Successful Strategies for Reforming Juvenile Detention

By Bart Lubow
Senior Associate at The Annie B. Casey Foundation

Introduction

IN 1993, THE Annie E. Casey Foundation launched the Juvenile Detention Alternatives Initiative (JDAI), an ambitious multi-year, multi-site project undertaken to demonstrate that jurisdictions can reduce reliance on secure detention without sacrificing public safety. The decision to invest millions of dollars and vast amounts of staff time to detention reform, a long-neglected component of juvenile justice, was stimulated by data that revealed a rapidly emerging national crisis in juvenile detention.

From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent (Figure 1). This increase might 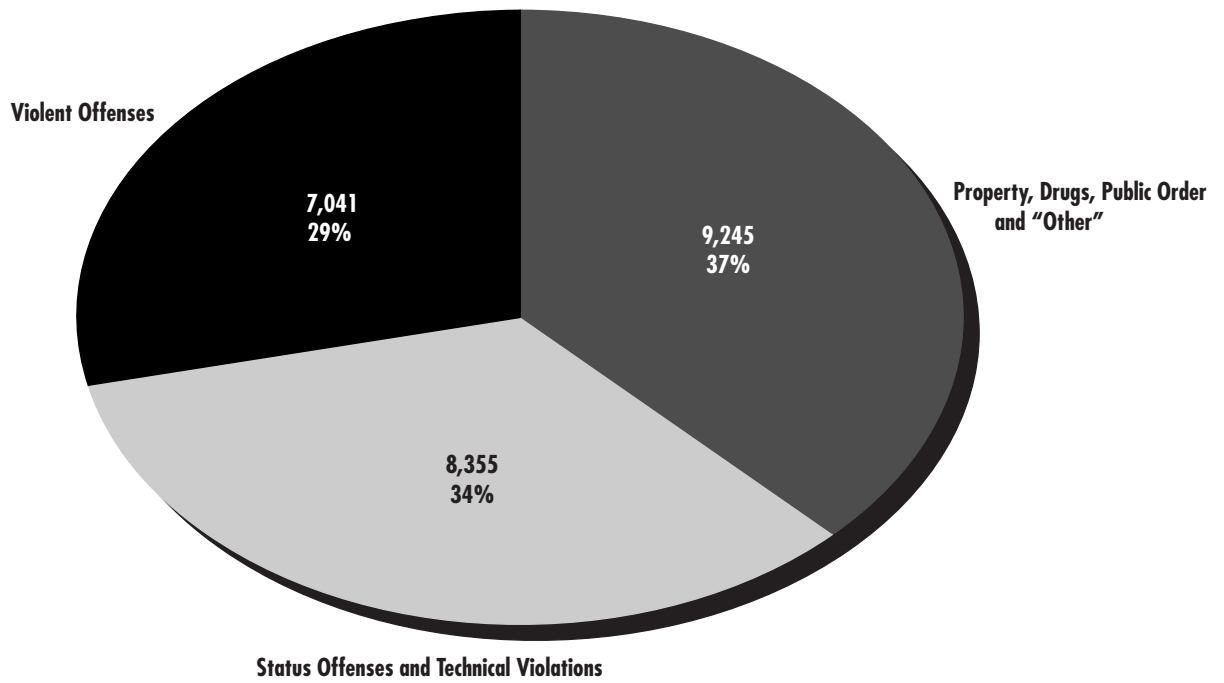be understandable if the youth in cus-tody were primarily violent offenders for whom no reasonable alternative could be found. But other data (Figure 2) revealed that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. These increases, moreover, were wildly disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those proportions were reversed (Figure 3), a consequence of greatly increased detention rates for African-American and Hispanic youth over this ten year period.[1]

FIGURE 1.
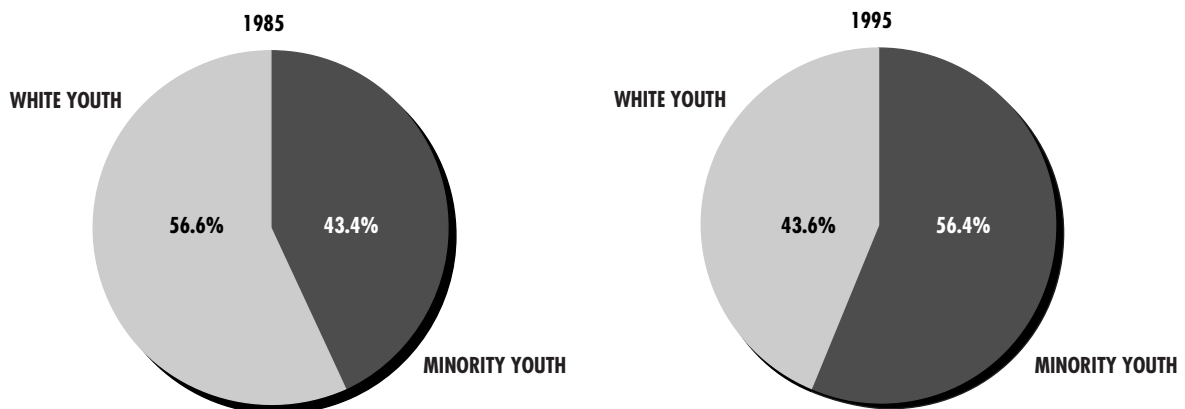## AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS
1985–1995
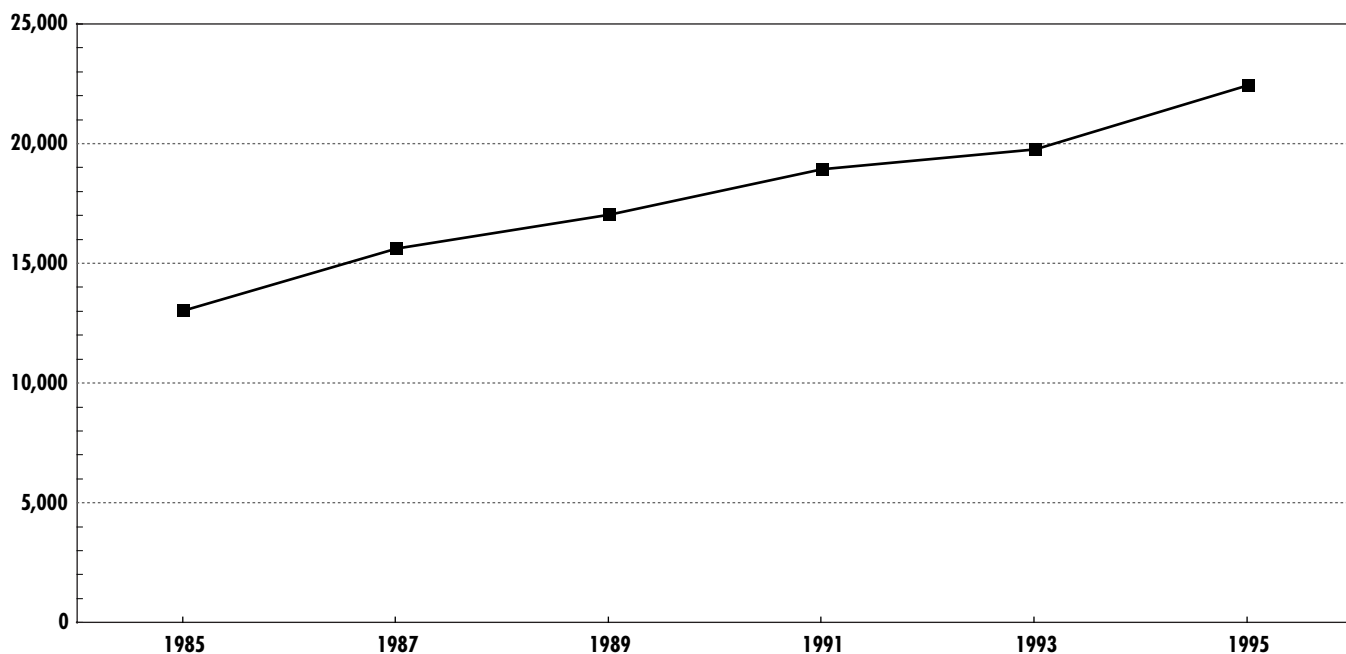
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE 2.
ONE-DAY COUNTS IN DETENTION FACILITIES, 1995
BY OFFENSE CATEGORY

Violent Offenses

**7,041
29%**

**Property, Drugs, Public Order
and "Other"**

**9,245
37%**

**8,355
34%**

Status Offenses and Technical Violations

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE 3.
OVERREPRESENTATION OF MINORITY YOUTH IN PUBLIC DETENTION CENTERS:
1985 & 1995

1985

WHITE YOUTH

56.6%   **43.4%**

MINORITY YOUTH

1995

WHITE YOUTH

43.6%   **56.4%**

MINORITY YOUTH

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

As juvenile detention utilization escalated nationally, crowded facilities became the norm, rather than the exception. The number of public facilities operating above their rated capacities rose by 642%, from 24 to 178, between 1985 and 1995 (Figure 4), and the percentage of youth held in overcrowded detention centers rose from 20% to 62% during the same decade (Figure 5). By mid-decade, therefore, most youth admitted to secure detention found themselves in overcrowded places that research, case law and practical experience all reveal cannot provide the appropriate custody and care that are the obligation of every jurisdiction that locks up a child.

Pathways to Juvenile Detention Reform

JDAI was developed as an alternative to these trends. Its purpose was simple: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative had four basic objectives: 1) to eliminate the inappropriate or unnecessary use of secure detention; 2) to minimize failures to appear and the incidence of delinquent behavior; 3) to redirect public finances from building new facility capacity to responsible alternative strategies; and 4) to improve conditions in secure detention facilities. In effect, JDAI was designed to test the proposition that jurisdictions could control their detention destinies by changing the ways in which the system's participants made decisions, coordinated activities, and held themselves accountable.

JDAI's various strategies can be thought of as a series of pathways to reform at the policy, system, and practice levels (Figure 6).[2] The first strategy was collaboration, bringing together juvenile justice system stakeholders and other potential partners (like schools, community groups, mental health providers) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was essential for sites to build a consensus about the limited purposes of secure detention: *to ensure that alleged delinquents appear in court and to protect the community by minimizing serious delinquent acts while their cases are pending*. It was also critical to ensure that individual agencies or stakeholders did not sabotage other reform strategies.

Collaboration and clarification of purpose, in turn, helped to build capacity for reform in two ways. First, individual agencies examined their internal policies and programs to determine if they were consistent with these newly defined purposes. Second, the collaborators identified capacities that needed to be built, such as information systems that could provide timely, accurate data essential to understanding the system's operations and the impact of reforms.

Armed with a clearer sense of purpose, better information and the power of a common, collaboratively agreed upon reform agenda, the sites began transformation at the practice level, first by gaining control of who was admitted to secure detention. This was accomplished by developing objective criteria to clarify which arrested youth were eligible for detention and screening instruments to distinguish

FIGURE 4.
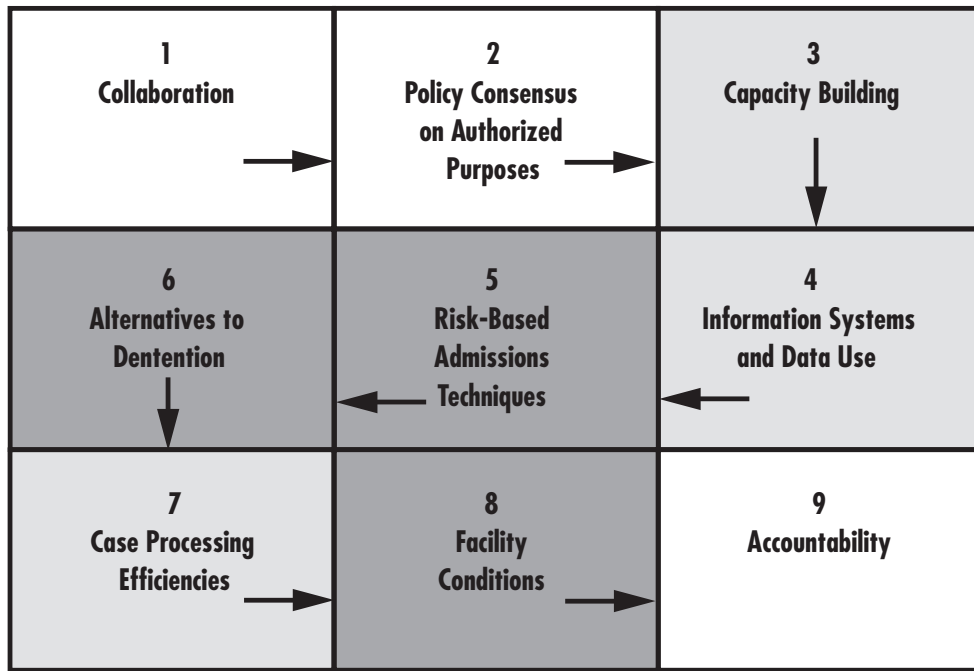NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS
1985-1995
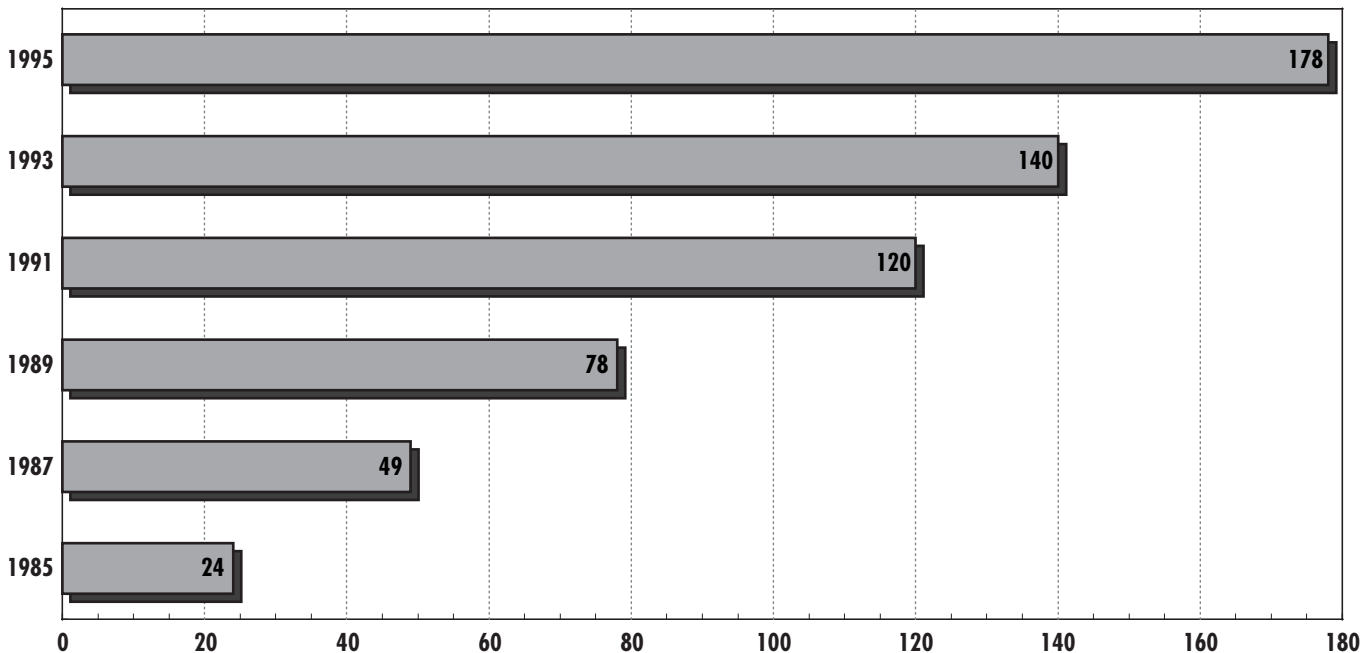
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE 5.
PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS
1985-1995
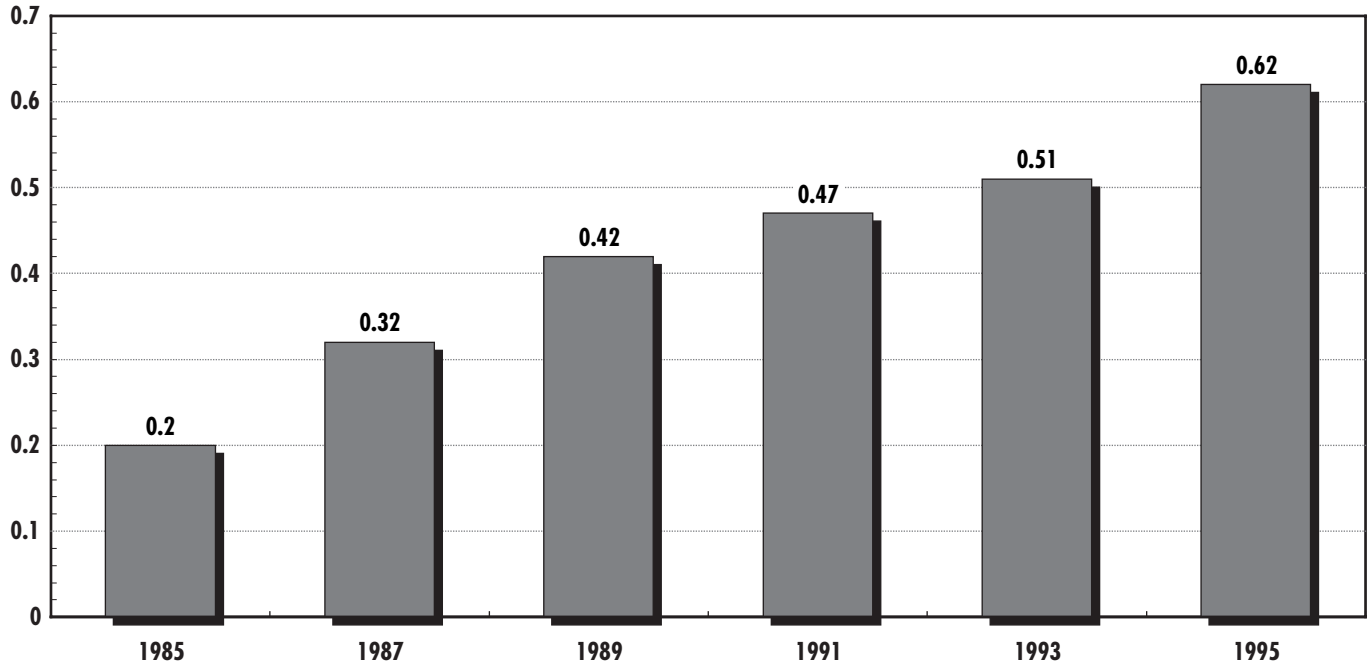
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE 6.
PATHWAYS TO JUVENILE DETENTION REFORM

1 Collaboration	2 Policy Consensus on Authorized Purposes	3 Capacity Building
6 Alternatives to Dentention	5 Risk-Based Admissions Techniques	4 Information Systems and Data Use
7 Case Processing Efficiencies	8 Facility Conditions	9 Accountability

Legend: ☐ Policy Reforms   ☐ System Modifications   ☐ Practice Innovations

which detention-eligible youth were or were not likely to appear in court or re-offend. These new tools replaced idiosyncratic or subjective approaches that often failed to distinguish high-risk from low-risk youth, frequently frustrated law enforcement officials (who could not figure out which kids would be detained), contributed to disparate rates of admissions across races, and left the system unable to explain its own decisions.

These new admissions instruments also enabled the participating jurisdictions to more effectively identify appropriate youth for new or expanded alternative-to-detention programs. JDAI sites generally developed or expanded three different kinds of alternatives: home detention (also called house arrest, community detention or home confinement), day- or evening-reporting centers, and temporary, non-secure shelters. Some programs were contracted out to non-profit, community-based agencies; others were operated by local probation departments. Program activities were designed to maximize the likelihood that kids would appear in court when scheduled and not commit new offenses while their instant cases were pending. As a general rule, program restrictiveness was increased or decreased as a function of the youth's behavior. Adherence to conditions of supervision in home detention, for example, might result in later curfews or fewer daily contacts, while non-compliance would lead to tighter controls.

Another strategy was to increase case processing efficiency so that cases moved more quickly, especially for youth in secure confinement or alternative programs. These types of system improvements reduce lengths of stay and, therefore, lower facility population levels. They also speed the administration of justice and allow for the redeployment of staff to other functions. Once JDAI site participants began to critically dissect how cases flowed through their systems, they became particularly creative in these endeavors, finding numerous ways to expedite cases by reducing the time between court hearings, facilitating more timely placements, etc.

To improve conditions in detention facilities, each site agreed to rigorous annual inspections by outside experts who analyzed facility records, interviewed staff and children, observed programming, reviewed operations at all hours, and examined every nook and cranny of the physical plant. These inspectors then prepared detailed reports that highlighted conditions for which the site could be found legally liable, as well as improvements that should be made consistent with best practices. Deficiencies were corrected at site expense so that confined youth were at least held in constitutionally required conditions. Several sites came to welcome these annual inspections. They provided a "report card" that administrators could use to improve operations and they served as evidence when advocating for resources.

Finally, each site took steps to increase system accountability by measuring and reporting outcomes to determine if detention's authorized purposes were effectively accomplished and whether its programs, policies, and practices were of high quality and reasonable cost. Prior to JDAI, none of these sites knew what their failure-to-appear or pretrial re-arrest rates were. Today, they routinely keep track of these essential detention system outcome measures and can provide timely feedback on the "success" rates of their non-secure programs.

Preliminary Results

In practice, these reform strategies proved much easier to design than to implement. JDAI began with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just when implementation activities were about to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, coupled with reports of significantly increased juvenile violence, spurred media coverage and "get tough" legislation antithetical to JDAI's core notion that some youth might be "inappropriately or unnecessarily" detained. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. In some JDAI sites, legislation was enacted that drove up detention utilization.

Still, by the end of 1998, three of the JDAI sites (Cook, Multnomah and Sacramento counties) had not only persevered; they had genuinely transformed their detention systems by implementing this complex array of reform strategies. Did these changes make a difference? Preliminary data certainly indicate that they have.[3]

Cook County, for example, was the most severely crowded detention center of the JDAI sites, with a 1996 population peak of over 800 youth crammed into a facility designed for 498. Over the past three years, Cook County reduced its average monthly population from a high of 779 in February 1996 to a low of 524 in September 1999 (Figure 7). These reductions were accomplished by lowering the percentage of detention screenings resulting in secure custody from 70 percent to approximately 40 percent and by decreasing overall case processing times for youth who were detained at some point in their cases by 39 percent. Significantly, these changes were made without increases in pretrial re-arrest rates and with a significant (50 percent) decrease in failure-to-appear rates.

Multnomah County was able to keep its average daily population below facility capacity despite new "waiver" legislation that mandated detention for youth prosecuted in adult courts (where the slower pace also increased their lengths of stay). Objective admissions screening enabled Multnomah to decrease its detention rate by approximately 20 percent. These new practices also reduced disparities in the likelihood of detention across races (Figure 8). Case processing innovations in Multnomah's unusually fast juvenile court further reduced average case processing times (for cases involving detention) by one-third. Again, these population reduction strategies were implemented without sacrificing appearance in court or pretrial re-arrest rates.

FIGURE 7.
COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER
AVERAGE MONTHLY POPULATION 1996 & 1999
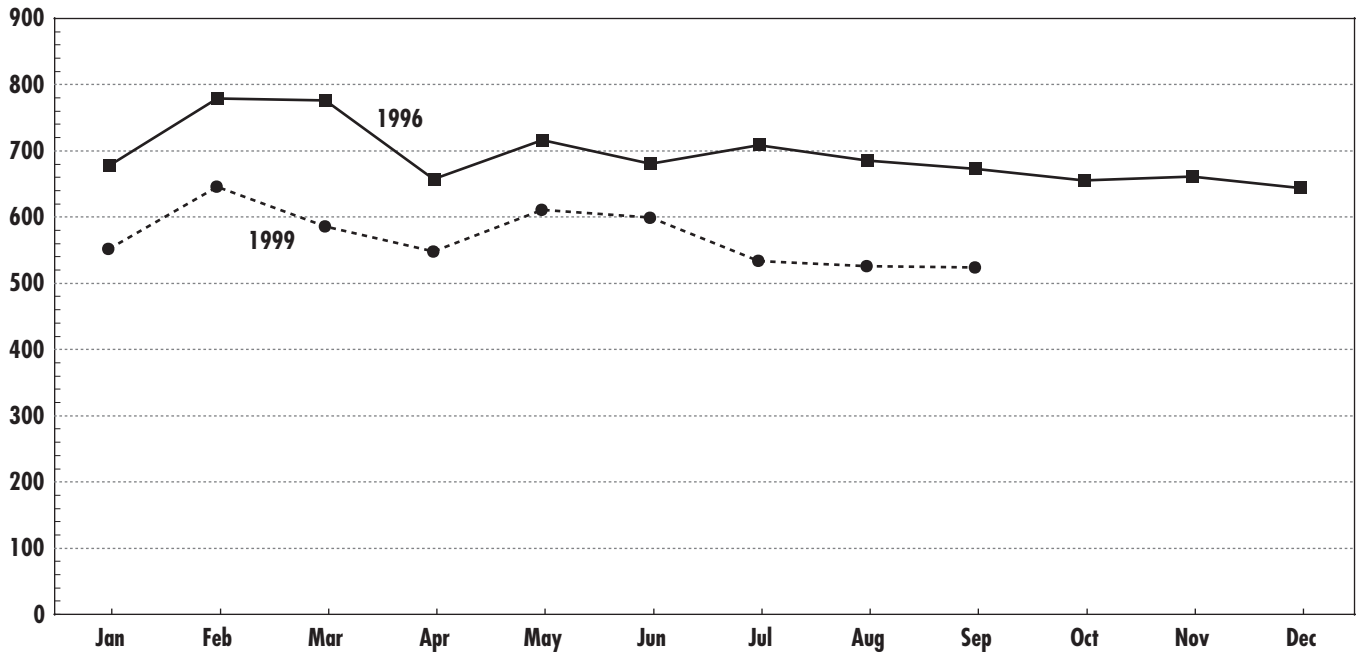
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE 8.
MULTNOMAH COUNTY
Proportion of Delinquency Referrals with Pretrial Detention
By Year and Race/Ethnicity of Juvenile
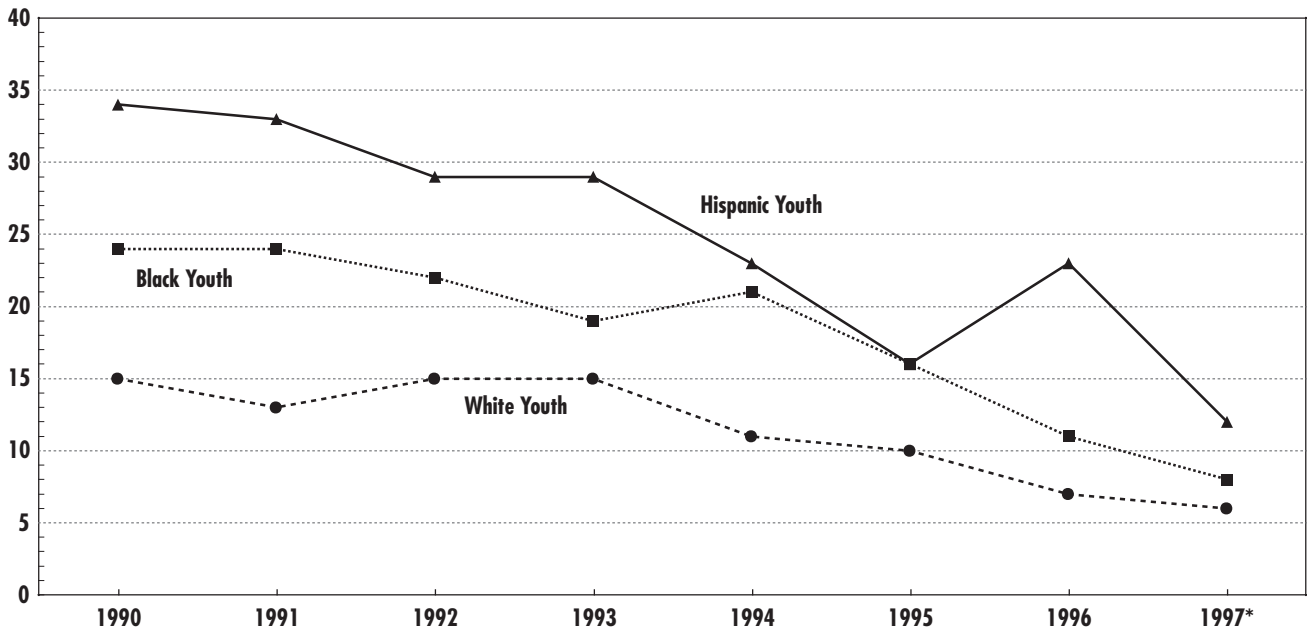
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Sacramento County reduced the percentage of detention referrals it admitted to secure custody by 24 percent, while also decreasing its pretrial re-offending rate by approximately the same amount (Figure 9). It also reduced case processing times for detained cases by about 43 percent from 1994 to 1997. Despite these impressive results, Sacramento's average daily population remained relatively constant over the course of JDAI, largely because of significant increases in the number of post-disposition detention cases, especially those of youth awaiting placement in residential facilities. Absent their detention reform efforts, however, Sacramento's detention facility would be horribly overcrowded right now.

All three sites also made progress in other areas of detention reform. They developed genuine, sustainable collaborative bodies, composed of the system's major stakeholders, that now enable them to collectively identify system problems and solutions. Their use of data to make program and policy choices increased substantially. New alternative programs were implemented, including some operated for the first time by community organizations located in the neighborhoods where the youth live. System-wide training was provided to reduce disproportionate minority detention. Unique strategies to address "special" detention cases (e.g., youth held on warrants and violations of probation) were devised and implemented. Finally, all three sites made substantial and, in some instances, dramatic improvements in

conditions of confinement for those youth who continued to be securely detained.

Some Lessons Learned

The work done by the JDAI sites was extremely challenging, often frustrating, but rich in innovations and lessons. This article is too brief to summarize even the most significant of the innovations, much less to summarize the many lessons learned by policymakers and staff over the past six years. Many of these innovations and lessons are documented in a forthcoming series, *Pathways to Juvenile Detention Reform*. What follows, therefore, is but a brief summary of some of the key lessons that this project taught its participants.

Collaboration is foreign and difficult, but worth it.

As noted, a key JDAI strategy was to organize collaboratives of key policymakers and practitioners to undertake the planning and oversee the implementation of detention reforms. As most people in the field acknowledge, juvenile justice is hardly a coherent, united system. Rather, the typical juvenile justice system is a collection of independent agencies, with separate budgets, individual policy-making authority, and little history of cooperation. Collaboration was deemed critical to ending these fragmented, uncoordinated, often contentious arrangements and replacing them

FIGURE 9.
SACRAMENTO COUNTY PERCENT OF DETENTION REFERRALS ADMITTED
VERSUS QUARTERLY RE-OFFEND RATE
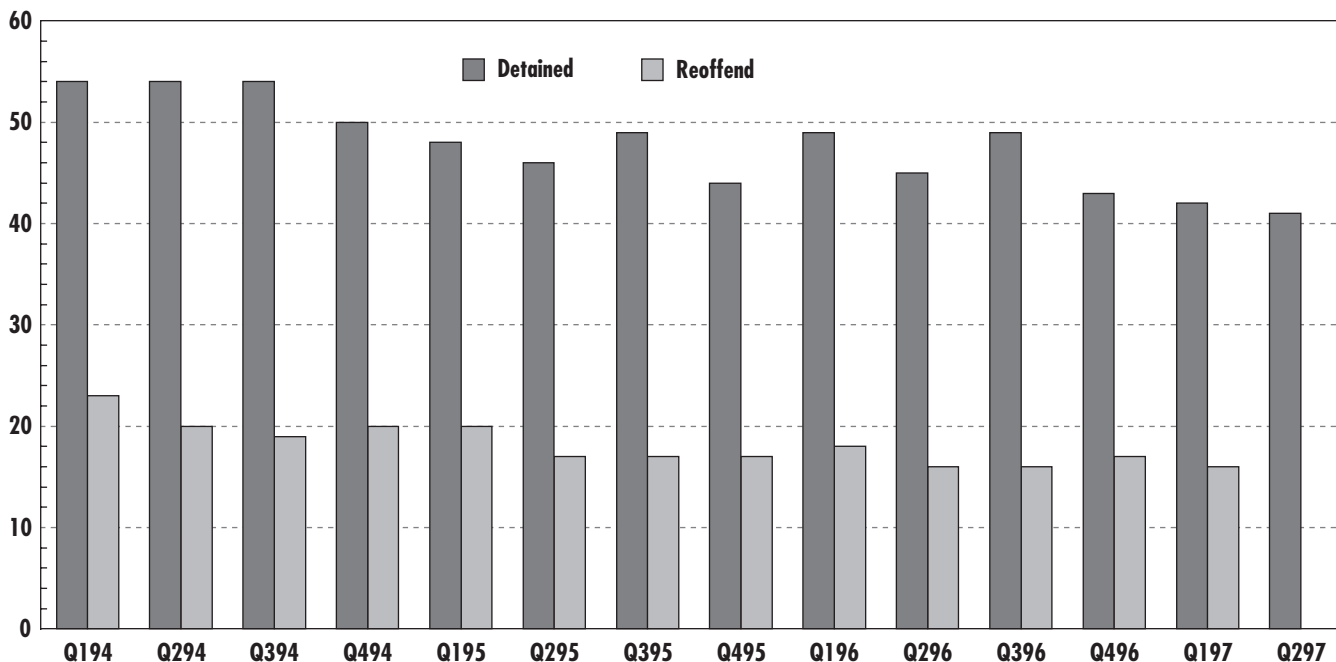
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

with a structure that enabled key participants to confer, share information, develop policies from an interagency perspective, and hold each other accountable. Collaboration, in short, was deemed essential for raising the odds in favor of change.

Given the unsystematic nature of juvenile justice, it should be no surprise that JDAI collaborative members found themselves on unfamiliar ground. Prosecutors and defenders were unaccustomed to developing policy jointly. Judges were not used to having their decisions challenged. Detention administrators had rarely been able to challenge probation intake decisions. Years of operating independently, combined with misunderstandings and disagreements too old to document, meant that collaboration was simply unnatural.

As time passed, however, the virtues of this approach revealed themselves. Indeed, the sites now testify that it would have been impossible to accomplish the changes they made without collaboration. Comprehensive detention reform is a complicated dance, involving many steps and many partners. If one agency fails in its responsibilities, everyone is at risk of tripping over him or herself. JDAI stakeholders found that if they worked together they could generate more momentum to overcome systemic inertia, while also providing each other with the political cover that this kind of risk taking often requires.

Judicial leadership is essential.

While creating and sustaining collaboratives was crucial to JDAI site success, individual leadership remained critical, none more so than that of the presiding juvenile court judge. Regardless of the governmental structure of the locality's juvenile justice system (e.g., whether probation and/or detention are under the executive or judicial branch), the presiding juvenile court judge must embrace detention reform and act decisively to support the new policies and programs. New admissions screening practices, accurate targeting of cases to alternative-to-detention programs, and case processing modifications are just a few detention reform components that require the blessing of the judiciary. And, given highly valued notions of judicial independence, only a committed presiding judge can ensure that his or her colleagues on the bench will apply the new approaches consistently.

The three most successful JDAI sites had outstanding judicial leadership that played an active role in designing system changes and supporting their implementation. Moreover, each of these sites successfully handled the thorny problem of judicial rotation. In fact, new presiding judges seemed to provide new impetus for the initiative, often because they sought to put their own imprimatur on the reform effort.

Capacities for reform must be grown.

JDAI sites were selected because they appeared to have both the political will and the administrative capacity to implement changes that would reduce reliance on secure confinement. But those strategies are relatively uncommon (or we would not have a detention crisis in this country), and the skills and experiences essential to using them are rarely taught or written about. Even highly effective administrators will have difficulty planning and implementing policies and programs that are unfamiliar.

At the outset of this initiative, for example, JDAI stakeholders had infrequently relied upon data to drive policy and program choices, had no experience designing and using risk assessment instruments, had not developed many alternatives to detention, and had rarely been challenged to scrutinize court processes to make them more efficient. These participants, despite their years of distinguished service, faced a steep learning curve, one that they were reluctant to acknowledge at the outset of the project. Over the long haul, however, they learned that comprehensive system reform of this type, by virtue of its intention to replace the old ways of doing things, must include significant retooling of both individuals and agencies.

The dearth of data can be deadly.

At the start of the initiative, JDAI sites, like most places, had virtually no timely, accurate data available to describe what was happening in their detention systems. They could not summarize the characteristics of the detained population, much less the system's failure-to-appear or re-arrest rates. Using data to make policy or program decisions was foreign to their efforts because there were no data to use.

Without data, however, anecdotes and unproven generalizations, not to mention worst-case scenarios and most-egregious cases, dominate planning and assessment. Without data, disagreements about whether the jurisdiction is "inappropriately or unnecessarily" detaining some kids are not resolvable. Without data, it is impossible to know what impact a particular strategy might have on facility population levels, or whether the strategy increases or decreases re-offending rates. Trying to reform detention systems without data, they learned, is like trying to drive a car while blindfolded.

JDAI sites had lots of trouble getting and using data. At certain points in the initiative, momentum was lost for want of timely quantitative feedback. At other times, the whole reform enterprise was at risk because it had no evidence with which to defend itself. Meaningful attention must be paid to fostering information system improvements and new analytical capacities if the planning and implementation of detention reforms is to succeed.

Significant change is possible.

Politicians, the public at large, and perhaps even system personnel seem skeptical about the potential for meaningful change in juvenile justice. This cynicism is at the heart of the policy shift best described as the "criminalization of delinquency" (e.g., increased transfers of juvenile cases to adult courts and corrections, or the lowering of the age of majori-

ty). Unfortunately, there have been few practical demonstrations in recent years of the potential for systemic reform.

Despite the fact that JDAI sites found themselves in as hostile a policy environment as juvenile justice has seen in quite some time, they achieved major reductions in admissions, case processing times, and facility population levels without increasing failures to appear or pretrial re-arrests. They made their systems fairer, smarter, more efficient, effective and accountable. New leadership was identified and nurtured. New relationships within and outside the system were built.

The lesson here is simple: detention reform is doable. It may be painful and anxiety producing, but JDAI clearly demonstrated that significant change is possible. If jurisdictions can successfully transform this component of their juvenile justice system, then it must certainly follow that other parts can also be reformed by building upon these changes.

Detention reform is very fragile.

Lest the previous lesson be seen as Pollyanna-ish, it is worth noting in conclusion that these efforts were highly vulnerable, especially to political changes and to those horrible cases that invariably seem to occur. In one of the JDAI sites, a mayoral change dramatically diminished the political will for detention reform. In another site, a hotly contested district attorney's race threatened the project for almost a year. In one jurisdiction, several highly publicized cases provoked major increases in the detention population as system actors scurried for cover.

This fragility is inherent in the effort, but it need not be incapacitating. Indeed, JDAI sites found that their reforms made their system's policies and practices more understandable and defensible. Where once they could not explain why a youth was or was not released from detention, now they had consistent, data-driven approaches to explain their decisions. Previously, these sites could not produce information that showed their effectiveness; now they can. Where notorious cases previously resulted in lots of finger pointing between the system's agencies, now their collaborative practice promotes a system-wide explanation of events and the real opportunity to make timely change if circumstances warrant reconsideration of policies or procedures.

Comprehensive systemic change is risky and, therefore, fragile. JDAI sites, however, learned that this brittleness can be decreased over time through the implementation and institutionalization of reforms that make juvenile justice practices smarter, fairer, and more effective.

NOTES

[1]In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency*, 44(4):544–560.

[2]Space does not permit a full exploration of these various strategies or their complexities. However, the Casey Foundation is publishing a series of monographs, *Pathways to Juvenile Detention Reform*, that describe in great detail these components of change and that utilize practical examples from JDAI and other sites. Copies of *Pathways to Juvenile Detention Reform* are available free of charge from the Foundation.

[3]A full evaluation of JDAI, prepared by the National Council on Crime and Delinquency, will be available by approximately the end of 1999. Site outcome data presented here are taken from preliminary reports prepared by the evaluators.