

Judges who sent children to for-profit jails for kickbacks ordered to pay more than \$200 million in damages

Mark Ciavarella and 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.



— Former Luzerne County judge Mark Ciavarella leaves the federal courthouse in Scranton, Pa., in 2009.
David Kidwell / AP file

By The Associated Press

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 who fell victim to their crimes.

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.”

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.



— Michael Conahan, a former Luzerne County Court judge, leaves the federal courthouse in Scranton, Pa., in 2009. David Kidwell / AP file

Ciavarella ordered children as young as 8 to detention, many of them first-time offenders convicted of petty theft and other minor crimes. The judge often ordered youths he had found delinquent to be immediately shackled, handcuffed and taken away without giving them a chance to 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 after the scheme was uncovered.

Ciavarella is serving a 28-year prison sentence. Conahan, who was sentenced to more than 17 years in prison, was [released to home confinement](#) in 2020 – with six years left on his sentence – because of the coronavirus pandemic.

It’s not clear whether the plaintiffs – now well into adulthood – will see any of the eye-popping damages award. Luzerne County, a onetime defendant, was dismissed from the case years ago.

Marsha Levick, co-founder and chief counsel of the Philadelphia-based Juvenile Law Center and a lawyer for the plaintiffs, said Wednesday she “can’t imagine there is any money out there.”

Conner ruled after hearing testimony last fall from 282 people who appeared in Ciavarella’s courtroom – 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.

To calculate compensatory damages, he 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.