

Pa. judges accused of jailing kids for cash



By MICHAEL RUBINKAM and MARYCLAIRE DALE, Associated Press Writers

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WILKES-BARRE, Pa. – For years, the juvenile court system in Wilkes-Barre operated like a conveyor belt: Youngsters were brought before judges without a lawyer, given hearings that lasted only a minute or two, and then sent off to juvenile prison for months for minor offenses.

The explanation, prosecutors say, was corruption on the bench.

In one of the most shocking cases of courtroom graft on record, two Pennsylvania judges have been charged with taking millions of dollars in kickbacks to send teenagers to two privately run youth detention centers.

"I've never encountered, and I don't think that we will in our lifetimes, a case where literally thousands of kids' lives were just tossed aside in order for a couple of judges to make some money," said Marsha Levick, an attorney with the Philadelphia-based Juvenile Law Center, which is representing hundreds of youths sentenced in Wilkes-Barre.

Prosecutors say Luzerne County Judges Mark Ciavarella and Michael Conahan took \$2.6 million in payoffs to put juvenile offenders in lockups run by PA Child Care LLC and a sister company, Western PA Child Care LLC. The judges were charged on Jan. 26 and removed from the bench by the Pennsylvania Supreme Court shortly afterward.

No company officials have been charged, but the investigation is still going on.

The high court, meanwhile, is looking into whether hundreds or even thousands of sentences should be overturned and the juveniles' records expunged.

Among the offenders were teenagers who were locked up for months for stealing loose change from cars, writing a prank note and possessing drug paraphernalia. Many had never been in trouble before. Some were imprisoned even after probation officers recommended against it.

Many appeared without lawyers, despite the U.S. Supreme Court's landmark 1967 ruling that children have a constitutional right to counsel.

The judges are scheduled to plead guilty to fraud Thursday in federal court. Their plea agreements call for sentences of more than seven years behind bars.

Ciavarella, 58, who presided over Luzerne County's juvenile court for 12 years, acknowledged last week in a letter to his former colleagues, "I have disgraced my judgeship. My actions have destroyed everything I worked to accomplish and I have only myself to blame." Ciavarella, though, has denied he got kickbacks for sending youths to prison.

Conahan, 56, has remained silent about the case.

Many Pennsylvania counties contract with privately run juvenile detention centers, paying them either a fixed overall fee or a certain amount per youth, per day.

In Luzerne County, prosecutors say, Conahan shut down the county-run juvenile prison in 2002 and helped the two companies secure rich contracts worth tens of millions of dollars, at least some of that dependent on how many juveniles were locked up.

One of the contracts — a 20-year agreement with PA Child Care worth an estimated \$58 million — was later canceled by the county as exorbitant.

The judges are accused of taking payoffs between 2003 and 2006.

Robert J. Powell co-owned PA Child Care and Western PA Child Care until June. His attorney, Mark Sheppard, said his client was the victim of an extortion scheme.

"Bob Powell never solicited a nickel from these judges and really was a victim of their demands," he said. "These judges made it very plain to Mr. Powell that he was going to be required to pay certain monies."

For years, youth advocacy groups complained that Ciavarella was ridiculously harsh and ran roughshod over youngsters' constitutional rights. Ciavarella sent a quarter of his juvenile defendants to detention centers from 2002 to 2006, compared with a statewide rate of one in 10.

The criminal charges confirmed the advocacy groups' worst suspicions and have called into question all the sentences he pronounced.

Hillary Transue did not have an attorney, nor was she told of her right to one, when she appeared in Ciavarella's courtroom in 2007 for building a MySpace page that lampooned her assistant principal.

Her mother, Laurene Transue, worked for 16 years in the child services department of another county and said she was certain Hillary would get a slap on the wrist. Instead, Ciavarella sentenced her to three months; she got out after a month, with help from a lawyer.

"I felt so disgraced for a while, like, what do people think of me now?" said Hillary, now 17 and a high school senior who plans to become an English teacher.

Laurene Transue said Ciavarella "was playing God. And not only was he doing that, he was getting money for it. He was betraying the trust put in him to do what is best for children."

Kurt Kruger, now 22, had never been in trouble with the law until the day police accused him of acting as a lookout while his friend shoplifted less than \$200 worth of DVDs from Wal-Mart. He said he didn't know his friend was going to steal anything.

Kruger pleaded guilty before Ciavarella and spent three days in a company-run juvenile detention center, plus four months at a youth wilderness camp run by a different operator.

"Never in a million years did I think that I would actually get sent away. I was completely destroyed," said Kruger, who later dropped out of school. He said he wants to get his record expunged, earn his high school equivalency diploma and go to college.

"I got a raw deal, and yeah, it's not fair," he said, "but now it's 100 times bigger than me."

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