

The Tribal Jail— It's no place for kids

by Cynthia Stowell

Hungry and dirty, a young boy watches the school bus pull away. Too embarrassed to go to school and afraid to go home, he sets off in no particular direction. In moments a uniformed man is asking questions—the answers feel far away.

A short ride in a white car ends at a building that smells sharply of antiseptic. Inside, the boy is temporarily fascinated by the fingerprinting and mug shot and he imagines himself on a TV show. But the excitement fades when he finds himself alone in a dizzy-white cell with a plastic mattress and pillow, a toilet and a sink, and a closed door.

A long day is followed by a longer night. The jailor tries to be nice, but the other officers tell him, "Watch it now, that kid will con you." The man in the next cell hollers all night. The youngster wonders why his parents haven't come to get him.

A lot has changed. Yesterday he was a runaway—today he is a criminal.

Over 65 kids 14 years old and younger have spent at least part of a day in the Tribal Jail so far this year. Some of them had committed serious offenses but a large portion of them were runaways, truants and curfew violators.

While many were released within the 24-hour limit for pre-hearing detention, a number of them received temporary commitments—up to several weeks—before alternative placement was located. In September alone, ten kids 15 and under spent more than 24 hours in jail.

"They're all tearjerker situations," said Juvenile Judge Hamilton Greeley. More often than not, there are severe problems at home to which the child is reacting. But sometimes there is no choice but to keep the youngster behind bars, said Greeley, particularly if he is in a "running cycle" or if the parents can't be located and the shelter homes are full.

The youngest child that officials can remember being confined in a cell was six years old. Younger children are generally held in the reception area until parents come for them or a temporary placement is made. In any case, parents or guardians are notified as soon as a petition against the child is filed, and a court hearing is set up for the following morning at 9:00. Apprehension of a child on the weekend is a problem—hearings are only held on weekdays—and longer stretches in jail can result.

Reinforcing feelings of hopelessness

What is it like for a youngster to be in jail? It can be frightening, depressing or maddening. It can be a refuge for kids who don't feel wanted at home. For repeaters, it may feel like normalcy. "For some delinquents jail is viable," said the Tribes' Mental Health Professional Barbara Wiest. "They need to know there are consequences. My concern is with the runaway or truant. They don't do well in jail. It reinforces their feelings of hopelessness and adds to their depression." Kids have trouble

distinguishing between punitive jailing for a burglary and protective jailing for a child in need of supervision and the self-image of a "bad kid" can result, said Wiest.

Juvenile Director Fabian Sutterlee has seen "attitude changes" in jail that have turned good kids into hardcores. But he has also seen jail work as a deterrent—even when kids are only given a tour of the facility.

No place for kids

There are special problems with the Tribal Jail. Long recognized as inadequate for the needs of the community, the Tribal Jail is primarily an adult facility. Officials generally agree it is no place for kids. Two cells have been reserved for juveniles, one for boys and one for girls. A security cell is also available for youngsters who are dangerous to themselves, and the drunk tank has even been used for large groups of juveniles or when no other space has been available.

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It is a well-accepted corrections standard that juveniles should be out of "sight and sound" of adults in institutions, explained Sergeant Ray Calica. In the Tribal Jail, the juvenile and adult cells are adjacent. Sound travels easily through the screen ceilings. And while Calica maintains that adults and juveniles are "not allowed to mingle," there have been reports of juveniles sharing cells with adults.

Mixing the age groups is not a good idea for several reasons. According to Wiest, the potential exists for abuse, and on a more subtle level, kids can come to identify with adult criminal offenders. There is exposure to alcohol abuse and foul language. And there is generally no "special programming to meet the needs of kids" in an adult facility, such as tutoring or recreation.

Jailer Willie Yubeta says he likes to give the children special attention. Many times the kids feel like nobody cares and Willie makes a special point of talking to them and "cheering them up. I'm just like a daddy." Other kids seem to want to be there, Yubeta noted, as an escape or a way to get attention. But often a "kid thinks, 'I've been in jail. I'm a hardcore criminal.' That scar stays," said Yubeta.

Are there any alternatives?

Everyone interviewed agreed that the detention of juveniles in the existing Tribal Jail is less than ideal. But are there alternatives?

The juvenile corrections philosophy on the reservation favors keeping children and parents together whenever possible. Parents are encouraged to come to the jail and pick up their kids between the arrest and the hearing. But Sutterlee explained that sometimes parents cannot be located and when they are, there are those who say "keep

youngster waits in jail for the completion of a treatment plan. In one unusual case, a juvenile spent 40 days in jail until a placement was made.

There are times when jail is appropriate. Wiest would like to see more of a distinction made between delinquent juveniles and dependents—

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those who have committed adult offenses and those who are neglected or need supervision. The group homes are not equipped to handle serious offenders, said Wiest, just as jail is not the place for disobedient children. "We need a secure holding facility," she suggested.

A new facility—someday

The need for a juvenile facility is clear from the comments made by police department, court and mental health staff. Calica looks to a new facility as affording more space and better separation of juveniles and adults. Sutterlee suggested that the availability of a detention home might mean tougher sentences. "But right now I don't feel we can do it here," he said. Judge Greeley agreed that a detention facility would give him more sentencing options, such as

Curfew & truancy crackdown

During the 1978-79 school year, 67 Warm Springs students missed 25 days or more. So far in 1979 there have been over 50 curfew violations.

These figures are prompting the Juvenile Department to get tough. "We're starting to crack down on truancy and curfew violations," said Juvenile Director Fabian Sutterlee. But in addition to enforcing the juvenile code, Sutterlee says his department is going to cite parents more frequently.

"Parents should be responsible for their children

weekend detentions.

The commonly-asked question in law enforcement circles is, "Whatever happened to the proposed juvenile justice facility? Preliminary planning for the construction of a facility to house juvenile services was started in 1976 when the juvenile program was launched, but the project lost its momentum.

As public attention focused on the condition of the Tribal Jail, plans for the juvenile facility expanded into an entire criminal justice complex. This may have slowed things down, said Judge Greeley. "The scope got to be too big," he said.

Tribal Planner Ray Rangila pointed to other reasons for the delay. Site selection has proven to be time-consuming, since the original design for the present site of the police department proved too costly, and another site had to be chosen. Community support for law and order programs has also been lacking, noted Rangila.

Architects have met with law enforcement staff on at least two occasions to solicit their program needs. The result has been a concept design for a two-story structure on the old rifle range above the Kah-Nee-Ta road, to house Tribal Court, the police department, emergency services, and detention facilities. As shown in the design, juvenile and adult detention areas seem to be

separate in sight and sound, said Police Chief Jeff Sanders. The new jail would accommodate 28 people, while the present facility can only handle 8, although 15 bunks have been squeezed in.

According to Rangila, there is an outside chance that a referendum on construction of a justice center will be held before the end of this year. The price tag: \$3½-4 million.

In the meantime, police officers and the courts are doing what they can to keep kids out of the Tribal Jail. They are currently working with Family and Childrens services on a more consistent and workable referral system. But most agree that without increased parental responsibility and access to better facilities the Tribal Jail will continue to be one of a very few places a troubled kid can go.

during school as well as at home," said Sutterlee. By law they must see that their school-age children get to school and stay in school.

The Tribes' law and order code specifies that a parent who fails to send his child to school can be fined up to \$20 and/or sentenced to 10 days in jail. Any adult who aids a juvenile on curfew violation is subject to a fine of up to \$60 and/or a jail term of up to 30 days.

For juveniles, both truancy and curfew violations draw \$20 fines and/or 10 day jail terms.

