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PROFITE

The Sheriff's Dilemma:
Juveniles in Jail
The Jail Removal Initiative in Colorado

The Colorado Jail Removal Initiative

The Sheriff's Dilemma . . . Juveniles in Jail

The issue of detaining juveniles in adult jails is one that has been debated morally, economically, and legislatively for years. Yet, until recently, little factual information was available to fuel the side of the discussion that favored alternative placement and treatment for youths.

In 1980, the Community Research Center of the University of Illinois estimated that there were approximately 500,000 juveniles held in adult jails and lock-ups each year. This figure, though appearing high, was actually underestimated due to lack of information regarding children in jails.

Of these estimated half million youths in jails, approximately four percent had not been accused of any crime and 20 percent were accused of status offenses such as truancy and running away from home. Nearly two-thirds were released prior to or at the time of their court hearing. These facts indicate that, for this group of children, any secure detention—especially in adult jails—is inappropriate and unnecessary.

The potential physical and emotional damage brought about by incarcerating juveniles in adult jails is considerable. Most jails are simply not equipped to handle special custody problems presented by juvenile offenders. Data indicates that for every 100,000 young people held in adult jails, 12 will commit suicide; others run the great risk of returning to the community hardened, bitter, and much worse for the experience.

Christine Carty, the author of this article, has been the coordinator of the County Sheriffs of Colorado's Juvenile Jail Removal Initiative for the past two years. During this time, the Initiative and its intent has been adopted and successfully implemented in many rural counties in Colorado. Ms. Carty is a native of Boston, Massachusetts and has been involved in children's issues for several years, both in direct services and as a political activist. "The Sheriff's Dilemma . . . Juveniles in Jail" first appeared in the August-September 1984 issue of *The National Sheriff*, and is reprinted with the kind permission of the author and the National Sheriffs Association.

Jail incarceration automatically labels youths as criminals. Jailing juveniles directly conflicts with the purpose of the juvenile justice system, which is geared toward helping those children who can be treated, and incarcerating only those few who, by reason of repeated offenses or seriousness of crimes, are in need of secure confinement. Even then, detention in the local jail is a poor substitute for placement in an appropriate, secured juvenile facility.

Juvenile Jail Removal Initiative

The Dilemma

In Colorado, the inappropriate detention of juveniles is recognized as a major problem, and is being addressed by the County Sheriffs of Colorado through their Juvenile Jail Removal Initiative that complies with the 1980 Jail Removal Act of the Juvenile Justice and Delinquency Prevention Act.

Although Colorado is unique in its geography with the Rocky Mountains dividing the state, its sheriffs encounter the same problems when removing juveniles from county jails as their counterparts in the eastern slope or plains or those west of the Continental Divide. Through combined efforts of the Sheriffs Association in mid and eastern rural Colorado (32 counties) and the Colorado Division of Youth Services on the western slope (15 counties), the number of youths inappropriately held in adult county jails is steadily decreasing.

In 1981, approximately 6,000 youths were reportedly detained in county jails in Colorado. With the initiation of the Jail Removal Program, 1982 realized a decrease of nearly 50 percent or 3,200 youths held in adult jails. Figures for 1983 show an even greater decrease.

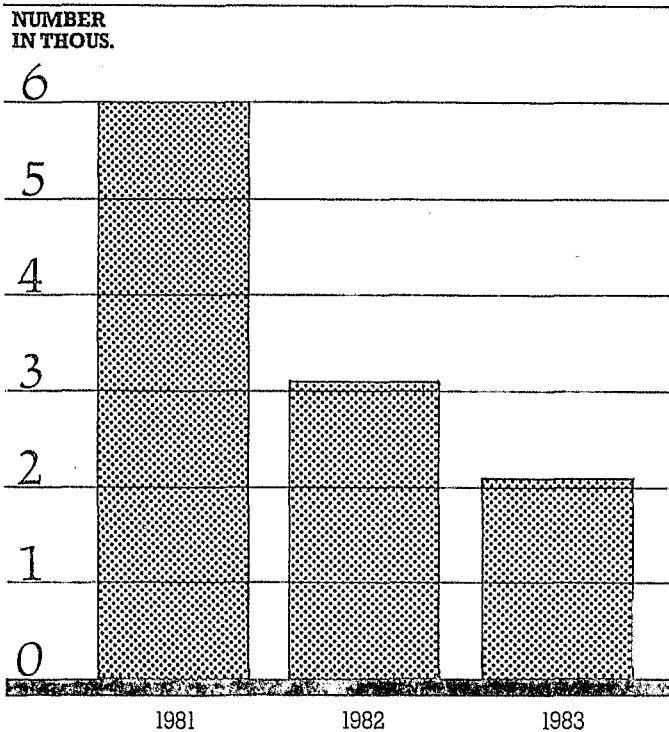
A more dramatic statistical reduction is evidenced by comparing 1982 and 1983 totals of juveniles held in adult jails in the 32 county target area covered by the Sheriffs Association's program.

Program Design

The goal of the jail removal initiative is the elimination of the use of county jails for any juvenile detention by developing workable alternatives. To accomplish this, strategy was designed that involved the input of local decision makers and service agency representatives in each county. Representatives from the Sheriff's Department, Judiciary, Probation Department, Social Service Agency, District Attorney's Office, and Diversion and Mental Health Department met collectively to develop individual county strategies for the removal of juveniles from their jails. Strategies, each unique to county needs, include: procedures and agreements incorporating the philosophy that juveniles should not be held in adult jails; choosing the least restrictive setting if alternative place-

ment is necessary; and, if secure detention is required, transporting the juvenile to the appropriate detention center. Jim Oleson, Chairman of the Colorado Juvenile Advisory Council, stressed the importance of input from key county decision makers to make the juvenile jail removal program a success.

YOUTHS DETAINED IN ADULT JAILS IN COLORADO



After acceptance of the overall philosophy of jail removal, vital program components were formalized in each county. Plans for locally-based detention criteria, intake screening procedures, transportation to secure detention agreements, and non-secure alternative services were examined, approved, and implemented in participating counties.

Alternatives to Jail Incarceration

Detention Criteria/Intake Screening Process

In cooperation with the Colorado Division of Youth Services, which manages and supervises the state's five juvenile detention centers, intake screening criteria were developed to act as guidelines to determine those limited number of youths eligible for secure confinement. Youths can be detained in a secure youth center if they are considered a threat to themselves or the community, or to ensure court appearance. These are the only two steadfast criteria. The model criteria are subject to change based on specific needs of an individual county.

With court approval, intake screeners are appointed to review individual cases, determining the appropriate placement of a juvenile, while the youth is still in the custody of the initial arresting law enforcement officer. Once contacted, the final decision regarding release, non-secure community placement/treatment or transport to a secure youth center is made by this screener. His or her decision is based on detention criteria developed and used by their individual county. The screener(s) is, generally, from a service agency—social services, probation, or mental health—and is available on a 24-hour basis.

In most cases, screeners make appropriate detention decisions within a six hour "grace" period. The majority of remaining youths are released to a responsible adult, or are committed to a non-secure or secure placement in less

Secure Detention

Once a decision to securely hold a juvenile is made, the problem of transporting that pre-trial youth to a youth center must be addressed. Colorado's five Division of Youth Services secure youth centers are located midstate, on the front range of the Rocky Mountains. The distance to a regional youth detention center from some rural counties is, indeed, great. In some instances, the distance is as much as 300 miles, posing a real personnel and financial burden to some of the smaller counties. This distance problem is sometimes further aggravated by weather conditions, which make mountain passes treacherous to navigate.

To assist participating rural counties reduce the initial monetary burden incurred during this transportation procedure, the Sheriffs' Juvenile Jail Removal Program provides reimbursement funds. The plan provides for an off-duty officer to transport, thereby eliminating the possibility of short staffing a given shift. Under an established formula, counties submit for transportation reimbursement funds on a quarterly basis, and receive payment for cost of man hours involved in transporting pre-trial youth to a secure facility, plus 20¢ per mile for the initial round trip.

This component of the jail removal program was designed to facilitate the removal of pre-trial youths needing secure confinement from the county jail. These funds are available on a temporary basis, while participating counties incorporate these costs into individual county budgets to ensure an on-going process. Because of the success of the screening process and an increased awareness of law enforcement agents regarding the proper handling of juveniles, the number of pre-trial youths needing transportation to a secure youth center has decreased. The cost for this type of transportation is relatively low, and objections by county commissioners to incorporating this cost into existing or future budgets has been minimal.

With the screening process in place, determining appropriate disposition of youths, and addressing the transportation aspect, a reduction in the number of youths seeing the inside of an adult jail was expected, and indeed, was realized. However, children were still being held in rural Colorado jails. Who were these children? Why were they being held?

Analysis revealed that as a result of screening, some children were being immediately released to a responsible adult; as a result of the transportation agreements, those needing secure holding were being taken to appropriate youth centers. Children who did not fit either category—runaways and truants—were still being inappropriately held. Children who could benefit from non-secure community placement and treatment were falling through the cracks. Unfortunately, many counties in rural Colorado did not until recently have alternative placement homes or treatment programs, and the only place to hold these children was the jail.

COMPARISON of 1982 & 1983				APPROX. REDUCTION (Percent)
JUVENILES	1982	1983	DIFFERENCE	
NUMBER HELD	718	412	306	43%
NUMBER HELD OVER 6 HOURS	399	212	187	46%

*Note: This six hour time period was deemed sufficient time, by the Office of Juvenile Justice and Delinquency Prevention, in which proper disposition of a juvenile could be accomplished.

Non-secure Placement/Treatment

To further efforts in achieving the overall goal of this initiative, alternative placement/treatment programs were designed and implemented. With the assistance of local county Departments of Social Services and Mental Health Agencies, youth homes for short-term, non-secure placement and plans for longer-term counseling were developed. These alternatives to incarceration have proven effective in providing a less threatening, more positive environment for teenage runaways and, in other cases, in offering a broader based counseling service that involves an entire family.

Otero County, Colorado, is one county where this type of short-term, non-secure placement has been established. Sheriff John Eberly of Otero County recently commented, "This specialized foster home has been an incredible help in assisting us with the jail removal program. Until it was established, sometimes the only place available to hold a young runaway was our county jail. Now, that child is placed in the home and gets proper counseling instead of sitting in the jail where nothing positive results." These alternative programs are also funded on a temporary basis by the Juvenile Jail Removal Initiative. This allows participating

agencies time to develop plans for integrating these services into existing systems. This ensures that individual counties assume full local ownership and accept responsibility for all aspects of the juvenile jail removal program.

Colorado Sheriffs' Activities

Serving as a major factor in changing attitudes and procedures on the county level toward juveniles, the success of the County Sheriffs of Colorado's Juvenile Jail Removal Initiative further acts as a catalyst in uniform statewide reform.

A 25-member commission to review the Colorado Children's Code was appointed by Colorado Governor Richard D. Lamm in July 1983. Representatives of the County Sheriffs of Colorado took an active role in contributing ideas for reformation during this review process. Areas of primary concern to the sheriffs were those dealing with status offenders and delinquents.

Many hours of debate and work on the part of the Children's Code Commission, and input from Colorado sheriffs resulted in substantial proposed revisions of this Code. Later, support for change developed within the Colorado Legislature and revisions were introduced to that body in the form of eight separate bills. Bills of particular interest and concern to the sheriffs dealt with removal of juveniles from adult jails and clarification of state and local responsibility for secure placement and non-secure placement or treatment programs. Unfortunately, this legislative session did not result in passage of these proposed bills. However, with information included to address sheriffs' concerns, amended bills will be reintroduced during the next legislative session.

Sheriffs across Colorado, individually and collectively, support the removal of juveniles from their jails in favor of secure placement in an appropriate juvenile detention facility. In addition, sheriffs support non-secure placement or treatment of appropriately screened delinquent children and status offenders.

Legal Management Problems for Law Enforcement

Continuing to jail children presents a myriad of problems including waste of valuable human and economic resources. There is little question that jails currently have an already difficult mission carrying out their intended role of holding pre-trial and sentenced adults. In most county jails in Colorado, introduction of a single juvenile into the population places unrealistic and unmanageable demands on physical plants that are not designed for total sight and sound separation. Thus, available space to hold adults is taxed by the inappropriate placement of juveniles in these jails.



The study, once completed, is expected to provide legislators and other decision makers with a viable plan of action—both financial and technical—for the secure and non-secure placement or treatment of Colorado's youth. The County Sheriffs of Colorado will continue their commitment to the search for solutions to difficult problems relative to our juvenile justice system. Much has been accomplished, but attention and involvement of the public is still needed which can contribute to the reform process by taking a look at juvenile detention and placement practices in their communities. There must be support for public policy decisions that will improve the juvenile justice system and allow law enforcement personnel to concentrate efforts where they are the most effective.

Positive changes are occurring, and with the collective commitment of concerned citizens, professionals, and advocates, additional constructive reform can, and will, be realized. Our children are depending on it.

Several counties in Colorado have paid considerable legal fees in juvenile-related litigation. Further expensive lawsuits loom on the horizon unless long-term resources can be developed for both secure incarceration and non-secure alternative placement or treatment.

Jim Joy, Executive Director of the Colorado American Civil Liberties Union, has said: "We realize that sheriffs do not want to hold children in their jails. We have, and will continue to, assist counties in their efforts to curb this practice. However, we will continue, if necessary, to file suit until the full intent of the Juvenile Jail Removal Initiative is

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realized, and no children are detained in jails in Colorado." To assist in developing long-term resources, a statewide needs assessment plan is currently being developed. The resulting information will include cost factors for constructing regional secure youth facilities and modifying existing possibilities for short-term holding. One alternative is a supervised locked room in a hospital or mental health center. Along the same lines, costs associated in providing non-secure placement or treatment in local communities will be addressed.

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