger burden on the state's coffers down the road."

In an effort to prevent unnecessary detention, the report advocates that detention be limited only to those children who are flight risks and who pose a danger to their communities, that access to bail or immediate arraignment be readily available to all juvenile arrestees and that no child under 14 years of age ever be detained in a secure facility. The report also advocates for the Commonwealth to end its dependence on federal funds to support the ALP system.

A copy of the report can be found online at:
http://www.aclum.org/lockingupkids/pdf/looming_crisis_web.pdf

Additional information about the ACLU Racial Justice Program is available online at:
http://www.aclu.org/racialjustice

Additional information about the ACLU of Massachusetts is available online at:
http://www.aclum.org

Additional information about the Children's Law Center of Massachusetts is available online at:
http://www.clcm.org

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