

**Coalition for Juvenile Justice**

# Unlocking the Future

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## Detention Reform in the Juvenile Justice System

**Embargo Notice: This report in its entirety is being held under an embargo until Wednesday, January 7, 2004, 10:00 am, EST, when it will be released to the public.**

## 2003 Annual Report

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# Acknowledgments

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Special recognition is due to Bart Lubow, of the Annie E. Casey Foundation, for his visionary leadership in detention reform, nationwide, and his strong investment in an ongoing partnership with CJJ and the State Advisory Groups that is designed to facilitate high quality reforms across the States for the benefit of children, families and communities. We gratefully acknowledge the members of the Board of Editors for their dedicated and inspired efforts over the course of the last year, shaping the report's content, reviewing and editing drafts and bringing the report to fruition. They are: Paul Lawrence, Chair, and LaLita Ashley, John Dewese, Bernard Gatewood, Michael Jestes, Richard Lindahl, as well as Eve Munson of the CJJ staff.

Jill Wolfson and John Hubner, CJJ's consultant researchers and authors for this report, have, yet again, delivered to us an evidenced-based report which takes a point of view and is masterfully written. We are very appreciative of their outstanding, careful work.

The report has also been supported by a survey of the State Advisory Groups and state partners on the status of juvenile detention nationwide, completed for CJJ in 2002, by the Criminal and Juvenile Justice Consortium; Russell K. Van Vleet was Principal Investigator and Edward C. Byrnes served as Co-Principal Investigator.

The final product has been designed, edited and polished by CJJ staff with the benefit of expertise from Paul and Jane Lawrence, who voluntarily reviewed the final draft for corrections and editorial suggestions. We are most thankful for their talent and kindness.

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# Letter from the National Chair



**Dear Mr. President, Members of the U.S. Congress, Governors and Chief Executives of the States, Territories and the District of Columbia, and my fellow concerned citizens:**

Children sometimes make mistakes; children sometimes break the law. Therefore, it is up to us, as their guideposts, to give them opportunities to make positive changes and to set things right. For most children that come to the attention of the juvenile justice system, positive change will most likely occur in a healthy family and community environment. It is true that for some, who may be dangerous to themselves or others, or who may fail to appear in court, more restrictions—even confinement—may be necessary. However, the risks and benefits of confining a child must be weighed carefully. Once we put a child behind bars, even for a few hours or a day, we must be sure that all other options for that child's care and rehabilitation have been exercised and exhausted.

Unfortunately, throughout the United States, we too often lock away children upon arrest and before they have had a hearing. At times, the intent is to “teach them a lesson.” Regrettably, for many of the estimated 300,000-600,000 American children who cycle through the juvenile court's locked detention facilities each year, the decision to place them behind bars while awaiting a hearing can backfire. In fact, children who are detained, some of whom will be acquitted, are more likely to have difficulty transitioning back to the community, home and school, and are more likely to be arrested again, as compared with youth who are placed in home or community custody upon arrest.

Efforts to reform detention are making a positive difference in many areas of the United States—urban and rural, large cities and small towns. Detention reform is bettering the lives of court-involved children and families, maintaining and improving community safety and saving scarce public dollars. Detention reform changes the juvenile justice system's man-

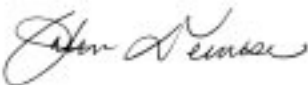
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ner of doing business, steering resources now used for building new and larger lock-ups into building the more effective and cost-efficient human and community resources needed for home and community alternatives to detention. Detention reform also increases equity in the juvenile justice system, generating greater fairness in terms of how children of various races, cultures and socioeconomic standing are treated.

If you care about children, families and community safety, this report is a “must read.” *Unlocking the Future* not only identifies the problems and pitfalls of widespread over-reliance on detention, it identifies the excellence we can create by providing insights into exemplary detention reform efforts. I hope that you will join me and the many detention reform pioneers and practitioners profiled in the report, to pursue a more just outcome for each and every child who comes to the attention of the juvenile court. Think for a moment of how much safer our communities could be, how many families could be strengthened, and how many children’s lives set on more positive pathways, if only we become more proactive.

I urge you, on behalf of the Coalition for Juvenile Justice (CJJ), to read this report—our 2003 annual advisory report to the nation—for understanding and guidance. Please carefully consider the recommendations to policy makers, practitioners and the public that appear on its final pages. Please know, too, that CJJ stands ready to focus with you to ensure optimal services for the nation’s children, to shape their futures anew and for the better.

With my highest regards,



John Dewese  
2003 National Chair

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# About CJJ

The Coalition for Juvenile Justice (CJJ) is a national nonprofit association comprising 56 governor-appointed advisory groups on juvenile justice representing the U.S. states, territories and District of Columbia. CJJ is based in Washington, DC, yet has nationwide reach. More than 1,500 volunteers from the public and private sectors—professionals, concerned citizens and advocates for children and families, representing a broad range of perspectives—serve as CJJ’s state advisory members. CJJ also welcomes individuals who share our interests and concerns for the well being of youth and communities to join as members at large.

CJJ provides all of its members, policy makers and the public with:

- training and technical assistance related to the federal Juvenile Justice and Delinquency Prevention Act,
- an annual report to the President, Congress and Administrator of the Office of Juvenile Justice and Delinquency Prevention,
- juvenile justice news on-line and in print,
- national and regional conferences each year, among other services.

## **Prevention and rehabilitation are the keys to reducing juvenile delinquency.**

The prevention of youth violence and delinquency is a top priority for CJJ. Nationwide, CJJ supports community efforts to provide pre-school education, mentors, job skills, after school recreation, counseling programs and other activities that offer adult guidance and constructive social and creative outlets to children and youth while also enabling them to gain critical life skills.

Most importantly, prevention also gives kids a chance to change, to make positive choices and to achieve success.

Regrettably, prevention does not reach all young people in time. So, we must do what is most effective to rehabilitate young offenders and to ensure that all children are treated fairly.

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This means going beyond retribution. Programs that simply warehouse youth ultimately return to society people who are older, more hostile and less skilled to function as productive citizens.

Successful rehabilitation programs force young offenders to be accountable for their actions, reduce rates of re-offense and incorporate rigorous education, mental health and substance abuse counseling, family intervention and support, victim impact programs and life-skills training. Whenever possible, CJJ believes that youth should receive rehabilitative care close to home, within the context of family and community support.

## **CJJ is rooted in the federal Juvenile Justice and Delinquency Prevention Act.**

The Juvenile Justice and Delinquency Prevention Act of 2002 has been recently reauthorized with strong bipartisan support and reflects Congress' evolving views of juvenile justice. U.S. states and territories participating in the Act currently strive to meet four core requirements:

- Use of methods other than locked detention or jail for juveniles (status offenders) who commit acts that would not be considered criminal if committed by an adult;
- Separation of juvenile offenders from adult offenders in custody;
- Removal of juveniles from adult jails and lock-ups;
- Ongoing study to determine if the proportion of court-involved juveniles who are members of minority groups exceeds the proportion of such groups in the general youth population, and if so, addressing the causes.

The Act also empowers juvenile justice advisory groups in each U.S. state and territory, as well as the District of Columbia, appointed by the Governors or chief executives. The State Advisory Groups (SAGs) provide assistance and guidance to elected officials in meeting the federal core requirements, administer federal funds and generate local citizen involvement and investment in the campaign to reduce youth crime and violence.

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The average annual cost of operating one  
detention bed in the United States is  
\$36,487, close to a year of tuition and fees  
at Harvard University.

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# Introduction

**W**hen a youth is first arrested, he or she may be housed in a secure detention facility while awaiting legal action. The purpose of secure detention is to manage youth who pose a high risk of either committing a new offense while awaiting court or failing to appear for court. Unfortunately, secure detention is frequently used even when these high risk factors are not present.

Each year, between 300,000<sup>1</sup> and 600,000<sup>2</sup> boys and girls cycle through detention institutions, which are charged with the temporary and safe custody of youth. Some spend only a day or two before being released to their families and communities. Others spend weeks and months behind locked doors for a variety of reasons, many of which are not directly related to the severity of their alleged offenses.

In some cases, there is no objective means being used to determine which youth pose a threat to public safety and should be detained. In other cases, youth wind up in detention because there is no suitable family or community-based program to which they can be safely released while awaiting their hearings.

As a result, despite a juvenile crime rate that has reached its lowest level in 20 years, the number of youth confined in

pre-trial detention facilities has been steadily increasing. On any given day, 27,680 boys and girls—a disproportionate number of them youth of color—are detained. This figure climbed 72 percent in the late 1990s.<sup>3</sup>

As the number of confined youth has grown, so have the financial costs to states, localities and taxpayers. Keeping a youth in secure detention is expensive. Construction costs for building new facilities and expanding existing ones average between \$100,000-\$150,000 per bed.<sup>4</sup> High as these costs are, the initial outlay only hints at the long-term drain. The bill continues to climb with the cost of clothing, food, recreation equipment, bedding and furniture, salaries for security staff, teachers, medical and mental health professionals, and janitorial services. The average annual cost of operating one detention bed in the United States is \$36,487,<sup>5</sup> close to a year of tuition and fees at Harvard University.<sup>6</sup>

The majority of youth in secure detention have not committed serious, violent offenses; some will be cleared of all allegations. Yet, they are being held in institutions that are frequently overcrowded, chaotic and dangerous. Nearly 70 percent of detained youth are held in facilities operating above capacity.<sup>7</sup> Under such conditions, discipline can become unduly harsh; education and medical and mental health treatment are often meager. Among youth in crowded deten-

Each year in the United States,  
300,000 to 600,000 minor boys  
and girls cycle through juvenile  
detention facilities, after being  
arrested and while awaiting  
further legal action.

tion facilities, there is a high number of reports of suicidal behavior, stress-related illnesses and psychiatric problems.<sup>8</sup>

The detention experience can produce long-term ramifications for both youth and the communities to which they will eventually re-

turn. Being locked up can aggravate existing mental health and substance abuse problems or create new ones, sending youth back into society with increased degrees of anger, depression and frustration. The notion that putting youth into secure detention is the best way of ensuring public safety is not only misleading, it can backfire. A stint behind locked doors can expose a non-violent young person to delinquents with serious criminal track records, leaving the youth more prone to criminal behavior than before the system intervened.

For all these reasons, there has been a growing detention reform movement around the country. Many jurisdictions are examining the basic purposes of detention, shifting philosophies and implementing a range of systemic reforms and alternative programs that benefit youth and communities, while keeping costs low and enhancing public safety.

For example, when Cook County (Illinois) initiated a series of system reforms, the number of youth in secure detention decreased significantly with no subsequent rise in the juvenile crime rate. Reforms in Multnomah County (Oregon) made dramatic inroads in reducing the disproportionate number of minority youth in confinement. In King County (Washington) taxpayers are saving between \$3.9-\$5.4 million a year, while safely reducing the number of youth held in secure detention.

Earl Dunlap, executive director of the National Juvenile Detention Association, predicts that with both the juvenile crime rate and the economy down, the time is ripe for change. "Leaders in juvenile justice and political leadership are finally beginning to discover that the costs continue to rise for secure detention and, in many cases, there is little return on the investment. There is a strong case for the development of less costly alternatives and for re-thinking detention as a *process* as opposed to a *place*."

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King County's initial approach to its detention problems was a familiar one—putting the blame on a too-small facility.

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# To Build or To Reform

## One County's Decision

Several years ago, King County, population 1.7 million, decided that its 160-bed juvenile detention facility needed serious attention. The number of youth being admitted and their lengths of stay were rising substantially. As a result, the building was often bursting at the seams, a situation that greatly impacted every aspect of institutional life, from sleeping arrangements to meals, schooling, recreation and the safety of both youth and staff.

Since the early 1990s, the county, with Seattle as its urban core, has mirrored a national pattern. There had been a decrease in both the violent and overall juvenile crime rates,<sup>9</sup> yet the county's detention population was steadily growing. This growth exaggerated the already disproportionate number of minority youth being held in the detention facility. Youth of color represent about 58 percent of the secure detention population, while comprising approximately 30 percent of the general population.<sup>10</sup>

King County's initial approach to its detention problems was a familiar one—putting the blame on a too-small facility. In response, community leaders developed expansion plans to build an 80-bed addition at an estimated

cost of \$11 million.<sup>11</sup> However, they soon began questioning the rush to expand and instead examined how the county's detention practices contributed to the high number of youth being held behind bars. "We asked ourselves, 'In this era of economic belt-tightening, at a time when the juvenile crime rate has been falling, is detaining more youth really in the best interests of community safety and the taxpayers?'" explains Michael Gedeon, project coordinator of the county's Juvenile Justice Operational Master Plan.

King County eventually shelved plans for a larger facility and has been implementing systemic reforms and putting less costly community-based programs into place, saving taxpayers \$3.9-\$5.4 million a year.<sup>12</sup> Without jeopardizing public safety, the county has watched its detention rate decline by more than 30 percent,<sup>13</sup> maintaining only 41 beds per 100,000 youth, while other jurisdictions require much more.<sup>14</sup> The county has also taken steps to begin addressing the over-representation of youth of color by enlisting community involvement and supporting culturally relevant training and tools.

Says King County executive Ron Sims of his county's decision not to expand: "We reached a critical point in 1998. Do we accept the projection for a new juvenile detention facility as our inevitable future? Or do we reform our practices and provide effective programs to minimize the need for secure beds? While much work remains, our county has taken major steps towards shaping a new future."

“Leaders in juvenile justice and political leadership are finally beginning to discover the costs continue to rise for secure detention, and, in many cases, there is little return on the investment. There is a strong case for the development of less costly alternatives and for rethinking detention as a process, as opposed to a place.”

—Earl Dunlap, executive director, National Juvenile Detention Association

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Detention facilities have become the juvenile system's "*hidden closets*"— places where youth wind up because of a lack of community alternatives, poor system collaboration or because nobody knows what to do with them.

—Ira M. Schwartz, dean of the School of Social Work, University of Pennsylvania.

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# The Future of Juvenile Detention Bigger is Not Better

**M**any who study detention practice and reform have concluded that the legitimate reason for keeping youth in secure facilities—something that is frequently lost in the turbulent debate about youth crime—is not punishment and it is not even treatment. (See **The Juvenile Justice and Delinquency Prevention Act of 2002, as amended, on page 10**)

The purpose of secure detention is targeted and short-term:

- To hold a youth who is awaiting a hearing because of the strong belief that he or she may commit new crimes before the hearing. This belief is based on a number of factors, including the severity of the alleged offense and a youth's previous contact with the legal system.
- To ensure that he or she will show up in court at the appointed time.

Given these two specific purposes, it would seem logical that during periods when the juvenile crime rate—especially the violent crime rate—is falling, so would the use of secure detention. However, this has not been the case. Around the country, the juvenile arrest rate between 1994 and 2000 declined 13 percent, with even larger decreases in violent of-

fenses. Among youth, arrests dropped 68 percent for murder, 51 percent for robbery, 33 percent for burglary and 42 percent for motor vehicle theft. In the year 2000, murder and robbery arrest rates for juveniles reached their lowest levels in 20 years.<sup>15</sup> Yet, the number of youth in secure detention facilities has continued to rise.

Studies also show that the majority of detained youth are not the older, violent offenders that the public assumes are under lock and key. Many detained youth are quite young. More than half (56 percent) are 15 years or younger, while a third (32 percent) are 14 years or younger.<sup>16</sup> Most (69 percent) are not being held for violent crimes.<sup>17</sup> For example:

- Youth held for property crimes account for 26 percent.
- Youth held for violations of probation, parole or court orders account for 24 percent.
- Youth held for drug offenses make up 9 percent. The number of youth held for drug offenses increased 62 percent between 1990 and 1999.<sup>18</sup>
- Since 1975, there has been a substantial decline in the use of secure detention for status offenders (youth whose offenses would not be considered a crime if committed by an adult, e.g. curfew violation, running away, possession of tobacco). Even so, according to a 1999 report, 39,100 status offense cases involved detention; for almost half of these cases, the most serious offense was running away.<sup>19</sup>

## **The Juvenile Justice and Delinquency Prevention Act of 2002, as amended**

The Juvenile Justice and Delinquency Prevention Act of 2002, as amended, states that youth who are “charged with or who have committed offenses that would not be criminal if committed by an adult...or such non-offenders as dependent or neglected children, shall not be placed in secure detention.”

Source: Juvenile Justice and Delinquency Prevention Act of 2002 [http://ojjdp.ncjrs.org/about/PL\\_107\\_273.html](http://ojjdp.ncjrs.org/about/PL_107_273.html)

Decisions about which youth to lock up and how long youth remain locked up vary widely from state to state, county to county, and even probation officer to probation officer<sup>20</sup>—an indication that secure detention is often used for purposes other than its intended role. In some cases, there is little relationship between the severity of an alleged crime and whether or not the youth winds up in secure detention.

“We used to think that the best way to protect public safety was to lock everyone up. We were admitting every kid the police and judge brought to us for breaking probation.”

—Rick Jensen, detention reform project coordinator, Multnomah County (OR)

David Steinhart, a researcher in the detention field, says that the practice in some jurisdictions is, “When in doubt, lock ‘em up. In many places, children are detained in old and outmoded facilities for behaviors that range from truancy to violence. That means that in some places, kids who get caught violating curfew are as likely to be locked up as kids arrested for murder.”<sup>21</sup>

Most everyone agrees that some youth should be detained in the interest of public safety. However, many also point out that secure detention facilities have become what noted social work professor Ira Schwartz has called the juvenile system’s *hidden closets*—places where youth can wind up because of a lack of community alternatives, poor system collaboration or because nobody knows what else to do with them. <sup>22</sup>

Bart Lubow, director of programs for high-risk youth at the Annie E. Casey Foundation, a national leader in the field of detention reform, notes: “When you talk to judges, prosecutors or other juvenile justice officials, many of them say things like, ‘We locked up a kid to teach him a lesson.’ Or, ‘We locked him up for his own good.’ Or,

‘We locked him up because his parents weren’t available.’ Or, ‘We locked him up to get a mental health assessment.’ But none of these reasons are reflected in statute or professional standards.”

A variety of studies and a cross-section of professionals suggest reasons why secure detention is frequently overused:

## 1) Secure detention is used for other than its intended role

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Some law enforcement personnel use secure detention in the often sincere, but misguided assumption that the shock of being incarcerated will hold the youth accountable and teach him or her a lesson. Renate Reichs, division chief of Detention Alternatives Division in Cook County, talks of long-standing police frustration: “They had no other place to take the kids who got into trouble. When they dropped a kid off, they wanted the detention center to hold the kid accountable.”<sup>23</sup>

Some youth may be sent to secure detention to get mental health or substance abuse assessment or treatment that is unavailable in the community. Services in detention facilities—meager and rudimentary as they often are—are sometimes the only recourse for youth and their families.<sup>24</sup> As social work professors Ira Schwartz and William Barton have noted: “When families, neighborhoods, schools and other programs no longer wish to deal with troubled children, the detention center is the one resource that cannot turn them away.”<sup>25</sup>

Research indicates that a high percentage of teenagers who come in contact with the law suffer from mental health disorders and serious substance abuse problems. According to the National Mental Health Association, the prevalence of mental health disorders among youth in juvenile court facilities ranges from 50 to 75 percent.<sup>26</sup> In another study, Dr. Linda Teplin, professor of psychiatry and behavioral sciences at Northwestern University, found that the majority of boys and girls in juvenile detention centers have emotional disorders. “Over 60 percent of boys and over 70 percent of girls have one or more psychiatric disorders,” notes Teplin. “We’re particularly concerned about the rates of substance abuse disorder, which is not just substance use, but rather is a disorder with functional impairment in the youth’s everyday life. We’re also very concerned about the prevalence of affective disorders, which include depression.”<sup>27</sup>

## 2) Legal processing is inefficient

Some youth may wind up in secure detention because there is no consistent system in place that objectively determines which youth are truly at risk of committing additional crimes and/or missing their hearings. Only 31 percent of juvenile detention facilities employ intake control or screening devices.<sup>28</sup> A former probation officer in Portland, Oregon, describes the situation before his county initiated an objective screening device: “There was no criteria whatsoever. The way you were treated often depended on who you got as a counselor. The policy was—there was no policy! It was chaos.”<sup>29</sup>

Inefficient court processing, such as delays in screening, appointment of counsel, calendaring, notification, placement and large numbers of continuances, can also keep youth languishing in detention far longer than public safety demands. Such delays also mean that

### Length of Stay in Detention

The U.S. Supreme Court has imposed a 48-hour time limit for adults to be held in jail prior to a probable cause hearing. Many jurisdictions have established similar time limits for youth at several points in the court process. However, because of delays, such as court continuances, many youth find themselves spending a lot of time behind locked doors. According to Jeffrey Butts of the Urban Institute, half of the nation’s large jurisdictions take 90 days to dispose of cases—the maximum time suggested by professional standards.

The percentage of youth who are...

Detained at least 7 days: 70%

Detained at least 15 days: 50%

Detained at least 30 days: 28%

Detained at least 60 days: 14%

Detained at least 90 days: 10%

Source: Census of Juveniles in Residential Placement 1997, cited in 1999 Juvenile Offenders and Victims.

victims are denied their right to a hearing in a reasonable amount of time.<sup>30</sup> (See **Length of Stay in Detention**, on page 13)

### 3) There are gaps in family/community support

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Youth may also wind up in secure detention because there are no strong community-based system alternatives in place to help ensure that youth released to the community attend court appearances and avoid delinquent behavior.

In other cases, a parent may relinquish responsibility and will not allow a youth to return home, or the youth does not have a home to which to return. Family troubles, such as domestic violence, parental drug use, mental illness and economic strife, affect 74 percent of detained youth.<sup>31</sup> Abuse by parents is an issue for almost half of de-

## The Tools of Reform

Short-term community-based alternatives can be a successful tool. To avoid net widening, services should not be used for youth who are at low-risk of being detained. Nor should they be used as a long-term intervention to keep youth in the system longer than if they had been placed into secure detention. The most frequently used alternatives to detention include:

**Home confinement**—Allows a youth to live at home pending disposition of his case, subject to a series of conditions and limitations, such as school attendance, church attendance, curfews and parental supervision. Unannounced visits and phone calls by probation officers or representatives from nonprofit agencies minimize chances that youth are engaged in delinquent behavior and ensure court appearances.

**Electronic monitoring**—Generally attached to wrist or ankle, this confirms the youth's presence at home. Many localities find this alternative to be particularly effective when used in conjunction with face-to-face visits.

tained youth.<sup>32</sup> Some areas place homeless, runaway, abused and neglected youth in detention facilities while seeking more appropriate placement. As research by the Annie E. Casey Foundation points out, “An unstated reason for detaining youngsters, which operates more often than most juvenile officials would like to admit, is that those in charge don’t know what else to do with them.”<sup>33</sup>

**Attendant care/Holdover centers**—Provide short-term, 24-hour residential supervision for youth who would otherwise be detained for brief periods pending court appearances. Trained adults supervise youth in a non-secure setting.

**Day/evening reporting centers**—Youth attend non-secure community programs, designed to provide face-to-face daytime and evening supervision and structured activities that may include educational, recreational and life skills programs.

**Case management/Advocates**—Through a community-based organization, an advocate provides ongoing, intensive face-to-face supervision and support for a youth, ensuring that the youth meets the primary goals of detention—does not commit new crimes while awaiting hearings and makes scheduled court appearances. Advocates develop individual case service plans and may also support families.

**Residential Alternatives**—In lieu of secure detention, shelters provide 24-hour supervision for youth who have no suitable home or kinship placement available. Such programs may also provide a range of services including education and recreational activities.

Sources: Annie E. Casey Foundation. [Pathways to Juvenile Detention Reform series](#). Baltimore, MD: AECF. [www.aecf.org/initiatives/jdaj](http://www.aecf.org/initiatives/jdaj). National

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“I’m convinced—and studies back this up—that if you put kids in secure detention, they are more likely to wind up in corrections. They are exposed to kids they shouldn’t be exposed to.”

—Terry Traynor, juvenile justice specialist for North Dakota

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# The Repercussions of Overcrowding

## The Human Toll

**R**ick Jensen, the detention reform project coordinator at the Multnomah County (Oregon) Department of Community Justice, is walking down the corridor behind the security gates of the Donald E. Long Juvenile Center. In one room, a group of detainees is sitting in a circle, involved in a school discussion. Jensen then points to the next room along the corridor, which is empty and silent, the sleeping rooms unlocked and unoccupied, the staff area unmanned. In 1998, this 16-bed unit was closed due to under-utilization; three years later, another unit was closed for the same lack of use.

Today, because of system reform, Multnomah County (pop. 665,000) maintains only 52 beds for its detained youth, and a portion of those typically go unused. The average daily detention population now hovers at around 35.

There are still other units in this Portland building that house youth, but not the youth for whom the facility was originally intended. The county rents out some of its unneeded space to adjacent counties needing detention beds. Two other units, formerly earmarked for detention, are now headquarters for a post-adjudication program for juvenile sex offenders and a residential drug and alcohol program.

Multnomah County's low detention practice is a dramatic

change from the past. When Jensen first arrived at the department in 1993, an average of 96 youth a day were being detained and the county was under a federal court sanction for operating a detention center that did not meet constitutional standards for care. He admits, "We used to think that the best way to protect public safety was to lock everyone up. We were admitting every kid the police and judge brought to us for breaking probation."

Jensen says that it was a case of too many people having the key to the building. For example, at the height of crowding, Multnomah County was forced to release an average of 15-20 youth per month because of a population cap on its detention facility. "But because there was no planning, there was little order on who got released," Jensen says.

Overcrowding poses many risks to the well being of the youthful detainees themselves. **(See The Added Impact of Youth Tried as Adults, on page 19)** It is important to remember that a large percentage of youth in detention have not yet been convicted of any crime and that a sizeable portion will be cleared of all allegations, or found guilty of a lesser offense.<sup>34</sup>

Yet, for those in crowded institutions, daily life is frequently defined by a series of negatives: unsanitary living quarters, inadequate education, meager medical and mental health treatment, sexual exploitation, mind-numbing boredom, anger, depression and physical danger.

In such settings, personal privacy vanishes, producing stress that manifests in a high incidence of juvenile-on-staff, staff-on-juvenile and juvenile-on-juvenile injuries.<sup>35</sup> There tend to be high rates of disciplinary infractions, escapes and violence. Faced with heavy responsibilities in a tense atmosphere, well-meaning staff can feel overwhelmed and threatened, causing them to resort to the harsh disciplinary measures associated with adult corrections, such as lockdowns and mechanical and chemical restraints.<sup>36</sup>

Boys and girls who present no real threat to community safety may find themselves in contact with youth who have committed serious violent acts. Faced with threats and intimidation, these young people, who have had no previous history of violence or gang involvement, may need to fight or affiliate with a gang for self-preservation.<sup>37</sup>

A young man, who has spent time in both the Cook County (Illinois)

nois) detention facility and a community-based alternative to detention program, explains: “You sit in [secure detention] and you get that experience and you’ll grow up and get out at 17. Then you’re going to go out and do worse. In an alternative program, you get to be with people who help you try to make something of yourself.”

Given the often harsh conditions, it stands to reason that among youth in crowded detention facilities, there are increased reports of suicidal behavior, stress-related illnesses and psychiatric problems.<sup>38</sup> At a time when a young man or woman may be feeling especially vulnerable, remorseful and hopeless, being locked in an institution removes safety nets that may exist in a youth’s life: school, a part-time job, a positive relationship with a teacher or member of the clergy. It can deny youth the support and benefit of family strengths and community ties.

As one young man in a Tarrant County (Texas) alternative to detention program says of the youth advocate assigned to his case: “I never had anyone in my life like James before. He checks up on me, makes sure I’m doing good. It’s something to have someone call and ask me how things are going in my life.”

His mother, a single parent, agrees: “It’s made all the difference. My son never had a man who is a positive influence in his life before. It’s taken a big burden off me to see someone caring about him and him caring about someone else. Since he got in this program, he’s

## **The Added Impact of Youth Tried as Adults**

Some overcrowding in detention centers can be attributed to an increasing number of youth being held who are going to be tried as adults, or are awaiting hearings that may transfer them to the adult system. Adult court hearings typically take longer than juvenile proceedings. For youth who are being tried as adults, 89 percent are detained for at least 7 days, 50 percent are detained for 60 days and nearly 20 percent are detained for 6 months. Four percent remain in secure detention for a full year.

Source: Census of Juveniles in Residential Placement 1997.

made all his hearings and is keeping out of trouble, going to school, doing good.”

Another youth in Santa Cruz, California, says that being in an alternative program, rather than being detained, has given him the gift of a lifetime: He was able to witness the birth of his son and be around to provide emotional support to the mother of his newborn child.

In interviews with detained youth around the country, some talk about feeling that family, friends and all of society have given up on them and that they are destined for a life of crime, even though they may be being held for only a minor act of delinquency. Some talk about being labeled a “jailbird,” which decreases the likelihood of getting a job or returning to school when released,<sup>39</sup> both ingredients for future delinquency.<sup>40</sup>

“Being locked up does nothing but make us want to do something bad,” says a 14-year-old Chicago youth who has spent time in secure detention. “You’re angry and you’ve got all this time to sit in there and just think about doing bad.”

A 16-year-old being held in a California detention center for drug use worries about losing his job in an auto body shop, one of the few

“Keeping kids in detention who shouldn’t be there is not good for the kids and it’s not good for the taxpayers.”

—Kay Carter, director of juvenile court services, Ada County (ID)

stable factors in his life. “My boss says he can’t hold my job for long. If I was in some kind of program instead of in here, I could keep working. My mother really counts on me for that money.”

Terry Traynor, juvenile justice specialist for North Dakota, agrees with these youth. “I’m convinced—and the studies back this up—

that if you put a kid in secure detention, they are more likely to wind up in corrections. They are being exposed to kids they shouldn't be exposed to. There's just something wrong with putting a kid behind locked doors if he doesn't need to be there."

## Beyond Overcrowding: The Economic Cost

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With so many problems associated with crowding, it is tempting to think that the most appropriate, effective and humane response would be to add more beds or to build larger detention facilities.

However, the situation is analogous to constructing new lanes on a crowded freeway. Without studying and addressing traffic flow, without promoting the use of alternative modes of transportation, the new lanes are likely to soon be clogged with vehicles. The same can hold true with detention beds. Many jurisdictions have been surprised to find that despite newly constructed units, crowding continued unabated. As one detention supervisor said, "We built a bigger center and kids are still sleeping on the floor."<sup>41</sup>

Without a clear understanding of why detention beds are filling, without enacting meaningful system-wide reform, it is likely to be a case of "build it and they will come"—at a high cost. Secure detention is an expensive option for handling youth undergoing delinquency proceedings. Building new facilities and expanding existing ones are extremely expensive options. Over-reliance on detention can also lead to additional costs associated with high staff turnover, overtime payments and temporary help.<sup>42</sup> Plus, jurisdictions can face litigation for poor conditions of confinement and have to bear the economic brunt of high attorney fees and costly settlements.

Heavy operating costs can mean spending money that would otherwise support crucial local services that benefit the community at-large, such as education and recreation. Using detention for low-level offenders also diverts limited juvenile system resources that would be better suited for the relatively few youth who do commit serious, violent offenses.

As Kay Carter, director of Ada County (Idaho) juvenile court services, states, "Keeping kids in detention who shouldn't be there is not good for the kids and it's not good for the taxpayers."

### Research shows:

- Across the country, the cost of detaining a youth ranges from \$60 to \$300 a day, depending on the number of staff, salaries, and security.<sup>43</sup> The annual cost ranges from a low of \$14,000 in Mississippi and Indiana to a high of \$63,000 in Connecticut.<sup>44</sup>
- The cost to taxpayers of operating one detention bed over a 20-year period is between \$1.25 to 1.5 million, according to Earl Dunlap, executive director of the National Juvenile Detention Association. If the current rate of detention remains constant, American taxpayers will spend billions in operating costs over the next two decades.<sup>45</sup>
- Research indicates that this cost can be substantially reduced by use of less expensive, more effective and more humane community-based alternatives to detention. When used in the appropriate cases, programs report success rates of 90 percent and higher at a fraction of the cost of secure detention.<sup>46</sup> (Success is typically defined as a participant not committing new crimes while awaiting hearings and making scheduled court appearances.) (See **Compare the Costs**, on pages 22-23)

## Public Safety: What is the Return on the Investment?

The high price tag of secure detention might be more understandable and palatable if it produced the desired results. But research and

### Compare the Costs

Cost alone should never be the determining factor on the use of secure detention or a particular alternative. Other factors, such as public safety and the individual needs and circumstances of youth, should be taken into account. True detention reform is multi-faceted, including systemic reform with a range of alternatives to detention and various levels of supervision and restrictions.

Still, it is helpful to see the cost savings of various alternatives. They are typically far less costly as shown by these examples:

**In New York City:**

Cost of one youth in secure detention: \$358 a day.

Cost of one youth in an alternative to detention: \$16-\$24 a day.

Source: New York City Department of Juvenile Justice, 2001, cited in Correctional Association of New York Fact Sheet and Position Papers [www.correctionalassociation.org/JJP\\_Juvenile\\_Detention\\_factsheet.htm](http://www.correctionalassociation.org/JJP_Juvenile_Detention_factsheet.htm)

**In Cook County (IL):**

Cost of one youth in secure detention: \$115 a day.

Cost of one youth in a reporting center: \$33 a day.

**In Multnomah County:**

Cost of one youth in secure detention: \$180-\$200 a day.

Cost of one youth in an alternative to detention: \$30-\$50 a day.

**In North Dakota:**

Cost of one youth in secure detention for an average of six days: \$480-\$1,200 (\$80-\$200 a day).

Cost of one youth in holdover/attendant care for an average of one day: \$288.

Source: North Dakota Association of Counties

**In Tarrant County (TX):**

Cost of one youth in secure detention: \$121 a day.

Cost of one youth in intensive advocacy program: \$30-\$35 a day.

Cost of one youth being electronically monitored: \$3.50-\$3.75 a day.

Source: Tarrant County Juvenile Services

experience show that over-reliance on secure detention does not guarantee low crime rates. In fact, reserving secure detention for only those who need it has been found to maintain and in some cases actually improve long-term public safety.<sup>47</sup> As San Jose, California, police chief Bill Landsdowne puts it, “Locking up kids is the easiest way. But once they get in the juvenile justice system, it’s very hard to get them out.”

King County prosecutor Norm Maleng also warns about the use of detention for offenders who are not a threat to public safety. “With these kids, the *threat* of detention can be as effective as detention

“We hired a graduate student to conduct research and saw how locking kids up often **increased** the long range recidivism rate... and, we concluded that our community would be better served and protected by using our dollars for community-based detention alternatives.”

—Judge Jean Boyd, Tarrant County (TX) Juvenile Court

itself. You don’t want them learning that they can serve time—it is better to use the threat to get them into alternatives that might change their underlying criminal behavior.”

This philosophy was put into practice in Tarrant County (Texas), with Fort Worth as its urban center, when a task force went against the tide by turning down funds from the state legislature to build a larger detention facility. “We looked at the long-range cost of opera-

tions and saw how expensive it would be,” recalls Juvenile Court Judge Jean Boyd, who was a member of the committee. “We hired a graduate student to conduct research and saw how locking kids up often *increased* the long range recidivism rate. It wasn’t a popular decision at the time and we took a lot of heat. But we concluded that our community would be better served and protected by using our dollars for community-based detention alternatives.”

The once unpopular decision has produced popular results. When Tarrant County boys and girls are referred into community-based alternative programs, they have a 93 percent success rate. Success is defined as attending hearings and completing the program without referral for a new offense, a violation of program schedule or unauthorized absences.<sup>48</sup>

Jim Stegmiller, former placement coordinator for the Multnomah County Department of Community Justice, keeps studies that examine Multnomah’s detention levels and recidivism rates at his fingertips. He notes that 92 percent of youth supervised in the community appear for their scheduled court hearings and 87 percent stay arrest-free while awaiting their hearings.<sup>49</sup> Since 1993, when detention reforms were first put into place, the overall county juvenile recidivism rate has remained very consistent, between 32 and 35 percent.<sup>50</sup>

Many studies illustrate that detention reform does not put the community at risk but actually enhances public safety:

- Since the implementation of reforms in King County (Washington), the juvenile detention population has fallen from 191 in 1998 to 118 in 2002, with no sudden upturn in the county’s juvenile crime rate.<sup>51</sup> The decrease can be attributed to several factors, such as the economic boom of the 1990s and community/school efforts. But county officials have also concluded that detention reform has substantially contributed to the progress.
- The arrest rate of youth in New York City who passed through alternative to detention programs ranges from 17 percent to 36 percent, compared with a re-arrest rate of 76 percent for youth released from secure facilities.<sup>52</sup>
- A San Francisco study sent 1,500 high-risk youth into an alternative to detention project. Upon completion of the project, participants were 26 percent less likely to be re-

arrested compared to similar youth who were released from secure detention facilities.<sup>53</sup>

- From 1993 to 1999 with new detention reforms in place, violent youth arrests in Cook County fell by 54 percent.<sup>54</sup> From 1994 to 2000, overall felony arrests for youth in Multnomah County declined by 45 percent.<sup>55</sup> These numbers suggest that putting into place less costly detention reforms does not spur a youth crime spree and in fact may contribute to improved public safety.

## Secure Detention and the Impact on Minority Youth

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Within the walls of our nation's secure detention facilities, youth have much in common. The majority (83 percent) is male and is being held for minor offenses.<sup>56</sup> They are also likely to be youth of color.

Nationwide, minority youth make up 34 percent of the youth population, but comprise 63 percent of youth in secure detention; African American youth comprise just 15 percent of America's youth population, but make up 44 percent of youth in detention.<sup>57</sup>

Throughout the 1980s and 1990s,  
as the detention population  
grew; four of every five newly  
detained youth were minority  
youth.

Even in states with small numbers of ethnic and racial minorities, such as Minnesota where the general population is 88 percent white, 59 percent of the detention population is youth of color.<sup>58</sup> In nearly every state, the minority population of detained youth exceeds its proportion in the general population.<sup>59</sup> According to a 1999 report from the Office of Juvenile Justice and Delinquency Prevention, even

when controlling for offense, African American youth are nearly twice as likely to be detained as white youth.<sup>60</sup>

Once detained in a secure facility, minority youth also tend to spend more time there, an average of one week longer than white youth. Thirty-six percent of minority youth spend at least 30 days behind locked doors, as opposed to 29 percent of white youth.<sup>61</sup>

Several explanations have been put forth to explain this over-representation, from overt discrimination on the part of justice system decision-makers to more subtle differences in the handling of detention cases. For instance, in jurisdictions without a lot of strong community-based programs, the decision on whether or not to detain a youth is often based on perceptions of the strength of the youth's family and community. Some youth of color can be perceived—sometimes rightfully and sometimes not—as lacking resources, support and care.

The decision of whether to place a youth in secure detention or whether to release him or her to a community-based alternative can have an enormous ripple effect. Detention is the key entry point into the juvenile court system and those placed into secure facilities are, in general, more likely to be incarcerated at disposition.<sup>62</sup>

Being exposed to crowded conditions and to more serious offenders, the lack of educational and mental health support, and the physical and emotional stress of being locked up are all serious risk factors for future incarceration. Researcher Jeffrey Butts of the Urban Institute explains how the cumulative consequences can lead the high percentage of detained minority youth even deeper into the system, “In detention—as in each stage—there’s a slight empirical bias. The problem is that the slight empirical bias at every stage of decision-making accumulates throughout the whole process. By the time you reach the end, you have virtually all minorities in the deep end of the system.”

To address this situation, the Juvenile Justice and Delinquency Prevention Act of 2002, as amended, requires states to demonstrate that they are making efforts to reduce disproportionate minority contact (DMC), including the over-representation of youth of color in detention. However, building larger facilities and filling them with more youth typically has the opposite effect. As the use of secure detention grows, so does the percentage of minority youth within its walls. According to studies:

- Throughout the 1980s and 1990s, as detention populations grew, four out of five new detained youth were minorities.<sup>63</sup>
- For white youth, the number of delinquency cases involving detention increased 18 percent from 1987 to 1996. During that same period, the increase for black youth was 71 percent and for youth of other races, the increase was 50 percent.<sup>64</sup>
- As Multnomah County initiated reforms and watched its detention population decline, so did its rate of detaining youth of color. In 1994, minority youth were 31 percent more likely to be detained than white youth. By 2000, minority and white youth experienced identical detention rates.<sup>65</sup>
- According to the Department of Probation, from 1996 to 2000, Santa Cruz County (California) has seen its average daily secure detention population fall by 42 percent and has made inroads at reducing its disproportionate minority population. During the same period of time, there has been a 50 percent reduction in the number of incarcerated Latino youth.

## The Challenge of DMC in King County

Reducing disproportionate minority confinement (DMC) and ridding the system of unintentional biases remains one of the biggest challenges of detention reform. Despite efforts in King County, a high percentage of minority youth remain in secure detention. For example, in 2002, African American youth represented 40 percent of the county's secure detention population while constituting about 9 percent of the general youth population.

However, current reform efforts in King County are strongly focused on reducing these numbers. Multi-agency teams, including community representatives and youth advocates, meet regularly to create concrete, data-driven methods of reducing DMC. The department also plans to improve the cultural competency of its staff by building their knowledge, skills and attitudes to work effectively in cross-cultural situations.

Says Patricia Clark, a superior court juvenile court judge, "Although disproportionate representation of youth of color in the detention population remains our most difficult problem, there are positive indications that the tools we are developing through several years of collaborative effort and research will reduce racial disparity."

Source: King County Juvenile Justice Operational Master Plan (March 2000) and personal communication with Judge Patricia Clark and Michael Gedeon, master plan project coordinator.

An expensive lock-up boom exists in many states. Nationwide, approximately \$500 million in federal tax dollars has recently gone to the construction or leasing of more than 6,500 new youth beds, mostly in detention facilities, in 35 states and territories.

—Bart Lubow, director of programs for high-risk youth, Annie E. Casey Foundation

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# A Time of Change

## Waking Up to Detention Reform

In the coming years, some locales will maintain their current high use of secure detention and some may increase their use. For example, California plans to expand its detention capacity by almost 50 percent, spending upwards of \$450 million in federal, state and local dollars.<sup>66</sup> Nationwide, approximately \$500 million in federal tax dollars has recently gone for the construction or leasing of more than 6,500 new youth beds, mostly in detention facilities, in 35 states and territories.<sup>67</sup>

There are many reasons for this. In some jurisdictions, a judge or well-meaning social service worker insists that certain youth be detained for his or her own safety. Or, law enforcement believes that secure detention should be used as punishment for a probation violation. In other locales, administrative resistance to change comes from all levels—from high-level bureaucrats to line staff. For others, fear of a youth crime surge provides the impetus to advocate the expanded use of detention.

Barbara Griffin, a former juvenile court district attorney in Tarrant County, questions the emphasis on speeded-up case processing, in order to limit the use of detention. “It can put a lot of intense pressure on the DA—and the defense attorneys, too—to hold hearings [and] go to trial before we’re

ready,” she complains.

For others, detention reform may remove an option for addressing truancy problems. For example, in a Chicago suburb, the regional office of education recently received 1,400 truancy referrals. After sending a letter to each family, 750 cases were resolved. Youth service providers, who work to combat truancy by offering local services such as tutoring, mentoring, drug and alcohol counseling, visited the other students. Finally, 40 students who were unwilling to participate were taken to court where the judge ordered additional services. But, six students who refused to comply were sent to detention for contempt. In these cases, however inappropriate, detention was used as a way for a judge to do something to punish the child, rather than simply ignoring the situation.

Still, a counter movement to reduce the use of detention has been gathering momentum around the country. As facilities are being expanded in one place, detention units are being shut down in another. As new buildings take shape, so are the structures of system reform. As some youth languish in detention, others are moving quickly through the system, the beneficiaries of improved case processing. As detention beds are added, so are community-based alternatives designed to keep those beds empty.

“Even though we are not  
incarcerating kids for a lifetime,  
incarceration has a lifetime effect,  
lifetime consequences and  
lifetime results.”

—Luther Pugh, former Lieutenant, Santa Clara County (CA) Sheriff’s Department.

Several reasons suggest why reform is happening now. Given the fiscal crisis facing most state and local governments, reform—with its strong bottom line—has become an appealing option. Also, jurisdictions are discovering that they do not have to “invent” detention re-

form from scratch. There are well-documented models around the country from which to draw inspiration and practical strategies. A third reason, says Lubow of the Casey Foundation, is that “when juvenile crime is down, the space to consider reforms is much greater than when there is public outcry over crime and politicians feel obligated to propose easy but ineffective solutions, such as more incarceration.”

There is a growing consensus of researchers, judges, prosecutors, probation officers and police chiefs championing reform. “Even though we are not incarcerating these kids for a lifetime, incarceration has a lifetime effect, lifetime consequences and lifetime results,” says Lt. Luther Pugh, a 24-year veteran of the Santa Clara County sheriff’s department. “If we can extend and explore every possible method of keeping them out of juvenile hall [and other locked facilities], then down the road they’ll be better off and certainly our communities will be better off.”<sup>68</sup>

Examples of reform can be seen around the country, in large and small settings, both urban and rural:

- In Bernalillo County (New Mexico), which includes Albuquerque, the average daily detention population has dropped by 40 percent since May 2000, due to a concerted effort at reform that includes implementation of a risk assessment tool, improved case handling and increased alternatives to detention. Several surrounding counties have also begun the process of implementing reform.<sup>69</sup>
- In Santa Clara County, new detention beds are being added using state funds. At the same time, the county is also implementing detention reform to keep those beds empty. The first step has been to standardize police treatment of youth across the county’s 13 law enforcement agencies. A new set of detention criteria limits officers to using the detention facility only if a youth’s alleged crime is as serious as murder, rape or robbery with a firearm. The plan was promoted and approved by the county Police Chiefs Association. Another proponent, the chief juvenile prosecutor, predicts a 40 percent decline in juvenile hall intake.<sup>70</sup>
- In Boise, Idaho, and throughout the state, the develop-

ment of a risk-assessment team and instrument and the establishment of a community custody center have helped reduce average daily population in secure detention from 87 to 29 youth, without a parallel rise in juvenile crime. “Our facility was overcrowded and dangerous,” says Ada County’s Kay Carter. “So the way I saw it, we had three choices: We could float a bond for new beds, we could wait until someone got hurt, or, we could do business in a new way. To me, it was a no-brainer.”

- In an example of reform in a rural setting, the North Dakota State Advisory Group (SAG) has been instrumental in developing, implementing and recommending the continued funding of “holdovers.” These are short-term, non-secure sites located around the state, such as an unused hospital room, a sheriff’s break room or a room in a youth center. While awaiting their hearings, boys and girls are given one-on-one attention from trained adults, such as

## **The North Dakota Experience**

Before the use of holdovers, 87 percent of youth awaiting hearings were held in adult jails and 13 percent in secure juvenile detention. With the development of holdovers, 66 percent of youth are in attendant care, 33 percent are in secure detention and only 1 percent are in adult jails. The total number of youth placed in some sort of pre-court supervision has remained constant over time.

The use of holdovers is helping the state meet several objectives:

Achieve and maintain compliance with Juvenile Justice and Delinquency Prevention Act

- Eliminate use of adult jails in all but extreme cases
- Avoid developing costly juvenile facilities
- Reduce secure detention of status offenders
- Reduce local agency liability

social work students, teachers, clergy and retirees. The goal is to have the youth returned home or to a more appropriate setting within 8-12 hours, the kind of turnaround that seldom happens in a detention center.

The cost of secure detention in North Dakota ranges from \$80 to more than \$200 a day with the average stay lasting 5-6 days. Holdovers are a somewhat costly alternative if comparing only daily rates. The cost of training, stipends, meals and administration bring the price of holdovers to \$12/hour or \$288 for a 24-hour day. However, the average use of a holdover is approximately 24 hours (versus 5-6 days for a detention facility), which is where the savings build up. About 60 percent of all youth that require supervision are held in non-secure holdovers.<sup>71</sup>

The state's juvenile justice coordinator, Terry Traynor, says that the role of the SAG has been quite significant in maintaining a state-wide structure. Training and financial incentives are the keys to the program's success. "The state—through recommendation of the SAG—

- Use incentives rather than laws to promote change
- Reduce minority over-representation

For youth and families, there has been a positive impact:

- Safety of youth and community are preserved
- Youth are held in the least restrictive setting and for the least amount of time necessary
- Youth are held as close to home as possible
- Rural youth are not "detained" in patrol cars because of a lack of suitable, nearby options
- Law enforcement are "back to work" more quickly
- Fewer are youth institutionalized in detention and are less likely to move deeper into the system
- Efforts are being made to lower the detention rates of Native American youth

Source: North Dakota Statewide Detention Support Services

reimburses the county 100 percent for transportation to the nearest holdover and all of the direct costs associated with the use of holdovers. We reimburse for only half the cost of detention for only four days, and only for serious delinquent offenders, which provides financial incentive to put youth in holdovers or move them out of secure detention and into court fast. We also pay stipends and reimburse the travel costs for every person that attends holdover training.” (See **The North Dakota Experience, on page 34-35**)

## Broward County, Florida: Lessons in Reform

The detention reform movement did not happen suddenly. As early as the 1970s, there were attempts to remove certain youth from lock-up units by placing them on home detention.<sup>72</sup>

However, the beginning of contemporary detention reform is generally set in the spring of 1987, when a federal class action lawsuit alleging cruel and unsafe conditions was filed against the state agency that operates the regional detention center in Broward County (Florida). At the time, the facility was appallingly overcrowded. Children slept on classroom floors, physical abuse was reported and extended periods of isolation were common.<sup>73</sup>

For more than a year, the parties remained deadlocked until mediation was arranged through the Center for the Study of Youth Policy

### The Objectives of JDAI

- ✓ To eliminate the overuse use of secure detention
- ✓ To minimize failures to appear and delinquent behavior
- ✓ To redirect public finances from building new facilities to creating responsible alternative strategies
- ✓ To improve conditions in secure detention facilities

Source: Annie E. Casey Foundation. Pathways to Juvenile Detention

at Nova Southeastern University. The terms of the settlement provided the outline for the system changes that would occur. The Broward Detention Initiative (BDI) took hold with foundation funds matched by the state.

## The JDAI Approach

- ✓ **Collaboration**—Planning and decision making among the agencies that comprise the juvenile court system, related public service systems and community organizations.
- ✓ **Data-driven policy and program decisions**
- ✓ **Admission Policy**—Developing and implementing objective policies and practices for admitting youth to secure confinement that reflect risk of re-offense and non-appearance.
- ✓ **Case Processing**—Administrative strategizing to reduce unnecessary delays at each step of the juvenile court process (arrest by police, referral to court intake, judgment of guilt, and placement).
- ✓ **Alternatives to Detention**—Providing a continuum of supervision that ranges from secure custody for dangerous youth to less restrictive options for youth whose risk of re-arrest or non-appearance can be moderated by program participation.
- ✓ **Special Cases**—Developing strategies to address detention due to warrants, violations of probation and youth awaiting placement.
- ✓ **Focus on eliminating racial disparities** by data tracking, staff diversity, cultural training and development of community-based programs.
- ✓ **Conditions of Confinement**—Providing routine, detailed inspections to ensure proper conditions for youth who must remain in secure custody.

Source: Annie E. Casey Foundation. Pathways to Juvenile Detention

To begin, the problems within the system were assessed and clear goals and key stakeholders developed objectives. Many changes were put into place with the intention of narrowing the pathways to the detention facility, including agreement on objective admission criteria and the development of a risk assessment instrument that would determine where a youth should be placed for supervision.

New alternatives to detention were developed, including a day reporting center for youth on home detention who were unable to attend school or were unemployed, and a shelter for homeless detention-eligible youth. A key feature of the shelter was that it was operated by the detention center. That meant that youth alleged delinquent and child welfare cases would not be held under the same roof.

Over the next two years, despite growing numbers of delinquency referrals, Broward County saw dramatic reductions in its average daily detention population, from 160 youth in 1987-88 to less than 47 youth.<sup>74</sup> This was coupled with improved conditions for youth who remained in detention. Most importantly for public safety, when the secure detention population was lowered, more serious offenders were being held than when the population was higher.<sup>75</sup>

These changes did not involve increased costs to the system, and may have saved the county the major expense of building an addi-

The goal is to have the youth returned home or to a more appropriate setting within 8-12 hours, the kind of turnaround that seldom happens in a detention center.

tional 50 to 60 beds, at an estimated cost of \$2.5-\$3 million, along with operating expenses of about \$1 million per year.<sup>76</sup>

The experience in Broward County provided an encouraging sign

that reform is possible and helped establish the philosophy of the Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI): Interagency collaboration data-driven policies and programs can reduce the number of youth behind bars without sacrificing public safety or court appearance rates.

In 1992, Casey launched a multi-year, multi-million dollar detention reform project at five sites. At the end of 1998, three of the original sites remained. Each had implemented an array of detention strategies that fundamentally transformed their systems to make them "smarter, fairer, more efficient, more effective."<sup>77</sup>

## A Step Inside: Faces of Reform

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"Detention reform is really a misnomer. It's really about system reform," says Kay Carter, director of Ada County (Idaho) juvenile court services.<sup>78</sup>

In truth, both phrases are problematic. In many locations, the juvenile court system is hardly a system at all, but an unwieldy, loosely-coordinated collection of agencies and individuals—prosecutors, judges, mental health agencies, police, non-profit community groups, county health departments, local school systems, probation officers, defense attorneys, youth advocates and others—who may operate with conflicting purposes and styles and little awareness of what the others are doing.

For that reason, the *system* in each jurisdiction is unique, with its own structure, history, inherent weaknesses and proven strengths. This means that there is no universal key—no simple strategy, quick systemic fix or single alternative program—that is going to work everywhere.

In one locale, implementing a risk-assessment tool may bring immediate improvements. Another location might need to develop an array of community-based alternative programs before change becomes visible.

Detention reform emphasizes that meaningful and long-lasting change often entails implementing changes in multiple areas of policy, practice and programming. It may not happen easily, with resistance coming from both inside and outside the system. For example, a high-profile juvenile crime can change public opinion and the politi-

cal will to support reform. Or, a judge may not trust a risk assessment tool. Or, some members of the child protection and human services fields may believe that at-risk youth are best served and protected within the gates of secure detention.

“The biggest obstacle to reform will be the on-line staff,” suggests retired judge Frank Orlando, director of the Center for Youth Policy who worked on the Broward County initiative. “You must involve them from the start and assure them that this is not an attempt to eliminate their skills. Reform is not possible without collaboration and stakeholder acceptance and involvement.”

The average success rate—youth who remain arrest free during their placement in the detention alternatives program—is more than 90%, with staff secure shelters having success rates of more than 96%.

—Cook County (IL) Probation Department

Carey Cockerell, director of Juvenile Services for Tarrant County (Texas), agrees. “For us, it’s been about creating a culture of reform, of bringing everyone to the same line of thinking,” he says. “Is that always easy? No. Does everyone always agree with every decision? No. Does staff get frustrated? Yes. But overall, it works.”

Although reform will look different in each jurisdiction, there are similar issues that typically must be addressed. Taken together, these lessons from around the country add up to a picture of reform.

# Cook County: Making Use of Community

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## History

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The early 1990s saw little collaboration between the agencies that made up the county's juvenile court system. The 498-bed secure detention facility was chronically overcrowded, due in part to an arbitrary admissions process. In the mid-90s, the daily population frequently topped 700, making conditions for youth and staff depressing and dangerous. Initially, the State Advisory Group (SAG) funded some small detention reform programs in the county. "We were the first to be in there trying to get something started," says Mike Mahoney, vice chair of the Illinois SAG. Then, in 1994, Cook County became one of the five original sites to try the JDAI approach to streamline its detention system.

## Components of Reform

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A new screening process was implemented. Case processing was accelerated; the time was reduced between issuing a summons to a juvenile and his or her court appearance. A notification system to remind youth of their scheduled court date was established. A wide range of community-based alternatives, including shelters and evening reporting centers, was put into place.

## The Numbers

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The number of youth in secure detention dropped from a high of 848 in 1996 to today's average daily detention population of 445. A simple automatic notification system that uses written and telephone reminders of court appearances has helped reduce failure-to-appear rates from almost 40 percent in 1994 to 11 percent today.

## Special Lessons

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One of the most positive developments has been the relationship forged between the various components of the juvenile court system

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and the community. A range of programs has served more than 45,000 youth in the community since 1994. According to the probation department, the average success rate—youth who remain arrest free during their placement in these programs—is more than 90 percent, with staff secure shelters having success rates of more than 96 percent.<sup>79</sup>

Evening reporting centers have served more than 10,000 youth, 92 percent of whom remain arrest free during their time in the program. These centers are located in neighborhoods that are typically poor with elevated crime rates, where many of the youth live. Rather than starting the centers from scratch and staffing them with juvenile court personnel, contracts are given to neighborhood activist groups. This not only provides an infusion of funds to local groups, it establishes strong ties with community activists, who have an opportunity to come up with creative ways to serve youth.

For example, the Girl's Evening Reporting Center is run by Family Focus out of a community center on Chicago's west side. On a typical evening, six young women, all with pending court cases, sit in the large, bright room at a U-shaped table doing homework, watched over by three counselors. Open after school during the peak hours for juvenile delinquency,<sup>80</sup> and in the evenings, the stated goal of the center is to ensure that each girl makes her scheduled court appearances and remains arrest free. But the center also provides an opportunity for the youth to develop relationships with caring adults and to exchange positive ideas with girls their own age.

"Being here is making me cool down," said a 14-year-old named Octavia, who was awaiting a hearing for assault. "It's doing something positive. We socialize. We learn skills. We can talk to the adults here and they get to know us. It's cool."

Sixteen-year-old Britney said that the center "keeps me off the streets, away from the wrong people." Carrie, a 15-year-old, credited the center for "making us change. They have speakers on things like drugs and sex and academics. It makes us think about those things."

In addition to evening reporting centers, Cook County operates two staff secure shelters, one for boys and one for girls, for youth needing more intensive supervision. In addition to making sure that youth stay crime-free and attend all court hearings, these shelters provide safety, structure and supportive outreach to families.

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## Next Step

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The Illinois Juvenile Justice Commission and the Casey Foundation have initiated detention reform projects in 10 sites, including rural counties, throughout the state. The SAG has been instrumental in funding the project and bringing together all the major players, from the court system to the Department of Human Services, in order to take reform to a larger scale. One of the early goals has been the removal of status offenders from secure detention.

In tandem with the Casey Foundation, the SAG also funds an annual detention reform symposium in order “to spread the gospel of reform,” according to SAG vice chair Mahoney.

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## Tarrant County: Instilling the Culture of Reform

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### History

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Tarrant County, population 1.4 million, has a long history of detention reform, spurred by the leadership of Judge Scott D. Moore, who served as the juvenile court judge for 29 years, until his retirement in 1994. Judge Moore led efforts to remove children from incarceration in the Tarrant County jail and oversaw construction of a new juvenile detention facility. Named the Lynn W. Ross Juvenile Detention Center, the facility opened in 1971 with a capacity of 26. Judge Moore emphasized the importance of timely case processing, based on the belief that a child’s time spent in detention—away from school and family, even in a model secure detention facility—is not conducive to a youth’s growth and development.

Today, the juvenile justice center in Tarrant County operates 72 beds, with an average daily population of 66, the lowest bed capacity among the seven largest urban counties in Texas. Carey Cockerell, director of juvenile services, says that he is confident that the county’s expansion of detention facilities over the years has been a response to real need—not a response to overcrowding caused by poor detention management.

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## Components

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The department attributes its success to the use of objective detention criteria, intensive detention oversight, expedited court hearings and community-based programs. Alternative to detention programs include electronically monitored home detention and community-based detention (CBD), which provides in-home supervision for non-violent youth awaiting disposition. This alternative for pre-adjudicated youth, the Tarrant County Advocate Program (T-Cap), uses trained advocates from the youth's community to provide face-to-face supervision of the youth's activities, knowledge of current whereabouts, monitoring of attendance at school, work and home and provides assistance and support to parents/families.

“We have a no-eject, no-reject policy,” says Minette Bauer, executive vice president of Youth Advocate Programs, Inc., the parent program of T-Cap. “Most of the time, if you show the judge that a kid can succeed before his hearing, the judge will give that kid another chance.”

## The Numbers

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The cost of holding a youth in Tarrant County secure detention is \$121 a day. The cost of maintaining one youth in the T-Cap advocacy program is \$30-\$35 a day with a 93 percent success rate.

“Neighboring counties have come to us and said, ‘We don’t have a lot of programs. Aren’t they expensive?’” says Cockerell. “I tell them, we have more programming and less staff. I think they can do it, too. If their probation department looks at the funds and the way that they budget, they can do a lot more with what they have. The most expensive program—secure institutional detention—is the one to develop last. If you develop the community-based programs first, you’ll see which kids it will benefit and which kids it doesn’t work for.”

## Special Lessons

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Tarrant County aims for a juvenile justice culture based on efficient movement. The goal is to process cases and to provide alternatives to detention as quickly as possible following the referral of the child. Like many jurisdictions across the country, Tarrant County is

always struggling with disproportionate confinement of minority youth. However, Cockerell says that the use of offense-based criteria in the decision to detain children removes much of the subjectivity. It is a big step in the right direction.

## Next Step

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One area of ongoing work is the improvement of case processing and decreasing the length of stay in detention. Another area is the improvement of emergency psychiatric services for youth who are brought to detention while experiencing serious emotional disturbance. The department is currently collaborating with the local county hospital to streamline service provision and aftercare in these cases.

Trained advocates from the youth's community provide face-to-face supervision of the youth's activities, knowledge of current whereabouts, monitoring of attendance at school, work and home, and provide assistance and support to parents/families.

Juvenile Court Judge Jean Boyd says that there is still progress to be made in speeding up the more labor intensive cases, such as cases where youth are moved into the adult system for trial and cases that involve time-consuming medical testing. She also would like to see the establishment of more community-based programs that involve intensive family support. "I know there are concerns about widening the net. But I know that the only way some of these kids will make it at home is if the family gets services."

# Multnomah County: Addressing Disproportionate Minority Confinement (DMC)

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## History

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In 1992, Multnomah County was under a federal consent decree to reduce crowding at its aging detention center. “We weren’t mistreating kids,” says former placement coordinator Jim Stegmiller. “But upper management realized they had no control of what was going on.”

The old detention center was replaced with a new facility. But when the county became one of the original JDAI sites, there were changes that went beyond the cosmetic.

From the beginning of the process, agency heads and department managers were quick to agree on a philosophy and plans for placing appropriate youth into community-based programs instead of the detention center. They also agreed to make a special attempt to address the fact that a disproportionate percentage of minority youth were being detained. However, front-line staff, police, probation officers and prosecutors—perceiving reform to be “soft on crime”—were a harder sell. When the county communicated that the purpose of reform was not to eliminate the use of detention, but to make sure the right youth are being detained, front-line staff invested in the process.

## Components

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- A 24-hour reception center, operated by the non-profit agency New Avenues for Youth, to work with youth and families to find better placements and to access services. This was developed for the 2,000 status offenders—run-aways, homeless youth and other mischief-makers—detained every year, in violation of the law, because of a lack of options.
- A **Risk Assessment Instrument (RAI)**, an objective point-

based tool used to assess the youth's risk of re-offending and/or failing to appear for hearings.

- Establishment of an **expeditor**, a person assigned to monitor the status of detained youth and to help speed up case processing.
- An array of **alternatives to detention**, including electronic monitoring, a home confinement program run by Volunteers of America, a day reporting center and shelters for youth who cannot return home for a variety of reasons.

## Lessons from Multnomah County

- ✓ Get all primary county stakeholders together and reach consensus about the basic philosophy for detention reform.
- ✓ Involve a broad base of line staff in the actual development of the policies, procedures, instruments and alternatives.
- ✓ Make sure that everyone understands that nothing is etched in stone and that data will be collected on an ongoing basis.
- ✓ Be willing to take the time necessary to process feelings and attitudes that go along with major changes.
- ✓ Understand that it is likely that the most resistance to change will come from within the organization, rather than from outside.
- ✓ Emphasize that sustained, consistent focus by system leaders is essential to address the difficult issue of disproportionate minority confinement.
- ✓ Advise staff that the management team of the organization will support them when they implement change.

Source: Multnomah County Department of Community Justice, Juvenile Detention Reform Initiative.

- Development of **methods to address disproportionate minority confinement** (DMC), including diversifying the probation staff “to look more like the community,” establishing alternatives to detention in communities where detained youth of color live<sup>81</sup> and consistent monitoring to find trouble spots in the system.

## The Numbers

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The average daily detention population before detention reform was 96. The most recent is 20. During that same period, there have also been decreases in the average length of stay (from 9 days to 7 days) and case-processing time has been reduced by 28 percent.

In addition, inroads have also been made in addressing minority over-representation. Before reforms were put into place, 55 of the 96 youth in secure detention were African American. Recently, they accounted for 7 of the 20 detained youth.<sup>82</sup>

In 1994, there was an 11 percent difference between black youth and white youth in the likelihood that they would be detained at some point during their case. (Between Latinos and whites, the difference was 10 percent.) In 2000, the difference dropped to 3 percent for blacks and 2 percent for Latinos.<sup>83</sup>

Between 1994 and 2000, the number of youth admitted to detention dropped by half for all youth and by half for both black and Latino youth.<sup>84</sup>

## Special Lessons

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Many jurisdictions struggle with the disproportionate number of minority youth being held in secure detention. In Multnomah County, the development of an objective risk assessment instrument (RAI) made an immediate impact. Prior to the implementation of the RAI, intake counselors frequently made placement decisions based on experience and personal feelings.

Immediately after the RAI was put into place, the detention population fell, along with the percentage of minority youth. Effort was put into making the RAI ethnically and culturally sensitive. For example, historically, a youth has been more likely to be released if

there is a parent to monitor his or her behavior and to assure court appearances. This often worked as a bias against minority youth because it was perceived that many had no “responsible” parent in the home. In the RAI, references to “good family structure” were changed to “adult willing to accept responsibility for youth.” This takes advantage of the strengths of extended families that often exist in minority communities.

“The RAI looks at offense. It’s color blind,” says detention reform project coordinator Rick Jensen. “And if you make sure kids have equal access to alternatives, you will be blown away by the immediate change of complexion within the facility.”

## Next Step

DMC remains a constant challenge and Multnomah County is always examining its data to determine why youth of color still trickle in inappropriately. “Right now, almost 30 percent of the kids in the facility are black. That’s a lot better than it used to be, but ideally, it should be only about 10 percent,” says Jim Stegmiller. Recently, the department determined that a disproportionate number of youth of color were being detained for drug offenses, so a new diversion program was created. Also, the department is working closely with local stakeholders to address system-wide DMC issues.

## Reading the Risk Assessment Instrument (RAI)

In Multnomah County, the RAI took months to develop and has been revised several times to improve its performance. The RAI considers such factors as legal status, warrants, prior offenses, mitigating factors (school attendance, adult availability, number of violations, etc.) and aggravating factors (no community ties, history of running away, etc.). It works on a point system.

Source: Multnomah County Department of Community Justice, Juvenile Detention Reform Initiative.

## FACT:

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Experience has shown that a larger detention facility fills quickly—not because of a surge in youth offending—but because building more cells does nothing to address the underlying problem, the over-reliance on secure detention.

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# Conclusion

**W**hat takes place behind the walls of our nation's juvenile detention centers is all too often out of the public's sight and out of the public's mind. But periodically, a fight breaks out or a youngster is seriously injured in detention. Such situations may spark official inquiries and then a picture begins to emerge.

Around the country, nearly 70 percent of detained youth are housed in secure facilities that operate above capacity. Such overcrowding often leads to unsanitary living conditions, inadequate education, poor medical and mental health treatment, violence and sexual exploitation. Stress can inevitably build, giving rise to the use of harsh disciplinary measures, violence between youth and staff and violence among youth themselves.

Periodically, local media will run an expose that demands an explanation of why an institution supported by tax dollars allows for such conditions. The public demands action. City councils rush to convene. Hearings are held, records are examined and the usual solution is put on the table: If the existing detention facility is too crowded, make it bigger. Devote more time, more bureaucracy, more tax money and more community resources to building a new, larger facility.

However, this often-touted solution—one that would seem to make sense on the surface—is, in fact, misguided. It is a matter of *build it and they will come*. Experience has shown that a larger detention facility fills quickly—not because of a surge in youth offending—but because building more cells does nothing to address the underlying problem, the over-reliance on secure detention.

The point of detention—something that is often lost in the debate about youth crime—is not punishment and it is not rehabilitation. The true purpose of detention is to hold youth who are awaiting a hearing because of the strong belief in the opinion of the court that he or she may commit new crimes before the hearing or may not show up for the hearing.

Statistical analysis shows that these concerns do not apply to the majority of youth in secure detention. Contrary to public opinion, most are not dangerous felons who must be locked up for the sake of public safety. In fact, only 31 percent of detained youth are being held for person offenses. The others are awaiting hearings on property and public order charges or they have committed technical violations, meaning that they missed a court date or broke a rule of probation. In the saddest cases, some are youth with mental health problems placed in detention because they could not get the support they needed in the community. Or, they are youth who have committed minor offenses who could be released to a parent—only there is no responsible adult to provide them with a decent home and proper supervision.

All too frequently, our country's juvenile detention facilities have become the last resort for children and teenagers with no one to care for them or no one who knows how to handle them. As noted social work professors Ira Schwartz and William Barton have noted: "When families, neighborhoods, schools and other programs no longer wish to deal with troubled children, the detention center is the one resource that cannot turn them away."

It is ethically wrong to detain children who do not need to be behind locked doors. It is also a terrible waste of tax dollars, an important consideration in our current tight economic climate. For each youth in detention, we spend upwards of \$36,000 per year, money that would otherwise be used to support crucial local services, such as education and recreation, which benefit entire communities.

For all these reasons, growing numbers of policy makers are re-

thinking the use of detention, shifting philosophies and implementing a range of systemic reforms that keep youth out of secure detention when they don't need to be there.

As successful examples from around the country demonstrate, detention reform must be more than a patchwork of new programs or a handful of systemic tweaks that might solve one problem while creating another. Rather, true detention reform is an opportunity to do things in a different, more effective and more efficient way by implementing a complex set of changes in multiple areas of policy, practice and programming.

Inevitably, reform begins with enlisting all the "players"—public service agencies, community organizations and individuals—that constitute a local juvenile court system, and then involving them in collaborative planning and decision-making.

True reform must then branch out into many other arenas—admissions policies, case processing, alternative programs—in order to ensure that youth can meet their conditions of detention in the least restrictive environment possible.

The importance of detention reform cannot be understated. Detention is the entry point into the juvenile court system and as such produces an enormous ripple effect. Studies indicate that youth who are detained are more likely to spend time incarcerated in the future. Consequently, whether a youth spends time in a secure facility or whether that youth gets released into a meaningful community-based alternative is of enormous consequence—to the youth, his family and to the entire community.

We can continue doing things the old way and pay the price in terms of dollars, public safety and the compromised future of our most vulnerable youth. Or we can take a different path. When we look around the country at jurisdictions that have enacted reforms, when we study the charts and interpret the data, when we talk to the judges, prosecutors, probation officers, families and youth, it is impossible not to come away impressed and ready for change.



# Endnotes

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<sup>52</sup> Correctional Association of New York. "Juvenile Justice Project Update – July 2002" [www.correctionalassociation.org/JJP\\_Juvenile\\_Detention\\_factsheet.htm](http://www.correctionalassociation.org/JJP_Juvenile_Detention_factsheet.htm) (New York, NY: Correctional Association of New York, 2002).

<sup>53</sup> Center on Juvenile Crime and Criminal Justice [CJCJ]. "Detention Diversion Advocacy Project Evaluation, Sept. 1999." [www.cjcj.org/programs/detention\\_diversion.php](http://www.cjcj.org/programs/detention_diversion.php) (San Francisco, CA: CJCJ).

<sup>54</sup> Illinois Criminal Justice Information Authority, Sept. 2001, cited in Lisa Feldman,

Michael Males, and Vincent Schiraldi, A Tale of Two Jurisdictions: Youth Crime and Detention Rates in Maryland and the District of Columbia. [www.buildingblocksforyouth.org/dcmd](http://www.buildingblocksforyouth.org/dcmd) (Washington, DC: Justice Policy Institute, 2001).

<sup>55</sup> Law Enforcement Data System Division, Oregon State Policy, Sept. 2001, cited in *ibid*.

<sup>56</sup> Howard Snyder and M. Sickmund, Juvenile Offenders and Victims, 1999 Report. (Pittsburgh, PA: National Center for Juvenile Justice, 1999).

<sup>57</sup> Russell K. Van Vleet and Edward C. Byrnes, "Alternatives to Detention Survey Report," (Washington, DC: Coalition for Juvenile Justice, 2002).

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<sup>59</sup> Howard Snyder et al. Easy Access to Juvenile Court Statistics: 1998-1997. (Pittsburgh, PA: National Center for Juvenile Justice. Washington DC: OJJDP, 1999).

<sup>60</sup> Howard Snyder and M. Sickmund, Juvenile Offenders and Victims, 1999 Report. (Pittsburgh, PA: National Center for Juvenile Justice, 1999).

<sup>61</sup> Ibid.

<sup>62</sup> Bill Rust, "Juvenile Jailhouse Rocked: Reforming Detention in Chicago, Portland and Sacramento." AdvoCasey (Baltimore, MD: Annie E. Casey Foundation, 1999).

<sup>63</sup> E.H. Hoytt et. al. Reducing Racial Disparities in Juvenile Detention. Pathways to Juvenile Detention Reform #8. (Baltimore, MD: Annie E. Casey Foundation. 2002).

<sup>64</sup> National Center for Juvenile Justice, National Juvenile Court Data Archive: Juvenile Court Case Records 1987-1996, cited in Howard Snyder and M. Sickmund, Juvenile Offenders and Victims, 1999 Report. (Pittsburgh, PA: National Center for Juvenile Justice, 1999).

<sup>65</sup> Center on Juvenile and Criminal Justice [CJCJ]. "Reducing Disproportionate Minority Confinement: The Multnomah County Oregon Success Story and Its Implications." [www.cjcj.org/pubs/portland/portland.html](http://www.cjcj.org/pubs/portland/portland.html) (San Francisco, CA: CJCJ, 2002).

<sup>66</sup> Martha Shirk. "Reformers Flail at Lockup Boom." Youth Today Magazine. (Washington, DC: Youth Today Dec./Jan 2002).

<sup>67</sup> Ibid. Also, personal communication with Bart Lubow.

<sup>68</sup> Karen De Sa, "Policy Aims to Lower Number of Youths in Juvenile Hall." San Jose Mercury News (San Jose, CA. Dec. 21, 2002).

<sup>69</sup> Martha Shirk. "Reformers Flail at Lockup Boom." Youth Today Magazine. (Washington, DC: Youth Today Dec./Jan 2002). Also, personal communication with Richard Lindahl.

<sup>70</sup> Karen De Sa, "Policy Aims to Lower Number of Youths in Juvenile Hall." San Jose Mercury News (San Jose, CA, Dec. 21, 2002). Also, personal communication with Bart Lubow.

<sup>71</sup> Personal communication with Terry Traynor.

<sup>72</sup> Schwartz & Barton, 1991, cited in unpublished report by Criminal and Juvenile Justice Consortium for Coalition for Juvenile Justice. (Washington DC: Coalition for Juvenile Justice, 2002).

<sup>73</sup> Ira Schwartz, William Barton, Frank Orlando, "Reducing the Use of Secure Detention in Broward County, Florida." Public Welfare (Spring 1991).

<sup>74</sup> Ibid

<sup>75</sup> Michael Dale and Carl Sanniti, "Litigation as an Instrument for Change in Juvenile Detention: A Case Study." Crime and Delinquency. (Long Beach, CA: Sage Publications, 1993).

<sup>76</sup> Ira Schwartz, William Barton, Frank Orlando, "Reducing the Use of Secure Detention in Broward County, Florida." Public Welfare (Spring 1991).

<sup>77</sup> Bart Lubow, Pathways to Juvenile Detention Reform, series preface. (Baltimore, MD: Annie E. Casey Foundation).

<sup>78</sup> Personal communication with Kay Carter.

<sup>79</sup> Personal communication with William Sifferman.

<sup>80</sup> 1999 National Report Series, Juvenile Justice Bulletin: Violence After School [www.ncjrs.org/html/ojjdp/9911\\_1/vio1.html](http://www.ncjrs.org/html/ojjdp/9911_1/vio1.html) (Washington DC: Office of Juvenile Justice and Delinquency Prevention, 1999).

<sup>81</sup> E.H. Hoytt et al. Reducing Racial Disparities in Juvenile Detention. Pathways to Juvenile Detention Reform #8. (Baltimore, MD: Annie E. Casey Foundation).

<sup>82</sup> Personal communication with Jim Stegmiller.

<sup>83</sup> Multnomah County Department of Community Justice, Juvenile

Detention Reform Initiative Training Guide. (Portland, OR: Multnomah County Department of Community Justice, 1998).

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# Recommendations

**T**here are some youth who, because they pose a risk to public safety or because they are likely to not show up for their hearing, must be held pending adjudication in a secure detention facility. However, research indicates that these locked facilities have become the juvenile court system's *hidden closets*. Many boys and girls—the majority of whom have been alleged to commit nonviolent offenses—wind up in these often dangerous and depressing places due to lack of system planning and lack of community resources.

Such institutions are costly to build and operate. When overused or used indiscriminately, they have no positive impact on public safety. In fact, a stint in a detention facility can leave some youth more prone to criminal behavior than before the system intervened.

For these economic, public safety and ethical reasons, the Coalition for Juvenile Justice (CJJ) recommends the use of secure detention for only its most basic and legitimate purposes: To hold youth who are awaiting a hearing because of the strong belief that he or she may commit new crimes before the hearing; or, to hold those youth who demonstrate a strong probability of not showing up for court.

To this end, CJJ urges jurisdictions to refrain from spending millions of dollars unnecessarily when there is little return on the

investment. CJJ supports detention reform as an option that is far more cost-effective, more humane, more efficient and more effective than over-reliance on detention. Such reform is likely to include some or all of the following: establishment of objective decision-making criteria and risk-assessment tools, speeded-up case processing and the development of a range of community-based alternatives to detention.

Each year, CJJ offers recommendations at the conclusion of its annual report. We emphasize that turning away from costly and ineffective detention policies will require commitment and a concerted effort. To this end, we urge all members of the community to do their part.

## To The President

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The President can urge Congress to provide federal resources to spur and support reforms in local detention systems and practices.

## To the U.S. Congress

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Members of Congress can take time to learn more about the local detention practices in their home states and districts.

Through legislation, Congress can support policies that turn away from over-reliance on secure detention for youth accused of minor, non-violent crimes, probation violations and status offenses.

Congress can refrain from providing financial support for increasing the use of secure detention. Instead, financial incentives can facilitate meaningful detention reforms.

## To the Administrator of the Office of Juvenile Justice and Delinquency Prevention

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The Office can continue to fund, support and publicize research that examines the overuse of secure detention. Funding for such research should be augmented by technical assistance to support state advisory groups, policy makers and juvenile justice personnel who are trying to better understand the implications of secure detention.

The Office should encourage states to address detention reform and to establish community-based alternatives to detention in their 3-year plans.

The Office should promote promising practices and make available to states and localities a wide array of technical assistance and training services to support detention reform and alternatives.

The Office should continue to examine the issue of race to determine the reasons why minority youth are being disproportionately held in secure detention. Through funding and technical assistance, the Office can assist in addressing the inequities and cultural biases.

## To the State Advisory Groups (SAGs)

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SAGs can inform themselves about the use of secure detention in their states and become familiar with models of effective detention reform from other SAGs and elsewhere around the country.

SAGs should make funds available for community teams to visit and learn from national model detention reform sites in other states and jurisdictions.

SAGs can take the lead in informing policy makers, juvenile court personnel and the public about the public safety risks, long-term cost implications and negative impact on children and communities that stem from over-reliance on secure detention.

SAGs can encourage and promote rational, research-based detention reforms and alternatives.

SAGs can examine the issue of race in detention and implement reforms that address inequities and cultural biases.

SAGs can recommend to governors that detention professionals be appointed to State Advisory Groups.

SAGs can strengthen and include detention reform efforts in their 3-year plans.

## To Policy Makers

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Policy makers can examine the effects of the over-reliance on secure detention and project the immediate and future impact on youth, budgets and public safety.

Through funding and legislation, policy makers can support the philosophy that youth should be placed in the least restrictive, appropriate environment and that youth should be removed from secure detention as quickly as possible, taking public safety into account.

Policy makers can examine the issue of race within secure detention. They can implement and support reforms and alternatives that are culturally and ethnically sensitive, as well as family- and community-based.

Policy makers can strongly encourage all appropriate agencies, such as corrections, probation, mental health, education and social services, to collaborate on detention reform.

## To Localities

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Localities can develop a juvenile court collaborative task force that examines detention costs, issues and the implementation of reforms and alternatives.

Localities can encourage members of the task force and juvenile court professionals to make site visits to recognized model programs.

Localities can work to enact systemic reform that is likely to include some or all of the following: establishment of objective detention criteria, speeded-up case processing and the development of a range of community-based alternatives to detention.

## To Juvenile Court Judges

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Judges can use their role as community leaders to examine and publicize the negative impact of the overuse of secure detention on youth, economics and public safety.

Judges can take the lead in questioning the use of detention for individual youth under their legal care. Through the power of the court, they can encourage the placement of youth into alternatives to detention when appropriate.

Judges can be a guiding force in drawing together the various agencies and individuals who compose the juvenile court system, for the purpose of developing and implementing meaningful system reform. Such reform is likely to include some or all of the following: establish-

ment of objective detention criteria, speeded-up case processing and the development of a range of community-based alternatives to detention.

Judges can be aware that in many jurisdictions, minority youth are being held in secure detention in disproportionate numbers. They can examine this situation in their own jurisdiction and move immediately to address any inequities.

## **To Prosecutors, Defense Attorneys, Police, Probation Officers and others who comprise the juvenile court system.**

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They can understand that detention reform does not mean being “soft on crime.” Rather, it means being “smart on crime.”

They can support reforms that emphasize the use of secure detention for only those youth who pose public safety risks or are unlikely to show up at their hearings.

They can become knowledgeable and supportive of existing community-based alternatives to detention, while also being open to new and creative ways of removing youth from secure detention as appropriate.

They can make certain that race is not a factor in determining which youth are detained and which are released.

Alternatives to detention should be culturally sensitive, community- and family-focused and be equally accessible to all youth, regardless of race, ethnic group or economic status.

## **To the American Public**

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The American public can recognize that placing large numbers of youth in secure detention is not sound public policy. The majority of those in detention facilities can be maintained at home or in other alternative programs without risk to community safety and at far less taxpayer expense.

The American public can help bolster families and communities so that at-risk youth do not need to be locked up in order to promote public safety.

The American public can support the best use of their tax dollars by resisting calls for expanded secure detention facilities and instead supporting a reform philosophy that is more rational, more fiscally responsible and more equitable.





# Resources for Detention Reform

## **Annie E. Casey Foundation**

Juvenile Detention Alternatives Initiative  
701 St. Paul St.  
Baltimore, MD 21202  
[www.aecf.org](http://www.aecf.org)  
Contact: Bart Lubow [bblubow@aecf.org](mailto:bblubow@aecf.org)  
(410) 547-6600

## **Center for the Study of Youth Policy**

Nova Southeastern University  
3305 College Ave.  
Ft. Lauderdale, Fla. 33314  
Contact: Frank Orlando [orlandof@nsu.law.nova.edu](mailto:orlandof@nsu.law.nova.edu)

## **Coalition for Juvenile Justice (CJJ)**

1710 Rhode Island Avenue, NW, 10th floor  
Washington DC 20036  
[www.juvjustice.org](http://www.juvjustice.org)  
Contact: Eve Munson [munson@juvjustice.org](mailto:munson@juvjustice.org)  
(202) 467-0864

**Cook County Department of Juvenile Probation and Court Services**

1100 South Hamilton Ave.

Chicago, Ill 60612

Contact: William Sifferman [cjcourt@hotmail.com](mailto:cjcourt@hotmail.com)

(312) 433-6580

Michael Mahoney [mjm9944@aol.com](mailto:mjm9944@aol.com)

(312) 225-5217

**King County Juvenile Justice Operational Master Plan**

Department of Youth Services

1211 E. Alder Street

Seattle, WA 98104

Contact Michael Gedeon [Michael.Gedeon@METROKc.gov](mailto:Michael.Gedeon@METROKc.gov)

(206) 205-9532

**Multnomah County Department of Community Justice**

1401 NE 68th Street

Portland, Or 97213

Contact Rick Jensen [Rick.K.Jensen@co.multnomah.or.us](mailto:Rick.K.Jensen@co.multnomah.or.us)

(503) 306-5698

**National Juvenile Detention Association (NJDA)**

Eastern Kentucky University

301 Perkins Building

Richmond, Kentucky 40475

[www.njda.com](http://www.njda.com)

[njdaeku@aol.com](mailto:njdaeku@aol.com)

(859) 622-6259

**North Dakota Association of Counties**

PO Box 877

Bismarck, ND 58502

[www.ndaco.org](http://www.ndaco.org)

Contact Terry Traynor [ttraynor@ndaco.org](mailto:ttraynor@ndaco.org)

(701) 328-9800

**Tarrant County Department of Juvenile Services**

2701 Kimbo Road

Fort Worth, Texas 76111

Contact Carey Cockerell [ccockerell@tarrantcounty.com](mailto:ccockerell@tarrantcounty.com)

(817) 838-4643



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# CJJ Reports

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## **False Images? The News Media and Juvenile Crime**

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December 1997: Evaluates media coverage of juvenile crime and the impact such coverage has on public perception and the development of juvenile justice policy.

## **A Celebration Or A Wake? The Juvenile Court After 100 Years**

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December 1998: Discusses the first 100 years of the juvenile court in America with recommendations for maintaining and strengthening its rehabilitative focus and making critical improvements.

## **Ain't No Place Anybody Would Want To Be: Conditions of Confinement for Youth**

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December 1999: Surveys the conditions of juvenile confinement in the United States, ranging from deplorable to exemplary. Highlights effective programs and recommendations for change.

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## **Enlarging the Healing Circle: Ensuring Justice for American Indian Children**

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July 2000: Cites substance abuse, depression, gang involvement and faulty legal procedures as major factors contributing to American Indian youth involvement with the courts. Offers recommendations for positive change.

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## **Handle With Care: Serving the Mental Health Needs of Young Offenders**

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December 2000: Reveals the unequal and unreasonable hurdles mentally ill children—especially those who are court-involved children—and their families must clear to receive mental health services. Includes profiles of model programs and constructive recommendations.

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## **!Esperanza!: Awakening to the Strength of Latino Youth**

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August 2001: Reveals that overlooking the cultural identities, as well as the healthcare and educational needs, of Latino youth hinders their positive development. Includes targeted recommendations.

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## **Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention**

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December 2001: Draws a link between school success and the prevention of juvenile delinquency, addressing current education practices that fail to meet children's needs along with those that provide critical supports to children and families at risk. Includes profiles of model programs and recommendations.

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They won the 1997 media award presented by the National Council of Juvenile and Family Court Judges for an Outstanding Contribution in Communicating the Needs of Youth and Juvenile Courts, for their book: *Somebody Else's Children—The Courts, the Kids, the Struggle to Save America's Troubled Families* (hardcover Crown, 1997; paperback Three Rivers Press, 1998). They were also finalists for the 1998 American Bar Association Gavel Award and the Bay Area Book Reviewer's Association Award for the best nonfiction book.

John Hubner is a long-time journalist and currently an assigning editor at the *San Jose Mercury News*. He has been honored with many journalism awards, including the Unity Award for promoting harmony among the races and the National Association of Sunday Magazines Award for best

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