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Incarcerated Juveniles Belong in Juvenile Facilities

ARLINGTON, Va. (Feb. 27, 2009) – Two high-profile murder cases involving young children have caught the public's attention this week. One involves an Arizona boy who was 8 when he allegedly shot his father and his father's roommate to death and the other one involves an 11-year-old boy accused of shooting his father's pregnant girlfriend while she slept. Both children were initially held in adult detention centers with tentative plans to try them as adults. Headlines about the cases indicate that the first boy, now 9, entered a negotiated plea in order to avoid prosecution in adult criminal court. The 11-year-old is described as being dressed in adult prison garb and in tears much of the time. Because the law requires that incarcerated children and adults be separated while pending trial, he has apparently been held in isolation because there are no juvenile detention facilities in the area.

Nada L. Stotland, M.D., M.P.H., president of the American Psychiatric Association, strongly advises that young children accused of crimes should not be held in isolation or in adult facilities, nor should they be tried in the adult criminal system, which is not equipped to deal with them. Those who are ultimately incarcerated in adult jails are often the victims of violent assault and suicide, and are 34 percent more likely to be re-arrested than those retained in the juvenile system. Once juveniles have been arrested and accused of serious crimes, certain factors need to be considered:

- Juveniles age 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding.
- Young children should not be questioned by police or courts unless a parent or guardian is present. They should never be allowed to waive their right to an attorney.
- Children accused of serious crimes should undergo full medical, including psychiatric, evaluation.
- Children who commit serious crimes are often the victims of neglect and abuse. In each case, there should be an inquiry into the child's history and circumstances to determine whether signs of abuse, neglect, and/or psychiatric problems were overlooked until the alleged crime occurred.
- Children should not be subjected to isolation, which is a form of punishment that is likely to produce lasting psychiatric symptoms.

It should be taken into further consideration that research demonstrates that many juveniles are not likely to understand the consequences of their actions (whether in committing a crime or in entering a plea), nor are they likely to understand their legal rights and the lasting impact of criminal conviction on their lives. Children who commit crimes are often victims, and treating them as adults, especially processing them through the adult criminal system, makes it harder for them to rebuild their lives.

The American Psychiatric Association

The American Psychiatric Association is a national medical specialty society whose more than 38,000 physician members specialize in the diagnosis, treatment, prevention and research of mental illnesses including substance use disorders. Visit the APA at www.psych.org and www.HealthyMinds.org.

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