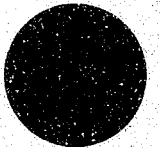


Under Lock and Key

Juveniles in Jails and Detention

Rosemary C. Sarri



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Rosemary C. Sarri

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS
The University of Michigan
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FOREWORD

As part of its series of studies on juvenile justice, the National Assessment of Juvenile Corrections takes pleasure in publishing this report on juvenile jailing and detention in the U.S. This document evolved from Dr. Rosemary Sarri's special interest in the juvenile court and in juveniles' early contacts with that court and its processes. The nucleus of the paper was originally presented in 1973 at a national correctional conference, and the response it aroused stimulated the preparation of this expanded version. Although reliable national statistical data are lacking for all aspects of juvenile justice, it is still surprising that so little is generally known about the numbers and kinds of juveniles placed each day in our adult jails and juvenile detention facilities.

We noted in the Foreword to the NAJC report Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States that "disparate and differential handling of offenses and offenders arises not from distinct ideologies and attitudes about punishment and treatment, but more fundamentally from nonuniform, vague, anachronous, or transitional statutes." As this report substantiates, local practices of jailing and detaining juveniles are also nonuniform, vague, anachronous, and transitional. Dr. Sarri has been able to synthesize available information, including some early NAJC findings, so that the enormity of the problem is clearly visible. This is a critical first step to solving any complex problem. In her final chapter she sets forth a series of personal recommendations for change that deserve careful study whether or not one agrees with every point and suggestion she offers. The fate of hundreds of thousands of youth depends on our best joint efforts to bring about change.

The National Assessment of Juvenile Corrections is a research project funded by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, the U.S. Department of Justice. We are conducting a comprehensive national study of correctional programs,

juvenile courts, and state justice systems in order to establish empirical bases for assessing the relative effectiveness of alternative programs. Later publications will include major findings from each of these areas of research, and efforts will be made to develop policy recommendations that can guide decision-makers.

The publication of each new NAJC report should help provide more precise knowledge on which to base recommendations for change.

Robert D. Vinter
Project Co-Director

PREFACE

Nowhere are the tragedies and inadequacies of the juvenile justice system more apparent than in the jails and detention facilities of this country. A national study of juvenile corrections would be incomplete without examination of the prevailing practices and conditions for detaining youth in these facilities. Since, unfortunately, this aspect of corrections continues to receive far less attention than the situation demands, it is hoped that this report will stimulate further study and action. Recognizing the problem and understanding its magnitude is a first step toward wholly removing juveniles from adult jails and permitting only youth whose behavior demands constraint to be held in specialized detention facilities.

This report has had an extended evolution beginning with work by the author as a member of the Task Force on Rehabilitation of the National Advisory Commission on Correctional Standards and Goals. The staff director for the Task Force, Lawrence Carpenter, now a member of the U.S. Parole Board, requested that a paper be prepared for the National Conference on Corrections held in Washington D.C. in January 1973. The paper was entitled "The Jailing of Juveniles: How Can It Be Eliminated?" Following that presentation, NAJC received many requests for additional information about the jailing and detention of juveniles. Therefore, a decision was made to prepare a comparative analysis of such practices in the various states. It quickly became apparent that reliable facts were sorely lacking in many areas, but we were fortunate to have available information from the LEAA National Jail Census of 1970 and the LEAA census of juvenile detention and correctional facilities of 1971, entitled Children in Custody. Moreover, we were able to incorporate data from the 1966 census of children's institutions in the U.S. coauthored by Donnell Pappenfort of the University of Chicago, who was associated with NAJC for a year. We are grateful to Dr. Pappenfort for allowing us to make extensive use of this census in the second part of this report. Appropriate preliminary data from NAJC's national studies of correctional

programs, courts, and state justice systems were used to provide both background and up-to-date information. Data from NAJC's recently published analysis of juvenile statutes in the fifty states and the District of Columbia were also incorporated; these statutes serve as legal baselines for assessing jailing and detention practices. Data about jailing practices and conditions were also received from several state departments responsible for jail inspection and supervision. Preliminary observation from the field study of juvenile courts aided us in comprehending some of the dynamics involved in the differential patterns displayed by these courts. Lastly, an extensive search of the relevant literature aided us in developing some tentative generalizations about national policies and practices.

Many persons assisted in the preparation of this report. Special appreciation is expressed to NAJC staff members Yeheskel Hasenfeld, Betsy Reveal, Robert Vinter, Elaine Selo, Lynn Bennett, Vann Jones, and Barbara Kessler. Rhea Kish deserves special appreciation for her diligent and painstaking assistance in editing the report. Charles Kinderman of the Statistics Division, National Criminal Justice Information and Statistics Service, LEAA, offered helpful information and assistance. Professor Margaret Rosenheim of the University of Chicago School of Social Service Administration gave valuable critical comments and suggestions about the problems of juvenile detention. Final responsibility, however, rests with the author.

This report is primarily directed toward juvenile court personnel, jail administrators, state juvenile corrections and child welfare administrators, police, and other practitioners and researchers interested in the general problem of the detention of juveniles. It is obvious that hundreds of thousands of children and youth are significantly impacted each year by experiences in jails, lockups, and juvenile detention facilities. The deplorable condition of most of these facilities is widely known and not infrequently criticized by the media, knowledgeable professionals, and concerned citizens. But the situation continues from one year to the next with very little change. It is conceivable that were we

able to take the necessary steps to reduce the youth held in detention by fifty percent and to eliminate all held in adult jails and lockups, positive results in the juvenile justice system could be markedly enhanced. It is hoped that the availability of information about practices in the various states along with empirically based police recommendations will aid achievement of such objectives.

Rosemary C. Sarri

CHAPTER 1

THE DARK SIDE OF JUVENILE JUSTICE

Fifty years ago Joseph Fishman, a federal jail inspector, referred to jails as "giant crucibles of crime." He described them as follows:

An unbelievably filthy institution in which are confined men and women serving sentences for misdemeanors and crimes, and men and women not under sentence who are simply awaiting trial. With few exceptions, having no segregation of the unconvicted from the convicted, the well from the diseased, the youngest and most impressionable from the most degraded and hardened. Usually swarming with bedbugs, roaches, lice, and other vermin; has an odor of disinfectant and filth which is appalling; supports in complete idleness thousands of able-bodied men and women, and generally affords ample time and opportunity to assure inmates a complete course in every kind of viciousness and crime. A melting pot in which the worst elements of the raw material in the criminal world are brought forth blended and turned out in absolute perfection (Fishman, 1923, pp. 13-14; emphasis added).

Unfortunately, that description still applies to many, if not most, jails and detention facilities in the United States today, and it includes those containing boys and girls as well as men and women. Regardless of the reasons put forth to justify jailing juveniles, the practice is almost always destructive for the child and, in the long run, dangerous for the community that allows its youth to be handled in harmful ways. Occasionally we hear public lamentations about the negative aspects of jailing youth, but nothing really seems to change. Reports of abuse, rape, and suicide do not deter us from placing juveniles in jails under conditions that are more punitive and harmful for them than for adults. The overuse of jails for both adults and juveniles has been denounced by persons in the justice system as well as by its critics, but criticism has not brought about significant changes in the majority of states. In fact, there is some tentative evidence to suggest that juvenile jailing has increased during the past five years after a long period of gradual decline since the early 19th century. Sixty years ago Edith Abbott (1916) advocated the abolition of county jails; and similar

recommendations were made as recently as 1967 and 1973 by Presidential Commissions appointed to help formulate policies on criminal justice. The case against placing juveniles in jail was clearly enunciated in the NCCD Standards and Guides for the Detention of Children and Youth (1961):

The case against the use of jails for children rests upon the fact that youngsters of juvenile court age are still in the process of development and are still subject to change, however large they may be physically or however sophisticated their behavior. To place them behind bars at a time when the whole world seems to turn against them, and belief in themselves is shattered or distorted merely confirms the criminal role in which they see themselves. Jailing delinquent youngsters plays directly into their hands by giving them delinquency status among their peers. If they resent being treated like confirmed adult criminals, they may -- and often do -- strike back violently against society after release. The public tends to ignore that every youngster placed behind bars will return to the society which placed him there (NCCD, 1961, p.3).

Today we still have no reason to be optimistic about reducing the jailing of juveniles. To make significant changes in current practices, we need well-implemented, extraordinary efforts at local, state, and national levels -- including good legislation.

In this report we will focus on the following major topics:

1. A review of contemporary practices and laws specifically related to the detention of juveniles in adult jails and in detention facilities throughout the United States.
2. An analysis of rates of placement of youth in jails and juvenile detention in the fifty states in 1971.
3. A report on detention facilities and services based on an analysis of 1966 data obtained from the Pappenfort, Kilpatrick, and Kuby Census of Children's Institutions, 1970.
4. A series of recommendations on statutes, programs, and facilities to eliminate jailing juveniles and to reduce sharply the total number of juveniles held in specialized detention units.

Much of the information in this report was obtained by secondary analysis of data from other surveys of jails and detention. In particular, the censuses of facilities completed by the U.S. Census Bureau for LEAA were utilized extensively. Some early findings from research by the National Assessment of

Juvenile Corrections will be presented for states and correctional units that were studied in 1973 and 1974. Regretfully, the available data do not permit us to formulate definitive conclusions about the reasons for the extensive detention of juveniles, but they do suggest critical areas for further study and for possible policy changes.

The reader deserves to be forewarned that this policy-oriented report reflects certain values and assumptions of the author: that placing juveniles in adult jails and lockups should be entirely eliminated, and that placing juveniles in specialized detention facilities should be limited only to youth who have been formally charged with law violations. The majority of youth now held in detention should be placed in shelter or foster care facilities, or released on recognizance to parents or other responsible adults.

It has further been assumed by the author that effectiveness criteria for detention include: statutory provisions and adherence; restrictiveness of custody; proportion of youth having hearings within 24 hours; percentages of juveniles detained for felonies; and percentages of youth subsequently institutionalized after adjudication. These criteria have been selected to highlight the primary purpose of detention, that is, the temporary holding of youth prior to adjudication and disposition decisions. Quality of educational, medical, psychological, and social programs are also important, but are of secondary importance here, in contrast to their primary status in post-disposition correctional programs. Thus, the information used for analysis in this report is concentrated more on the numbers and characteristics of youth processed, and the conditions of processing, than on program activities within detention.

Obviously, alternative explanations and conclusions are possible in addition to, or instead of, those offered here. Overall, however, the author has been impressed by research evidence indicating that the less the youth penetrates the juvenile justice system and the later the age of exposure, the more likely successful rehabilitation will be achieved. This report, therefore, should be read with these values and assumptions in mind.

CHAPTER 2

WHO, WHERE, AND WHY ARE JUVENILES IN JAIL AND DETENTION?

THE NATIONAL SCENE

An accurate account of the extent of juvenile jailing in the United States does not exist. Furthermore, it is difficult to develop one because reliable and comparable information from cities, counties, states, and the federal government are lacking. But we do know that juveniles are jailed both in rural areas, where available alternatives for custody of children are limited, and in larger metropolitan communities, where the volume of children detained is high despite the greater range of alternative facilities (Mattick and Aikman, 1969).

The only comprehensive information available today about jailing practice is contained in the National Jail Census conducted by the Department of Justice in 1970. In that Census a total of 7,800 juveniles were reported in 4,037 American jails on a given day in March 1970 (LEAA, 1971).¹ This total, however, included only youth in city, county, or township facilities that held persons for forty-eight hours or more. Not included were police lockups or "drunk tanks," which normally detain persons, including juveniles, for shorter periods, or state-operated jail facilities. Although various estimates have been made, data about numbers of juveniles and length of stay in the former facilities are nearly impossible to obtain because totally inadequate or no records are kept.

It is not sufficient to know the number of children in jail on a given day. One also needs to know the total number confined within a year. A sur-

¹ In 1972 a survey of inmates in jails was made by the U.S. Bureau of the Census (LEAA, 1974). That survey reported on 3,921 jails and 141,600 inmates, both numbers slightly below the 1970 Jail Census (LEAA, 1971). But it also reported the proportion of inmates 18 years of age or less at 9%, or a total of 12,744 youth. Unfortunately, the definition of "juvenile" varied between the surveys so exact comparisons are not possible. However, it would appear that the number of youth in jail has not diminished since 1970, and it may well have increased substantially.

vey by the National Council on Crime and Delinquency (1965) reported an estimate of 87,951 juveniles jailed during 1965. Recent comparable data are not available, but most knowledgeable persons would today estimate a far higher number -- some even up to 500,000 in one year. For example, in one urban state that showed a below-average rate of juvenile jailing in 1970, a survey completed in 1969 had estimated that the total of youth found in jail in 1969 (10,250) would remain approximately the same in 1970 (Mattick and Sweet, 1969). Subsequently, however, data available for that same state indicated that a total of 25,332 juveniles were processed through municipal and county jails in 1972 -- a substantial increase in a relatively short period of time.

In another state, with a history of progressive social policy in juvenile corrections and less than four million people, it was reported that more than 6,000 juvenile placements in adult jails were made each year between 1970 and 1972. The juvenile jail population exceeded by a factor of 3 the number of youth held in all juvenile correctional facilities in that state -- including detention (Minnesota, 1970-1972).

If we assume that the increases occurring in these states are not atypical (and we have no reason to believe they are), then it is probable that up to 500,000 juveniles are processed through local adult jails each year in the United States. This, in the last quarter of the century that opened with the founding of the juvenile court, which was to remove children from jails and the adult criminal system!

STATE AND LOCAL JAILING PRACTICES

Although we lack adequate information about national trends, we do have some information about the relative use of jails for juveniles among the states. In the National Jail Census, jails holding juveniles were found in nearly all states except Hawaii, Massachusetts, New Hampshire, and Vermont. Three other states -- Connecticut, Delaware, and Rhode Island -- were not included because all maintain only state systems.² Although the number of jails

²Since the National Jail Census covered only locally administered jails, it cannot be determined from the Census whether persons were held in facilities similar to jails in these three states. In several states youth did not show up in this Census because they are held only in state-operated detention units -- not in jails. See Table 2.5

holding juveniles varied in each state, it is nevertheless clear that this problem exists nationally -- it is not merely a regional phenomenon.

Of the 7,800 juveniles in jails, 66% were awaiting trial, compared to 50.9% of the adult jail population who were awaiting trial or other legal action. Regional comparisons of the percentages of juveniles detained in jails prior to hearing and adjudication show considerable variation. Fifty-four percent of the juveniles in jail in the Northeast were awaiting trial; 83% in the North Central region; 87% in the South; and 90% in the West.³ Almost all (7,687) were jailed in cities with populations exceeding 25,000. Twelve states had more than 100 in jail, and in three states the Census number exceeded 200. Out of a total of 4,037 jails included in the survey, 2,822 received juveniles from a variety of retention authorities: the largest number were permitted to hold only juveniles who were unarraigned or awaiting trial.⁴

Not all juveniles located by the Census were in jails for detention prior to a hearing or trial, as the findings in Table 2.1 show. Eight hundred and fifty-six jails held juveniles who had been convicted and were awaiting further legal action. Seven hundred and sixty-five jails in forty-four states and the District of Columbia held juveniles serving sentences of one year or less; and, even more surprisingly, sixty-seven facilities in twenty-four states held 853 juveniles serving longer sentences. Some argue that, although undesirable, it may be necessary to confine juveniles in jails when no other alternative is available, but it is impossible to credit the validity of a rationale for sentencing them to jail under any circumstances.

These national data can be better understood if we examine further information about jailing practices in particular states. A survey in Illinois indicated that juveniles comprised 6% of the total jail population -- some 10,250 youths (Mattick and Sweet, 1969). The findings also showed that the juvenile jail population was relatively stable over a two-year period; in fact, it evidenced the least fluctuation of any of the inmate groups. Of the 160

³The high number of juveniles sent to the New York City Reformatory and the New York City Adolescent Remand Shelter largely account for the lower percentage in the Northeast.

⁴"Retention authorities" are those governmental bodies or units legally entitled to hold persons in various stages from prearraignment through sentence periods of more than one year.

TABLE 2.1
 JUVENILES IN JAIL: MARCH 1970

Status	Number of Juveniles	Number of Jails by Type of Authority to Retain ^a
Unarraigned or held for others	2,104	2,785
Awaiting trial	3,054	2,289
Convicted -- awaiting action	424	856
Serving sentence - 1 year or less	1,365	767
Serving sentence - more than 1 year	853	67

NOTE: Data from the National Criminal Justice Information and Statistics Service, LEAA, U.S. Dept. of Justice, National Jail Census, 1970, pp. 10-15.

^aJails may have retention authority covering several statuses. See the 1970 Jail Census for explanation of types of authority.

jails included in this study, 142 held juveniles, but only nine of these had facilities for segregating juvenile from adult offenders. There was no marked difference in the use of county or city facilities: 5,580 juveniles were held in county jails and 4,671 in city jails. Information about the kinds of facilities and programs in Illinois jails should be noted. Less than 50% of them provided routine medical examinations or medical care although juveniles who are detained are more likely to be mentally or physically ill than adult detainees. Eighty-two percent of the jails had less than 45 square feet of space per person, far below the American Correctional Association's recommendation of 75 square feet per person. Only 15% actively supervised inmates; and lack of staff supervision can have dangerous consequences for juveniles who may be subjected to adult abuse with little interference. The authors also observed that a few juveniles were "sentenced" to jail; they were not merely held there awaiting trial or transfer.

A survey of Indiana jails and lockups reveals similar patterns, and even more serious problems (Culbertson and Decker, 1974). They reported that 98% of the inmates were given no physical examinations when admitted; 95% of these facilities had no physical exercise programs, and 75% had no counseling services or visiting rooms. They concluded that the jails and lockups were constructed only for custody and punishment. Only one-half reported

having separate facilities for youth, out of a total capacity of 860 beds for juveniles. Sixty-two percent of the Indiana jails and lockups employed no jailer at the time of the survey in 1972. Thus, no one was responsible for the juveniles' daily welfare or for preventing their mistreatment. It is not surprising, then, that 45 deaths occurred in these jails within a two-year period.

The apparent increase during the past several years in the jailing of youth is particularly disturbing because there had been a consistent long-term trend toward reduction in jailing from the nineteenth into the twentieth century. Unfortunately, trend data are not available for the country as a whole, but a recent report from Wisconsin illustrates a pattern that has been observed in several other states (Wisconsin Division of Family Services, 1974).⁵ Table 2.2 summarizes the number of youth held in jail in 1961, 1966, and 1972.

TABLE 2.2
NUMBERS OF YOUTH IN JAIL IN WISCONSIN, 1961-1972

Years	Males	Females	Total
1961	2,875	768	3,643
1966	4,536	1,327	5,863
1972	7,032	2,892	9,924

The overall percent of increase between 1961 and 1972 equalled 172%, but the increase for females (277%) was significantly greater than that for males (145%). This increase is noteworthy because Wisconsin has extensive child welfare services; yet these apparently were insufficient to constrain the increasing placement of youth in jail. Moreover, the presence of detention

⁵Throughout this report we have presented data illustratively from the states of Wisconsin, California, Georgia, Illinois, Minnesota, Montana, and Indiana because we were able to obtain more comprehensive data from these states. We have used these findings to illustrate various patterns and characteristics associated with jailing and detention, not to characterize specific states or localities. It is our expectation from the analysis of the national censuses that we would find these patterns and outcomes replicated in the other states if comprehensive data were available.

facilities for youth was not a consistent deterrent to the placement of juveniles in jail. Some urban counties with such facilities placed few or no youth in jail, but others placed large numbers. The hypothesis that jailing practices are related more to local traditions than to sociodemographic variables is supported by comparison of two pairs of counties. In one pair of adjacent rural counties with similar-sized populations, one county placed 767 youth in jail in 1972 and the other placed 52 youth. In a pair of adjacent urban counties also of similar size, 441 youth were placed in jail in 1972 in one county and 79 youth were placed the other. The population of each of the latter counties was nearly five times that of the rural county where the 767 youth were jailed.

The Spearman Correlation technique was used to correlate the number put in jail in Wisconsin in 1972 with county urbanization, total crime index, and juvenile arrest rate. Results indicated that the number of youth placed in jail is positively related to urbanization ($r_s = .44$). Thus the more urbanized the county, the larger the number of youth placed in jail in 1972. For the total crime index rate, the $r_s = .2$, but for the juvenile arrest rate, a correlation of $r_s = .57$ was obtained. Thus, a strong positive correlation existed between number of youth jailed and rate of juvenile arrests. However, considering the large increase in the jailing of females, this response to the juvenile arrest rate is very puzzling since females commit the kind of offenses or behaviors requiring jail or detention placement far less than males. It appears that jailing is probably more related to community norms and traditions as these are perceived by law enforcement personnel.

WHAT OFFENSES HAVE JAILED JUVENILES COMMITTED?

It is difficult to categorize percentages of jailed juveniles by the offenses they have allegedly committed because such information is seldom reported. In upper New York state, according to a recent NCCD survey (1971), 43% of the children held in local jails were allegedly PINS offenders ("persons in need of supervision"), who had not been charged with a misdemeanor or felony. It was asserted that the majority of these youth were being held because no detention facilities were available. Clearly, not enough consideration had been given to providing shelter care and other alternatives. The

damaging effects on juveniles of a jail experience becomes all the more tragic with the realization that many of them pose no actual threat to society, but, on the contrary, need society's help in other ways.

Although the large majority of juveniles held in jail or in detention are males, the types of offenses for which they are held generally differ decidedly from those of their female counterparts. Females are more likely to be detained for status offenses and are held longer (Velimesis, 1969). This study, by the American Association of University Women, of women and girls in jail in Pennsylvania reported that most females were held for offenses against public order, family, or administrative officials. Substantial intercounty variations were also observed: several counties had no juvenile female offenders in jail, while in other counties up to 18% of the female jail population were juveniles. This study indicated also that for particular offense charges, race and age increased the probability of placement in jail.

In a study in an eastern state, Pawlak (1972) observed that juvenile status offenders, especially females, were detained more often than those who committed crimes against property or persons. In many counties the presence of juvenile detention facilities did not prevent the use of jails. Moreover, some judges reported that they explicitly chose jails for juveniles to "teach them a lesson." Pawlak also noted that the number of prior court contacts was more highly correlated with detention in jail than with type of offense. Those charged with crimes against persons were more likely to be detained than those charged with property or victimless crimes, but the former were generally detained less often than youth charged with status offenses. Negative relationships were also observed between the length of time in jail and the seriousness of offense, excluding capital crimes.

A Montana jail survey (Logan, 1972) reported that dependent and neglected children were held in jail "when necessary," and more than 50% of the counties reported that juveniles were put in jail as a "deterrent," without any type of formal charge. Juveniles could remain in jail for indefinite periods since only a few counties or cities had procedures for controlling the maximum number of days they could be held.

The LEAA inmate survey (1974, p. 1) reported that "jail inmates are

predominantly male, typically young, and generally poor and undereducated." Minority groups were disproportionately represented: 42% of jail inmates were black, and other minorities equalled 2%, for a total of 44% minority population in the jails. Although detailed data for juveniles were not included, there is no reason to expect that their social characteristics would vary from other inmates'.

It should be mentioned also that other kinds of "problem" persons, youth as well as adults, are detained in jail despite contrary policies. Mattick and Sweet (1969) reported that the majority of Illinois jails contained one or more mentally ill persons. Their treatment varied from being ignored to being confined in padded cells and straitjackets, and being subjected to water hoses. They, too, were seldom separated from other offenders.

WHAT ARE OUR JAILS LIKE?

In lieu of national data, assessment of physical conditions in jails must depend on surveys that have been completed in a few states. Mattick and Sweet (1969) reported that most Illinois jails were more than fifty years old, dilapidated, and originally designed to serve only the most dangerous offenders. Almost none were constructed to permit humane segregation of juveniles from adults or of unsentenced from sentenced offenders. Sanitary conditions, food, exercise facilities, fire control, and so forth, almost never met minimal public health requirements.

A 1971 Montana survey by the Governor's Crime Control Commission (Logan, 1972) dramatically highlighted the inadequate physical conditions of nearly every jail there. Conditions tended, on the average, to be even worse for juveniles, who made up only a relatively small proportion of the total jail population. Food expenditures seldom exceeded \$2.25 per day, and two meals a day was the typical pattern for juveniles as well as for adults. These accounts also pointed up the dearth of medical or dental examination or care, and the scarcity of facilities for handling physical assaults or potential suicides so as to protect human life.

The 1970 National Jail Census (LEAA, 1971) also documents the inadequacy of physical conditions and services in jails. Eighty-six percent had no recreation facilities; 89% were without educational facilities; and

49% had no medical facilities. Five percent of the jails reported being overcrowded, but the extent of overcrowding was disproportionately greater in the Northeast and in large jails with over 300 inmates. In the latter facilities overcrowding averaged 29%. In seven states more than half the cells were 50 years old, and in four states one-fourth or more of the cells were over 100 years old. The inmate survey (LEAA, 1974) reported that counseling, social work, and employment services were available only for a minute proportion of inmates awaiting trial and for only slightly more of those who were sentenced to jail. In more than half the facilities only religious services were provided.

Record-keeping in jails is practically nonexistent except for daily censuses, which are typically maintained sporadically. Only states with comprehensive and periodic jail inspections appear to have complete records of jailing. The lack of good records can critically affect those juveniles who may be physically or psychologically harmed while in jail and are subsequently unable to obtain redress without reliable documentation. Moreover, inadequate information systems prohibit regular assessments of how categories of offenders, such as minority youth, status offenders, etc., are assigned.

The majority of personnel in jails are law enforcement officers with no training in administering closed facilities. In-service training is rare indeed in most states. Furthermore, the evidence of both Mattick and Sweet (1969) and Culbertson (1974) points to a serious scarcity of personnel of all types -- especially of health and social service professionals. Political patronage is still the primary basis for employment, and the staff reflects the "confinement" ethos.

Over the years jails have changed little -- many used today were constructed in the nineteenth century, as the 1970 National Jail Census indicated (LEAA, 1971). Mattick and Sweet observed 55 jails in their survey in 1969 that had also been surveyed in 1910. Of that number, only two were rated as "substantially improved," and sixteen showed "general improvement," but the majority had deteriorated or shown "no improvement" in that sixty-year interval.

Beyond the findings from these surveys, recent court decisions such as Jones v. Wittenberg (Ohio) and Wayne County Jail Inmates v. Wayne County Board of Supervisors (Michigan) sharply highlight the atrocious physical conditions in jails. In the former case, a federal court pointed to overcrowding, inadequate diet, "primitive" health facilities, no facilities for exercise, and unsanitary surroundings. In the Wayne County case, a state court observed that the county jail was in violation of the Michigan Housing Law with respect to plumbing, ventilation, heating, electrical, and fire requirements. They also stated that the physical facilities were such that they presented a serious potential for epidemics. Part of the opinion by Judge Don J. Young in Jones v. Wittenberg aptly describes the situations faced in many jails.

When the total picture of confinement in the Lucas County Jail is examined, what appears is confinement in cramped and overcrowded quarters, lightless, airless, damp and filthy with leaking water and human wastes, slow starvation, deprivation of most human contacts, except with others in the same sub-human state, no exercise or recreation, little if any medical attention, no attempt at rehabilitation, and for those who in despair or frustration lash out at their surroundings, confinement, stripped of clothing and every last vestige of humanity, in a sort of oubliette

If the constitutional provision against cruel and unusual punishment has any meaning, the evidence in this case shows that it has been violated. The cruelty is a refined sort, much more comparable to the Chinese water torture than to such crudities as breaking on the wheel. The evidence also shows that in this case at least, the punishment is unusual ... (p. 99).

Lack of space in Arizona juvenile detention facilities was held not a sufficient condition for the placement of a juvenile in an adult jail in Anonymous Juvenile in Pima County v. Collins in 1973. If this decision is enforced in other states where the statutes restrict or prohibit jailing, local practices should change.

Despite their portrayals of stark reality, these decisions have had too little effect on overcrowding, cruelty, and inhumane treatment. As we noted earlier, all the evidence indicates increasing numbers of youth in jail.

Similarly, positive effects have not appeared as yet from the development of national standards and goals or from recommendations for physical facilities such as those developed by Moyers and Flynn (1971).

JUVENILE DETENTION

Clearly, jailing juveniles is a substantial problem in the United States, but it is insufficient to castigate the "jailers" without examining the entire question of detention. Detention is a significant phase in the juvenile justice process because it constitutes the initial critical contact with the system for many youth. The detention process itself, however, has been largely ignored, and little effort has been directed toward study, change, or innovation. As a result, few people are aware of the overwhelmingly negative results of most juveniles' experiences with detention.

The following quote from the Handbook for New Juvenile Court Judges provides a clear statement of concern about detention practices:

One of the most critical experiences a child can have after involvement in the juvenile court "process" is detention or shelter care. The indiscriminate use of detention...is at best extremely disruptive to the child's emotional security. ...The juvenile court has the sole responsibility for admission and release of these children and, therefore, should exercise caution and [pay] close attention to this particular process. Abdicating this authority to police officers, parents, educators or even detention personnel is inexcusable and will lead to the abuse of personal freedom guaranteed the child and parents, plus other detrimental experiences that could be avoided (Garff, 1972, p. 21).

Detention in physically restricting facilities built exclusively for juveniles has generally been characterized as progressive, compared to incarceration in adult jails. However, despite having some more healthful or humane aspects than jails, detention facilities often resemble jails. Moreover, many are located next door to a jail, and staff may be used interchangeably (Pappenfort et al., 1970). Confinement in a detention facility may be similarly harmful, particularly when the youth has not committed a criminal violation. A report of the findings of a committee appointed to investigate New York City's three juvenile detention centers stated:

At the Spofford Juvenile Center...it found inadequate light and heat, a dangerously warped gymnasium floor, and a fire alarm system in disrepair. It also reported finding weak and falling plaster, cracked ceilings, faulty plumbing and poor lighting at the Manida Juvenile Center...(NCCD, 1971).

The case of Martarella v. Kelley also referred to the conditions at Spofford and ordered that improvements be made. More recently, other court decisions -- In re Baltimore Detention Center, Patterson v. Hopkins, People ex rel. Guggenheim v. Mucci -- have referred to detention conditions and procedures. In 1971 Judge Hammerman spent considerable time in the Juvenile Detention Center of the Baltimore City Jail. He then ordered that specific conditions be met or children could not be detained in that facility. His order pertained to cell occupancy, length of stay, illumination, toilets, bedding, food, clothing, insects, hygienic supplies, broken windows, and so forth. He also ordered that the facility be closed in one year. Subsequently he continued to monitor the situation and issued further restraining orders governing the actions of the Department of Juvenile Services. Judge Hammerman's actions led to the establishment of two regional detention centers, and he has continued to monitor the operation of these two facilities. Unfortunately, such strong judicial interest is relatively unusual in most states and very little accountability is demanded of those in charge of detention. Judge Hammerman in a 1973 order also addressed the general requirements of detention -- requirements other courts have considered in relation to jailing adults:

I am well aware that the juveniles who are detained at these places are there usually overnight although over a weekend it may extend to one or two days. However, I feel that regardless of the length of a juvenile's confinement there are certain minimum, basic and civilized measures which should be in effect at all times. I would reiterate what I previously mentioned -- that we are dealing with youngsters who in the eyes of the law are presumed innocent. Even if these youngsters at Southeastern and Northeastern were convicted of an offense I would insist that the same standards be present. How much more compelling it is when we are dealing only with detained youngsters who are waiting for a judicial hearing. There is absolutely no question in my mind that even the most limited exposure by young people to some of the deleterious conditions which presently exist in these detention places can have very damaging effects and impact on them. I am not

unaware that in providing some of these juveniles with some of the items which I would require will present some problems. I am not so naive to not understand that giving to some of these youngsters such things as books, magazines, writing implements, etc. that there might be some malicious destruction of them and/or abuse of their use. However, the possibility and even probability of some misuse and abuse cannot negate the need for providing them and cannot negate the fact that at all times and in all places those who are charged with the care and custody of juveniles must provide these young people with a civilized atmosphere. We must be concerned with their physical needs but must be just as sensitive and perhaps even more concerned with the needs of their emotions, feelings and reactions. This is where the greatest damage can be done in so many immeasurable ways if we fail in our duty to always treat civilly and humanely (15 June 1973).

In People ex rel. Guggenheim v. Mucci the New York Court of Appeals stated that juveniles must have prompt hearings within a 72-hour maximum time limit and that these hearings must establish that the juvenile was being held for cause. It noted:

It would take a distorted view to believe that adult felony criminal proceedings were designed to be more tender of the rights of detained adults than the Family Court proceedings are of juveniles. It is obvious that the purpose was put the other way: juveniles are entitled to speedier fact-finding hearing than adult criminals, and hence, the restricted (and not liberal) language of [the Family Court Act].

A New York Family Court also held that a juvenile without parents could not be held on a delinquency petition when a child with parents would not have been held.

HOW MANY JUVENILES ARE IN DETENTION?

It had been estimated for the past few years that the total number of youth entering detention each year was less than 500,000 and that the daily census was 13,000 (NCCD, 1967). The recent LEAA report Children in Custody (1974) contains an updated census of all juvenile detention facilities. A total of 11,748 youth were counted in 303 detention units in the United States on 30 June 1971. The average daily population for the fiscal

year 1971 was estimated at 12,186, with an average length of stay of 11 days per youth. A total of 531,686 juveniles were admitted in 1971 to all types of temporary care facilities (shelters, diagnostic centers, and detention centers), but 494,286 of this total were admitted to detention, making it by far the most important type of correctional facility for short-term processing and care of youth. Furthermore, the report also documents the total number of youth admitted in 1971 to all types of juvenile correctional facilities as 616,795, again bringing home the overwhelming importance of detention: five out of every six children in all juvenile facilities are held in detention.

The second half of this paper contains a detailed review of the extensive census of juvenile detention facilities conducted by Pappenfort, Kilpatrick, and Kuby in 1966, Census of Children's Institutions (1970). Although the information is less recent, a comparison of the general findings about location, population numbers, and characteristics between Pappenfort et al. and the LEAA data indicates that little change has occurred. The number of children found in the daily census has increased about 10% (10,875 to 11,748), but staffing and other operational patterns appear to have remained stable. We have chosen to analyze the Pappenfort census more extensively because it contains more comprehensive information about these facilities.

References for this document include a large number of surveys that have been completed in the past decade. Many of these were conducted by NCCD to facilitate planning in particular communities. One thing is clear, however, from all these surveys: the findings manifest a high level of similarity despite wide variance in the types of states and communities involved in the studies. The typical detention facility is operated by county government in a metropolitan area, with few if any professionally trained staff. The center is a building that provides physically secure custody and a minimal program. Frequently it is located near or adjacent to an adult jail.

WHO IS DETAINED -- AND WHY?

The typical detainee is a male, median age 14.7 years, who resides in a metropolitan area. Nearly two-thirds (63%) of the 11,748 youth in the LEAA

census (1974) were awaiting court action. Twenty-nine percent were adjudicated delinquents; four percent were dependent and neglected children; and another four percent were awaiting transfer to other jurisdictions. The LEAA census does not present data about offense charges, but the collective data for juvenile correctional facilities indicate that about 75% of the females and 25% of the males are held for status offenses, behaviors that are not law violative for adults. When these numbers are coupled with those for dependent and neglected youth, it is apparent that many thousands of youth are held each year in secure facilities when incarceration has not been proved necessary.

Sumner's survey of California facilities (1971) provides important information because that state tried innovative detention practices in the 1950's and 1960's. She observed that few juveniles had defense counsel at detention hearings despite having the right to it. Most hearings took less than three minutes. The overall rate of detention was 36% of the total number of youth arrested, varying between 19% and 66% among counties. Blacks were detained more frequently than whites, as were juveniles from broken homes and those with prior records. Although police were not allowed to make detention decisions, they claimed that they, in fact, made more decisions than anyone else, and probation officers and other court personnel appeared to give tacit approval to this practice. Decision-makers reported that prior record and history of running away were their main concerns in arriving at detention decisions. Few courts had even minimally adequate information systems so that accountability for detention decisions was usually not possible.

The findings from Pawlak in an eastern seaboard state also indicate that detention practices can vary widely among counties. For all youth referred to the court, he noted variation in the percentage of detainees, from 9% to 79% in counties with detention centers and from 0 to 28% in those without detention facilities, for an overall rate of variance between .2% and 76% (Pawlak, 1972, p. 111). Little or no relationship existed between the presence of a juvenile detention facility and the rate of jailing youth. Those counties without detention facilities often contracted with other counties for service, but in all cases their rate of detention was below that of counties with detention facilities. Counties with detention facilities held nonresident youth in jail and detention far more frequently than counties without detention units.

When the sex composition of detained youth was examined, Pawlak observed that arrested females had a higher probability of being detained than arrested males. The highest rate of detention was observed for females charged with status offense violations, particularly those charged as runaways or incorrigibles. Juveniles with prior court contact were more likely to go to jail or detention even when charged with offenses that did not threaten the community. Race was a factor in the differential selection, but, typically, it interacted with sex and social class so that no clear-cut pattern could be discerned. Perhaps the single most significant finding was inconsistency within and among counties.

A 1972 study by the Institute of Government of the University of Georgia provides corroboration for the above findings. They surveyed six newly built regional detention facilities to determine if youth were held for long periods awaiting disposition and if law enforcement and court officials were prone to overdetain youth. Data were collected through fifteen months in 1970 and 1971, and a sample of 1,086 youth were selected for study of processing and placement patterns. (It should be noted that the presence of these regional facilities did not produce a low rate of juvenile jailing: 132 youth had been found in adult jails in Georgia in the 1970 LEAA Census; see Table 2.5.)

Analysis of the offense charged or the reason for detention revealed that 54% were charged with status offenses or were in need of protection; 5% were charged with victimless or traffic offenses; 2% were charged with minor property crimes; 35% were charged with serious property crimes; and 3% were charged with serious crimes against persons. This pattern of detention scarcely reflects the need for this type of detention because at least 61% of these youth could remain in their own homes or be held in local foster homes or shelter care facilities. The study revealed that court orders were unavailable or were signed after the youth reached the detention center. Furthermore, detention hearings were seldom held. The report stated:

Administrators of the RYDC's reported that it is not unusual for police to carry "pre-signed" detention orders which necessitate only the addition of the youth's name to detain him in Regional Youth Development Centers (p. 33).

Personal characteristics of youths were similar to those noted by other researchers; females, blacks, and status offenders were overrepresented in detention relative to the total number of cases referred to the court. Intercounty variations were large -- like Pawlak's observations. For example, readmission rates ranged from 19% to 41%, and the proportion black, which averaged 32% overall, varied between 6% and 58%.

Youth were referred more frequently during the school year. Although 10-14 days is recommended as the maximum time for detention, the average length of stay in these six centers was 24.46 days, with an average range from 20.18 to 33.80 days. For all youth, 22% were held less than four days, and 39% were held for a period exceeding three weeks.

When comparisons were made for length of stay and type of offense, no appreciable differences were observed, as the findings in Table 2.3 indicate. Approximately 30% of the youth were held in detention for one month or more regardless of the reason for detention. For traffic and status offense charges, a higher proportion were held in detention for less than two weeks.

TABLE 2.3

LENGTH OF STAY IN DETENTION IN GEORGIA, BY TYPE OF OFFENSE
(In percentages)

Length of Stay (in days)	Type of Offense				
	Crimes Against Persons	Serious Property	Minor Property	Victimless or Traffic	Status or in Need
0 - 14	39	48	42	56	52
15 - 30	31	22	42	20	16
31 - 60	13	22	16	13	18
61 and longer	18	8	0	11	13

NOTE: Data from Institute of Government, University of Georgia, 1972, p. 114.

But the authors suggest (p. 36) that these youth should not have been held in the first place; and, further, that the mere fact of detention increases the likelihood of subsequent institutional commitment. As Pawlak has observed, youth with prior offenses were more likely to be held in detention and then committed to an institution regardless of the particular charge.

Some preliminary findings on detention from the National Assessment of Juvenile Corrections corroborate those already reported by NCCD, the John Howard Association, Reutermann, Pawlak, and others. In the six courts intensively studied by NAJC, the percentage of youth held in detention, relative to the total number of cases referred to the courts, varied between 21% and 57% - all far in excess of the standards proposed by NCCD or the John Howard Association.

NAJC findings also support the observations by others that police are allowed great discretion in this area, and their recommendations are seldom challenged. In fact, one might suppose that detention policy is often fashioned by the court to accommodate the police. Not infrequently we found that court staff concurred with police views that placing a youth in detention was "a good way to show him the court means business." Availability of detention or jail facilities affected the rate of placement of juveniles: the greater the geographical distance between the facilities and the police, the less likely they are to be used. Rural areas and small towns seem to show more tolerance and to be more helpful toward youth than large cities -- despite popular views to the contrary. Personal knowledge of the people in the community, including youth, may well lead to less routinized, less formal handling.

Our preliminary findings from six courts indicate that the following factors seem to be critical influences on the use of detention by a court or county: (1) location of the detention unit; (2) time of apprehension; (3) location of the apprehension; (4) availability of intake personnel to screen referrals; (5) credibility of the referring source; and (6) the degree to which the court sees its detention policies as an area of community interest.

For example, we are observing that (1) the further the detention unit is from the referring police units, the lower the rate of placement; (2) if a juvenile is apprehended after court office hours, he is more likely to

be held in detention; (3) youth are more likely to be detained if apprehended on the street or in public buildings where parents or concerned adults are less likely to be available to intervene; (4) when intake personnel are available for thorough screening and for detention hearings, juveniles are less frequently held in detention; (5) the higher the credibility of the referring source with court personnel, the greater the likelihood that a juvenile will be detained; (6) time of year -- especially as related to the school calendar, public attitudes, and interorganizational relations of the court with other community agencies also affect how detention policies are implemented.

HOW DO YOUTH VIEW THEIR EXPERIENCES?

Juveniles' views about jails or detention are seldom investigated. As we have stated before, being detained is one of the youths' first major contacts with the justice system, and thus their reactions may provide particularly useful insights. Many juveniles refer to their experiences in jail or detention as among the worst episodes in their lives and the places they most want to avoid in the future. The quotations that follow were obtained by Anderson et al. (1970) and are typical reactions.

"Well, I was locked up in a cell all by myself. I was up on the upper floor because the boys were down below. And I was the only girl in there, so I was up there by myself. And I was just locked in day and night. And the only time I saw anybody was when they brought my food up to me. I mean, I thought I was going to go crazy for awhile, just being locked up all the time ... there were [books or magazines] there, but I mean, I just didn't feel like reading."

"... I think I have a little claustrophobia, or something but I couldn't stand to be locked in a room, as much as I was when I was in solitary confinement several times. I didn't control my temper, I mean, I deserved it, but I think, I don't know, I don't think it's right to lock kids away like animals out there. I think it makes them worse; I think it makes them resentful and hateful. I don't see any purpose in it."

"... it's kinda hard getting used to being cramped up. Actually I'm used to being free, you know, running around, being home. Being like this is just like having animals caged up. You know, you just start getting touchy, and ah, it seemed like the least little thing one of the boys says to you, you want to fight; you have the urge. So I seem like I couldn't last too long in a place like that, being cramped up, and locked up."

"... I'd get so lonely, and you know, it's really lonesome, you just sit there and you don't know what to do, because you have nothing to read. I don't know. And everything comes into your mind and bursts out."

Early results from NAJC's survey of a representative sample of correctional programs in sixteen states indicate that of the more than 1,600 youth responses analyzed thus far, 60% report having been in jail and 65% having been in detention one or more times. Females report more frequent jailing, and the majority of females are held for status violations. Although older

TABLE 2.4

CORRECTIONAL EXPERIENCES REPORTED BY JUVENILES
(By average number of times)

Type of Past Experience ^a	Youth in Closed Residential Units	Youth in Open Residential Units	Youth in Non-residential Units
Jail	4.48	4.96	3.38
Detention hall	2.96	2.20	2.03
Training school	1.53	1.10	.67
Probation	2.01	1.38	1.32
Group or foster home	1.0	1.60	.53
Juvenile court	5.22	5.86	4.13
Police arrests	7.53	6.59	6.89
(N)	(1,147-1,197)	(120-126)	(197-219)
Median age	15.27	17.16	15.51
% Male	71	65	87
% Father unemployed or working class	83	59	79
% Mother unemployed or working class	83	63	77
% Minority	52	42	65

^a"How many times in your life has each of the following happened to you?"

youth more often report having been in jail, 50% of those between the ages of 13-15 report having been in jail one or more times. As might be expected, these youth disproportionately represent minority, unemployed, and working-class populations of the states in which they are located. These data, obtained in 1973 and 1974, are clearly consistent with earlier data already discussed. Thus, the picture would appear to show little positive change.

Other responses from these same youth in the NAJC study suggest that possible alternatives are not sufficiently used. The data in Table 2.4 show that juveniles experience incarceration more frequently than probation, foster homes, or other less stringent forms of intervention. It is also apparent from these findings that youth in closed and open institutions, as measured by their experiences in jails and detention, differ little from each other, but those in nonresidential community-based programs are less likely to have had as extensive experiences in corrections.

Seventy-four percent of the youth in these service units had unemployed or working-class parents, and the highest proportion of low socioeconomic status youth were in closed institutions -- suggesting highly disproportionate and severe incarceration of this group. Furthermore, their median age was lowest -- 15.27 years. The overwhelming majority of youth in these correctional units were male, and these early data do not permit us to pinpoint differences associated with sex.

Given the average age of these committed youth, approximately 16, these data point to considerable prior institutional incarceration. When the sanction by the state is far more severe than required, and when milder forms of intervention are underutilized, then a pessimistic prognosis for the future behavior of the youth may well be made.

NATIONAL JAIL AND DETENTION RATES

It is already apparent that practices in the jailing and detention of youth vary widely within and among the states. But we need to examine more systematically the extent and pattern of these differences. To make comparisons of jailing and detention rates among the states, assorted pieces of information have to be unraveled. Adequate data must be collected at similar points in time to allow reasonable conjectures to be made. Fortunately, the two censuses, previously mentioned, which were undertaken by LEAA in

TABLE 2.5
*Number of Juveniles in Jail (1970)
 and Detention (1971), By State*

State (Ranked according to child population 5-17, 1970)	In Jail		In Juvenile Detention	
	Number ¹	Rate per ³ 100,000	Number ²	Rate per ³ 100,000
California	188	3.76	3,761	75.33
New York	4,550	104.47	442	10.15
Texas	169	5.63	291	9.70
Pennsylvania	254	8.69	474	16.22
Illinois	106	3.70	585	20.46
Michigan	29	1.18	925	37.72
Ohio	203	7.20	598	21.22
New Jersey	126	7.01	467	26.00
Florida	142	8.83	753	46.83
Massachusetts	--	--	203	17.09
Indiana	249	17.97	233	16.82
North Carolina	37	2.79	78	5.90
Georgia	132	10.79	484	39.57
Wisconsin	79	6.57	92	7.66
Virginia	172	14.38	210	17.54
Missouri	55	4.65	206	17.43
Minnesota	73	6.95	60	5.71
Louisiana	61	5.87	146	14.05
Maryland	106	10.22	66	6.36
Tennessee	79	7.89	134	13.39
Alabama	87	9.33	130	13.95
Washington	40	4.55	222	25.26
Kentucky ⁴	78	9.25	79	9.37
Connecticut	--	--	35	4.56
Iowa	41	5.52	32	4.31
South Carolina	41	5.70	11	1.53
Oklahoma	48	7.51	16	2.50
Mississippi	74	11.67	30	4.53
Colorado	47	7.99	148	25.17
Kansas	75	13.13	126	22.07
Oregon	59	11.04	160	29.96
Arkansas	45	9.05	15	3.02
Arizona	33	6.80	140	28.87
West Virginia	52	11.76	36	8.14
Nebraska	44	11.36	4	1.03
Utah	10	3.20	64	20.51
New Mexico	46	14.83	51	16.45 ⁵
Maine	2	.77	33	12.74 ⁵
Rhode Island	--	--	38	17.01 ⁵
Hawaii	--	--	20	9.80
Idaho	42	21.10	--	--
Montana	53	27.04	1	0.51 ⁵
New Hampshire	--	--	43	22.74 ⁵
South Dakota	26	13.90	17	9.09
North Dakota	3	1.71	1	0.57
Delaware	--	--	44	29.53
Nevada	15	11.90	73	57.94 ⁵
Vermont	--	--	12	10.25 ⁵
Wyoming	25	27.17	--	--
Alaska	2	2.27	7	7.95
TOTALS	7,798	$r_s = .04$	11,796	

¹ LEAA Jail Census, March, 1970

² LEAA, *Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1971*. Washington, D.C., LEAA, 1974, pp. 32-33.

³ Rates were calculated per thousand population, ages 5-17, U.S. Census Publication, *General Population Characteristics: Final Report PC (1)-B, 1970*.

⁴ Jails are operated by the state government, not locally administered.

⁵ Data for the average daily population of youth held in state detention facilities in Maine, Rhode Island, New Hampshire, and Vermont were obtained directly from the state directors of juvenile corrections or from the director of each facility. These averages are not entirely comparable with the census taken on a given day, but they do provide a basis for a relatively comparable estimate of the rates of detention.

1970 and 1971, provide us with recent, quite comparable data on juveniles in jail, detention, and correctional facilities. From these censuses, we can compare rates of jailing and detention among states and can better verify what proportion of all juveniles within a state are being incarcerated.

The findings in Table 2.5 disclose markedly different rates of jailing and detention when controls are imposed for size of the child population within the states. In only two states, Idaho and Wyoming, were juveniles held exclusively in jails. The two most populous states, California and New York, both had high rates of incarceration, but juvenile detention facilities were used extensively in California, while New York placed a very large number of juveniles in jail. At the opposite extreme, seven states had no juveniles in jail: Connecticut, Massachusetts, Rhode Island, Hawaii, New Hampshire, Vermont, and Delaware. In three of these states -- Vermont, New Hampshire, and Rhode Island -- juveniles were not detained in any local facility, but were held in state-operated units of juvenile institutions.

In sixteen states, more juveniles were held in adult jails than in detention, while thirty-four states placed a larger number of youth in juvenile detention facilities. No clear pattern is associated with region of the country or size of the child population. These comparisons of state rates of detention, plus our findings on youths' experiences, are not conclusive evidence about the use and effects of jailing, but they do attest to the complexities of the total picture. Urbanized states have both high and low rates -- as do rural states. As we shall note in the next section, statutory provisions alone do not explain the pattern or rate.⁶

To ascertain some factors that might explain jailing practices, various sets of data were intercorrelated. First we examined the correlation between jailing and detention rates using the Spearman Rank Order Correlation procedure. The results obtained were $r_s = .04$, indicating almost no relationship

⁶ Juvenile codes in 24 states have statutory provisions that permit detention in state training schools, only 8 states prohibit such detention, and 18 have no such provision in their codes. For a more detailed analysis of statutory provisions governing juvenile offenders, see Mark Levin and Rosemary Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States (Ann Arbor, Michigan: National Assessment of Juvenile Corrections, University of Michigan, 1974).

between the number of youth held in jail in a state and the number held in detention. One might have predicted a strong negative relationship between them, which would indicate that where detention facilities were used, juveniles would not be held in jails. Of course intrastate differences that would conceal this relationship could be operative. However, some states, such as Pennsylvania and Ohio, have both large numbers of detention facilities and many youth placed in jails. Therefore, we summed the rates of jailing and detention for all the states to obtain a general measure of juvenile incarceration. These data were then correlated with information about the level of urbanization in each of the states. Level of urbanization was chosen as a variable because it is frequently considered to be positively related to level of juvenile crime; and, therefore, it could be hypothesized that more juveniles would be detained in urban rather than rural areas. Two measures of urbanization were selected, given the type of data available to us for all fifty states: percentage of the state population residing in urbanized areas in 1970, and percentage of the state population residing in central cities at that time. Detailed results from the analysis are presented in Appendix Table A2.4a. A Spearman Rank Order correlation of $r_s = .34$ was obtained for the proportion of population in urbanized areas, and $r_s = .22$ when the comparison was made for the proportion residing in central cities. Detention facilities are clearly used more extensively in the urbanized areas despite the greater availability of alternative resources. It is, therefore, a possible "blessing in disguise" in many rural areas that detention facilities are less likely to be available.

A third step in the analysis involved correlating the total rate of detention with the crime index for each state, assuming the hypothesis that the higher the crime rate, the higher the rate of detention. Data were obtained from the FBI Crime Index for 1971. Two measures were used: total crime rate and property crime rate. The latter was selected because juveniles commit and are charged with more property crimes than crimes against persons. Results are shown in Appendix Table A2.4b. Strong positive correlations of $r_s = .52$ and $r_s = .56$ were obtained for total crime and property crime, respectively. The crime rate was the best indicator we were able to obtain for the combined rate of detention and jailing. We cannot make any assertions about causal relations, and a definitive field study would be necessary to establish these dynamics.

A major problem remains: although the level of urbanization and total crime rate are positively correlated with detention, we also know that those who are held in detention consist disproportionately of status offenders. However, the FBI Crime Index does not include "status offenders." Thus, the question arises -- why are those charged with status offenses so frequently held when the major responsibility of the police is to apprehend those who commit felonies and misdemeanors? We can only conjecture about what may be happening, but it is possible that since many juveniles are relatively "naive" offenders, runaways, and truants, and are notorious for being "out on the street," they can readily be arrested and detained as a generalized social control response to rising crime. In contrast, those who commit burglaries are far more difficult to apprehend. The data we have available do not permit us to test such a hypothesis, but the studies of Haarman and Sandefur (1972), Pawlak (1972), Sumner (1971), and the Institute of Government at the University of Georgia (1972) establish differential detention patterns by offense. Moreover, these patterns are not clearly related to the need to protect the community. Our reports from youth surveyed in correctional units throughout the country also indicate evidence to support the assertion of far stronger detention sanctions than would seem necessary given the offenses with which these youth have been charged or adjudicated.

It now also appears quite possible that the increase in jailing, which has been noted in many states in recent years, may be related to deinstitutionalization trends at the state level. It could be expected that a certain proportion of youth will be apprehended and held in some type of facility. Thus, as space becomes less available in state institutions, local institutions (jails) will be used instead unless clear penalties and tight intake restrictions are imposed simultaneously with deinstitutionalization efforts. This implies the existence of systematic characteristics in the administration of juvenile justice, but again our data are woefully inadequate to support this assertion. However, only in those states where state governments have taken an active role in the administration or supervision of jails did we consistently observe less jailing. In other states the patterns of detention are probably outgrowths of localism and tradition. Our analysis of county differences in Wisconsin provide support for this hypothesis. (See Table 2.2 and explanatory text.) Lack of resources,

lack of effort to develop alternatives, inappropriate responses to rising crime rates, lack of accountability by decision-makers, and last but not least, lack of adequate information systems that could monitor the jailing and detention processes, all contribute to the persistent use of frequent and often unnecessary incarceration.

STATUTORY PROVISIONS GOVERNING JAILING AND DETENTION

JAILING

The kind of facility in which a juvenile is detained is determined, in large part, by the state statutes, and statutory limitations can be an important constraint on placing juveniles in jails. Only five states explicitly prohibit jailing under all circumstances although most statutes recommend against this practice. The findings in Table 2.6 reveal wide variations among the states for these important statutory provisions.⁷

TABLE 2.6

STATUTORY RESTRICTIONS GOVERNING JAILING OF JUVENILES

Restrictions	Number of States
Prohibited under all circumstances	5
Court order required	14
Department of social service approval required	2
Juvenile must be 16	1
Juvenile must be 15	1
Juvenile must be 14	4
Juvenile must be 13	1
Juvenile must be 12	5
Juvenile must be "a menace"	4
Separate jail sections if nothing else available	8
Separate jail sections only	5
No prohibitions	1

NOTE: These data are based on an analysis of juvenile codes in the fifty states and District of Columbia as of 1 January 1972.

⁷See also Levin and Sarri, Comparative Analysis of Legal Codes, 1974.

The provisions legislatures have enacted range from allowing in jail only a nursing infant of an adult prisoner to no statutory prohibitions of any kind. Fourteen states require only a court order for detention in jail; two states require approval by their state departments of social services; twelve states allow jail as a detention alternative if the child has reached a certain age, which may be as low as twelve or as high as sixteen. Four states allow the juvenile to be transferred to a jail or lockup without a court order if he is deemed a "menace" in the juvenile detention facility. Eight states allow a juvenile to be jailed only if no other facilities are available, but add a requirement that they be kept in separate sections away from adult prisoners; five other states merely require separate sections; while one state has no prohibitions on jailing. As the findings from the Mattick and Sweet (1969) study of Illinois indicated, separation of juveniles may be largely fictitious, for seldom is there effective inspection and monitoring. Furthermore, in cases where separation occurs, it may take the form of solitary isolation, which apparently led to suicide in several instances (U.S. Senate, Judiciary Committee Hearings, 1970). The unfeasibility of separate sections in jails was illustrated in a recent report from Detroit, where a 16-year-old boy was jailed in the Wayne County Jail with older males while awaiting trial, despite repeated attempts by his attorney for other arrangements. The jail administrator said:

... because of jail overcrowding, the only alternatives for [this boy] are incarceration with even older prisoners or remaining with his present group ... a completely separate cell for [him] was out of the question ... the jail is caught between courts wanting offenders treated as adults and statutes requiring them to be specially cared for (Benjamin, 1972).

Given these facts, the assertion that juveniles are jailed for their own protection deserves considerable skepticism. Some studies have also reported that juveniles detained for status or moral offenses are held longer than those who commit serious felonies (Haarman and Sandefur, 1972). It seems reasonable to assume that at least some jailing is primarily for the convenience of the family or school, or to reinforce traditional views of controlling juveniles.

DETENTION

One statutory device used to keep juveniles out of jail is to require counties to provide specialized detention facilities for them, entirely separate from those for adults. This provision is not found frequently, however, probably due to the uneven distribution of cases among counties in nearly all states. Ten states require all counties to provide separate detention facilities, but seldom does the statute specify the type or quality of facility. Eight other states require counties with large populations (generally over 100,000) to provide separate juvenile detention. Three states have state-operated facilities. In the remaining thirty states, including the District of Columbia, facilities are not required, but some type of enabling legislation exists that permits county boards to provide facilities if they so choose. Several states also have enabling legislation for regional detention centers. Thirty-six states specify that juveniles may be detained in court-approved foster homes or in licensed child-caring institutions. Only a minority of states have legislation requiring the segregation of the dependent and neglected from the delinquent.

Also important are the statutory provisions governing detention hearings, time limits for holding juveniles, and purposes of detention hearings. If a juvenile is taken into custody through the petition summons or arrest route, the findings in Table 2.7 indicate that eighteen states require a detention hearing. However, the time periods vary considerably: nine states require a hearing within 48 hours, five within 96 hours, and four "promptly" or within no specified time. In two other states, a hearing may be held if the judge is available or the juvenile requests it. Sixteen states require only a court order, not a hearing, to place a child in detention; and again, these states vary as to the length of time allowed for filing the court order. In the remaining fifteen states, the statutes do not require a court order or detention hearing before placing a child in detention. In addition, these states have no time requirements for filing a petition that can apprise the juvenile or his attorney of the offense allegedly committed.

TABLE 2.7
 STATUTORY PROVISIONS FOR DETENTION HEARINGS

Statutory Provisions	Number of States
Hearing required within 48 hours	9
Hearing required within 96 hours	5
Hearing required, promptly or no time limit	4
Hearing if judge available or juvenile requests	2
Court order only, within 1 week	11
Court order only, no time limit	5
Neither	15

NOTE: These data are based on an analysis of all juvenile codes in the 50 states and the District of Columbia, as of 1 January 1972.

Wherefore a Hearing?

The statutes typically contain little information about what should be determined in a detention hearing, even if one is to be held. A detention hearing does not necessarily determine whether there is probable cause to believe the juvenile committed an offense. More likely, and with some statutory justification, a detention hearing determines only if there is reason to hold the child either for his own protection or because it is likely he will flee the jurisdiction of the court. Because the criteria are so ambiguous, it is not surprising that children are held on vague grounds and seldom with clear determination that detention is, in fact, necessary.

The often-proposed argument that juveniles are likely to flee, and thus require detention, has been refuted by findings from a Louisville court study (Haarman and Sandefur, 1972), which indicated that only 2.7% failed to appear in court.⁸ Findings from a demonstration project on home detention in St. Louis indicated no instances of a youth failing to appear, and only

⁸The poorer risks regarding failure to appear were females charged with status offenses; males with a multiple offense history and charged with a serious felony were more likely to commit offenses while on release. Knowing this, however, permits consideration of these factors in detention decisions.

5% committed new offenses while on home detention (Keve and Zantek, 1972); furthermore, none of these offenses were assaultive. In In re John Doe, the Alaska Supreme Court held that a child may not be detained pending adjudication if the court has been given reasonable assurance that he will appear, unless "he cannot remain at home and no other alternative to detention remains."

How Long is Enough?

Because of the limited scope of a detention hearing, eleven states have enacted provisions setting time limits on the length of detention prior to adjudicatory hearings. However, as could be expected with little effective monitoring, the time spent in detention before a hearing is often longer in many cases than the statute permits. Equally problematic are the practices that permit youth to be held in detention after adjudication and disposition while awaiting placement in an institution, group home, or other facility. Juvenile statutes rarely contain provisions about regular monitoring of courts and detention programs. Without such provisions, the system is severely handicapped. A juvenile accused of an offense must be located somewhere under some form of adult supervision, and thus, is frequently "stranded" in jail or detention. This problem is most severe for those alienated from and rejected by their parents -- those most in need of care. All too often, they are charged with juvenile status offenses -- truancy, incorrigibility, running away -- and may remain in jail or detention for long periods, with severe deterioration a far too frequent outcome (U.S. Senate, Judiciary Committee Hearings, 1970, pp. 5077-5163). Few states implement provisions that permit alternatives to detention, such as release on recognizance, promise to appear, bail, citations, or summons. Even when the statute encourages alternative forms of detention, they are rarely used for juveniles. As Rosenheim (1970) suggests, juvenile detention units serve as "community storage facilities" for children who, for the most part, do not need secure custodial supervision.

A recent federal district court case, Hamilton v. Love, held unconstitutional many features of an Arkansas county jail. The judge's opinion dealt with constitutional issues, which appear eminently applicable to this

discussion. The judge enunciated the test of "least restrictive means":

Having been convicted of no crime the detainee should not have to suffer any punishment as such, whether cruel or unusual or notIt is manifestly obvious that the conditions of incarceration for detainees must, cumulatively, add up to the least restrictive means of achieving the purpose requiring and justifying deprivation of liberty.

... If the conditions of pre-trial detention derive from punishment rationale, such as retribution, deterrence, or even involuntary rehabilitation, then those conditions are suspect constitutionally and must fall unless also clearly justified by the limited and stated purpose and objective of pre-trial detention.

... If the state cannot obtain the resources to detain persons awaiting trial in accordance with minimum constitutional standards, then the state simply will not be permitted to detain such persons.

CHAPTER 3

A PORTRAIT OF DETENTION

In this chapter we attempt to summarize primary-source national data on detention collected in 1966 by Pappenfort, Kilpatrick, and Kuby.¹ This study is particularly useful because of the extensiveness of the data obtained, because it permits comparison with other types of juvenile residential facilities, and because one can readily employ statistical controls for size, staffing, program, and length of stay. By means of these aggregate data we are attempting here to depict an overall view of the external and internal factors that collectively represent detention in America. Thus, we will describe the care and services provided to the 10,875 children and youth -- a one-day's count -- who were residing in 242 detention facilities throughout the United States, Puerto Rico, and the Virgin Islands in 1966. (The 1971 LEAA survey found 11,748 youth in 303 detention facilities in the United States, due in part to use of slightly different definitions of detention.)

This portrait will be presented in two parts: first, a description of some basic characteristics of the facilities, the detainees, and the staff; second, an examination of how detention units function -- programs

¹Donnell M. Pappenfort, Dee Morgan Kilpatrick, and Alma M. Kuby, Detention Facilities, vol. 7 of A Census of Children's Residential Institutions in the United States, Puerto Rico, and the Virgin Islands: 1966, comp. Pappenfort and Kilpatrick, Social Service Monographs, 2nd ser., no. 4, 7 vols. (Chicago: University of Chicago, School of Social Service Administration, 1970).

Given the importance of the 1966 census, a note on its methodology is in order. Briefly, after a year of collecting and collating information to ensure a complete list for the survey, self-administered questionnaires were sent to each detention facility in January 1966. Numerous follow-up efforts were made, and the study achieved a 97.7% response rate.

The data from Detention Facilities used in this section does not include children in jails or other adult facilities.

they do or do not offer, the relations they do or do not maintain with the community, and, finally, some of the ways they are or may be misused.

Although the Pappenfort-Kilpatrick data were gathered eight years ago, they reinforce information collected from a variety of other studies. We are fortunate that several national surveys of detention facilities, beginning in 1933 (Warner), enable us to ascertain patterns of practices over a relatively long period. Since the Warner study, Sherwood Norman conducted two surveys for the National Probation and Parole Association in 1946 and 1960. In 1966-67 the National Council on Crime and Delinquency completed a survey in conjunction with the work of the President's Commission on Law Enforcement and the Administration of Justice; and the Joint Commission on Correctional Manpower and Training surveyed detention facilities in 1968 to obtain data on staffing and manpower (1969). More recently, Reuterman et al. (1971) conducted a national survey that emphasized operating practices, goals and functions, and expectations for the future. The most recent and, with the exception of the study reported on here, the most extensive survey of detention was completed by LEAA in 1971-72. This survey provides an excellent base for comparing conditions and practices over time with the data obtained by Pappenfort and Kilpatrick. Findings from these national studies indicate that detention practices have changed little over the past half century, despite overwhelming criticism in most regions of the United States. Different policies and new, vigorous implementation strategies would seem necessary if constructive change is to take place, and if use of detention is to become humane, fair, just, and effective.

The findings presented in this chapter permit us to assess some critical aspects of service delivery and quality of care in detention units. Given the consistency among the findings from the several national surveys, we are confident that the patterns presented here continue to prevail nationwide.

MAJOR CHARACTERISTICS OF DETENTION

The National Council on Crime and Delinquency (NCCD), in its Standards and Guides for the Detention of Children and Youth (1961), provides a simple definition for detention care: "the temporary care of children

in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency." The NCCD notes further that to provide a constructive experience, detention care should meet four objectives:

1. secure custody with good physical care in a manner that will offset the damaging effects of confinement;
2. a constructive and satisfying program of activities to provide the child with an opportunity to develop and recognize strengths and to help him find socially acceptable ways of gaining satisfaction;
3. individual and group guidance to help the child use his detention experience positively;
4. observation and study to provide screening for undetected mental or emotional illness as well as a diagnosis upon which to develop an appropriate treatment plan.²

As was observed in the previous chapter, authorities generally agree that only the following categories of juveniles should be detained involuntarily: (1) those who may abscond before a court hearing; (2) those who are almost certain to commit a dangerous offense before court disposition; and (3) those who must be held for another jurisdiction. Moreover, federal guidelines emphasize that youth who can safely remain in their homes should be left there (HEW, Youth Development and Delinquency Prevention Administration, 1970). These guidelines also state that juveniles needing diagnostic evaluations should be able to receive such service without being held in a custodial setting, and that nonsecure facilities should be used for all youth not explicitly requiring custody.

These recommendations and guidelines can well serve the reader as a yardstick against which to measure the real-life findings presented in the rest of this chapter.

²Other statements of standards contain similar provisions, e.g., Legislative Guides for Drafting Family and Juvenile Court Acts (1969) by William H. Sheridan.

CHARACTERISTICS OF THE FACILITIES

In this section we examine three sets of variables: geographical distribution of detention facilities in the U.S., including numbers and rates in each state; auspices; and size. In the following section, we will look at some characteristics of the detainees: age and sex, length of stay, and nondelinquent detainees. In the third section, staff characteristics are examined: part-time versus full-time employment, educational attainments, staff-youth ratios, and supervision and in-service training.

Geographical Distribution

The data in Table 3.1 show the number of detention units in each state, the number of juveniles detained therein, and the rates of detention relative to the child population aged 5-19 in the U.S. and in the respective states on a given day in 1966. Ten states had no facilities primarily designated for detaining juveniles.³ Twenty-seven states, the Virgin Islands, and Puerto Rico each had four or less detention facilities. Given the size, autonomy, and variety among the fifty states and the District of Columbia, one could expect the vast differences apparent in the Table. California had 16% of all the detention units and 36% of all the youth detained. New York and Texas, which are next in population, had far fewer youth in detention. In the case of New York it should be noted that the juvenile court has jurisdiction only through age 15 (in California the maximum age for original jurisdiction is 17), and use of jails is far greater (see Table 2.3). Ten states accounted for more than 75% (8,375) of the total number of children detained at the time of the 1966 census.⁴

The Pappenfort, Kilpatrick, Kuby data also reported location by Standard Metropolitan Statistical Areas (SMSA's) as defined by the United

³ Idaho, Maine, Mississippi, New Hampshire, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, and Wyoming.

⁴ The rank order of the ten states and their corresponding juvenile detention population were: California (3,914), New York (790), Florida (641), Michigan (610), Ohio (593), Illinois (473), Pennsylvania (454), New Jersey (389), Georgia (282), and Washington (229).

TABLE 3.1

Statistics of Youth (Aged 5-19) in Detention Facilities
on a Given Day in 1966, By State

State	Number of Detention Units	Number of Youth Detained	Percentage of U.S. Total Youth Detained	State Rate Per 100,000 Youth (5-19)
Alabama	2	60	0.6	6.23
Alaska	1	7	0.1	9.09
Arizona	2	112	1.0	25.57
Arkansas	1	18	0.2	3.58
California	38	3,914	36.0	84.40
Colorado	2	101	0.9	19.27
Connecticut	4	29	0.3	4.14
Delaware	1	22	0.2	16.29
District of Columbia	1	110	1.0	56.70
Florida	17	641	5.9	45.17
Georgia	6	282	2.6	23.67
Hawaii	1	36	0.3	8.27
Idaho	--	--	--	--
Illinois	7	473	4.3	17.75
Indiana	5	225	2.1	17.40
Iowa	1	10	0.1	1.39
Kansas	4	77	0.7	13.20
Kentucky	4	73	0.7	8.69
Louisiana	4	83	0.8	8.16
Maine	--	--	--	--
Maryland	2	104	1.0	11.12
Massachusetts	3	122	1.1	7.56
Michigan	18	610	5.6	26.60
Minnesota	2	49	0.5	5.05
Mississippi	--	--	--	--
Missouri	4	163	1.5	14.69
Montana	1	4	less than 0.1	2.05
Nebraska	1	35	0.3	9.33
Nevada	1	21	0.2	19.09
New Hampshire	--	--	--	--
New Jersey	9	389	3.6	23.63
New Mexico	2	57	0.5	18.56
New York	11	790	7.3	18.71
North Carolina	6	73	0.7	5.49
North Dakota	--	--	--	--
Ohio	18	593	5.5	21.77
Oklahoma	1	19	0.2	3.14
Oregon	4	158	1.5	31.60
Pennsylvania	22	454	4.2	15.98
Puerto Rico	2	139	1.3	14.24
Rhode Island	--	--	--	--
South Carolina	--	--	--	--
South Dakota	--	--	--	--
Tennessee	2	53	0.5	5.31
Texas	7	205	1.9	7.15
Utah	3	68	0.6	22.59
Vermont	--	--	--	--
Virgin Islands	1	19	0.2	9.89
Virginia	8	146	1.3	12.62
Washington	8	229	2.1	29.58
West Virginia	3	24	0.2	5.01
Wisconsin	2	78	0.7	7.06
Wyoming	--	--	--	--
TOTALS	242	10,875	100.3%	15.90 (average rate)

States Bureau of the Census.⁵ Four detention facilities out of every five were located in metropolitan areas. These metropolitan institutions served 93% of all juveniles detained in the United States.⁶ They were located in areas containing 50% of the youth population of the United States, but represented only 7% of all U.S. counties. Thus, most juvenile court jurisdictions in the United States do not have ready access to detention facilities. In a few of these, alternative foster and shelter care programs have been established, but in many, juveniles are held in police lockups or in municipal or county jails.

Auspices

Of the 242 facilities surveyed, nearly all (216) were operated by county authorities. These authorities included juvenile court judges, county boards, or some combination of county governmental bodies. Eleven of the remaining 26 facilities were state-operated, nine were municipally operated, and six were privately operated.

An NCCD survey of detention facilities in 1966 concluded that "the type of administering agency appears to have little effect on the quality of detention service rendered. ... Better coordination between probation and detention can usually be achieved when detention is administered under a director of court services. Regional detention appears to be most satisfactory when administered by a state agency" (President's Commission, Corrections, 1967, p. 122).

At the time of the NCCD survey, thirteen states and Puerto Rico had

⁵A Standard Metropolitan Statistical Area is made up of a central city or cities of at least 50,000 population, together with the entire surrounding area in which the activities form an integrated economic and social system. For a detailed definition see U.S. Bureau of the Census, General Population Characteristics: Final Report (Washington, D.C.: Government Printing Office, 1970).

⁶Tables and data not presented in this report are available in Pappenfort, Kilpatrick, and Kuby, Census of Children's Institutions, vol. 7.

assumed some responsibility for detention.⁷ For example, Maryland had two state-operated regional detention and diagnostic facilities available to all counties in the state, while New York, although not operating detention homes, had a full-time consultant on detention and reimbursed counties for half the cost of care. Regional detention centers were operating in eight states in 1966, and two other states had promoted regional detention by state subsidy. Problems of transportation and intake control had been worked out in these cases, but the regional facilities had not all met recognized standards of building design or of staffing, nor had they all achieved statewide coverage (President's Commission, Corrections, 1967, p. 124).

Twenty states had provisions for consultation services to counties, half by departments of welfare and half by other state agencies. The need for consultation was emphasized by NCCD:

Exemplary practices cannot be reduced to simple formula because they may depend upon other services and facilities not up to par. A jurisdiction with an excellent detention building may be poorly staffed; one with a good child-care staff may have communication problems with the probation department; one with an excellent probation department and detention facility may be overused by the police without court control. For this reason high-caliber consultation and coordinating services on a state level are of utmost importance if poor routine practices are to be avoided (President's Commission, Corrections, 1967, p. 125).

In recent years many states have adopted legislation that permits the development of regional facilities and also permits the states to be more active in consultation and training of local staff. Reports by the practitioners, however, indicate that these provisions are seldom adequately implemented -- if at all (HEW, 1970).

⁷Alaska, Connecticut, Delaware, Georgia, Massachusetts, Maryland, Michigan, New Hampshire, New York, Puerto Rico, Rhode Island, Utah, Vermont, and Virginia. Note that Pappenfort and Kilpatrick reported no detention facilities in 1966 in New Hampshire, Rhode Island, and Vermont (see footnote 3).

TABLE 3.2
 Percent Distribution of Total Detained Youth (5-19)
 On a Given Day in 1966
 (For Units of Different Sizes, By State)

State	Size of Units		
	25 or Less	26 to 75	75 or More
Alabama	--	2.1	--
Alaska	0.5	--	--
Arizona	--	0.9	1.0
Arkansas	1.2	--	--
California	13.0	17.8	49.4
Colorado	0.7	--	1.4
Connecticut	1.9	--	--
Delaware	1.5	--	--
District of Columbia	--	--	1.7
Florida	6.6	8.5	4.6
Georgia	1.3	3.9	2.3
Hawaii	--	1.2	--
Idaho	--	--	--
Illinois	3.6	1.0	6.0
Indiana	3.9	--	2.6
Iowa	0.7	--	--
Kansas	2.8	1.2	--
Kentucky	0.5	2.3	--
Louisiana	0.8	2.5	--
Maine	--	--	--
Maryland	--	3.6	--
Massachusetts	--	4.2	--
Michigan	6.9	7.6	4.4
Minnesota	3.3	--	--
Mississippi	--	--	--
Missouri	0.3	2.7	1.2
Montana	0.3	--	--
Nebraska	--	1.2	--
Nevada	1.4	--	--
New Hampshire	--	--	--
New Jersey	5.0	4.6	2.8
New Mexico	0.2	1.9	--
New York	3.0	8.9	7.5
North Carolina	4.9	--	--
North Dakota	--	--	--
Ohio	5.2	9.5	3.7
Oklahoma	1.3	--	--
Oregon	3.1	--	1.7
Pennsylvania	9.2	--	4.9
Puerto Rico	--	2.0	1.2
Rhode Island	--	--	--
South Carolina	--	--	--
South Dakota	--	--	--
Tennessee	--	1.8	--
Texas	2.4	5.9	--
Utah	1.7	1.5	--
Vermont	--	--	--
Virgin Islands	1.3	--	--
Virginia	5.5	2.2	--
Washington	4.4	1.0	2.0
West Virginia	1.6	--	--
Wisconsin	0.1	--	1.2
Wyoming	--	--	--
	100.1%	99.9%	100.0%

Size

Detention facilities were grouped by capacity into three categories in the 1966 census: 134 of the units had twenty-five or fewer youth in care on the day of the census; 71 had twenty-six through seventy-five youth; and only 37 facilities held more than seventy-five youth. However, the total number of youth in detention (10,875) was distributed disproportionately: the largest number of youth (6,496) were in the category containing the fewest units -- those with more than 75 juveniles.

Reuterman et al. (1971) and LEAA (1974) reported similar information on the disproportionate number of youth in large detention units. They also reported that the average annual proportion of admitted youth increased with the capacity of the detention unit, and the larger facilities were relatively more overcrowded than the small ones. Increases in organizational size are often associated with bureaucratization and reduced service delivery, while small units can be equally disadvantaged by resource procurement problems, which can also result in reduced service delivery. Therefore, size is an important variable in the design and operation of detention units, and will be used as a control in the subsequent analyses of other aspects of organizational characteristics and structure.

A relatively small number of detention facilities have been established to serve but a fraction of the country's juvenile court jurisdictions. However, their number is not the only disturbing feature. Their distributions measured by location, auspices, and size constitute a poor fit between needs of courts and communities and availability of appropriate detention facilities and other community resources. Where few resources have been made available to meet the needs of the child, the correctional system, or the community, adult jails or jail-like facilities have been employed far too often as a substitute for appropriate detention or shelter care. Regional planning has sometimes ameliorated this, but is found in very few states.

CHARACTERISTICS OF DETAINEES

Age and Sex

Although the majority of youth held in detention are adolescents, nearly 900 primary-school-age youth were being detained at the time of the

census, 254 of whom were under the age of six -- including 81 infants below the age of two. These data conform to the more recent findings on detention reported by LEAA for 1971: in 3% of all detention facilities the youngest detainee was under the age of six. A higher proportion of infants and primary-school-age children were observed in the large facilities in the large metropolitan areas. Apparently, smaller communities have been more successful in securing alternative shelter care for very young dependent children.

TABLE 3.3
AGE AND SEX DISTRIBUTIONS OF DETAINED YOUTH
(In percentages)

Age	Sex		
	Male	Female	All
Under 2 years	1	1	1
2 - 5 years	1	2	2
6 - 11 years	10	6	9
12 - 15 years	59	62	60
16 - 20 years	29	28	28
Over 21 years	0	0	0
Total	100	99	100
Median Age	14.7	14.6	14.7
(N)	(7,151)	(3,248)	(10,399)

NOTE: Figures rounded to nearest percentage.

Two-thirds of youth in detention were boys. As shown in Table 3.3, the median age for males and females was just about the same: 14.7 for boys and 14.6 for girls. Despite the far greater proportion of males in detention, females were overrepresented relative to their percentage in the total of all cases disposed of by the juvenile courts of the U.S.: females

comprised 20% of all juvenile court cases in 1966, yet the proportion of females in detention was 30%.

Offense characteristics were not obtained in the Pappenfort-Kilpatrick census, but other comparable data (LEAA, 1974; Pawlak, 1972) confirm that only a minority of detainees are charged with felonies. These data show that nearly 75% of the females held were charged with status offenses. The comparable percentage for males varied between 20 and 30 percent.

Unfortunately the Pappenfort et al. study provides no information about the race and social class of detainees. As was noted in the previous chapter, where such information is available, it indicates that youth from working-class backgrounds and minority groups are disproportionately represented.

Length of Stay

Two hundred and nine (86%) of the detention facilities held juveniles for less than one month; and thirty-three units (14%) detained youth for over a month (three of these [1%] held youth as long as one year). Table 3.4 shows that a significant percentage of the larger units tended to hold youth longer than one month despite their concerns about overcrowding and lack of resources. In accord with other national information, it was observed that 86% of the units held youth less than one month.

TABLE 3.4

AVERAGE LENGTH OF STAY
(In percentages)

Average Number of Months	Size of Units			All Units
	25 or Less	26 to 75	76 or More	
Less than 1	93	75	84	86
1 to 3	5	21	16	12
3 to 6	1	1	--	1
6 to 12	1	3	--	1
Total	100	100	100	100
(N of Units)	(134)	(71)	(37)	(242)

NOTE: Figures rounded to nearest percentage.

Considering that a major purpose of detention is temporary care, it is difficult to explain these extended stays. They may reflect inadequacies in other parts of the justice system, such as lack of probation staff, backlog of court cases awaiting processing, few placement resources, or overcrowded training schools. The NCCD recommends a detention program geared to a temporary stay of from ten days to two or three weeks. "Children who stay much beyond that time usually deteriorate in morale, lose whatever gains they may have made, and frequently make it impossible for children detained for the usual period to derive full value from the detention programs" (NCCD Standards, 1961).

Nondelinquent Detainees

It has been asserted that detention units are community storage facilities that endure because of inadequate alternatives and despite inexperienced staff. Although the NCCD Standards also state clearly that youth should not be detained except for commission of specific offenses, the 1966 census provides us with a description of some of the additional functions performed by detention units. More than 72 units (30% of the total) reported that they also served nondelinquent populations: dependent and neglected youth (22%); shelter care (20%); emotionally disturbed (16%); mentally retarded (6%); mentally ill (5%); and unwed mothers (3%).

Another way of looking at the question of misuse of detention is to ask how many of these facilities accept children who do not fit within the scope of the NCCD objectives. The 1966 census revealed that nearly three quarters (73%) of the facilities would accept children with special problems, i.e., severe emotional disturbance, physical handicaps, or marked mental retardation. Only one unit out of the 227 respondents to this question would not accept youth in these special problem categories. These figures can be compared with the large number of units, 151, that reported having been forced to admit or retain children because an appropriate group or institutional facility was not available. Nearly the same number, 139, said that they had to admit or retain children because of the lack of available foster homes. Thus, staff in detention programs stated that they had to provide custody and care for a variety of youth. Although this clearly violates generally approved standards, it becomes even more problematic if the staff are

not adequately trained to handle and treat such disparate types of problems. We will now examine information about staff capability to perform these and other tasks.

STAFF CHARACTERISTICS AND PATTERNS

Analysis of the staff offers us another perspective of the range of differences on the national detention scene. In the 1966 census, special attention was given to professional and child-care staffing patterns: full-time versus part-time employees, educational attainment, staff-child ratios, and supervision and in-service training.

Full-time Versus Part-time Employees

The findings in Table 3.5 indicate that a total of 7,652 workers were employed in detention facilities at the time of the 1966 census. By far the largest number (4,085) had child-caring responsibilities; of these, 3,578 (88%) worked full time, and unit size had no noticeable relation to the proportion of staff in this category. Administrative staff were also most often employed full time, but their proportion in the total staff decreased as the size of the unit increased.

Professional workers, on the other hand, were most often employed on a part-time basis or performed tasks in detention units as a result of volunteer work or employment with another agency. Altogether, 3,388 professional workers were enumerated by the 1966 census. Only 866 (26%) were full-time staff members, while 519 (16%) were part-time employees. However, 2,003 professionals -- 58% of the total 3,388 enumerated -- who also worked in some capacity in these units, were either employed by a parent organization or other community agency, or were volunteers. They cannot be considered part of the regular staff and thus do not appear in Table 3.5. One must conclude, therefore, that detention facilities function largely by using professionals not directly responsible to their unit, nor regularly employed even part time.

TABLE 3.5

DISTRIBUTIONS OF STAFF POSITIONS
(In percentages for units of different sizes)

Types of Positions	Size of Units			Staff All Units	
	25 or Less	26 to 75	76 or More	Percent	(N)
A. Full-Time					
Executive	15	7	2	6	(365)
Office/business	8	7	9	8	(525)
Professional	13	15	13	13	(866)
Child-care	51	55	57	55	(3,578)
Housekeeping/maintenance	14	17	19	18	(1,145)
Total	<u>101</u>	<u>101</u>	<u>100</u>	100	
(N)	(1,107)	(1,776)	(3,596)		(6,479)
<hr style="border-top: 1px dashed black;"/>					
B. Part-Time					
Executive	5	2	0	2	(25)
Office/business	2	7	2	3	(40)
Professional	38	54	41	44	(519)
Child-care	44	29	54	43	(507)
Housekeeping/maintenance	10	9	4	7	(82)
Total	<u>99</u>	<u>101</u>	<u>100</u>	99	
(N)	(324)	(376)	(473)		(1,173)

NOTE: Figures rounded to nearest percentage.

Of the 190 units that employed full-time child-care workers and also responded, 112 (59%) set minimum educational requirements for these staff. Of these 112, 64 units (57%) reported that their "typical worker" (i.e., the level of educational attainment most frequent among child-care staff) had at least some college or had graduated from a four-year degree program. At the same time, of the 78 units with no educational requirements (41% of the total), 21 units (27%) also reported a typical worker with at least some college. As a

whole, however, the typical workers in these 78 units tended to be high school graduates or persons with even less education.

Casework staff was employed in 74 of the 242 detention units. Out of a total of 751 caseworkers in these 74 units, 393 (52%) had only a bachelor's degree; 5% had less than a bachelor's degree; and only one caseworker in five had a master's degree in social work.

Clinical and Other Professional Staff

At a minimum, it is critical for detention facilities to have available some professionally qualified staff members capable of initial assessment of the juvenile's physical and emotional condition to determine whether detention will be harmful. If the state asserts the right to intervene and detain a juvenile, it must also assume responsibility for preventing further harm and jeopardy to the juvenile during detention. Illness and traumatic reaction to incarceration may not be recognized by nontrained staff, and without proper safeguards the juvenile may be seriously endangered and jeopardized.

More than 50% of the detention facilities had no caseworkers, psychiatrists, or psychologists on the staff, either full time or part time. The smallest facilities were the most deficient in this respect: nearly two-thirds of them had no employees in any of these three professions. In contrast, only 20% of the largest units lacked some kind of clinicians. A similar pattern is evident for other allied professionals -- social workers, recreation workers, teachers, chaplains, physicians and surgeons, and dentists. However, the large facilities had so few professional and child-care staff relative to the number of youth that they too were generally unable to deliver needed services. Also, as might be expected, more professionals were found in units in the large metropolitan areas.

This pattern was the same for caseworkers. Forty-four percent of the detention facilities in large metropolitan areas and 37% of the units in medium-sized metropolitan areas employed one or more caseworkers; but only 12% of the units in nonmetropolitan areas did so.

One hundred sixty-four of the 242 units had no psychiatrists on their staff. In the 73 units that did, more than half of them were employed part time, as would be expected. These professionals, as has been noted, are need-

ed for diagnostic assessment, at least on a part-time basis. Other treatment personnel (pediatricians, dentists, etc.) were equally unrepresented, especially in nonmetropolitan areas. The findings in Table 3.6 clearly point out the serious deficiency of these critical types of staff.

TABLE 3.6
SPECIALIZED PERSONNEL IN DETENTION UNITS
(In percentages)

Types of Personnel (full-time and part-time)	Location of Units			All Units
	Metropolitan		Nonmetropolitan	
	Over 500,000	Under 500,000		
Caseworkers	44	37	12	34
Other social workers	25	13	6	16
Teachers	84	63	45	68
Chaplains	61	32	20	41
Psychiatrists	52	23	12	32
Psychologists	48	26	10	31
Pediatricians and other physicians and surgeons	71	38	16	46
Dentists	23	5	2	12
Other professionals	70	64	78	69
(N)	(96)	(95)	(51)	(242)

NOTE: Figures rounded to nearest percentage.

Staff-Youth Ratios

Staff-youth ratios provide another measure of level of service. Considering the demands of 24-hour supervision and care, and the relatively rapid turnover of large numbers of youth, the ratio of staff to youth was very low in the majority of units. More than half the units had six or less staff for every ten juveniles, and only 26% of all the units had a 7 to 10 ratio, or higher -- the usual recommendation of standard-setting organizations.

The findings in Table 3.7 indicate that the modal category for staff-youth ratio is three child-care workers for ten youth. Based on the usual pattern of 7-8 hour shifts, this probably means that at any given time only one child-care worker was on duty and responsible for ten juveniles. Furthermore, these findings indicate that 25% of the units had even less staff coverage.

TABLE 3.7

RATIO OF FULL-TIME CHILD-CARE WORKERS TO YOUTH
(In percentages)

Ratios	Size of Units			All Units
	25 or Less	25 to 75	76 or More	
Less than 1 to 10	--	3	--	1
1 to 10	10	11	--	9
2 to 10	14	11	28	15
3 to 10	20	30	22	24
4 to 10	12	21	33	19
5 to 10	16	9	14	13
6 to 10	2	11	3	5
7 or more to 10	26	3	--	14
Total	100	99	100	100
(N of Units)	(110)	(70)	(36)	(216)

NOTE: Figures rounded to nearest percentage.

With certain exceptions, it would appear that as the size of the detention facility increases, the staff-youth ratio declines. This holds for all full-time staff as well as for professional and child-care workers. For example, Table 3.7 reveals that the modal ratio for child-care workers in small institutions was seven or more workers for ten youth, while the comparable modal ratios were 3 to 10 for medium-sized units and 2 to 10 for large facilities.

We also note in Table 3.7 that 46% of the small, 62% of the medium-sized, and 83% of the large units show clustered ratios of 2 to 4 child-care workers per 10 youth; while 28% of the small, 14% of the medium-sized, and 3% of the large units had ratios of 6 or more child-care workers per 10 youth.

Clearly the opportunity for close supervision and for individualized attention declines as size increases. Given the relatively high turnover rate of youth -- the majority of whom are unknown to the staff beforehand -- a low staff-youth ratio becomes even more problematic. Staff must care for and assist youth about whom they have little or no information. Thus, it is not surprising that primary emphasis is typically placed on security and custodial control, with little opportunity for attention to individual differences.

The decline in the ratio of professional staff to youth as unit size increased was also observed for all other categories of professional staff. It must be recalled that nearly one-half of the facilities lacked any professional staff, and the smallest units were least likely to have such employees.

Supervision and In-Service Training

Supervision of caseworkers, group workers, and child-care workers appears to be an integral part of detention-care programming. This is especially true for child-care staffs: over 90% of all units with full-time child-care workers provided supervision for them. In detention facilities where casework and group work services were available, over 85% of the units provided supervision for these staff also.

Information on in-service training was obtained only for full-time child-care staff. Eighty-seven percent of all facilities with full-time child-care workers provided in-service training of some kind, and 41% of all units maintained continuing programs. However, the amount of such training varied considerably: 85 of the 178 reporting units (48%) indicated that eight or fewer hours per month were invested in in-service training. Given the limited amount of time devoted to training and the educational level of the child-care staff, one can more readily understand why supervision of staff received so much emphasis. Regrettably, however, the findings

also suggest that sufficient numbers of well-trained supervisory staff were not available in most units.

WHAT HAPPENS IN DETENTION?

Since containment/custody is usually stressed as the major or primary function of detention, it is crucial to find out how appropriately this function is carried out, how it is related to programs and services provided for detainees, and how much overriding emphasis is placed on this function compared to others.

Later in this section we will look at what, if any, is the nature and extent of the interaction between the juveniles in detention and life in the surrounding community. Lastly, we will review what evidence the 1966 census provides about possible misuse of the containment/custody function.

THE CONTAINMENT/CUSTODY FUNCTION

The nature of the containment/custody function carried out in detention facilities may become more clear by examining discrepancies between reality and the standards expressed in public statutes or in guidelines set by national voluntary associations. Beyond the primary custody goal, a secondary oft-related goal prevails: facilitating the observation and study of the juvenile to provide a better base for court processing and decision making about adjudication and disposition. If secure custody is not to be merely a "waiting period," then attention should be given to developing programs in accord with the four objectives for detention care set forth in the NCCD Standards (1961) outlined earlier in this report. Moreover, it should be kept in mind that these objectives are interdependent: (a) a well-balanced activities program is essential if custody is to foster positive change and minimize damaging effects; (b) constructive and satisfying activities have little corrective or therapeutic value without individual and group guidance; (c) individual and group guidance, combined with a program of constructive and satisfying activities, provide valid material for observation and study; and (d) observation and study serve as a safeguard and as one base for determining further intervention.

Analysis of 1966 census data reveals a poverty of resources in detention care, especially when examined in light of those services considered necessary and desirable by professionals. Practices in the following areas will be examined in more detail: admission examinations, educational and recreational programming, and guidance and treatment services.

Admission Examinations

In the 1966 census information was gathered on four kinds of examinations or evaluations used during the process of admitting children to detention: physical examinations, dental examinations, psychological testing and evaluation, and psychiatric diagnosis or evaluation.

Physical Examinations. Eighty percent of all detained youth received a physical exam at admission. However, out of 228 responding units, 65 of them (29%) reported that none of their detainees received this kind of test. Size is also an important variable here. Forty-eight of the 123 small units (39%) provided no physical exam at all; thus, more than half (52%) of the youth in all units of this size were admitted without a physical. In contrast, only two out of the thirty-six large units (6%) did not provide a physical exam; only 8% of the youth in these units did not have physicals.

Dental Examinations. Forty-nine percent of all youth received dental exams when admitted. However, out of 226 responding units, 138 of them (61%) reported having given no dental exams. Ninety-two of the 123 small units (75%) gave no dental exams; thus 80% of the youth in small units were not examined. Out of the sixty-nine medium-sized units, thirty-four (50%) reported no dental exams; thus 63% of the youth in these facilities went without dental tests. Of the thirty-four large units, twelve (35%) reported no dental exams, so 38% of all youth in large units were not examined.

Psychological and Psychiatric Evaluations. First we will look at the level of psychological and psychiatric testing; then it may be useful to take note of staff estimates of the percentages of emotionally disturbed youth that were admitted to their facilities in 1966.

TABLE 3.8
 DISTRIBUTION OF YOUTH GIVEN ADMISSION EXAMINATIONS
 (In percentages)

Examinations	Size of Units			All Units
	25 or Less	26 to 75	76 or More	
Physical	48	71	92	80
No physical	$\frac{52}{100}$	$\frac{29}{100}$	$\frac{8}{100}$	$\frac{20}{100}$
(N=10,636)				
Dental	20	37	62	49
No dental	$\frac{80}{100}$	$\frac{63}{100}$	$\frac{38}{100}$	$\frac{51}{100}$
(N=10,443)				
Psychological	17	24	22	22
No psychological	$\frac{83}{100}$	$\frac{76}{100}$	$\frac{78}{100}$	$\frac{78}{100}$
(N=10,479)				
Psychiatric	8	13	13	12
No psychiatric	$\frac{92}{100}$	$\frac{87}{100}$	$\frac{87}{100}$	$\frac{88}{100}$
(N=10,493)				

NOTE: Figures rounded to nearest percentage.

As can be seen in Table 3.8, the availability and use of psychological testing and evaluation for diagnostic and screening purposes is at a premium in detention facilities. Of the total number of youth detained, only 22% received any psychological testing upon admission. A very few units -- 10 out of 225 reporting (4%) -- appeared to have a policy of administering psychological tests to all children; however, no youth were tested in 119 units (53%). The use of "some" psychological testing is certainly more evident in large facilities than in small ones: 22 out of 35 large units (63%) gave some psychological tests to at least some of their youth, compared

to 47 out of 122 small units (39%). Psychiatric diagnosis or evaluation is very rarely used upon admission to detention. Only one youth in ten was seen for this purpose: 126 out of 226 responding units (56%) gave no psychiatric examinations at all.

Considering that children placed in detention are usually disproportionately disadvantaged, examinations at admission could certainly help define areas of problems that need immediate attention. It would also facilitate referral or diversion of youth, who might then be more appropriately served by other social agencies.

Table 3.9 shows that 79% of the juveniles admitted to detention were regarded by staff to be emotionally disturbed or to have behavioral problems. However, only a small proportion (18%) were considered severely disturbed. When controls for unit size were imposed, no differences were observed, but as we shall note shortly, organizations had markedly different capabilities for assisting these youth.

TABLE 3.9
STAFFS' PERCEPTIONS OF
YOUTHS' LEVELS OF EMOTIONAL DISTURBANCE
(In percentages)

Level	Affected Youth	(N)
Emotional disturbance		
Severe	18	(1,788)
Moderate	33	(3,323)
Mild	29	(2,939)
No emotional disturbance	21	(2,137)
	<u>101</u>	<u>(10,187)</u>

NOTE: Figures rounded to nearest percentage.

EDUCATION

Too often juveniles who are detained have had only marginal involvement with school and need help reintegrating into educational programs. Pro-

grams also must be available for those who had been attending school regularly. Therefore, detention units must include arrangements for normal school programs, as well as for supplementary educational programs like remedial education, physical education, arts and crafts, etc.

Twenty-three percent (52 units) of the detention facilities provided no arrangements for their youth to attend school. The large majority (83%) of these were small units. All the large facilities provided some educational services.

The findings in Table 3.10 reveal that community school facilities were utilized by 28% of the small facilities, indicating that youth in detention need not be isolated from significant community interaction. Although the greatest proportion of all units relied mainly on educational programs within the facility, some were able to combine both community and internal programs.

TABLE 3.10
SCHOOL ARRANGEMENTS
(In percentages)

Type of School	Size of Units			All Units
	25 or Less	26 to 75	76 or More	
Community school only	28	3	--	14
Detention school only	64	81	84	74
Both community and detention schools	7	15	16	12
	99	99	100	100
(N=177)				

NOTE: Figures rounded to nearest percentage.

Where formal schooling was available, the predominant arrangement (74% of all units) took the form of a school located on the grounds. However, most of the teachers for these schools (83%) were provided by the community.

The larger the detention facility, the more likely it was to have had an internal school -- 84% of the large units and 64% of the small. Almost all the school programs included most grade levels.

Remedial education classes were reported by only 123 (54%) of the 229 responding units. Large institutions were more likely to have such a program (78%) than small units (37%). However, it is possible that individual tutoring may have been used in small institutions as a substitute for remedial education since 21% of the youth in small facilities received individual tutoring, compared to 10% in large units.

Physical education programs were provided at 65% of all facilities, but their availability was again related to size. Ninety-five percent of the large units had physical education programs, compared with 86% of the medium-sized and 43% of the small facilities. When location is taken into account, over one-half of the nonmetropolitan units lacked a physical education program, while only about one-third (31%) of those in metropolitan areas operated without such a program.

Two other supplementary educational programs were provided less often. Forty-two percent of the facilities made available classes or lessons in art, music, creative dancing, etc. Twenty-eight percent had vocational training programs. In both cases, the large units were more likely to offer some training, but few juveniles actually received such lessons.

Data about the number of teachers per 1,000 children reveal that small units had a much higher teacher-pupil ratio (80 teachers per 1000 youth) than large institutions (30 per 1000).

Guidance and Treatment Services

Clinical treatment by social workers or psychiatrists is rarely used at detention facilities. Only 12% of the units indicated regularly scheduled individual sessions between youth and social workers, and in only 8% were some youth seen regularly by a psychiatrist. Moreover, a very small proportion of youth were involved: 15% of all youth received social work treatment, and 1% received psychiatric treatment. Including treatment provided by professionals other than psychiatrists and social workers (e.g., probation officers) does not change the picture greatly: just 9% of all youth received treatment from them.

COMMUNITY RELATEDNESS

Given the proclaimed temporary nature of detention and the expectation that most of the youth will shortly move back into the community, and given the adverse effects of disrupting the youths' ties with the community, it is essential that we examine the detention units' relatedness to the offenders' social communities. Data relevant to these concerns have two focal points: (1) use of detention facilities by outside community agencies and groups (schools, churches, etc.), and (2) participation of detained youth in outside community activities.

Community Use of Facilities, and Outside Activities by Youth

One way for units to relate to the general community is for them to make facilities, such as meeting rooms or gymnasiums, available for use by outside groups. Approximately one-third of the institutions reported some such use. The pattern is more evident for large (60%) than small places (25%), most likely because of differences in physical plants. Such use also occurred more often in metropolitan areas (37%) than in nonmetropolitan areas (29%), where so many small units are located.

Information on participation in community activities by detainees was reported for the following categories: attending school, having paid jobs, using parks or recreational centers, visiting museums, using libraries, attending church, attending sports events or dances, going to movies or other entertainment, visiting homes of school friends, shopping in neighborhood stores, and shopping in downtown stores. Less than one unit in five reported youth participating in any one of these activities. When size is taken into account, only in large facilities did the proportions participating reach one-third or more on any of the items -- and that occurred for only four types of activity: using parks, playgrounds, or recreational centers; visiting museums; attending sports events, dances, etc.; and going to movies or other entertainment. However, when the total number of participating youth is examined for those same four items, less than one child in ten was involved. Detention facilities rather consistently maintain barriers to community contact.

The overall low percentages of youth who participate in any community activity are revealed in Table 3.11. It can be observed that 9% of the youth in the small units, as compared with 3% in the medium-sized and 2% in the large units, attended school in the community. The findings also generally reveal that the larger the unit size, the less the likelihood that youth will participate in community activities.

TABLE 3.11
YOUTHS' PARTICIPATION IN COMMUNITY ACTIVITIES
(In percentages)

Type of Activity	Size of Units			All Units
	25 or Less	26 to 75	76 or More	
Attend schools	9	3	2	3
Do paid chores or have paid jobs	2	1	0	1
Use parks, playgrounds, or recreational centers	10	15	7	10
Visit museums	3	13	8	9
Use libraries	4	6	3	4
Attend church or Sunday School	9	9	3	5
Attend sports events, dances, etc.	8	6	8	7
Go to movies or other entertainment	8	9	6	7
Visit homes of neighborhood or school friends	6	1	2	2
Shop in neighborhood stores	6	4	2	3
Shop in downtown (or nearby big city) stores	6	4	2	3
(N of youth participating)	(1,419)	(2,809)	(6,496)	(10,724)

NOTE: Figures rounded to nearest percentage. Totals do not add to 100% because one child may participate in several activities and another child will not participate in any activities.

MISUSE OF DETENTION

Much of the foregoing discussion has pointed to deficiencies or to the dysfunctional aspects of detention care. In this section attention is given to the misuse of detention because of shortages of alternative placements.

The directors of detention facilities were asked: "Just roughly, in the past one-year period (1965), about how many children did your institution find it necessary to accept or to continue to care for, even though you felt that they would probably be better off in foster homes, simply because appropriate foster homes weren't available for them at the time arrangements had to be made?" Altogether 15,895 decisions of this kind were reported. Furthermore, as Table 3.12 shows, 71% of all units had experienced the problem, but large units in metropolitan communities experienced it most frequently.

TABLE 3.12
UNITS REPORTING LACK OF APPROPRIATE ALTERNATIVES
(In percentages)

Units Forced to Admit or Retain	Size of Units			All Units
	75 or Less	26 to 75	76 or More	
	A. Lack of Appropriate Foster Homes			
Some youth	65	70	93	71
No youth	35	30	7	29
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
(N=197)				
	B. Lack of Appropriate Group or Institutional Facilities			
Some youth	70	84	100	79
No youth	30	16	--	21
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
(N=192)				

NOTE: Figures rounded to nearest percentage.

The directors also were asked: "And, still roughly, in the past one-year period (1965), about how many children did your institution find it necessary to accept or to continue to care for, even though you felt that they would probably be better off in some other kind of group or institutional placement, simply because the more appropriate facilities weren't available for them at the time that arrangements had to be made?" Seventy-nine percent of the units reported having been forced to make such decisions.

Lacking alternatives, detention administrators had to make 32,891 decisions in one year that they believed might adversely affect youth. Despite the expectation that resources would be more lacking in small institutions, typically located in small communities, just the opposite was observed (see Table 3.12).

SUMMARY NOTES

Youth in detention are much more often male than female and are typically early adolescents 12 through 15 years of age. During a stay usually of less than a month, a very large proportion are viewed by staff as emotionally disturbed or as exhibiting disordered behavior to some degree.

While size and location in a metropolitan area appear to be important variables, only a few of the detention facilities have sufficient professional staff. Heavy reliance is placed on part-time personnel, and frequently, the professional workers are employees of other organizations, not directly subject to the control of the director of the facility. Child-care staffs include many persons who, if formal educational attainment is an appropriate criterion, are ill equipped to understand the problems of the youth they supervise.

The scarcity of professional staff has an impact on the nonavailability of appropriate assessments of physical and mental health at intake, and on the lack of opportunities for youth to continue or restart formal education or to engage in supplementary education. For many, detention results in enforced idleness while their relationships with the larger community are severed. Thus, services and programs needed by youth in trouble are typically not adequate -- a problem compounded by inclusion among them of many thousands who, according to the reports of directors, were admitted or retained only because appropriate alternatives were not available.

A small number of facilities appear to meet the objectives of providing secure custody, constructive and satisfying programs of activities, individual and group guidance, and observation and study. However, they are obscured by the greater number that have little to offer. To a degree, the objective inadequacies of detention are consistently related to the size of the facilities, the very small places having few resources and the resources of the larger places overwhelmed by the numbers in residence.

The facts lead to the conclusion that the organization of detention care in the United States serves few positive functions other than, for those who need it, firm security. But most who receive secure containment do not need it. The data available do not allow direct assessment of the quality of the child care; but it can be asserted that, in a great many instances, the prerequisites to good care do not exist.

CHAPTER 4

CONCLUSIONS AND RECOMMENDATIONS

Far more concentrated national attention must be directed to the problems of jailing and detaining youth in our country because of the magnitude of the youth population affected, because of the apparent increase in these practices in recent years, and because of the tragedies and injustices experienced by thousands of boys and girls. This chapter summarizes the findings from this research as a basis for developing and presenting recommendations about legislation, court practices, and physical facilities and programs.

SUMMARY OF FINDINGS

JAILING AND DETENTION PATTERNS

1. Even if one is only concerned about the numbers of youth processed through the juvenile justice system, jailing and detention figures demonstrate that that is "where the action is." The national censuses of jails and jail inmates in 1970 and 1972 indicated that between 7,800 and 12,800 juveniles were held in local public jails on given days, excluding all short-time holding facilities or lockups (LEAA, 1971 and 1974). Thus, it is estimated that up to 500,000 youth are held in adult jails each year. In addition, 494,286 youth were held in 303 juvenile detention facilities. This total of nearly one million youth in jails and detention vastly exceeds the yearly total of 85,109 youth held in all public training schools, halfway houses, camps, group homes, and so forth, in the United States (LEAA, 1974). In other words, for every ten youth incarcerated in all types of residential correctional units, nine are held in jail or detention, and only one is held in all the other types combined. Some might argue that detention must have a deterrent effect since so few youth go on into other types of correctional programs. However, negative experiences

reported by so many youth raise serious questions about the use of jail and detention where it is not clearly required for protecting the community. Until the LEAA census data were available, one could plead ignorance of the magnitude of the problem. Now, the facts demand our active attention.

2. This report amply documents the gross overuse of secure custody for youth who may be processed through the juvenile court. Rates in the United States generally exceed those of other industrialized nations for which data are available. Although the proportion of youth who were held in jail and detention manifested a steady decline during the nineteenth and first half of the twentieth century, this trend appears to have been reversed in recent years.

3. Youth held in jail and detention are disproportionately selected from lower socioeconomic and minority group populations, and are disproportionately charged with status offenses rather than felonies. Females have a greater probability of being detained and held for a longer period than males, even though the overwhelming majority of them are charged with status offenses.

4. The existence of a juvenile detention facility does not in itself preclude youth from being placed in jail although counties with detention facilities usually place fewer juveniles in jail. Among the fifty states, the correlation between the rate of jailing and detention was .04, clearly indicating the lack of a relationship. However, when these rates were combined and correlated with urbanization and crime index rates, positive correlations were obtained. Thus, urbanized areas with high or increasing crime rates are far more likely to jail or detain youth than rural areas with stable or lower crime rates. However, status offenders are disproportionately found among the jailed and detained even though these offenses are not included in the Crime Index.

5. Intrastate variations in jailing and detention were observed in many states. In one eastern state, jailing and detention rates among counties ranged from 0 to 79% of all youth apprehended, with an overall average of 32%. This far exceeded the proposed standards of 10% by the National Council on Crime and Delinquency and 5% by the John Howard Association.

6. Throughout the United States conditions in jails and most detention facilities are poor; they are overcrowded and lack basic necessities for physical and mental health. Supervision and inspection are inadequate,

and little or no in-service training is provided. The lack of continuing supervision is especially problematic for jailed youth, since they can be abused by adult prisoners.

DETENTION FACILITIES AND PROGRAMS

In Chapter 3 information from a 1966 national survey of detention facilities was analyzed; some major findings are summarized here.

1. Facilities for detaining youth were concentrated in a relatively small number of urban counties in the United States (93% of the detention beds were in 7% of the counties). Ten states had no detention units and 27 had four or less. Detention facilities were operated by counties in almost all cases (225 out of 242), and most were closely linked to juvenile courts.

2. Children under the age of twelve continued to be held in detention facilities; and the larger and more overcrowded the facility, the greater the likelihood that preschool- and elementary-school-aged children would be held there. As in the case of jails, females were overrepresented in detention populations relative to their arrest rates.

3. Most of the youth (86.4%) remained in detention less than one month, which accords with patterns observed in several other studies. However, 14% of the youth remained longer than one month.

4. Few full-time trained professionals were employed in detention, with the result that less than half of the detained youth received psychological and physical examinations at the time of admission. Staff primarily consisted of child-care workers, who had had little, if any, training. Moreover, as the size of the facility increased, the ratio of staff to youth tended to decrease.

5. One-fourth of the detention units had no arrangements for providing education, and almost none provided any type of remedial or vocational education. Small units utilized school resources in the community far more frequently than large units.

6. Less than 20% of the detention units reported participation in community activities by any youth. In fact, most units were totally isolated from their neighboring communities, despite frequent observations in studies of offense patterns indicating that the majority of youth in detention present no serious danger to the community.

RECOMMENDATIONS FOR ACTION

The picture of juveniles in jail and detention presented in this report is so complex that the situation is not likely to be altered rapidly. Our analysis, however, suggests that a series of statutory, judicial, and program changes must be initiated if jailing is to be eliminated and the widespread use of detention constrained. It is unlikely that any single set of changes is adequate for an effective resolution. Therefore, the recommendations that follow are not meant to be comprehensive nor equally applicable to all states because of variations in judicial systems and in the organization and delivery of services.

LEGISLATION

Statutory changes are required in nearly all states if there are to be strong and effective prohibitions against jailing and controls on detention, even though it is recognized that legislation alone will not improve detention practices. Statutes must not only specify restrictions and prohibitions as they apply to law enforcement, social agency, or court personnel (or parents), but they should also explicate desirable goals and conditions in unambiguous language. The recommendations that follow pertain primarily to legislation at the state level, but under some circumstances they might also be applicable at the federal level.

1. Statutes should prohibit placing juveniles in jail under any circumstances: before arrest or petition filing, pretrial or postadjudicatory. City jails and police lockups should be considered as jails and be prohibited from holding youth overnight or longer. If a youth is so disturbed as to require secure custody, then special hospital facilities should be used if detention facilities are unavailable.

2. Provisions for jail inspections on a routine basis and their implementation should be enacted in all states, along with the appropriations necessary for adequate inspection. Inspection should be made the responsibility of a state department of social services, health, or corrections, whichever is most appropriate in a given state. State supreme courts should insist that inspections be frequent and mandatory. These inspections must be accompanied by a comprehensive system of statewide information col-

lection, processing, and feedback, to ensure accountability and quality control. Such a system would permit randomized checking of jail and detention populations and practices. The utility of the two jail censuses completed by the Bureau of the Census for LEAA provide further support for adequate information. Lack of such routinely collected information about organizational practice is probably the single greatest block to change in corrections today.

3. Criteria for detention should be explicit and limited solely to acts that would be felonies requiring detention if committed by adults. To ameliorate and to avoid misuses and abuses, authorization for custody should be limited to situations of alleged crime and to cases of juveniles likely to abscond or who must be held for another jurisdiction. Several proposals have been made and implemented in some states for alternative handling of those charged with status offenses. Wald (1968) proposed that quasi-judicial intervention be substituted for juvenile court action; others have suggested that schools and child welfare agencies assume responsibility with the juvenile court acting as overseer. One can readily envision development of a variety of sensible alternatives for status offenders if concerted efforts are made by concerned people in communities all over the country. Such alternatives could then make use of local talents and resources.

4. Responsibility for the decision to detain must rest with the juvenile court judge if accountability is to be assured. Constitutional rights available to adults should also apply to juveniles in this decision making. The Handbook for New Juvenile Court Judges criticizes the indiscriminate use of detention as harmful to juveniles. The Handbook specifies criteria and standards for arrest, arraignment, and hearing so as to protect the child and his parents:

... The juvenile court has the sole responsibility for admission and release of these children, and therefore, should exercise caution and pay close attention to this particular process. Abdication of this authority to police officers, parents, educators, and even detention personnel is inexcusable and will lead to the abuse of personal freedom guaranteed the child and parents ... (Garff, 1972, p. 21).

5. Statutes should provide for mandatory detention hearings conducted by juvenile judges or referees with counsel available to the juvenile.

Such hearings should be held within 24 hours after the juvenile is taken into custody. Staff in charge of detention must be required to release youth if hearings are not held by the proper persons or within the prescribed time limit. The court must be obligated to select the "least restrictive alternative" among existing possibilities. If no appropriate alternatives exist, the court must return the child to his home or enjoin a child welfare agency to provide the needed services. The court must decide whether detention is necessary because of danger to others or because of a serious risk that the juvenile will fail to appear for subsequent court hearings. Although statutory provisions for mandatory hearings are the exception rather than the rule today, such provisions are essential if jailing and detention is to be controlled (Ferster et al., 1969). Further, it is now possible to develop some criteria about what is a clear danger and who is a risk (Haarman and Sandefur, 1972). We agree with Rosenheim (1970) that jailing a child to protect him is inappropriate given the conditions that prevail in jails and detention units. It is difficult to see why possible self-destructive acts should ever be a basis for detention. Hospitals and emergency clinics are far more appropriate referral agencies for the youth who is a threat to herself or himself.

6. The maximum time that a juvenile may be held in detention should be limited to 14 days unless special approval for an exception is obtained from a court of higher jurisdiction. There should also be provision for automatic review of the detention decision after 7 days to verify continued need to hold the youth.

7. Statutes must provide for and stimulate rapid development of alternatives to incarceration for juveniles charged with criminal violations. Shelter care, 48-hour holdover units, and foster homes can provide alternative 24-hour supervision, but home detention with professional supervision and consultation has equal or greater potential. The use of release on the promise to appear could be implemented immediately in most jurisdictions for the majority of cases, as the findings from the detention studies in Louisville (Haarman and Sandefur, 1972) and St. Louis (Keve and Zantek, 1972) indicate. If this were done, the NCCD guidelines for detention of no more than 10% of the youth arrested could be achieved in most courts. Reimburse-

ment for shelter and foster care would have to be increased substantially if these alternatives are to be used more frequently because this type of care is far more demanding and must be available on a 24-hour-a-day basis.

Although bail is negatively viewed by most students of juvenile law, it is available in more than twenty states. If bail is not acceptable, some other mechanisms are needed to facilitate the immediate release of juveniles who are charged with acts for which adults can be released on bail.

8. Provisions for regional detention facilities are needed in many states, particularly for areas in which population is relatively sparse. Most of these states now detain youth in jail because they have no alternatives for secure custody. The minimum age for placement in a regional facility should be set at fifteen.

To be effective, regional detention must be carefully planned at the state level, but interested lay and professional persons in each of the affected areas should assist in planning and implementation. The proposal of the National Task Force on Corrections for gradual state assumption of responsibility for all county and local detention suggests one way to alleviate the great disparities in detention rates among counties.

9. Given the development of various alternatives to the use of jails and detention, states could well set higher age limits (for example, 15 years) for placing a youth in detention. Juveniles under that age could be placed in foster or shelter care and thus would not be exposed to older adolescents who may have committed serious felonies and might socialize younger persons to deviant values and behavior. The solution adopted in many states is to remove older youth to adult facilities, but this is an unsatisfactory and unnecessary solution that only thrusts the problem into a different age bracket.

10. Lastly, legislation should mandate the development of statewide detention standards to reduce variable local interpretations of statutes and highly disparate detention practices. Uniform standards of practice should be enforced by the supervising state agency on all who operate detention, shelter, holdover, and foster care facilities, public and private, state and local. Today, public residential institutions for youth in some states need not meet the same standards of health and sanitation required in facilities provided for the general public. Such conditions should not be permitted to exist, as has been stated in numerous court decisions.

COURT PRACTICES

Since the overwhelming majority of detention facilities are operated by or in conjunction with the juvenile court, it is this agency that must make major changes if detention practices are to be altered significantly. Variations within and among states will probably continue to exist, but those practices with the most negative consequences can be reduced if the following recommendations are implemented.

1. Intake screening should be available 24 hours a day and should be handled by professionally trained court staff -- not by law enforcement officials.

2. Greater accountability in detention decision making can be achieved by using objective and systematically gathered information about (a) police arrest patterns and referrals, (b) exchange and referral relationships with alternative placement agencies, (c) personal and social characteristics of detainees, (d) patterns of stay in detention, and (e) disposition decisions following adjudication compared for detainees versus other youth processed through the court.

3. The right to counsel and the availability of counsel in detention hearings must become a significant reality, not merely a formal gesture of little purpose and unrecognized value by juveniles and parents. Since several studies of adult court processing have observed that the mere fact of detention increases the probability of subsequent conviction and institutional commitment, such intervention should be most carefully controlled and avoided whenever possible. The Pawlak study (1972) substantially corroborated this finding among the more than sixty courts studied in one state.

4. The court must take initiative in stimulating the development of alternatives to detention and, when necessary, must enjoin community child welfare and other agencies to provide services to youth in need. Too often detention facilities are misused for administrative convenience when another form of care would be more appropriate. As long as the court continues to accept youth inappropriately, those who apprehend and process youth will continue to overuse the court to aid police investigation, serve the diagnostic aspects of probation, hold for treatment, etc. Because so few of all detained youth are institutionalized following adjudication, court staff would be well advised to use preadjudicative detention more parsimoniously.

5. Although detention is not supposed to be used as punishment, the reports from Sumner (1971) and the Montana survey (Logan, 1972) point to frequent use of preventive detention and of weekend holding. Nearly all of these detained youth were released without petitions being filed. One criterion of effective detention practice could be the level of subsequent adjudication and institutional commitment; detainees subsequently institutionalized are more likely to have required detention. However, it would also be necessary to make sure that commitment rates did not become affected by having to prove the necessity of detention after the fact.

6. The active involvement of a community advisory board broadly representing various community constituencies could aid the court in dealing with community pressures and in developing alternatives.

7. Accountability in detention decision making is urgently needed, and if it is to become a reality, more adequate information must be gathered and made available. Twenty-two states do not even bother to keep any detention statistics. And in other states that maintain statistics, our survey of courts indicates that their information is incomplete and seldom prepared for use by court administrators. If court staff can agree on the goal of facilitating the well-being of juveniles, regardless of their offenses, they can help reduce delinquency by judiciously and parsimoniously processing youth into and through the juvenile justice system. This idea of reducing penetration into the system is being attempted in several states. Research has indicated that apprehension and incarceration of youth at early ages increases rather than decreases the likelihood of subsequent delinquency and crime.

PHYSICAL FACILITIES AND PROGRAMS

1. The architecture and physical conditions of most detention facilities tends to increase the trauma associated with detention for many youth. We agree with most other observers that some youth must be held, but they need not be locked up in stark, frightening, jail-like units.

2. Each facility should have physical conditions that permit: privacy; adequate and healthful food, shelter, and physical care; recreation and edu-

cation; use of the telephone; the right to have visitors and counsel daily; and a layout that permits visual and auditory supervision.

3. Detention facilities need more professionally trained staff responsible to the court. They also need higher levels of child-care staff coverage with appropriate assignments of male and female staff. A total of 4.7 persons are required to cover one position for 24 hours a day, seven days a week. Staff should be able to relate to youth on a warm yet firm basis. They must have or be trained to use varied program skills so that youth can be constructively occupied during incarceration.

4. Each presiding judge of a juvenile court should personally monitor the physical conditions and service delivery of his court's detention facility. This will require ongoing study of routine information about its operation as well as periodic visitations. Where private facilities are used for shelter care and holdover, they, too, should be subjected to the same monitoring and standards for adequate performance. Meeting such performance standards would probably require higher per diem allowances for shelter care than are currently provided.

5. Educational programs must be provided through the local community school, and, whenever possible, youth should attend the local school and have some exposure to external community activities. The enforced idleness that characterizes many detention facilities can only lead to negative results and has no place in a system aimed at help and rehabilitation.

In sum, widespread, resolute, potent action is urgently needed. Much interest is now being shown at federal and state levels in enhancing juvenile justice systems, especially in developing community-based intervention and diversion. No higher priority could be readily identified than changing jailing and detention practices. But unless states and local communities take immediate, strong action to modify statutes and policies and practices, a substantial proportion of the current generation of youth will continue to be harmed unjustifiably.

APPENDIX

TABLE A2.4a

RATES OF JAILING AND DETENTION
RELATIVE TO URBANIZATION, 1971

State	Combined Jail and Detention Rates	Percentage of Population in ¹ Urban Areas	Percentage of Population in Central Cities
North Dakota	2.28	8.6	8.6
Connecticut	4.56	69.3	32.8
South Carolina	7.23	25.1	9.3
North Carolina	8.69	23.8	18.8
Hawaii	9.80	57.6	42.1
Iowa	9.83	29.8	22.3
Oklahoma	10.01	41.0	29.7
Alaska	10.22	0	0
Vermont	10.25	0	0
Arkansas	12.07	19.7	17.4
Nebraska	12.39	39.6	33.4
Minnesota	12.66	50	24.4
Maine	13.51	50.8	13
Wisconsin	14.23	46.8	30.5
Texas	15.33	61.8	48.1
Mississippi	16.20	14.4	11
Maryland	16.58	66	23.1
Rhode Island	17.01	78.8	35.8
Massachusetts	17.09	76.2	30.3
Kentucky	18.62	34.8	17.1
West Virginia	19.90	19.5	12.7
Louisiana	19.92	46.7	31.4
Idaho	21.10	11.9	10.4
Tennessee	21.28	37.9	34.5
Missouri	22.08	55.1	29.4
New Hampshire	22.74	23.5	19.4
South Dakota	22.99	11.4	10.8

State	Combined Jail and Detention Rates	Percentage of Population in Urban Areas	Percentage of Population in Central Cities
Alabama	23.28	37.1	25.6
Utah	23.71	69.2	30.6
Illinois	24.16	70.8	38.6
Pennsylvania	24.91	58.7	28.3
Wyoming	27.17	0	0
Montana	27.55	20.5	17.4
Ohio	28.42	62.4	31.7
Delaware	29.53	63.7	14.6
Washington	29.81	54.9	26.7
New Mexico	31.28	29.2	23.9
Virginia	31.92	51.6	24.2
New Jersey	33.01	84.8	16
Colorado	33.16	64.5	36.9
Indiana	34.79	46.1	74.7
Kansas	35.20	35	17.9
Arizona	35.67	65.4	47.7
Michigan	38.90	63.8	27.8
Oregon	41.0	47.1	25.3
Georgia	50.36	41.0	22.3
Florida	55.66	60.9	28.6
Nevada	69.84	75.0	44.2
California	79.09	80.9	36.4
New York	114.62	78.2	51.1
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		$r_s = .34$	$r_s = .22$

¹Urbanized areas as defined by the Bureau of the Census consist of a central city, or cities, and surrounding closely settled territory. The central city must have had 50,000 or more inhabitants in 1960 or 1970, or include twin cities with contiguous boundaries constituting a single community for general social and economic purposes. It must have had a combined population of at least 50,000 and the smaller of the twin cities must have had a population of at least 15,000. See U.S. Department of Commerce, County and City Data Book, 1972, p. xxiv.

TABLE A2.4b

RATES OF JAILING AND DETENTION
RELATIVE TO CRIME INDICES, 1971

State	Combined Jail and Detention Rate	Total Crime Index	Property Crime Index
North Dakota	2.28	1006.1	968.0
Connecticut	4.56	2651.3	2547.6
South Carolina	7.23	2080.1	1769.7
North Carolina	8.69	1939.6	1559.9
Hawaii	9.80	3570.3	3338.4
Iowa	9.83	1476.8	1337.8
Oklahoma	10.01	2100.4	1849.9
Alaska	10.22	2879.9	2524.6
Vermont	10.25	1410.0	1377.3
Arkansas	12.07	1571.9	1331.2
Nebraska	12.39	1593.1	1437.4
Minnesota	12.66	2291.2	2136.8
Maine	13.51	1347.6	1263.8
Wisconsin	14.23	1751.7	1663.3
Texas	15.33	2697.4	2325.1
Mississippi	16.20	1115.4	839.0
Maryland	16.58	3390.6	2769.2
Rhode Island	17.01	3276.6	3054.8
Massachusetts	17.09	3487.3	3221.2
Kentucky	18.62	1936.0	1700.9
West Virginia	19.90	1009.1	877.2
Louisiana	19.92	2515.6	2102.5
Idaho	21.10	2013.5	1888.3
Tennessee	21.28	2060.3	1746.5
Missouri	22.08	2739.2	2352.6
New Hampshire	22.74	1426.2	1350.1
South Dakota	22.99	1159.3	1063.1

State	Combined Jail and Detention Rate	Total Crime Index	Property Crime Index
Alabama	23.28	1892.6	1581.1
Utah	23.71	2528.9	2375.3
Illinois	24.16	2450.2	1972.9
Pennsylvania	24.91	1825.8	1566.6
Wyoming	27.17	1705.3	1548.8
Montana	27.55	1768.9	1631.8
Ohio	28.42	2479.8	2181.5
Delaware	29.53	3521.7	3152.5
Washington	29.81	3125.3	2888.9
New Mexico	31.28	3470.9	3097.6
Virginia	31.92	2125.2	1844.4
New Jersey	33.01	3077.7	2715.5
Colorado	33.16	3812.7	3439.0
Indiana	34.79	2306.9	2069.0
Kansas	35.20	2124.4	1909.9
Arizona	35.67	3509.8	3109.2
Michigan	38.90	4005.6	3431.0
Oregon	41.0	3184.8	2891.2
Georgia	50.36	2381.7	2040.8
Florida	55.66	4039.2	3494.1
Nevada	69.84	3843.0	3470.8
California	79.09	4661.3	4142.7
New York	114.62	4006.9	3228.2
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		$r_s = .52$	$r_s = .56$

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