

Unlocking the Future:

Detention Reform in the Juvenile Justice System

— the 2003 annual report from the Coalition for Juvenile Justice

REPORT OVERVIEW

Who Ends Up in Detention?

Despite a continual decline in juvenile offending over the past decade, the population of youth confined in pre-trial secure detention has steadily grown. Nothing short of a lock-up boom exists in the United States, despite substantial evidence that locking up youth before a hearing is often unnecessary and detrimental to their future health and well being.

Today, an alarmingly high number of youth with serious emotional, behavioral and substance abuse issues, and a disproportionately high number of youth of color, are behind locked doors awaiting court hearings. On an average day, more than 27,000 youth are estimated to reside in locked detention centers—a number that has grown 72 percent since the early 1990s. It is also estimated that 300,000-600,000 children and teens cycle through secure detention facilities each year in the United States. These numbers are especially poignant when you realize that most are young, nonviolent, relatively minor offenders—some of whom will be acquitted of all charges—most of whom do not need to be there at all.

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 are aged 15 or younger and a third are aged 14 or younger. Nearly 70% are held for nonviolent offenses (National Center for Juvenile Justice, 1999).

Bart Lubow, senior program associate at the Annie E. Casey Foundation, founder of the Juvenile Detention Alternatives Initiative and national leader in detention reform, points out, “When you talk to judges, prosecutors, or other juvenile justice professionals, many of them say things like, ‘We locked him up for his own good.’ Or, ‘We locked him up because his parents weren’t available.’ And, ‘We locked him up to get a mental health assessment.’ But none of these reasons are reflected in statute or professional standards.” Not surprisingly then, 60 percent of youth in secure detention have behavioral/mental health disorders and up to 70 percent have substance abuse problems.

Facts Show that Over-Reliance on Detention Exacts High Human and Financial Costs:

Nearly 40,000 of the youth detained each year are status offenders (youth whose offenses would not be considered to be crimes if committed by adults). In almost half of these cases, the most serious offense is running away. (National Center for Juvenile Justice, 1999)

Harsh conditions and over-crowding in detention facilities lead to increased reports of suicide attempts, stress-related illnesses and psychiatric problems. (National Juvenile Detention Association and Youth Law Center, 1998)

In Tarrant County, Texas, and throughout the nation, locking kids up has been shown to increase long-range recidivism rates, spurring officials to conclude that the community can be better served and protected by using dollars for community-based detention alternatives. (Judge Jean Boyd, Tarrant County Juvenile Court, 2003)

In a San Francisco study of 1,500 high risk youth placed in an alternative to detention program, upon completion of the program participants were 26% less likely to be re-arrested than similar youth released from secure detention facilities. (Center on Juvenile Crime and Criminal Justice, 1999)

Throughout the 1980s and 1990s, as the detention population grew, four of every five newly detained youth were minority youth. (Annie E. Casey Foundation, 2002)

The cost to taxpayers of operating one detention bed over a 20-year period is \$1.25- \$1.5 million dollars. (National Juvenile Detention Association, 2003)

Some counties have embraced change and spared resources, for instance, King County (WA) shelved plans to build a larger detention facility and implemented system reforms, including putting a less costly community-based program in place that saves taxpayers \$3.9-\$5.4 million a year. (American Youth Policy Forum, 2001)

“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.

The Detention Reform Movement:

Detention reform efforts are creating positive changes in state and local juvenile justice systems. In communities as diverse as Tarrant County (TX), Multnomah County (OR), Santa Cruz (CA) and the states of North Dakota and Illinois, reformers have found that keeping youth out of secure detention accrues many benefits for youth and families—including better mental health assessment and treatment, greater and stronger connections with family, school and community supports, decreased re-offense rates and a reduction of harsher, more punitive treatment of youth of color as compared with their white counterparts. Detention reform is also saving scarce public dollars and redirecting resources toward more cost-effective home and community based alternatives to confinement.

In North Dakota, for example, short-term “holdovers” are used in lieu of detention, in various community sites throughout the state. While awaiting their hearings, youth get one-on-one attention from trained adult advocates, including social workers, teachers, clergy and retired volunteers. The goal is to return juveniles home, or to a more appropriate setting,

within 8-12 hours. For youth, families and communities, the impact has been positive. The safety of youth and community are preserved, youth are held in the least restrictive setting and for the least amount of time, youth are held as close to home as possible, law enforcement is put back to work sooner and valuable resources are freed up.

In Cook County/Chicago, Illinois, the juvenile probation department reports that more than 90 percent of youth placed in community-based alternatives to detention are successful, meaning they remain arrest-free and engaged in school and other productive activities. The evening reporting centers report an average success rate of more than 92 percent and the staff-secure shelters have an average success rate of more than 96 percent. Meanwhile, the number of youth in secure detention has dropped from a high of 848 in 1996 to today's average daily detention population of 445. This momentous change has resulted from the development of new risk assessment and screening procedures, more efficient case processing and most notably from the positive and growing relationship between various components of the juvenile court system and community providers of alternatives to detention.

Tools of Detention Reform:

Short-term community-based alternatives can be successful tools for stemming the flow of youth into secure detention when it is not needed to protect the safety of the youth or the public. The most frequently used alternatives to detention include:

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 educational and recreational activities.

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, curfews and parental supervision. Unannounced visits and phone calls by probation officers or representatives from nonprofit agencies minimize chances that youth engage in delinquent behavior and ensure court appearances.

Case management/advocates—Through a community-based organization, an advocate provides ongoing, intensive face-to-face supervision and support for a youth, ensuring that they meet 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 provide support to families.

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 non-secure settings.

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.

Recommendations for Change:

Children sometimes make mistakes; children sometimes break the law. Therefore, it is up to responsible adults, serving 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. With this in mind, the Coalition for Juvenile Justice makes the following recommendations for change, among others:

- ▶ CJJ calls upon the Congress, through legislation, to support policies and appropriations that turn away from over-reliance on secure detention for youth accused of minor, nonviolent offenses, probation violations and status offenses.
- ▶ CJJ calls upon the Office of Juvenile Justice and Delinquency Prevention at the U. S. Department of Justice to promote promising practices and make available to state and localities a wide array of technical assistance and training supports to facilitate detention reform.
- ▶ CJJ calls upon state and local policy makers, through funding and legislation, to support the philosophy that youth should be placed in the least restrictive, appropriate environment and be removed from secure detention as quickly as possible, taking public safety into account.

For More Information:

To obtain a copy of *Unlocking the Future: Detention Reform in the Juvenile Justice System*, contact the Coalition for Juvenile Justice, 1710 Rhode Island Ave., NW, 10th Floor, Washington, DC 20036, tel: 202-467-0864, fax: 202-887-0738, info@juvjustice.org.

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The Coalition for Juvenile Justice (CJJ) builds safe communities, one child at a time by forging an effective, nationwide response to prevent and reduce juvenile crime and delinquency. CJJ is a national nonprofit organization established in 1985 that comprises 56 governor-appointed juvenile justice advisory groups in U.S. states and territories, and District of Columbia.

The Coalition for Juvenile Justice (CJJ) is pleased to thank the Annie E. Casey Foundation of Baltimore (MD) for its support of *Unlocking the Future*, this report overview, a nationwide survey on the status of detention conducted with state juvenile justice advisory groups, and an ongoing project to expand and improve detention practices across the United States.

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