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September, 1997

Executive Summary

This is a Test of CJCJ's New Fax Program

*The Pods of Elmore County:
A Glimpse into the Rhetoric Behind the Juvenile Crime Bill*
by Jason Ziedenberg and Vincent Schiraldi

Introduction

In defense of his Violent and Repeat Juvenile Offender Act of 1997 which would make it easier to jail juveniles with adults, Senator Orrin Hatch (R-Utah) stated recently "we think that we have to have some flexibility so that these smaller towns can handle these problems and not let the violent criminal go."

In support of this contention, officials from Elmore and Tuscaloosa Counties, Alabama, and Natrona County, Wyoming testified before various Congressional committees over the past two years. Tuscaloosa Sheriff Edmund Sexton stated "For those hard core offenders, the local communities need to have the flexibility to detain them in the local county jail until a disposition of their case." Casper City Councilor Carol Crump stated "Mr. Chairman, this solution addresses the problem of what to do with our violent juveniles on any given Saturday night."

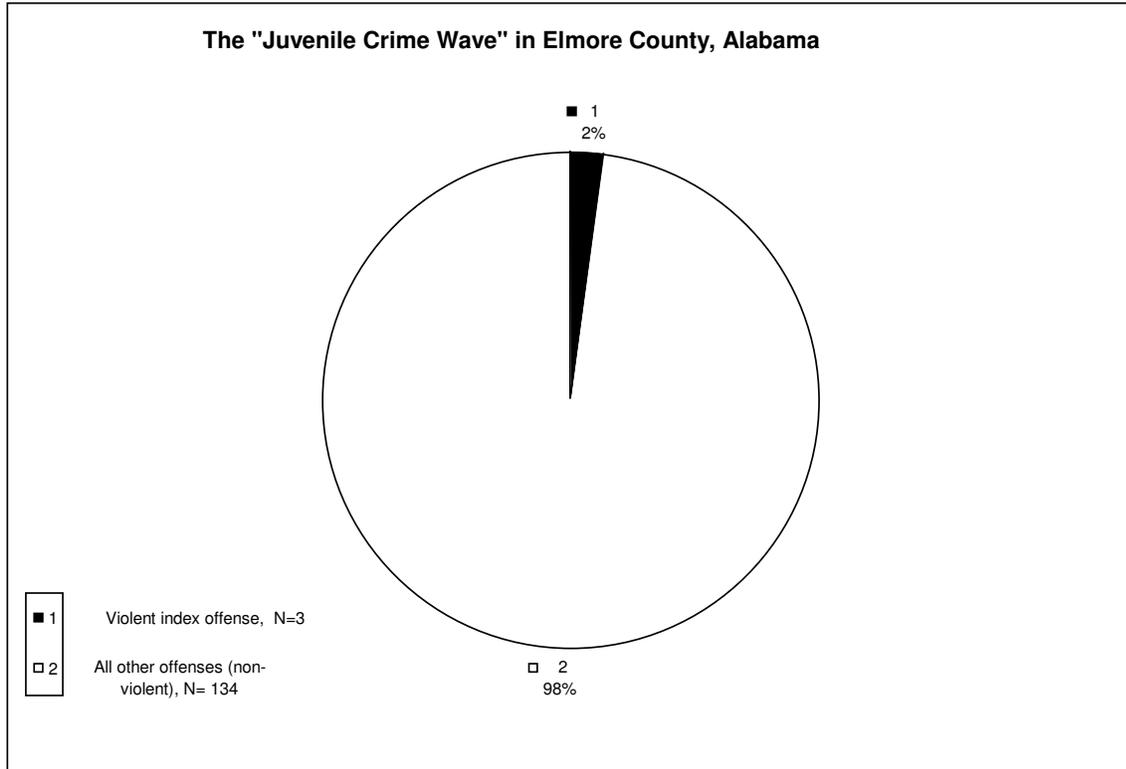
A previous report by the Justice Policy Institute (JPI) revealed that, when juveniles are jailed or imprisoned with adults, they are 5 times more likely to be sexually assaulted, 8 times more likely to commit suicide, and significantly more likely to reoffend than juveniles who are incarcerated in juvenile facilities. The Institute has found that nearly one third of juvenile homicides occur in just four cities -- New York, Los Angeles, Detroit, and Chicago -- and 82% of counties in America experienced no juvenile homicides in 1994.

Findings

In this study, the Justice Policy Institute found that youth in these rural communities are far less violent than the testimony would lead one to believe, and that ample juvenile detention facilities exist in or near most of the counties whose representatives testified. For example, Natrona County (Casper), Wyoming experienced no juvenile murders, rapes or robberies in 1995, and a total of 6 violent juvenile offenses.

In Elmore County, Alabama, Sheriff Bill Franklin made headlines in 1997 when he proposed that he would take the first drug dealer convicted each month "and hang him on the court house steps." Sheriff Franklin testified before Congress as to his county's need to be able to attach 16 "pods" housing 32 youth to his county jail without what he considered onerous federal requirements to separate youths from adults.

A review of FBI data reveals that, in 1996, *there were only 3 violent juvenile arrests in Elmore County*. Overall, 98% of juveniles arrested in Elmore County were arrested for non-violent offenses (see Graph, next page). Additionally, the state of Alabama operates two separate juvenile detention facilities to which Elmore County officials have access within 15 miles of the county, and a third within an hour's drive.



Further, a literature search of local news articles revealed Elmore County officials openly discussing the profit which they stand to make renting jail space to youths from other counties. Sheriff Franklin boasted to the *Montgomery Advertiser* that he would only need to average four juveniles a day to break even, and a county commissioner stated "if we fill it up, it should be a source of revenue for the county." Elmore County officials plan to charge \$50 per day for out-of-county youth, compared to \$20 per day for Elmore County detainees.

The truth about Elmore County is that the juvenile jail will likely house non-violent youths from other counties, where they can charge more than double the in-county rate. In other words, Sheriff Franklin's pods are a revenue source for Elmore County, not the needed solution to a burgeoning crime wave.

Overall, the study found that, to the extent Congress has relied on the testimony of these local officials whose states represent 16% of America's overall population, sweeping changes to America's juvenile justice system are being driven by exaggerated claims of violent juvenile offenders in counties that actually experience very little violent juvenile crime.

The Justice Policy Institute is a policy development and research body which promotes effective and sensible approaches to America's justice system. JPI is a project of the non-profit Center on Juvenile and Criminal Justice. This research was funded by the Center on Crime, Communities and Culture, and the Public Welfare Foundation. **Copies of the full report can be obtained by contacting JPI at (202) 678-9282.**