

WEEKLY NEWS
Oregon Public Broadcasting
LIVE
PLAYLIST



DONATE

NATIONAL

Former judges who sent kids to jail for kickbacks must pay more than \$200 million

AUGUST 18, 2022 · 7:48 AM ET

By The Associated Press



Former Luzerne County Court Judges Michael Conahan, front left, and Mark Ciavarella, front right, leave the United States District Courthouse in Scranton, Pa., in 2009. The two Pennsylvania judges who orchestrated a scheme to send children to for-profit jails in exchange for kickbacks were ordered to pay more than \$200 million to hundreds of children who fell victim to their crimes.

Mark Moran/AP

Two former Pennsylvania judges who orchestrated a scheme to send children to for-profit jails in exchange for kickbacks were ordered to pay more than \$200 million to hundreds of people they victimized in one of the worst judicial scandals in U.S. history.

U.S. District Judge Christopher Conner awarded \$106 million in compensatory damages and \$100 million in punitive damages to nearly 300 people in a long-running civil suit against the judges, writing the plaintiffs are "the tragic human casualties of a scandal of epic proportions."

In what came to be known as the kids-for-cash scandal, Mark Ciavarella and another judge, Michael Conahan, shut down a county-run juvenile detention center and accepted \$2.8 million in illegal payments from the builder and co-owner of two for-profit lockups. Ciavarella, who presided over juvenile court, pushed a zero-tolerance policy that guaranteed large numbers of kids would be sent to PA Child Care and its sister facility, Western PA Child Care.

Sponsor Message

Ciavarella ordered children as young as 8 to detention, many of them first-time offenders deemed delinquent for petty theft, jaywalking, truancy, smoking on school grounds and other minor infractions. The judge often ordered youths he had found delinquent to be immediately shackled, handcuffed and taken away without giving them a chance to put up a defense or even say goodbye to their families.

"Ciavarella and Conahan abandoned their oath and breached the public trust," Conner wrote Tuesday in his explanation of the judgment. "Their cruel and despicable actions victimized a vulnerable population of young people, many of whom were suffering from emotional issues and mental health concerns."

The Pennsylvania Supreme Court threw out some 4,000 juvenile convictions involving more than 2,300 kids after the scheme was uncovered.

It's unlikely the now-adult victims will see even a fraction of the eye-popping damages award, but a lawyer for the plaintiffs said it's a recognition of the enormity of the disgraced judges' crimes.

"It's a huge victory," Marsha Levick, co-founder and chief counsel of the Philadelphia-based Juvenile Law Center and a lawyer for the plaintiffs, said Wednesday. "To have an order from a federal court that recognizes the gravity of what the judges did to these children in the midst of some of the most critical years of their childhood and development matters enormously, whether or not the money gets paid."

Another plaintiffs' attorney, Sol Weiss, said he would begin a probe of the judges' assets, but did not think they had any money to pay a judgment.

Ciavarella, 72, is serving a 28-year prison sentence in Kentucky. His projected release date is 2035.

Conahan, 70, was sentenced to more than 17 years in prison but was released to home confinement in 2020 — with six years left on his sentence — because of the coronavirus pandemic.

Conner ruled after hearing often-emotional testimony last year from 282 people who appeared in Luzerne County juvenile court between 2003 and 2008 — 79 of whom were under 13 when Ciavarella sent them to juvenile detention — and 32 parents.

"They recounted his harsh and arbitrary nature, his disdain for due process, his extraordinary abruptness, and his cavalier and boorish behavior in the courtroom," Conner wrote.

One unnamed child victim testified that Ciavarella had "ruined my life" and "just didn't let me get to my future," according to Conner's ruling.

Said another plaintiff: "I feel I was just sold out for no reason. Like everybody just stood in line to be sold."

Another victim described how he shook uncontrollably during a routine traffic stop — a consequence of the traumatizing impact of his childhood detention — and had to show his mental health records in court to "explain why my behavior was so erratic."

Several of the childhood victims who were part of the lawsuit when it began in 2009 have since died from overdoses or suicide, Conner said.

To calculate compensatory damages, the judge decided each plaintiff was entitled to a base rate of \$1,000 for each day of wrongful detention, and adjusted that amount based on the circumstances of each case. Substantial punitive damages were warranted because the disgraced judges inflicted "unspeakable physical and emotional trauma" on children and adolescents, Conner wrote.

The damages award only covers plaintiffs who chose to participate in process.

Other major figures in the case settled years ago, including the builder and the owner of the private lockups and their companies, in payouts totaling about \$25 million.

juvenile detention



Sign up for NPR's Up First newsletter.

The news you need to start your day. Nothing more, never less.

SUBSCRIBE

[See more subscription options](#)

By subscribing, you acknowledge and agree to NPR's [Terms of Use](#) and [Privacy Policy](#).
NPR may share your name and email address with your NPR station. [See Details](#).

More Stories From NPR