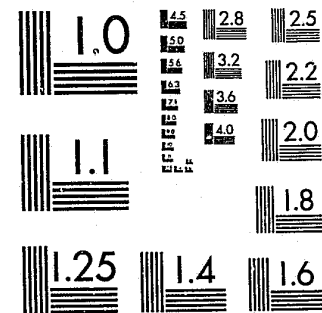


National Criminal Justice Reference Service



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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

1/27/84

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# Juveniles And Jail

## The Wrong Combination

U.S. Department of Justice  
National Institute of Justice

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A RESOURCE PACKET

# National Coalition for Jail Reform

1828 L Street, N.W. • Suite 1200 • Washington, D.C. 20036 • [202] 296-8630

90147

JUDITH JOHNSON  
Executive Director

THOMAS R. COLOSI  
Facilitator  
American Arbitration Association

April 12, 1983

## Members of the Coalition

American Association for Ex-Offenders in Criminal Justice, Inc.  
American Association of Correctional Officers  
American Bar Association  
American Civil Liberties Union, National Prison Project  
American Correctional Association  
American Correctional Health Services Association  
American Friends Service Committee  
American Jail Association  
American Public Health Association  
Benedict Center for Criminal Justice  
Correctional Services Federation, U.S.A.  
Institute for Economic and Policy Studies, Inc.  
John Howard Association  
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National Association of Counties  
National Association of Criminal Justice Planners  
National Center for State Courts  
National Council on Crime and Delinquency  
National Criminal Justice Association  
National Institute of Corrections  
National Interreligious Task Force on Criminal Justice  
National League of Cities  
National Legal Aid and Defender Association  
National Moratorium on Prison Construction  
National Sheriffs' Association  
National Street Law Institute  
National Urban League  
Offender Aid and Restoration of the United States, Inc.  
Police Executive Research Forum  
Pretrial Services Resource Center  
Southern Coalition on Jails and Prisons  
Unitarian Universalist Service Committee

Mr. Jim Brantley  
National Criminal Justice  
Reference Service  
P.O. Box 6000  
Rockville, MD 20850

Dear Mr. Brantley:

I am enclosing a packet of information about alternatives to jail for juveniles which has been prepared by the National Coalition for Jail Reform under contract with the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice.

Our OJJDP grant provided us with funds to produce 1,000 copies of this material. However, the demand for it is far exceeding that number. Therefore, I am inquiring whether this information can be entered in the catalogue of materials available through NCJRS, and if so, when and how we might refer people seeking the material to NCJRS.

I would appreciate hearing from you regarding this matter. Thank you for your cooperation.

Sincerely,



Keith McKeown  
Assistant Director

KM/cdw  
Enclosures

## Affiliates

Citizen Advocates for Justice, Inc.  
National Center for Youth Law  
Pennsylvania Prison Society  
Police Foundation

## JUVENILE JUSTICE: A SYSTEM OF ALTERNATIVES TO JAIL

This packet includes materials on alternatives to jail for juveniles before adjudication (pretrial). The types of programs described in this packet are underlined in this outline. The juvenile justice system is very complicated and this simplified outline is to give you an overview of the system and where the programs described fit into the overall picture.

### INCIDENT/APPREHENSION

- A youth could be released to parents
- A youth could be issued a summons/citation
- A youth could be referred to 24-hour intake where, based upon objective criteria and situation, a decision to release or detain will be made
  - The youth may be released and the case dismissed
  - The youth may be diverted to a non-residential or home-based service:
    - Family Crisis Intervention
    - Community Advocate Program
    - Comprehensive Juvenile Services Center
    - Home Detention
  - The youth may need emergency shelter:
    - Emergency Shelter (facility or host home)
    - Runaway House
  - The youth may need immediate custody:
    - Holdover facility (one-to-one custody up to 48 hours)
  - The youth may meet the objective criteria for detention:
    - Group Home Detention
    - Secure Juvenile Detention Facility
  - Transportation to the placement is needed

DETENTION HEARING (within 72 hours) to review the charges against the youth and to see if there is reason to believe that he or she committed the act.

- The charges may be dropped and the youth released
- If there is reason to believe the youth committed the delinquent act, he or she, until the adjudication hearing, can be:
  - released to his or her parents or guardians
  - diverted to a nonsecure program or service
  - held in a juvenile detention center

ADJUDICATION HEARING (trial) to determine innocence or guilt

- If found "non involved" (innocent), a youth will be released
- If found "involved" or to have "committed a delinquent act" (guilty), a youth can be ordered to any or several of the following dispositions:
  - probation, with possible conditions such as:
    - individual and family counseling
    - employment training/supported work programs
    - drug/alcohol treatment
    - school, tutoring, or alternative education
    - after school or evening report centers
  - comprehensive Juvenile Services Centers
  - care in a group home or foster home
  - one to one residential care
  - to make restitution to the victim
  - to pay a fine
  - to provide community service
  - a juvenile correctional facility

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## Use of Summons or Citations

When the police arrest a youth, instead of taking him or her to jail, they may issue a ticket/summons/citation. The youth is released to his or her home and notified when and where to appear in court.

## Program Emphasis:

Youths charged with offenses who, based on specific criteria, can be released with a summons to appear in court.

## Suitable Location:

Any police department/juvenile court.

## Program Characteristics:

- Simplifies and expedites court process.
- Eliminates the need for taking a youth into temporary custody.

## Cost Factors:

Minimal administrative costs.

The National Advisory Committee for Juvenile Justice and Delinquency Prevention and the other national groups which have written juvenile justice standards recommend that whenever feasible juveniles be given citations, rather than be taken into custody. The summons process is extremely simple and cost effective. There are benefits to the police and to everyone else in eliminating unnecessary transportation, backlogs in court, paperwork and money.

## Model:

The Juvenile Court of Memphis and Shelby County, Tennessee, has authorized law enforcement agencies to order a youth to court by issuing a summons in lieu of making physical arrests. In 1965, Judge Kenneth Turner of the Memphis Juvenile Court initiated the use of a summons for minor juvenile offenders. In 1968, 981 youths, representing 13 percent of the juveniles apprehended, were issued citations. In 1973, the criteria for issuing summons to youths were expanded to be used even in felony cases when a youth is not a danger to the community or is not in danger.

The use of juvenile summons has become an accepted and standard part of law enforcement procedures. Police department Command Bulletins governing the use of the juvenile summons are part of each department's operations manual. By 1981, 3,120 juvenile summons were issued, representing 46 percent of the juveniles apprehended in the county.

The procedure saves the police officers considerable time and alleviates their need to transport an apprehended youth to the police station or to a detention facility or jail. It also preserves a youth's rights. According to the rules or arrest, a police officer can take someone into custody only if a misdemeanor was committed in his or her presence, or if he/she has probable cause to believe that an individual has committed a felony. Traditionally, police would transport a youth predicated upon hearsay of the victim or witness. Or, an officer would ask the victim to file a petition with the court. This is a fairly cumbersome procedure, which often victims choose not to follow. A juvenile summons is merely a complaint, or a tool in which both the youth's and the victim's rights are preserved. The court has built into its own processes the notification of victims and complainants of the hearing date.

The procedure results in a great decrease in detention needs and costs. The size of a detention facility, number of support personnel, food, clothing, etc., is drastically reduced. Additionally, as a youth is not being detained, a detention hearing is not required. A court date is set within a week of the issuance of the summons.

The cost of the initial processing of a youth in the juvenile justice system through the use of a summons is approximately \$27 in administrative costs.

Since the delivery of the first summons in Memphis, 99.4 percent of all youths issued one have appeared at the designated time in court. Fewer than one percent have had to be located by authorities.

A copy of the Memphis Police Department Juvenile Summons form is attached.



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## Twenty-four Hour Intake Services

Detentions and jailings can be reduced substantially through the availability of 24-hour detention intake screening services. At intake fundamental decisions are made that may have profound consequences on youths and their communities.

### Program Emphasis:

Capability to accept cases on a 24-hour basis from all sources feeding youth into juvenile justice system---police, courts, schools, families, individuals, child care agencies.

### Suitable Location:

- Any juvenile court
- Any county or city offices

### Program Characteristics:

- Provide immediate problem assessment and evaluation screening.
- Provide crisis intervention and counseling.
- Provide referrals to services or nonsecure alternatives.
- Make case-by-case release or detention decision.

### Cost Factors:

- Staff training
- Staff salaries

Detention intake services go hand-in-hand with the use of objective release and detention criteria in determining who of the juveniles referred to court needs to be detained and who ought to be released or referred to nonsecure detention or to other services.

Once clear policies and procedures are established and outlined, intake staff need to be on duty or on-call during the hours when they are needed. A study of minors booked into San Francisco's Juvenile Hall reported that almost 74 percent of all admissions took place between 5 p.m. and 8 a.m., with nearly 41 percent of them between 5 p.m. on Fridays and 8 a.m. on Mondays. The New York State Division for Youth found that over 50 percent of detention admissions take place outside of regular court hours. Without 24-hour intake services youths taken into custody during off hours are too often thrown in jail without consideration of relevant facts to wait until court opens to make the intake decision.

The search for complete information regarding a particular situation can best be made by an intake screening program. The screening should consider the home and community circumstances and the youth's needs as well as the charge. Intake workers can differentiate among a number of possible circumstances on a one-by-one case basis. Does the history indicate that the case involves primarily a home, peer or youth centered problem? What is the least restrictive form of custody or supervision needed? Are special services such as crisis counseling, specialized child care, medical care, educational help, etc., required? Can the youth remain at home with provision of additional services during an interim period? Can a youth be released to home conditionally? If the youth must be cared for away from his or her home does he/she need close supervision, special services, or an alternative living situation?

Intake workers should have the resources to make as complete an assessment as possible of the youth's situation and should have the authority to make an interim placement in a detention alternative, subject to juvenile court review. Ideally, 24-hour intake services are part of a comprehensive and integrated community based system of care that both provides protection to the community and help to troubled youth and families.

State juvenile codes usually specify who will perform the intake function---police, probation officers, social services personnel, court personnel---or can create an independent "intake worker" function reporting to any one of those administrative bodies.

Intake screening mechanisms can exist in a variety of forms, depending upon the needs of the county or region. In areas where few juveniles are detained, it is enough to have a person or persons knowledgeable about the detention system on 24-hour call. In areas where the number of detention admissions is high, it may be necessary to have a 24-hour staff. Whatever staffing arrangements are made, it is important that intake services be accessible.

### Model

The state of Wisconsin revised its Children's Code in 1978 and specifically stipulated that 24-hour intake services be available statewide. Chapter 48 outlines the powers and duties of intake workers: "...intake workers shall: (1) Provide intake services 24 hours-a-day, 7 days a week, for the purpose of screening children taken into custody... (2) Interview, unless impossible, any child who is taken into physical custody and not released, and where appropriate interview other available concerned parties. If the child cannot be interviewed, the intake worker shall consult with the child's parent or a responsible adult. No child may be placed in a secure detention facility until he or she has been interviewed in person by an intake worker..." (emphasis added). The other duties the legislature

assigned to intake workers include those highlighted in the preceding narrative. The legislature left it to county boards to determine who intake workers should be and whether they work for the county board or the court.

Following the code revision, new intake workers initially built relationships with law enforcement officers by holding training sessions on the revised code and their responsibilities. Prior to the code revision and the state mandate for intake workers, counties routinely locked up juveniles. Since the code revision, the number of youths held in the states jails and the secure detention facilities has been cut in half. The number of jailings continues to drop.



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## Use of Objective Criteria

### Description:

Objective written criteria that spell out the reasons a young person should or should not be held in secure detention are a necessary first step in reducing the number of juveniles in jail. These criteria should be based on offense, legal status and legal history. Only those youths who because of the offense and their offense history meet the criteria for secure custody ought to be held in secure detention. Those who do not meet the criteria must be released to their parents or to supervised nonsecure facilities.

Consistency in decision-making requires clearly written criteria by which all intake and referral decision-makers can be guided.

### National Standards:

In the 1970's several national groups, including the National Advisory Committee on Standards for the Administration of Juvenile Justice, the Institute of Judicial Administration/American Bar Association and the American Correctional Association developed standards for the administration of juvenile justice. The standards governing the release or detention of apprehended youths consider public safety and are similar to those criteria spelled out by the National Council on Crime and Delinquency in 1961: "Detention should not be used unless failure to do so would be likely to place the child or the community in danger."

### Example of Objective Criteria:

The National Advisory Committee's recommendations are typical of all the standards. They propose that juveniles be securely detained only if they are charged with a serious offense and have a recent record of serious offenses or failures to appear for court hearings. The criteria specify that:

"Juveniles subject to the jurisdiction of the family court over delinquency should not be detained in a secure facility unless:

- a. They are fugitives from another jurisdiction (on a delinquency petition).
- b. They request protection in writing in circumstances that present an immediate threat of serious physical injury.

- c. They are charged with murder in the first or second degree.
- d. They are charged with a serious property crime or a crime of violence other than first or second degree murder which if committed by an adult would be a felony, and:
  - i) They are already detained or on conditional release in connection with another delinquency proceeding;
  - ii) They have a demonstrable recent record of willful failures to appear at family court proceedings;
  - iii) They have a demonstrable recent record of violent conduct resulting in physical injury to others; or
  - iv) They have a demonstrable recent record of adjudications for serious property offenses; and
- e. There is no less restrictive alternative that will reduce the risk of flight, or of serious harm to property or to the physical safety of the juvenile or others."

Juveniles not meeting these criteria must be released to their parents or to a nonsecure shelter setting.

### Result of Absence of Criteria:

Many juveniles are held in jail who do not need secure detention.

- The American Justice Institute research indicates that 90 percent of the juveniles held in jails do not require secure detention.
- A recent national study estimated that during January to June 1981, 1,778 juveniles were held on any given day in jails with adults; only 242 were reported to be serious delinquent offenders.
- A study of 7,000 juveniles detained in Oklahoma---4,000 in jails and 3,000 in secure juvenile detention centers---found that only 2,000 of those would have been eligible for detention if objective criteria were applied.

Without specific, objective criteria, many youths are automatically held in jail when neither they nor the community would be endangered by their release to a nonsecure setting, pending a hearing on their case.

Result of Use of Criteria:

The Community Reserach Center of the University of Illinois undertook a study to determine the effectiveness of the national standards criteria in protecting the public safety and the court process when the criteria are actually implemented. The results indicate that when youths are released, based on objective criteria, they are not rearrested and they do show up for court hearings.

Through the adoption and use of specific criteria, jurisdictions have been able to dramatically reduce their detention populations. Cuyahoga County, Ohio, effected a 60 percent reduction in the average daily population of juveniles held in detention. In six months the number of juveniles in Jefferson County, Kentucky, dropped from 85 to 35, a reduction of 60 percent. The rearrest rate stayed virtually the same---at 8.4 percent.

By using criteria based not upon behavior prediction, but upon ascertainable events, youths who do not need secure detention and those who do need it are clearly identified. Use of such criteria nationwide would reduce the number of young people in secure detention by more than half.



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## Family Crisis Intervention Programs

All too often young people are referred to court because their families have reached a crisis. Responding to a family in crisis can keep a juvenile out of jail and may enable the family to solve its problems and live together.

## Project Emphasis

Families and young people in crisis.

## Suitable Location

- Court---juvenile or family court
- Police Departments
- Mental Health Agencies
- Private Nonprofit Programs

## Program Characteristics

- Short-term crisis counseling
- Focus on family problem rather than youth problem
- Immediate services
- Linkages with system of services for referrals

## Cost Factors

- Staff training and salaries
- Administrative costs

Crisis intervention programs can reach a whole family of a troubled youth within several hours of identification of the problem for two purposes: 1) to help the entire family view the situation as a family problem as opposed to a "problem child" situation, and 2) to quickly reunite the troubled youths with their families. Where a crisis intervention program operates, a family can turn to the service rather than to the police or the court in a time of crisis. Strained family relationships may result from a number of factors including particular parenting techniques, levels of interest, lack of family support and other needs. Trained workers can provide services to families in their own homes. The services may include crisis intervention, counseling, training in problem-solving skills, enrollment or re-enrollment in school, homemaking assistance and financial planning, as well as referrals to other services.

## Model

In Bergen County, New Jersey, two police officers saw a need for crisis services and developed the Crisis Intervention Services of Bergen County. In 1974 the state passed a law prohibiting the detention of status offenders in secure facilities. However, there were no new resources for them forthcoming after the passage of the law. The officers needed assistance in resolving the crises that were referred to the police and realized that juvenile court is of little help at the time of family crisis. As one of them observed, "When you call a cop, you're putting your kid in jail." The crisis intervention service was designed to avert that.

When family tensions reach the breaking point, the service can supply a trained counselor who will try to restore communications between parents and adolescents. When the program was started in 1976, the service made use of host homes if temporary separation and a cooling off period was necessary. In the first three years only 20 of the 235 youths in the program were placed in host homes. The host homes are no longer a program component and the counselors now focus on assessing the situation, stabilizing the crisis and averting a complaint being signed by the parents.

It is important to distinguish the crisis intervention services from family counseling services that may be available through community mental health centers. The former are available on a 7-day round-the-clock basis, immediately, and the latter often have waiting lists of several months.

Referrals can be made on a crisis basis or a "noncrisis" preventive basis. Counselors respond to crisis referrals either by an immediate in-person meeting or by setting an appointment. Preventive referrals are handled either by a phone discussion or by appointment.

When out-of-house placements cannot be averted, counselors alert families to the availability of follow-up services.

The Bergen County project has been so successful that the New Jersey State Legislature passed a law that, effective September 1983, all 21 counties must have crisis intervention services available for families. The state has appropriated \$225,000 to get services started.

In Bergen County the program is administered by the County Youth Services Department. Eighty percent of the referrals are from the police. Referrals are made by other social agencies, families, court intake, and self-referrals of families or youths. Youth Services operates a "sister agency" to Crisis Intervention that provides therapeutically-oriented long-term intervention. The program is "extremely cost effective," reports the director. It costs about \$30,000 to institutionalize a young person, versus "a couple of hundred dollars to treat a family in the community." Only one percent of the families that have received services have signed petitions on their children.

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## Community Advocate Programs

The Community Advocate Program is a variation on home detention programs. Community advocates are adults who spend a number of hours a week with a youth in trouble. In the one-to-one relationship the advocate functions as a positive role model, friend, problem solver, authority figure and provides supervision and guidance.

## Program Emphasis

Youths who require more supervision during the court process than the family can guarantee.

## Suitable Location

- Cities and counties of any size

## Program Characteristics

- Maintenance of youth-community ties
- No facility
- Use of paraprofessional community liaison workers
- Individualized supervision and programming during court process
- Support for families in need

## Cost Factors

- No capital investment
- Per diem cost for workers
- Administrative costs

Often a youth is placed in detention because of the nature of the parent/child relationship. Rather than remove a youth from his or her home, the Community Advocate or Youth Advocate concept was developed to provide the needed supervision for these youths while they remain at home. Instead of jail or detention, a youth gets an advocate, a partner, a constant go-between. The advocate program is flexible and enables a wide variety of services to be offered to a youth and family based on individual requirements.

Youth Advocate programs, also known as Community Aide programs, may be managed by courts, county or private agencies, or may be incorporated as a component of a residential or multi-service program. Clients are referred from courts and child welfare agencies. The referring authority designates the number of hours that a youth is to receive advocacy attention.

-2-

Advocates negotiate with the courts and social service agencies, on the parts of their clients. They arrange and participate in recreational and cultural activities; they coordinate the use of community resources and provide services that enable youths to remain in the care of their parents.

Community advocates provide consistency as they teach youth life and coping skills. Advocacy is building the relationships difficult youths need, if they are to remain out of the institutions they may be headed for.

## Model

Youth Advocate Programs, Inc., of Pennsylvania was founded in 1975 with the belief that young people in trouble need a chance to learn how to build constructive lives in their communities; "a chance which many have never had and which jails and institutions do not offer." The program matches youths with adult advocates on a one-to-one basis. Advocates spend 7½, 15 or 30 hours per week with each youth, generally starting with the maximum and decreasing with time. The non-profit program serves both delinquent and dependent male and female youths aged 13 to 18 who are referred to the program. Referrals from courts, child welfare agencies and corrections are made by completion of a Service Plan-Referral Form. Services are individualized at the time of referral through this process, which requires the active involvement of the youth and family as well as the Youth Advocate Program coordinator and referring worker. Specific areas of planning include, but are not limited to: family interaction, community interaction and health. Youths who are deemed not appropriate for the program are those who are a demonstrable danger to themselves or the community, severely retarded, or who have a physical handicap that restricts their access to the community or requires constant medical attention.

Referring authorities are billed only for actual hours of service rendered on a per diem rate of \$20.25 per day for 30 hours a week, \$14 for 15 hours, and \$10.75 per day for 7½ hours a week.

Community advocates are recruited locally and are matched with clients on the basis of mutual interests. Programs are administered locally by a coordinator who is responsible for the selection and supervision of unit staff. Community advocates are assigned to work with at least two, but no more than six youths at any one time. They meet with other staff once a week and prepare weekly activity and progress reports.

Services are provided through the community and its members to participating youth. Public schools, alternative education programs, community mental health centers, family counselling agencies, medical facilities, vocational programs, recreational facilities, drug and alcohol rehabilitation programs and other community services as needed are involved with the advocates and youth. Advisory sessions designed to share information about the program and gain feedback on services delivered are open to

the general community, the professional community and the referring authorities. Local programs also educate the community through open houses, family nights and awards ceremonies.

Youth Advocate Programs, Inc., has grown into 16 local offices throughout Pennsylvania, in New Jersey and Washington, D.C., and one administrative office. The organization offers other services to youth: a Supported Work Program, and an Independent Living Program.

During 1980 Youth Advocate Programs provided services to over 1,000 youths and their families. The average client is a 16-year-old male with previous police contact and one previous referral to residential care. The client generally comes from a single parent, low-income family and attends school only sporadically. Youths spend an average of six months in the program.

Through the use of the advocacy model, community advocates provide an alternative to residential or institutional placement. Youth Advocate Programs, Inc., defines the advocacy mode as "a consistent, nonpower relationship between an interested, stable adult and a troubled young person." The relationship becomes the foundation for the development and growth of the youth's individual strengths and capabilities within the context of family and community.

Echoing the sentiments of administrators of other direct services programs, Executive Director Minette Bauer emphasizes the importance of the advocates themselves: "Our program is only as good as the community advocates who provide direct care. Our advocates have continued to provide energetic and flexible service. ...One advocate from Philadelphia learned sign language so that deaf delinquent youth could participate in the program."

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## Comprehensive Juvenile Services Centers

Comprehensive Juvenile Services Centers offer highly structured, intensive day treatment programs that provide supervision in education, recreation, vocational training, drug and alcohol counseling as well as individual and family counseling for a youth who resides at home.

## Program Emphasis

Youths who need intensive guidance and assistance in getting out of the juvenile justice system and in becoming responsible adults within the community.

## Suitable Location

Most suitable for fairly well populated areas.

## Program Characteristics

- Provide intensive services in one place.
- Alleviate fragmentation which characterizes social services delivery systems.
- Improve screening to develop individual program.
- Improved capacity to collect data, monitor progress and evaluate performance.
- Non-residential—staff members work with youths who remain in community, on day-to-day problems that are directly related to behavior that precipitated admission to program.

## Costs

One-half to one-third the cost of institutional placement.

Comprehensive Juvenile Services Centers are day treatment programs for youths who live at home. They offer in one place, by one staff, in one program many of the tools needed to make troubled and delinquent youths into productive members of the community. Without a comprehensive resource center, juveniles who commit crimes drift from agency to agency. It is not uncommon to find four or five agencies working with a youth and his or her family. They are counseled, jailed, put on probation and supported by a variety of social services agencies. They become clients of welfare, food stamps, probation, unemployment bureaus, drug centers, and eventually they start the circle again.

While staff and participants in comprehensive resource centers deal with crises, they take a long-term view of a solution to crime. The centers provide in one agency education, counseling, career guidance, job development, recreation and skills for independent living. Programs are individually designed to treat the

whole person with the goal of preparing him or her for the "real world," to help participants live on their own free of all the social service agencies.

One of the key premises upon which day treatment centers are built is that the causes behind chronic truancy, disruptive behavior, troubles in peer interactions, family problems and delinquency must be dealt with in the community, not in a jail or institution. Youths in jail and institutions learn how to succeed inside, rather than how to succeed in the community. The centers focus on performance accountability---how are they reducing the chances of a member of the public being a victim of crime and preparing participants to stay out of trouble? By locating themselves in the community, they can coordinate with others in the community and justice system to insure effective services, while at the same time providing protection to the community.

The centers build their services on a base of solid individualized education. Many of the juveniles who are referred from courts, probation departments, family intake units, home detention programs, children's shelters, police departments and social service agencies are school drop-outs or "kick-outs."

The centers have undertaken the large task of spurring the personal growth of young people who have little confidence and self-esteem. Through recreation, living skills programs and vocational education they present alternatives to getting high and hanging out as a way to have fun. The literature of the Juvenile Resource Center of Camden, New Jersey, asks, "Would you believe that a 17-year old, 6'2", 210 pounder who has been convicted of breaking and entering is afraid to go up to a ticket window and buy admission to a ballgame? Believe it." Participants are exposed to the fun part of the world rather than being intimidated by it. They learn such basics as how to use public transportation, how to read a map, how government functions, keeping a checking account and balancing a checkbook, grooming, budgeting and how to read a lease. They have driver's education classes and many field trips to cultural events and to businesses.

The comprehensive services centers are a giant step toward prevention---prevention of school dropouts, of crime, of ever increasing welfare roles, of unemployment, and in many cases, prevention of mental illness, since participants will be better equipped to cope with the pressures of society. Their success records are indeed commendable. At some, fewer than one in ten go back to their old lives. More young people who have been in these multi-service centers complete high school or pass the GED, complete college, technical skill training, join the military and go directly into jobs than do those who have been in jails and juvenile institutions.

Comprehensive services for juveniles have a significant impact on the number of youths sent to juvenile institutions. As such, their total costs are only one-third to one-half of what it costs to lock young people in a juvenile correctional facility. A high percentage of their clients become productive members of the community. Rather than becoming adult drains on tax revenues, they become taxpayers. Communities benefit from the tax revenues, the reduced costs of corrections, and the increased community safety.

#### Model

Innovative Resources, Inc., of Birmingham, Alabama, operates two coeducational, non-residential programs for adolescents age 12-17 who are experiencing problems. Innovative Resources' general program goal is to provide a community based youth facility with treatment and rehabilitative education services. The primary treatment objective of the Community Intensive Treatment for Youth (CITY) centers is to equip each youth with the educational and self-management skills necessary to function effectively either on a job or in school.

All participants are involved in a daytime program, five days-a-week. They reside at home during their period of enrollment. Some have the opportunity to participate in the program one half-day and on the job or in related job training one half-day. The majority of participants are charged with felonies or are adjudicated delinquents.

The two CITY programs are built on the assumptions that:

- the participant is experiencing problems in his/her natural environment, and;
- the bulk of the problems may be attributed to the fact that the youths have not learned socially acceptable coping skills and have academic, interpersonal, and job-related difficulties.

The CITY centers provide individualized programs based upon an identification of each participant's strengths and weaknesses. It is assumed that many juveniles who engage in delinquent behavior have experienced a steady diet of frustration and failure in academic and job settings and are all-equipped to compete scholastically and vocationally with others their age. Behavior management skills are taught to help participants improve self-control and their abilities to work cooperatively. Staff work intensively with parents and with referring agents.

Referrals are made by juvenile courts, schools, and other agencies. At intake, youths are made aware of the voluntary nature of the program and that it does not offer monetary compensation for participants. Families are apprised of the nature and requirements of the program, including the necessity of parental participation in group and individual counseling on an ongoing basis.

The CITY centers have a capacity of 30 at any one time, with an additional 30 youths on active follow-up. In a year, between 90 and 100 youths are served.

As a youth approaches his or her goals, plans are developed for reintegration into the community. This may involve a return to public school, enrollment in a vocational or academic college, placement on a job, or entrance into the armed services. Close coordination with schools and employers is critical, and assistance is available, should problems arise.

After leaving a CITY center, a youth is tracked periodically until it is evident that he or she is functioning independently and successfully. Initially, follow-up is a weekly process of contact with teachers, parents, employers, and probation officials. It is gradually extended to three-month intervals. The ongoing nature of the program enables appropriate support services to remain available indefinitely.

Evaluation is critical to the CITY programs. Internal evaluation involves collecting and analyzing data on each adolescent's academic and behavioral performance in a continuous manner while he or she is in the program. Appropriate program adjustments are made as necessary.

CITY centers operate in Alabama's Etowah and Shelby counties. The latter opened in August, 1982. Data presented here are from the Etowah County center, gathered from opening day, February 2, 1981, through October 20, 1982. Program directors point out that the positive results are due not only to the CITY program, "but also to the court, probation staff, and the many agencies who have joined hands with the program to deal with a nagging and growing problem in the community."

The program enrolled 108 youths at a cost of \$3,500 per youth served. The average stay in the program was six months. A five-month stay in a state corrections institution costs about \$10,000 per youth. The CITY program costs about one-third that of institutionalization with a much higher level of effectiveness.

Only 10 of the 108 youths enrolled in that period have been convicted of new offenses after enrollment, and only five of those have been sent to state correctional institutions. That is a conviction-of-new-offense rate for CITY participants of only nine percent.

Since the opening of the CITY program there has been a significant drop in the county's detention costs. The county has no secure juvenile detention center, so youths from Etowah County must be detained in a facility in an adjoining county at a cost of \$39 per day. Etowah County was billed in:

1979-80 for 1,414 child detention days;

1980-81 for 1,038 child detention days (the center opened on February 2, 1981);

1981-82 for 838 child detention days --- a 41 percent reduction.

Had the rate of child detention days remained at the 1979-80 level, the county would have spent an additional \$35,373 for the 1980-82 period. There was also a 91 percent reduction in the number of county youths sent to state correctional institutions.

The Etowah County CITY program is completely funded by federal employment and training program funds through the State of Alabama. The Shelby County Center is partially funded by the same source, with the balance provided locally by the Shelby County School System, local businesses, individuals and civic clubs.

Innovative Resources' centers offer an "effective, economical, and efficient approach to dealing with a chronic community problem. It is non-residential, provides support for the family unit, and teaches youths how to succeed in their own community rather than teaching them how to succeed in an artificial setting"---the institution or the jail.



# NATIONAL COALITION FOR JAIL REFORM

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## Home Detention

Home detention programs permit youths to reside in their homes pending their appearance in court. They meet with home detention caseworkers daily.

## Project Empahsis

Youths who can remain in their own or a surrogate home during the court process but who require some supervision or assistance in order to insure their court appearance.

## Suitable Location

Cities and counties of any size.

## Program Characteristics

- No facility
- Short-term home crisis intervention
- Added supervision for youth during the court process
- Design of individualized programs during the court process
- Limited caseloads, intensive contact
- Provide courts with information

## Cost Factors

- No capital investment
- Staff salaries
- Considerably less costly than residential detention.

Many youths who are currently placed in detention or jail may not run away or become involved in petty criminal activity if they remain in their own homes during the court process.

A home detention program (sometimes called pre-hearing intensive supervision) requires that a youth have a home or surrogate home in which he or she may stay and that the parents not be resistive to close supervision. Youths charged with a wide range of offenses may be recommended for home detention. Detention at home provides minimal disruption in a youth's life at the same time that he or she is under close surveillance and intensive supervision. The primary goals of home detention are to insure that a youth does not commit additional crimes and is available for court. Most home detention programs also emphasize counseling and service referrals. Participation in a home detention program is generally limited to 30 days or less.

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When a juvenile enters a home detention program, a contract is negotiated between the youth, the parents or guardians and the caseworker. Restrictions typically include curfew, school or work release and permission to leave the house only with a parent or legally responsible guardian. The parents or guardians are legally bound to maintain the conditions of the "house arrest" as agreed to in the contract. Enforcement of the restrictions and conditions of the contract is the duty of the home detention caseworker, who has the authority to send a youth to a secure detention center if he or she fails to abide by the contract. The caseworker monitors the youth and is in contact with him or her at least once a day by phone or in person. Caseworkers keep in touch with the youth's parents, school, employer and significant other persons.

Home detention caseworkers may be professionals, paraprofessionals or volunteers. Most home detention programs are operated by the former two groups. Caseworkers have small caseloads, typically no more than seven youths at one time. They can provide valuable information to the court for making a disposition.

Home detention programs are operated by courts, public social service agencies, and by private agencies. There are organizational differences among home detention programs, but their purpose is the same and they have similar operational procedures.

The success rates of home detention programs, as measured by the commission of new offenses or flight from supervision, have been consistently high. Hennepin County, Minnesota Juvenile Court Judge Lindsay G. Arthur has stated that, "Public safety has not been endangered by this (home detention) program...kids recognize that home detention is a credible program because it holds them accountable for their actions."

## Model

The Milwaukee, Wisconsin Outreach Home Detention Program was started by the community. In the early 1970's a group of women's organizations---the Federation of Women's Clubs, the YWCA, Church-women United, the League of Women Voters, National Council of Jewish Women, University Women and the Junior League---formed the Juvenile Justice Coalition to address the severe problems with detention abuse. The Outreach Home Detention Program thus was born. Initial funding came from the Wisconsin Council on Crime and Justice, the state agency with the authority to disburse federal criminal justice funds. Currently the program is funded with Title XX money.

The four staff persons have maximum caseloads of nine youths. The average program caseload is 30. The costs per day per youth vary, depending upon average daily census. The cost is \$8.27 per day per youth, with 30 participants in the program. Outreach

Home Detention accepts only those juveniles who would otherwise be in secure detention. Caseworkers coordinate with the court intake and each day call the numbers of openings into court.

Caseworkers point out that it is necessary to offer positive replacements for the negative behavior many of the youths are caught up in. Home detention obligations may include participation in drug or alcohol treatment as well as regular school attendance. The program helps parents develop more consistent supervision and offers the youths and their parents opportunities to talk and to learn.

The caseworkers prepare court reports outlining behavior they have observed, which is welcomed by judges for assistance in making their dispositions. Caseworkers also work with probation officers, on the assumption that most of the program's clients will be continued on probation, to develop long-range plans.

Since the program started eight years ago the number in detention has fallen from an average daily population of 110 to 25. In 1982 roughly 500 people will have been served by Outreach Home Detention. Ninety-seven percent show up for court, and 93 percent remain trouble free. About three percent have been remanded to court.

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## Emergency Shelter Services

Emergency shelter care services provide temporary residential placement for youths who do not require locked security but who are unable to stay in their homes or who do not have homes.

## Project Emphasis

Provide immediate shelter in a crisis for youths who need a place to stay---overnight or longer.

## Suitable Location

- Shelter homes
- Individuals' homes
- Group Homes
- Runaway shelters

## Program Characteristics

- Utilize existing resources
- Focus on crisis resolution
- Personal attention to and close supervision of youth

## Cost Factors

- Administrative support costs and salaries
- Ongoing training for volunteers or paid attendants
- Private services may need facility purchase or lease

Emergency shelter services fill a gap in services for youths who come in contact with the law and have no place else to go. Jail is no place for them. They do not need secure detention, nor do they need long-term foster home placement.

Emergency shelter services can be provided in a variety of models. Young persons can stay in a shelter care program specifically created to provide emergency services, in a group home or runaway shelter that is capable of meeting crisis needs or in "host homes" in the community. These homes may be licensed by a local public agency to provide emergency care---often called emergency foster care; they may be participants in a volunteer network of emergency shelter homes.

Emergency shelter services may be initiated and administered by either a public agency or private organization. Emergency shelter may be provided as a component of a larger agency's program---a YMCA or YWCA, for example. Operating expenses may be incorporated into an existing program, such as a probation department or a Department of Youth Services. Private agencies may contract services to public agencies responsible for children and youth. "Host home" emergency shelter parents generally receive a monthly retainer and a per diem rate whenever a youth is placed in their care.

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Emergency shelter services vary, depending upon the model. Services can provide for one youth or more. Programs may serve only young women or young men. They can include crisis intervention and counseling for youths and their families, health examinations, casework for long-range residential planning, where necessary, advocacy, referral to other agencies, and program activities, including education and recreation.

Services may be needed for only an overnight, but may be necessary for longer. Stays of 30 days are generally the maximum.

The youths and the court benefit from shelter attendants' observations and assessments of problems and needs. The information is particularly helpful in developing a long-term program for a youth and diverting him or her out of the juvenile justice system.

## Models

### • Private Organization Residential Shelter Facility:

Open-Inn of Tucson, Arizona, is a community based non-profit organization established in 1974 to provide temporary shelter care, crisis intervention, counseling, and advocacy for youths ages 8 to 18. The program was originally formed to provide an alternative to the juvenile justice system for runaways. In 1976 it expanded its services to provide an alternative to detention for young people. Open-Inn operates three facilities that offer intervention services 24 hours a-day and short-term shelter care for an average stay of three to seven days.

Most referrals to Open-Inn come from the courts; however, youth participation in the program is voluntary.

Financial support for Open-Inn is provided primarily by federal and state grants. Monies are also provided by the City of Tucson, the United Way, Friends of Open-Inn, individuals, local churches and civic organizations.

### • "Host Homes"

Any community group or agency may take the lead in developing a host home program. A state or county Division of Youth Services, for instance, may undertake recruitment and licensing. Private citizens can form a volunteer network or crisis homes. Juvenile courts and juvenile law enforcement officers can develop emergency services.

Host homes programs lend themselves to urban areas as well as to areas where there are no detention facilities for young people. They reflect the promising trends of citizen involvement and community response to juvenile crime. A host family network mobilizes community resources that already exist on an informal basis.

Everyone working with host home programs stresses the importance of taking care of volunteers. Communication is crucial. It is not easy to recruit emergency shelter for adolescents in private homes. Opening one's home to youths in crisis requires a unique kind of volunteerism. People are donating not only their time and effort but also their personal lives. By allowing a stranger into their homes, their volunteerism becomes a major commitment. Supportive services are essential, and minimal support ought to include training in the youth court process and in agency procedures, discussions of how placement decisions are made, the expectations of all parties and opportunities to share information with other emergency shelter providers. Training in effective crisis intervention techniques must be available. Adequate provision should be made for relief staff and respite periods when this is appropriate.

In Hamilton, Montana, the juvenile probation officer determined the need for emergency foster care by reviewing cases to determine how many young people could have been placed had services been available. Then, working with a regional foster home coordinator, he publicized the need for emergency foster parents and recruited the families to provide the services. The emergency shelter program has been in existence since 1974, and one family has been with the program since its inception.

The probation officer does the intake and matching of a youth with a family, when emergency shelter care is necessary. During the intake session, as he evaluates the situation in face-to-face contact with a young person, he uses the criterion, "Would I take this child home myself?" to make his placement decision. Prior to making a placement, the officer spells out the guidelines and the consequences of violation of the guidelines and secures some guarantees. Youths may be placed from one hour up to 30 days in shelter care. The probation department maintains contact both with the youth and with the shelter parents. In the program's history very seldom has a youth been placed in a host home twice. The probation officer reports that most of those placed "get a lot out of the program, and the majority of them never end up in any other kind of detention situation."

Seven years after its beginnings, the probation officer reports, "Right now we couldn't live without it. I don't remember how terrible it was before we had those kinds of resources."

He reiterates the importance of the credit that is due to those families who open their homes to troubled young people in their communities.

A monthly retainer of about \$30 is paid to each host home family. Families receive \$10 per diem for each day of emergency service they provide. Administrative costs are part of the probation officers' salary, paid by the county. If youths' families cannot pay for the host home costs, the State Department of Institutions, Corrections Division, assumes the cost. In some cases, the Welfare Department pays.

Host homes reflect the promising trends of citizen involvement and community response to juvenile crime. A host family network mobilizes community resources that already exist on an informal basis.

● Private Organization with a Shelter Service Component:

In Portland, Maine, the YWCA operates the Fair Harbor Emergency Shelter, the only shelter in the state solely for girls. Fair Harbor, licensed by the Department of Human Services to serve eight girls aged 7 to 17, is housed within the YWCA structure and is one of several programs operated by the YWCA. Policy is set by the YWCA Board.

Referrals to Fair Harbor, made by phone or in person, come from the Department of Human Services, the police, private social agencies and the juvenile intake unit. Fair Harbor intake is available around the clock. The shelter's purpose is to provide short-term care to girls in crisis. As such, the only inappropriate referrals are girls who are actively homicidal or suicidal. Eighty-seven percent of those who have stayed at Fair Harbor have been sexually abused.

The staff includes four counselors, two night supervisors and a secretary. The Program Director reports to the YWCA Director. Residents stay an average of two weeks; their stay is voluntary. Two program goals: 1) to reunite a girl and her family if possible and 2) to advocate for what seems best for her, underlie the counseling and other program activities. The program is linked not only to other services of the YWCA but also to community social services via coordination with the Department of Human Services.

Success is achieved through placement "in a safe and adequate environment to meet a girl's needs as soon as possible after admission." Discharge summaries are prepared for all residents and the information is conveyed to referral agencies.

Fair Harbor has plans to expand its services to add six beds for a six-month program and six additional beds to assist girls in preparing for independent living.

Fair Harbor receives funds from the Department of Human Services, county and municipal governments, the United Way and the Department of Corrections.

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## Runaway Programs

Runaway programs are variations on group residences and/or "host homes" that serve specifically runaway and "throwaway" youths.

## Program Emphasis

Youths who have run away from or have been pushed out of their homes.

## Suitable Location:

Cities and counties of any size. Runaway programs are adaptable to urban and rural areas.

## Program Characteristics

- Short-term residential component
- Focus on crisis resolution and conflict mediation
- Positive and cooperative relations with police, government and private service agencies
- Youth advocacy
- Outreach

## Cost Factors

- Temporary residential component---food and housing
- Staff salaries
- Ongoing volunteer training

Youths can be referred to a runaway program by counseling and social service agencies, police, courts and schools. Admission is not limited to juveniles referred from detention intake, although that is the source of many. Generally, admission is strictly voluntary.

Some runaway programs focus particularly on youths from the area; some seek to serve potential runaways and those recently returned home. Other programs, in places that attract out-of-state young people, are geared primarily to young people from other areas who are brought in by police and court officials.

Group residential runaway programs are staffed either by professionals who rotate shifts in order to provide 24-hour coverage or by house parents who live in the home. Other runaway programs operate a network of emergency host homes---trained families who take runaways into their homes for a few nights. Host homes are generally most successful in suburban and rural areas---smaller communities that are not necessarily gathering places for runaway and homeless youths. All runaway programs

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make effective use of volunteers, not only to provide shelter but to assist with one-on-one counseling and guidance and to serve as advocates.

Youths stay only a short time in a group residence or host home, as runaway programs emphasize immediate crisis intervention, followed by referrals for long-term follow-up help as needed. A stay of six days is the average in most runaway programs. Group residences have maximum capacities, generally no more than twelve.

Runaway programs provide emergency shelter, food, crisis counseling, family counseling, referral and linkage services. Programs operate 24-hours-a-day, seven days a week. Other services include 24-hour hotlines that provide immediate counseling and referrals.

Since national data collection began in 1978, the number of runaway youths served by runaway programs has increased over 25 percent. Sixty percent of runaways have never been arrested or even involved with the police before they ran away. The rate of running away from the programs is very small---about five percent. The programs have effected a reduction in the number of runaways detained in jails and other locked settings and at the same time have given assistance to troubled youths and families.

## Model

Noah's Ark in Queens, New York, was begun in January, 1977 by Sister Dolores, the Director. Initially begun as a runaway program for girls, Noah's Ark incorporates both the group home model and a network of ten host homes into its program.

Noah's Ark is housed in a 100-year old house in a residential neighborhood. There are beds for seven girls. Sister Dolores lives there and in addition to directing the program outreach, fundraising, etc., prepares the meals. Residents eat together every night; the girls do the dishes, and each has responsibility for other chores.

Girls are referred to Noah's Ark by the police, hotlines, other agencies, schools, and churches. They range in age from 13 to 18. Most have problems with their families and can receive individual and family counseling through Noah's Ark.

The residential program receives, and accepts short-term referrals, and is also a licensed foster home and providing longer term service to many of the girls. The average stay is six months. One of the program objectives is to divert youths out of the juvenile justice system. Many of the girls need assistance in preparing for independent living.



The host home families are recruited through civic and religious organizations. Families are given brief training in crisis intervention and listening skills. Currently there are five homes for boys and five for girls. Youths can stay a maximum of 2 weeks. The staff emphasizes the care they take in placing runaway youths in private homes.

All youths in Noah's Ark programs go to school or to jobs. Most are from the local area.

Since opening, between 500 and 600 youths---and many families--- have received services from Noah's Ark. Many stay in touch after they are gone. Many return home, and many others go on to independent living. Noah's Ark is funded by state, city and private monies.

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## Holdover Facilities

The problem of juveniles going to jail often results from a crisis situation and the need to maintain supervision over a young person for a short period of time. Holdover facilities are excellent options for immediate detention needs, particularly in rural areas, where few other options exist.

## Program Emphasis:

Immediate crisis supervision of young people who cannot be safely released right away.

## Suitable Location:

- Existing public buildings, such as police or sheriffs departments, hospitals, community mental health centers, etc.
- Juvenile residential alternatives, such as shelter or group homes.
- Other useable space.

## Program Characteristics:

Provide custody and individualized, intensive supervision for up to 72 hours.

## Cost Factors:

- Staff training
- Staff salaries paid on an as-used basis
- Food services

Holdover facilities provide short-term supervision to a juvenile awaiting court appearance or transfer to other juvenile facilities. Generally, holdover custody is restricted to 72 or fewer hours. Bed capacity is usually one bed, though in some places, holdover facilities have up to three beds. Some states require that sites housing youths for over 24 hours be in compliance with state regulations for residential care.

Though holdover is a relatively low cost service, it may appear to be more expensive than jailing arrested youths because jailing costs are buried in the overall costs of running a jail, while holdover costs are apparent for each youth held.

The costs of creating holdover capacities are offset by using space in existing public buildings, such as police departments and hospitals where bed space and bathroom facilities can be made available. A building could be renovated and maintained exclusively for use as a holdover facility, as has been done in Hagerstown, Maryland.

Holdover supervision is most economically provided by on-call trained staff. Off-duty police, teachers and social workers are often hired as holdover supervisors or attendants. As the length of stay in a holdover situation is brief, no structured programs are needed, other than minimal recreation and food services.

Holdover capability is particularly useful in areas where transportation to a juvenile facility is a major obstacle. The use of a holdover site can reduce the number of trips to distant facilities by keeping a young person under supervision until his or her first court appearance. New York State encourages the development of holdover facilities when the court is located more than one and a half hours from a major juvenile detention facility.

Holdover facilities prove that security need not be achieved just through locks and bars. The close supervision achieves security and often provides a cooling off period for youths and families who need it. The method of providing holdover capabilities is limited only by local creativity and initiative, not necessarily by financial resources.

## Model:

The sparsely populated rural counties of Michigan's Upper Peninsula, as part of their efforts to remove juveniles from adult jails, developed a Regional Detention Program. One of the Program's components is the creation of holdover sites in each county in response to findings that 44 percent of their juvenile jailings were for less than 24 hours. The holdover programs are administered by the courts through written agreements with the Regional Detention Program Director. The courts contract for attendants to supervise youths in a designated place for up to 16 hours. Sites approved by the courts and the Director, are located in places open 24 hours that have bathrooms and phones and assistance available in case of need. Sheriffs' offices, local and state police officers, hospitals and detoxification centers are among locations accommodating holdover facilities.

The courts pay attendants the going rate to supervise youths until a preliminary hearing can be held. Most stays are overnight; none are for more than 16 hours. Attendants are recruited and trained in the community. The bulk come from the ranks of teachers, police and students. Their testimony at the hearings provides useful assistance to a court's effort to make an informed determination concerning the youth.

Since the program's inception in January, 1982, jailings of juveniles in the Upper Peninsula have dropped by 75 percent from an average of 30 a month to seven a month. A home detention program has been implemented concurrently with the holdover sites. The costs have been much lower than anticipated. Attendants are paid between \$4.00 and \$5.00 an hour. The actual expenditures during the first nine months of the Regional Detention Program for all components, including holdover capacities, home detention, and shelter services, were 16 percent of the amount budgeted.

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## Group Home Detention Programs

Group homes are generally community residences used to house between seven and twelve youths. A group home detention program provides its residents with counseling, concerned adult supervision, and an alternative living situation.

## Project Emphasis

Youths who cannot stay in their homes, who need structured supervision and can benefit from small group settings.

## Suitable Location

- Home-like structures. Primarily urban because of the population required to make it economically feasible.
- Effective in rural areas on a regional basis.

## Program Characteristics

- 24-hours a-day, 7 days a week program and staff
- Structured program that allows for individual flexibility.
- Capacity up to 12
- Use of community resources, i.e., school, recreation, etc.

## Cost Factors

- Ownership or lease of building
- Staff salaries
- Costs are fixed, regardless of utilization

There are a number of variations of the group home model. Group homes may shelter and supervise youths who are awaiting court appearances, or youths who have been found guilty of delinquent acts. They may also serve youths with special needs or use a special approach to handling a mixed clientele. They have diverse goals and objectives and different organizational characteristics. The overriding goal, however, common to all, is to provide residents with a homelike atmosphere, a measure of personal care and contact and a sense of community. They may be called simply "group homes," or "detention homes," or "foster family group homes," or even "nonsecure detention facilities."

The group home concept has existed since the early 20th century. It has taken hold, though, only in the last two decades in reaction to oversized and overused institutions. They operate essentially as alternatives to more secure settings, to eliminate the inappropriate placement of youths in jails or institutions. The size of group homes varies, though most are

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licensed to care for up to 12 children. They must meet additional licensing requirements related to physical space, fire and sanitation requirements.

As alternatives to jail, group home detention programs serve those youths who need to be cared for out of their own homes during the court process. Group homes can offer a consistent, stabilizing environment. Studies have shown that youths residing in group homes receive higher quality services, greater individualized attention, and a different level of care than those who have been committed to overpopulated institutions. Adequate, individualized living space that provides some degree of privacy and responsibility, a low staff/resident ratio, and opportunities for contact with the outside community all add to the quality of care available in group homes. A common feature of group homes is their emphasis on utilizing unobtrusive residences that fit in well in the neighborhood. Residents receive counseling and supervision in the group home and go out to the community for education, medical care, recreation and other services.

Group homes serving pre-adjudicated youths generally receive referrals from juvenile court intake units, though referrals may come directly from the police, the probation department, the public defenders, a public department of Human Resources, and from other public and private agencies.

Group homes may be operated by public agencies or private service providers. The latter contract for funding with the public agencies. Group home personnel include administrative, program and volunteer staff. Some staffs may be headed by a supervisor who lives with his or her family at the facility. Administrative costs at the public agency are incurred in the form of salaries to local government officials who oversee and monitor the group home operators. The sponsoring agencies may provide training opportunities and clinical support.

## Model

Associates for Renewal in Education, Inc., (ARE) of Washington, D.C., operates two group home residences under contract to the city's Department of Human Services. One of the group homes services specifically young males, aged 13 to 17, who would otherwise be housed in a detention facility while they are awaiting court appearances. Dupont I is a short-term residential setting for a maximum of ten that operates in a structured milieu designed to (1) enhance the youths' self-esteem, character, confidence, and preparation for future autonomy; (2) provide services such as educational counseling/placement, individual/family counseling, personal living and socialization skills, as well as other diagnostic services that are necessary to reintegrate the youths into the community; (3) provide balanced, nutritious meals, basic transportation to and from community resources, recreational and cultural enrichment activities; and (4) provide for job pre-

paration and placement, and for reintegration into the community as productive adults.

Dupont I and the longer-term Dupont II that serves adjudicated delinquent youths, operate on a model that emphasizes cooperation and communication among the youths themselves, and with staff, outside individuals and community groups. The program utilizes various community resources such as mental health centers, hospitals, recreational centers, churches, schools, and universities. The group home program provides 24-hour, 7-day-a-week care for the residents. The homes operate on a system of points that serves to maintain control and discipline and at the same time encourages desirable behavior. Individual treatment and planning and evaluation are ongoing processes. The days are divided into 16 program activity parts, e.g., clean-up details, study periods, individual counseling sessions, group meetings, school departures, etc. Group meetings follow dinner every day. Each evening a special activity is provided for those youths who have earned sufficient points. Bonus and super bonus activities are part of the reward system. While the residents are in school, the counselors visit the schools the residents attend to monitor their behavior and progress. Counselors also meet with court officers and arrange for medical and dental care. Dupont I coordinates on a daily basis with the court intake department to let it know of the number of beds available.

In addition to the staff who provide direct care and supervision, a system of mentors---tutors, students, foster grandparents and other volunteers---provide services. The Dupont group homes operate with the assistance of a community advisory board that includes members of the neighboring community, professionals and representatives of interested citizens' groups. They have strong relationships with their neighbors. Delivering ongoing comprehensive services requires dedicated and hardworking staff and ongoing staff training is a vital component of the program.

From the opening of Dupont I in June 1981 through September 1982, the group home served 64 youths, aged 13 to 17. Most of them were age 15. They were charged with a range of offenses from status offenses through robbery. The majority had indications of family problems and most had not been in school on a regular basis. Participants stay in the program for an average of three months. The achievements of the group home program include an extremely low recidivism rate. Many of the youths leaving the program are successfully reunited with their families, continue their education and become gainfully employed. Some are remanded by the court to Dupont II, where they may stay from six to thirty-six months.

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## Secure Juvenile Detention Program

For the small number of youths who require secure custody, jail is not the answer. Secure juvenile detention programs provide the structure and supervision by trained staff that those youths require.

### Program Emphasis:

Youths who, based on specific, objective criteria, must be confined in a locked setting during the court process.

### Suitable Location:

Cities and counties of any size, where the need has been determined. In rural areas secure detention programs can serve a regional area.

### Program Characteristics:

- Structured day program.
- 24-hour awake shift staff.
- Constant adult supervision and feedback.
- Locked security.

### Cost Factors:

- Secure facility
- Staff salaries
- Program services

Historically, secure detention has been used for the control of juveniles in need of child welfare services that have not been available. However, only some youths require temporary secure custody for their own or the community's protection while awaiting court dispositions. Secure juvenile detention centers are the most restrictive of the options for maintaining watch over a youth during the court process, and should be used with great discretion. They have been built on the premise that serious young offenders need individual attention and services not available in large adult institutions or jails.

The decision to place a youth in a secure detention center should be based upon objective criteria. Researchers have found that secure detention for youths has been used more extensively than necessary and for those who present no serious threat to community safety. In many places evidence suggests that secure detention is used for administrative convenience and for punishment, though pretrial punishment is unconstitutional.

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The state of Pennsylvania has been most successful in removing juveniles from jail. A five-county area of the state built a 10-bed secure juvenile detention center two years ago. As people have developed a network of alternatives to provide for youths who have been removed from jails, the state has experienced not only the complete removal of juveniles from adult jails but also a reduction in the number of juveniles held in secure detention. Much to the surprise of officials, and in spite of a needs assessment, the two-year-old detention center currently has 10 empty beds. The less secure alternatives are achieving successfully the goals of insuring youths' availability to the court and maintaining public safety.

The primary goal of secure detention is to hold juveniles temporarily in a secure setting pending adjudication or placement in another program. Services are directed toward basic physical needs, education and constructive use of time. The enforced idleness that characterizes jails and large institutions can only lead to negative results and has no place in a system aimed at help and rehabilitation.

Although detention is temporary, national standards recommend that treatment programs be maintained in juvenile centers. The programs provide both a framework for managing a facility and have therapeutic benefits for the residents and keep them constructively occupied. Staff in juvenile detention centers ought to be trained youth specialists and participate in ongoing training. Standards suggest that juvenile detention centers have security provided by both the physical plant and intensive staffing. Standards recommend that secure juvenile detention centers have a maximum of 20 beds.

### Model

The Camden County, New Jersey, Youth Center is a coeducational secure detention center with a capacity of 32 youths ages 11 to 18. Residents are referred to the Youth Center through the Intake Unit of the Family Court. Those referred to the Center must meet specific state mandated criteria for secure detention. There must be demonstrable evidence that they are a threat to the safety of the community or that secure detention is necessary to insure their appearance in court. Stays at the Youth Center are as brief as overnight and average three weeks.

The youths are housed in individual rooms that are locked at night. Males and females are housed in separate wings. Males are separated by age and vulnerability. Males generally outnumber females five to one. The facility is electronically locked and maintained by an intercom and a central person who can open the doors. A large professional staff and a full complement of volunteers and college interns provide a range of diagnostic, education, recreation, counseling and medical services within the facility.

The Center operates on the Director's philosophy that the best security is a rich, full program; it is far better security than locks and hardware. Residents have an individualized school program and a wide range of after school and evening activities designed to enhance the entire adolescent growth process--- physical coordination as well as social and intellectual enrichment. There is none of the idle time that characterizes many institutions. The Camden County Youth Center's program and operations refute the notion that young people are in detention centers for such a short time that little can be done with and for them.

A youth is individually tested on his or her first day at the Center, and the teachers, volunteers and interns immediately start working with each one. Residents have had very poor school experiences, and many are dropouts. The 15 and 16-year-olds are performing on the third and fourth grade levels and need basic remedial assistance. Extensive vocational education training, using video cameras, is an important component of the overall education program. In 1982, the School Program was the recipient of an award given by the National Council of Juvenile and Family Court Judges for the Outstanding Education Program in the Nation for Juvenile Corrections.

In addition to the Center Director and three teachers who run the School Program, the staff includes 32 full and part-time children's supervisors (part-time supervisors generally cover weekends and fill in otherwise), six senior supervisors (one is always on duty), two social workers, a clinical psychologist, administrative and food preparation personnel. Meals planned for adolescents' needs are prepared in the Center's own cafeteria, rather than purchased from vendors.

Sunday brunch is a time for families to share in meals with staff and residents. Families are encouraged to be involved with the Center and its services; they are allowed to visit every day with twice a day on weekends. Upon a youth's admission to the Center his or her parents are invited to see where their child is staying and are advised that the staff psychologist has evening hours once a week to talk with families.

State law requires a physical examination at admission. All youths are given medical testing, and appropriate follow-up and referrals are made as needed. A part-time doctor is available.

In 1982, 156 volunteers participated under the guidance of the Youth Opportunity Coordinator, who is in charge, also, of college interns and program development. The program is developed in response to youths' needs and then staff and community resources are developed. The Center Director reports that, "there is simply

no day of the month that does not have something special available for residents." Among those special events are presentations on human sexuality, karate, vocational skills, survival skills, talks by Muslims, discussions with ex-offenders, legal rights of juveniles, meditation, first aid training, discussions on drugs and alcohol, how to cook with fresh fruits and vegetables, sports and reading programs, birthday nights to honor those who have a birthday that month, and game nights. A staffer said, "We never know what's going to stick," and out of the array of options something may make a big difference to a resident.

The participation of volunteers results from word-of-mouth. Volunteers share their experiences and others join in. Church groups have chosen to adopt the Center as a project, and volunteers enlist after hearing staff speak about the Center. They do a lot of speaking and community education. College interns from six area colleges and universities, studying many disciplines, participate in Center programs.

Delegations from around the state and from other states often visit the Center, and youths conduct tours for many of the visitors. A lot of former residents keep in touch with the Center and the staff after they have gone.

The Youth Center is administered and funded by the county. Most of the referrals are from within the county, though the Center has contractual agreements with others to take referrals. Costs for that day at the Center run about \$85 per youth.



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## Transportation Services

The provision of transportation can be vital in keeping young people out of jail. In rural areas, it may be necessary to travel long distances to transport juveniles to appropriate detention facilities. In some places services may be needed to transport a youth to an alternative placement or to and from court.

## Project Emphasis

Those youths who need transportation either to a juvenile detention facility or to other services.

## Location

- Police and sheriffs' departments
- Public or private social service agencies
- Courts

## Program Characteristics

Reimburses use of existing personnel and public vehicles for transporting youths to appropriate services.

## Cost Factors

- Personnel for administration
- Payment for staff travel time
- Reimbursement for use of vehicles

Juveniles are often jailed because the distance to a juvenile facility is too great, and counties do not have the personnel to transport them.

## Model

Targeting the goal of complete removal of juveniles from jail in 27 rural counties, the County Sheriffs of Colorado Juvenile Jail Removal Initiative has developed a project that is built on meeting the transportation needs in those counties. The process has resulted in many positive changes and collaborations. After researching and collecting data on the characteristics of juveniles in jail in the state, project leaders worked with the Colorado Division of Youth Services to develop specific criteria for secure detention, nonsecure detention and release. Twenty-four hour intake capability has been established in cooperation with county social service agencies in each of the participating counties.

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Developing the criteria and the procedures of interaction among the key decisionmakers opened new doors of communications and established cooperative relationships between the sheriffs, judges, police, district attorneys, probation officers, and social services agencies. Mutual endorsement of objective intake criteria is vital, as is the juvenile court's permission to allow another agency the authority of intake screening and decision-making. The project director and coordinator continue to work with each county on an individual basis to secure the county's acceptance of and compliance with the jail removal effort.

The project was structured to reimburse counties for the costs of transporting those youths who meet the criteria for secure custody to one of the state's five secure juvenile detention centers. If a detention decision is made by the intake screener, he or she notifies the appropriate Division of Youth Services detention center, and the youth is transported there by a law enforcement officer---either the arresting officer or an off-duty officer called in to make the trip. The Juvenile Jail Removal Initiative project reimburses the county for the transportation costs at the rate of 20 cents a mile and for the officer's time. The trips can take from three and one half to four hours one way.

The project employs a full-time coordinator, under the direction of a project director who is also the Executive Director of the sponsoring agency, the County Sheriffs of Colorado. Funding comes from the federal Office of Juvenile Justice and Delinquency Prevention through the state planning agency.

The first year of the program brought a decrease of 45 percent in the number of juveniles held in jails in the participating counties. The number of youths held in jails over six hours is down 70 percent. Before implementation, in August, 1981, 44 youths were held over six hours. In September, 1982, only 12 youths were held in jail over six hours. Project officials anticipate the removal of approximately 1,200 juveniles who would have been held in the counties' jails during a year without the criteria, 24-hour intake screening and transportation capability. Over a six-month period, 32 youths were transported to detention facilities.

By focusing on the transportation issue, project participants found that they could take other steps to effectively remove juveniles from jail. First, through the increased cooperation and coordination between the sectors of the juvenile justice system, they developed clear, written cooperative agreements. Transportation is important, though the numbers of youths requiring transport from rural counties is relatively small, once objective criteria and round the clock screening are available. Other needs are surfacing in counties that are trying to meet the goal of complete removal of juveniles from jail: one county needs permanent funding for a foster bed; another needs a part-time intake worker; another needs beepers.

In the next phase of the project counties will try to address their alternative needs. The populations in rural areas do not justify the development of a range of comprehensive alternatives in each county. However, multi-county programs may be necessary, and transportation services for those youths and children who cannot remain at home will be essential.



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## How Big Is The Problem?

Some 500,000 young people under the age of 18 end up behind the bars of this nation's overcrowded adult jails and lockups each year, many just for running away or being difficult to manage. Only 5 to 10 percent have been charged with violent crimes.

Jailing has severely damaging psychological effects on adolescents. For every 100,000 put in jail, 12 will not come out alive. They will kill themselves. No matter what the charge, for them jail is the death penalty. Others quickly learn to identify themselves as criminals. They leave jail angry and defiant, ready to prey on the general community. Others suffer emotional and mental harm that affects their behavior long after they leave jail.

Jails are locked facilities built for adults awaiting trial and those serving short-term sentences. Jails are notoriously overcrowded and understaffed. According to the Director of the National Institute of Corrections:

*"Jails and prisons are places in which children will be assaulted, molested and emotionally damaged. There has never been a jail in which experience demonstrated that juveniles and adults could be separated. The adult felon will*



Philip B. Tait, Jr.

*find some way to make contact with juveniles placed in jail and for nefarious reasons. No thinking judge who has ever closely inspected a jail or prison could bring himself to deliberately assign a child to an experience that emphasizes brutality, abuse and sadism."*

And the Director of the Federal Bureau of Prisons has said:

*"Jails are tanks, warehouses. Anyone not a criminal when he goes in, will be when he comes out."*

The U.S. Supreme Court, in *Rhodes v. Chapman*, has found that the cumulative effect of inadequate medical facilities, unsanitary conditions and the absence of programs for inmates constitutes cruel and unusual punishment. In *Miller v. Carson*, the Federal District Court found a Florida jail "totally inadequate . . ." and a "daily horror show of violence—(where) rapes, assaults, and attempted suicides were a common



Bill Powers

occurrence," resulting from inadequate staffing, poor structure design and overcrowding.

In jail, the strongest inmates make the rules. Rarely is there enough staff for adequate supervision to guard against physical and sexual assaults. Virtually no jail staff are trained in dealing with stress among children or youths or with emotionally disturbed young people.

## What Happens to Youths In Jail?

- ***A youth in a cell alone is being set up to hurt himself.***

In one southern jail, a youth drew a picture of his own tombstone and then hung himself in his cell.

- ***A juvenile crowded in with other youths or with adults is being set up to be hurt—or worse.***

A 17-year old youth was tortured and beaten to death in a county jail in Idaho by five other teenagers. The youth had been left in jail to face the consequences of failure to pay \$78 in traffic fines. "We thought it would be a deterrent for him to take care of it on his own," said his father. The county sheriff said that proper jail procedures were followed, that jailers saw nothing unusual.

- ***A youth left unsupervised and unscreened in jail often suffers alone when ill.***

K. was detained at an Oregon County jail while intoxicated. He received no medical screening, monitoring, or assistance and was later found on his cell floor in a pool of vomit and urine.

- ***Juveniles placed in isolation suffer alone.***

F. was first placed in solitary confinement when he was sixteen: "First thing I realized, I



didn't know the time. Room had no windows so I never could tell . . . ain't got no clock, ain't got no sounds to help you . . . After awhile they got you talking to yourself. I'd be standing in there yelling loud as I could, 'TELL ME THE TIME. IS IT THE DAY OR NIGHT?' Ain't no one going to answer you."

- **Jails do not teach young people any productive lessons.**

There are rarely any educational programs for juveniles in jails. Usually they are not allowed to have books, magazines, or pencils and paper in their cells. Rarely are there recreational programs for youths. The hours upon hours with nothing to do breed boredom, acute anxiety, fear, depression and hostility. Lacking anything to do, juveniles become destructive to themselves, others, or their surroundings.

- **Juveniles in jail do not even get the privileges that adults in jail get.**

In many jails, adults have regular visitation with friends and families. Minors do not. Adults are allowed to send and receive mail. Minors are not. Adults are provided paper, envelopes and stamps. Minors are not. Adults are allowed to make one phone call upon entering the jail. Minors are not.

- **Jail can be traumatic for a teenager.**

A 14-year old girl was confined in a cell with two women charged with drug use, who constantly cut themselves with pieces of glass. Juveniles are sometimes separated from the regular jail population by being housed with the mentally ill or retarded.

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## Why Are Juveniles Jailed?

- **Some juveniles are sent to jail "to teach them a lesson."**

The only lesson they learn is not to trust parents, judges or others in authority. A night in jail does not scare young people "straight." It just makes them more scared and angry.

- **Some juveniles are sent to jail because there is no other place for them.**

A thirteen year old boy was found hanging from the bars of his cell in an Indiana jail. A note was found which said, "I don't belong anywhere."

- **Some juveniles are sent to jail "for their own safety."**

Many flee sexual or physical abuse and are jailed for running away. One young woman was in jail because her father was suspected of raping her. Since the incest could not be proved, the father was not held. The young woman, however, was put in jail for "protective custody."

- **Some juveniles are sent to jail because the judge believes they are dangerous.**

A U.S. District Judge in Oregon found that for a nine-month period in 1980, only 25 of 124 juveniles in the county jail required secure confinement. Nationally, only five to ten percent of the juveniles arrested are charged with violent crimes.



- **Some juveniles are sent to jail for doing things an adult would not be jailed for.**

Juveniles are in jail for smoking, drinking, not going to school and running away from home. Girls are even more apt to be held for promiscuity and incorrigibility.

- **Some juveniles are sent to jail for running away from home.**

A 15-year old Ohio girl, who took the family car without telling anyone and set out to visit her brother in South Carolina, was jailed by the local judge because he believed that the "parents have lost control." On the fourth day in jail, D. was raped by the jailer and two inmates.

- **Some juveniles are sent to jail because they are transferred from juvenile court to adult criminal court.**

In Florida, a 16-year old boy was transferred to an adult court for purse snatching. He spent 201 days in the adult maximum security jail, much of it in solitary confinement, while his case was repeatedly postponed in adult court. He became increasingly disturbed and threw a lit newspaper on a flammable mattress. One officer and ten inmates, including the boy himself, lost their lives in the fire.



Denise Dodson for OJJDP National Student Communications Competition

## What Do We Need To Keep Youths Out Of Jail?

Juveniles are often jailed because communities have no other solutions. The local jail may appear to be a convenient, available resource, but in reality it creates new and worse problems. The techniques of survival learned in jails are wholly incompatible with effective citizenship. There are better ways of responding to problems. Among these are:

### Objective Criteria

The use of objective, specific criteria for the screening, release or detention of accused juvenile offenders helps insure that only those young people who may require it are securely confined before trial.

Using the criteria, one looks at the juvenile's charge and past history to determine which youths need secure confinement because they pose an immediate threat to community safety or their own safety or are likely to flee from the court's jurisdiction.

As far back as 1961, the National Council on Crime and Delinquency specified criteria for detention and stated that, "Detention should not be used unless failure to do so would be likely to place the child or the community in danger." The American Bar Association, the Commission on Accreditation for Corrections and the Congressionally established National Advisory Committee for Juvenile Justice and Delinquency Prevention have spelled out comprehensive juvenile justice standards and urged that objective criteria be used in decision-making.

### Use of Summons

Many juveniles can be issued summonses to appear at their hearings instead of waiting in jail, with no resulting danger to the community.

*In Annapolis, Maryland, police issue citations resembling parking tickets to youths and*



Dan Loftin

complainants at the time of the offense and set a date for appearance before a community arbitrator.

### 24-hour-a-day Intake Services

Juvenile justice intake workers available on a 24-hour-a-day basis can help police and the courts to evaluate the youth and his or her circumstances to determine the best course of action immediately. Adequate transportation to alternative services is also necessary to avoid having the young person wait in jail until the hearing.

Some states, such as Wisconsin, mandate such services in their juveniles codes.

### Non-Secure Supervision

Nationally, 90 percent of the juveniles arrested do not require secure confinement in a locked jail prior to a hearing. They can be safely supervised:

—In a “holdover” facility. A holdover facility is a place with bed and bath facilities where trained attendants supervise youths for a number of hours until a preliminary hearing can be held.

In the northern counties of Michigan, the courts administer holdover sites in sheriffs’ offices, local and state police offices, hospitals, community mental health centers or detoxification centers, where youths can be held for up to 16 hours. The courts pay attendants to supervise youths. Attendants, who are recruited from the community to be on call, include teachers, police, probation officers and college students.

The holdover time gives youths and their families a breather, the youths a time to reflect, and the courts an opportunity to make an informed decision about them.

### —At home, in a home detention program.

Home detention counselors (supervisors, attendants) oversee a youth through daily visits and calls to his or her home and school. Home detention is operated by strict rules written into a contract and agreed to by the court, the youth, the family, and the counselor.

In Milwaukee, Wisconsin, the Outreach Home Detention Program has a daily caseload of 30 adolescents whom it supervises in home detention. Its goals are to insure court appearances and to insure that youths remain trouble-free while under supervision. The program provides short-term crisis intervention, referrals to community services which may provide the therapy or education needed over the long run, and information to courts to help them make reasonable decisions. The daily cost of \$8.27 is much less than the cost of a day in a jail or a day in a secure juvenile detention center.

—In a shelter care facility. Small supervised residences such as group homes, or runaway shelters provide temporary shelter and assistance for youths in crisis periods.

In Ames, Iowa, Youth & Shelter Services, Inc., is able to provide emergency care to youths referred by their parents, the courts, and social services agencies, through two community-based shelter facilities.

—**In a foster home.** Families within the community can provide round-the-clock care to troubled youths who need to be temporarily removed from their own homes.

*In New Bedford, Massachusetts, the Proctor Program pays single women to take one girl at a time into their homes for 24-hour care and supervision.*

### **Secure Supervision**

For the small percentage of juveniles who need to be securely confined, jail is still not the answer. They can be safely detained:

—**In a secure group home.** Group homes for a small number of young people (up to 12 youths) provide total restriction and treatment in a residential and homelike atmosphere.

*In two Massachusetts communities, secure group home care is offered to young people awaiting hearings on charges ranging from destruction of personal property to armed robbery, arson, and rape.*

—**In a secure juvenile detention center.** At a juvenile detention center, intensive specialized supervision can be provided to youths, who, based on their histories and charges, need to be securely detained prior to court appearances.

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### **Punishment Does Not Equal Jail**

For those juveniles who are found to have committed delinquent acts, there are punishments which serve the community, the victim and the juvenile better than jail. Among these are:

—**Community service programs.** In these programs, youths pay back their community

by working without pay and under supervision in public service jobs to improve their community and help others.

*In Montgomery County, Maryland, courts can sentence juvenile offenders for an average of 32 hours of work. They perform park maintenance, building repair and maintenance, clerical work, and other needed community work.*

—**Restitution.** Youths in these programs pay back their victims either in the form of direct service or cash.

*In Washington, D.C., the court administers a juvenile restitution project that involves court officers and volunteers in designing a restitution contract between youths and victims. The program provides supervision of the youths and holds them responsible for their actions.*

—**Small secure juvenile treatment centers.** At such a center, intensive specialized supervision can be provided to the serious young offender who needs secure confinement. Trained staff provide diagnostic services, education, recreation and counseling programs, as well as locked security.

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### **Who Is Doing Something About The Problem?**

- **The United States Congress.** In 1980, the Juvenile Justice and Delinquency Prevention Act was amended by Congress and signed into law by the President, to require the complete removal of juveniles from all adult jails and lockups nationwide by 1987.

- **The U.S. Department of Justice.** Through its Office of Juvenile Justice and Delinquency Prevention, on-site consultation,

training, workshops and materials are provided to communities that request assistance in removing juveniles from jails. The Office monitors the jail removal activities of states receiving funds through the Office.

- **Federal Courts.** In August 1982, a U.S. District Judge in Oregon held in *D.B., et al. v. Tewksbury* that jailing juveniles in and of itself is unconstitutional—that it is a violation of their due process rights.
- **Judges.** The President of the National Council of Juvenile and Family Court Judges, in March 1980, testified before the U.S. Senate Judiciary Committee that the first priority of the federal Juvenile Justice and Delinquency Prevention Act “ought to be to get children out of jail.”
- **States.** Pennsylvania passed a law in 1977 prohibiting the jailing of juveniles and developing criteria for secure detention. The crime rate in the state did not rise, there are fewer juveniles in secure detention and there are no juveniles in jail in Pennsylvania. Maryland and Rhode Island have laws prohibiting the jailing of youths under the age



of 18. Connecticut has a statutory ban on jailing youths under 16.

- **Legal Advocates.** The National Center for Youth Law, the Youth Law Center, the National Juvenile Law Center, and the Youth Policy and Law Center, among others, are nonprofit organizations that provide legal services, research, investigation and negotiation, and undertake litigation where necessary on behalf of young people.
- **National Organizations.** The 36 members of the National Coalition for Jail Reform, which include national organizations representing sheriffs, county commissioners, city council members, police, judges, corrections officials, attorneys, concerned citizens and others, have all agreed and adopted the policy that, “No juveniles (under age 18) should be held in adult jails.”
- **Other Organizations.** The Children’s Defense Fund, a national public charity created to provide a long-range and systematic voice on behalf of the nation’s children, published the landmark study, *Children in Adult Jails*, in 1976, the first such research of its kind.

The Boys Clubs of America has adopted a national organization policy to explore crisis intervention models for dealing with Boys Clubs youths who are detained in adult jails and lockups.

- **Private Citizens.** Individual members of civic organizations such as the League of Women Voters, the Association of Junior Leagues, the Kiwanis, the Jaycees, the National Council of Jewish Women and many others perform valuable volunteer service including advocacy, court monitoring, jail monitoring, emergency housing and program development.

In Pennsylvania, the Juvenile Justice Center, an organization of citizen, civic and community groups, has mounted successful advocacy efforts to obtain the passage of jail removal legislation and to monitor the legislature to guard against backsliding.



Dan O'Brien, Minnesota Department of Corrections

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## Time For Action

You too can help. You can get the young people out of *your* jail. Join with others who care about removing juveniles from jail. You can make a difference.

- Visit a local jail and see for yourself the extent of the problem. See who is in jail and what are the conditions.
- Find out about all the programs in your community which serve young people and which might provide alternatives to jail.
- Look at the intake criteria and the admission practices for your jail.

- Examine your state's juvenile code and national juvenile justice standards. Does your code allow juveniles to be jailed?
- Ask how much it costs to keep a juvenile in jail.
- Look at the juveniles jailed over a period of time, their alleged offenses, the length of time they stay in jail, and the detention alternatives. Does your community have a holdover facility? Does a public or private agency run a home detention program? Are there services for families in trouble? Are there programs for runaways?
- Find out what plans your state has for removing juveniles from adult jails.
- Contact your local officials. What is their position on jailing juveniles? Ask them to visit the jail.
- Meet with the police, juvenile court judges, probation officers, child welfare workers about jailing juveniles and alternatives to jailing.
- Encourage your organization to begin a "Remove Juveniles from Jail" program, to adopt this issue as part of its agenda for action.
- Locate or begin a citizen's advisory planning group to assess the problem and develop processes and alternatives to keep youths out of jail.
- Help spread the word. Speak up on the issue. Contact your local media. Public education is a necessity.

You as an individual can make the difference. Your *organization* can help bring about change. Contact the National Coalition for Jail Reform to learn what others have done and to share your experiences. Each of us can make a difference, when we join with others working to remove our nation's youths from jail.

## **The Members of the National Coalition for Jail Reform**

American Association for Ex-Offenders in Criminal  
Justice, Inc.  
American Association of Correctional Officers  
American Bar Association  
American Civil Liberties Union, National Prison  
Project  
American Correctional Association  
American Correctional Health Services Association  
American Friends Service Committee  
American Jail Association  
American Public Health Association  
Benedict Center for Criminal Justice  
Correctional Services Federation, U.S.A.  
Institute for Economic and Policy Studies, Inc.  
John Howard Association  
National Association of Blacks in Criminal Justice  
National Association of Counties  
National Association of Criminal Justice Planners  
National Center for State Courts  
National Council on Crime and Delinquency  
National Criminal Justice Association  
National Institute of Corrections  
National Interreligious Task Force on Criminal  
Justice  
National League of Cities  
National Legal Aid and Defender Association  
National Moratorium on Prison Construction  
National Sheriffs' Association  
National Street Law Institute  
National Urban League  
Offender Aid and Restoration of the United  
States, Inc.  
Police Executive Research Forum  
Pretrial Services Resource Center  
Southern Coalition on Jails and Prisons  
Unitarian Universalist Service Committee

### **Affiliates**

Citizen Advocates for Justice, Inc.  
National Center for Youth Law  
Pennsylvania Prison Society  
Police Foundation

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# NATIONAL COALITION FOR JAIL REFORM

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## WHY ARE JUVENILES IN JAIL?

Some 500,000 young people under age 18 end up behind the bars of this nation's 3,493 local jails each year. Nearly 25 percent of these youngsters are accused of status offenses---truancy, running away from home, etc., acts which if committed by adults would not be a crime---or of no offense at all. The majority of youths are sent to jail to await a court appearance. Two-thirds of them will be released at their court hearing. It seems unlikely that their detention---especially in jail---is necessary.

Horror stories of incidents of physical and sexual assault and suicide surface in newspapers all over the country. In June 1982, a 17-year-old boy jailed for failing to pay \$78 in traffic fines was beaten to death by inmates in an Idaho jail. Last spring, a 15-year-old girl confined for running away from home was raped by a jailer and an inmate in an Ohio jail. In November 1982, a 17-year-old Tennessee boy killed himself in the same jail where four years ago a teenage girl took her own life.

For every 100,000 young people put in jail, 12 will kill themselves. No matter the charge, for them jail is the death penalty. The others will come back to our communities, and most will be worse for the jail experience.

Why, then, are youths sent to jail? The most commonly stated reasons are: "To teach them a lesson," "They must be punished," and "There is no other place for them."

The lesson young people learn in jail is to be like an adult offender. Research shows that incarcerating youths does not deter delinquent behavior. The higher rates of repeat offenses among young people who have been to jail suggest that jailing may actually promote delinquency. Corrections and law enforcement officials agree that once a person becomes embroiled in the criminal justice process, usually as a teenager, the chances that he or she will develop into a career criminal are heightened, rather than lessened, by incarceration. Jails are "bad" places where we put "bad" people. Those youths who go to jail believe they are "bad" because they have gone to jail, and feel they must live up to that image.

In most cases jail as a punishment does not fit the crime. Juveniles charged with violent offenses generally account for less than 10 percent of the juvenile jail population. FBI statistics show that only four percent of all juveniles arrested are charged with violent crimes. The largest group of youths are charged with property offenses.

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And punishment before trial is unconstitutional. In August 1982, a federal district court judge ruled in a class action suit that it is a violation of the freedom from cruel and unusual punishment of the 8th Amendment and the due process provisions of the 14th Amendment to place a juvenile in jail. The case, D.B., et al., vs. Graham Tewksbury, et al., is not binding on other states, but sets a significant precedent.

There are places other than jails to keep watch over our troubled young people while they wait to go to court. Youths are better off in home detention, a group home, or with a youth advocate learning how to cope and live in the community while they wait for their hearings, than in an adult jail. The alternatives we present are tested, effective, make economic good sense, and are less damaging to a youth and to a community. A comprehensive study of juveniles in detention found that "upwards of 90 percent of juveniles in programs providing alternatives to secure detention [and jails] neither committed new offenses nor ran away."

## ALTERNATIVES TO JAILING JUVENILES

The purpose of this packet of information is to tell you about some of those alternatives, how they operate and what they offer, what they cost and how you can begin to create or expand them in your community.

Some are more adaptable to urban communities or suburban areas, some work best in rural areas. They preserve community safety, uphold due process rights, and many offer troubled youths new opportunities to get out of the juvenile justice system. They take into consideration the charges against the young person and the need for accountability for unlawful behavior.

No one community need have all of the alternatives listed in this packet to keep its young people out of jails and to provide them with opportunities to become productive law abiding citizens. However, every community ought to have two basics:

1. Objective, specific criteria upon which to make decisions about who should be detained in a locked setting. These criteria must be agreed upon, written and clearly communicated to all persons in the system. There must, also, be clearly written and understood policy on who makes the detention or release decision.
2. The ability to provide intake screening around-the-clock.

## USE THIS PACKET TO STOP JAILING JUVENILES

This packet is designed to help you and your fellow community members establish or expand the programs and services needed in your community to end the jailing of juveniles.

You might begin by reading the enclosed brochure. It gives you an overview of the problem of jailing juveniles, outlines issues to be explored, and provides questions to pose to officials in your community. It offers suggestions about the ways you and your fellow community members can organize for change. (Some packets contain a Fact Sheet describing the situation in individual states. If a Fact Sheet for your state is included, it will give you further background on the scope of the problems you are confronting.)

Then review the descriptions of the numerous alternative programs and services, each of which includes a model of an actual program operating in a local community.

As you study each alternative, you should keep handy for reference the chart which illustrates how the juvenile justice system works and how the alternative programs and services fit together into a comprehensive system. You might also want to consult the enclosed Glossary for those terms which are commonly used in the juvenile justice system and in the material in this packet.

Finally, there is a list of further resources and materials to help you understand these sometimes complex issues and organize for change.

Change will come from concerned citizens, advocates and system professionals working together. We hope you find the enclosed information enlightening, hopeful and constructive as you join us and many others to end the jailing of juveniles in America.

# NATIONAL COALITION FOR JAIL REFORM

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## GLOSSARY

The following terms are commonly used in the juvenile justice system and throughout this Resource Packet.

**ADJUDICATION**---Court judgment that a juvenile is either (1) delinquent, (2) a child in need of services, (3) abused or neglected, or (4) innocent of any charges.

**ADJUDICATORY HEARING**---The court hearing to determine whether a youth is innocent or not innocent.

**ALLEGED OFFENDER**---Person who has been charged with a criminal offense but has not yet been convicted of the offense.

**CHILD IN NEED OF SUPERVISION (CHINS)**---A child deemed to require guidance, treatment or rehabilitation because he/she misses school regularly, is habitually disobedient, ungovernable, and beyond the control of his/her parents or guardians, or has committed any other offense applicable only to children. CHINS may also be called PINS, MINS, JINS and are frequently referred to as status offenders.

**CITATION**---A written order to appear in court to answer a charge. (Same as summons)

**DELINQUENT ACT**---An act committed by a juvenile for which an adult could be prosecuted in criminal court.

**DETENTION HEARING**---A hearing before a judge to determine whether a juvenile should be placed in detention, continue to be held in detention, or released until the adjudicatory hearing.

**DETENTION HOME**---A facility which provides temporary care in a restrictive environment for juveniles in custody awaiting court action.

**DETENTION ORDER**---The official and legal paper signed by a person authorized to detain youth. Detention orders contain such information as the youth's name and address, birth date, offense and the detaining jurisdiction; sometimes referred to as an "attachment."

**DETENTION, SECURE**---One kind of detention which provides intensive supervision and places the child in "lock and key" confinement pending disposition or transfer to another agency.

**DISMISSAL**---A decision by a judge to end a case without determining the juvenile innocent or "not innocent."

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**DISPOSITION**---A court decision on what will happen to a youth who has been found "not innocent." The court can release, confine, fine or order treatment as part of a disposition.

**DISPOSITIONAL HEARING**---A juvenile court hearing to determine the most appropriate action on a case where a juvenile has been found "not innocent."

**DIVERSION**---An official removal of a youth from the juvenile justice system by referring the youth to a non-justice treatment program or simply discontinuing the case.

**DUE PROCESS**---Refers to protection of a person's basic rights. Orderly procedures have been developed to ensure protection of juveniles' rights in the justice system.

**FELONY**---A criminal offense which is more serious than a misdemeanor and which can carry harsher penalties, including confinement to a penitentiary.

**HEARING**---A proceeding in which charges, evidence, and arguments are heard.

**INTAKE**---A youth's first contact with the juvenile court in which the juvenile referral is received and reviewed, and a decision is made to release, divert or detain.

**JUVENILE**---A person who is subject to juvenile court proceedings because he or she allegedly committed an offense when younger than the age the state law specifies as adult (16-18 depending on the state).

**MINOR**---See "JUVENILE".

**NOT INNOCENT**---A finding by the judge that a juvenile is guilty of the charges filed against him or her.

**OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)**---The Office within the U.S. Department of Justice which oversees and administers federal activities, contracts, and other efforts under the Juvenile Justice and Delinquency Prevention Act and other federal statutes.

**PETITION**---A document filed at court intake stating that a juvenile is a delinquent, a child in need of services, or an abused or neglected child, and asking that the court assume jurisdiction over the juvenile. A petition is similar to a warrant filed on an adult.

**PREDISPOSITIONAL**---The period of time from when charges are filed until the court makes a disposition.

**PROBABLE CAUSE**---The likelihood that the accused person committed a crime.

PROBATION---The conditional court supervision of an adjudicated youth. Rules are established and must be followed for a period of usually 6 months to 1 year.

RECIDIVISM---A return to criminal behavior after conviction and treatment.

STATE ADVISORY GROUPS (SAGs)---Citizen boards or commissions whose members are usually appointed by the Governor of a state to oversee juvenile justice programs and advise on juvenile justice policy within that state, as mandated by the federal Juvenile Justice and Delinquency Prevention Act.

STATUS OFFENSE---An act which is an offense only when committed by a juvenile, such as truancy or running away.

SUMMONS---An arrest document which can be written by a police officer at the scene of an alleged crime requiring that a person appear in court at a specified time to answer charges. (Same as citation)

TRANSFER HEARING---A pre-adjudicatory hearing in Juvenile Court to determine whether a youth alleged to have committed a felony should be transferred to adult criminal court for trial. (Same as Waiver)

WAIVER---A formal petition to transfer a juvenile case to adult court for trial.

YOUTH---See "JUVENILE".

TERMINOLOGY USED IN JUVENILE CASES:

There is a significant difference between the terminology used for adult criminal cases and that used for juveniles:

CRIMINAL CASES

arrest  
crime  
charging document  
defendant  
guilty  
incarceration  
not guilty  
parole  
pretrial release or bail  
prison  
probation  
  
sentence  
trial  
tried

JUVENILE CASES

taking into custody  
delinquent act  
petition  
respondent  
delinquent, or CHINS  
institutional commitment  
delinquent act not sustained  
after-care supervision  
detention hearing  
institutions and facilities  
probation or protective  
supervision  
disposition  
adjudicatory hearing  
adjudicated

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## ADDRESSES AND PHONE NUMBERS OF EXAMPLES CITED IN THIS PACKET

### Summons/Citations

Juvenile Court of Memphis and Shelby County  
P. O. Box 310  
Memphis, Tennessee 38101  
(901) 528-8419

### Family Crisis Intervention Services

Crisis Intervention Service  
Bergen County  
Department of Residential & Community Youth Services  
355 Main Street  
Hackensack, New Jersey 07601  
(201) 646-3099

### Community Advocate Programs

Youth Advocate Programs, Inc.  
30 South Third Street  
Harrisburg, Pennsylvania 17101  
(717) 232-7580

### Comprehensive Juvenile Services Centers

Innovative Resources, Inc.  
6 Office Park Circle, Suite 212  
Birmingham, Alabama 35223  
(205) 871-4905

### Home Detention

Outreach Home Detention Program  
436 W. Wisconsin Avenue  
Suite 600  
Milwaukee, Wisconsin 53203  
(414) 271-5595

### Emergency Shelter Services

Open Inn, Inc.  
2231 N. Indian Ruins Road  
Tucson, Arizona 85712  
(602) 296-5437

### Youth Court Probation Office

Court House  
Hamilton, Montana 59840  
(406) 363-3560

### Fair Harbor Emergency Shelter

YWCA  
87 Spring Street  
Portland, Oregon 04101  
(207) 773-3517

### Runaway Programs

Noah's Ark  
102-02 97th Avenue  
Ozone Park, New York 11416  
(212) 874-3202

### Holdover Facilities

Regional Juvenile Detention Services  
Office of Children & Youth Services  
Michigan Department of Social Services  
G-4287 West Pasadena Avenue  
Flint, Michigan 48504  
(313) 733-3820

### Group Home Detention Programs

Associates for Renewal in Education  
Dupont Group Homes  
1728 P Street, N.W.  
Washington, D.C. 20036  
(202) 332-3496

### Secure Detention Center

Camden County Youth Center  
Lakeland  
Blackwood, New Jersey 08012  
(609) 227-3000

### Transportation

County Sheriffs of Colorado  
Juvenile Jail Removal Initiative  
11100 East Dartmouth Avenue  
Room 313  
Aurora, Colorado 80014  
(303) 696-7333

### FOR FURTHER INFORMATION AND PUBLICATIONS, CONTACT:

National Criminal Justice Reference Service  
National Institute of Justice  
Box 6000  
Rockville, Maryland  
800-638-8736

Publications Coordinator  
Community Research Center  
University of Illinois at Urbana-Champaign  
505 East Green Street, Suite 210  
Champaign, Illinois 61820

The Community Research Center is a technical assistance contractor for the U.S. Office of Juvenile Justice and Delinquency Prevention. Among their publications are:

- Juveniles in Adult Jails and Lockups: It's Your Move, 1983
- Juvenile Justice Transfer Series

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## JUVENILES IN JAIL IN VIRGINIA

### HOW MANY ARE JAILED?

- The current estimate is that 4,000 young persons are jailed in a year in Virginia. Of that number about 90 percent are jailed by order of the juvenile court, about 10 percent are sentenced as adults.

### WHO IS BEING JAILED?

- Young people between the ages of 15 and 18 who are accused of delinquent acts are being detained in jails, and those found guilty of delinquent acts are being sentenced to jails for periods of less than 1 year; in 1980 of the 4,000 youngsters, 55 percent were detained before trial, and 45 percent were sentenced to jail.

### WHY ARE JUVENILES JAILED?

- The state law allows for jailing juveniles.
- Some officials say that up to 30 percent of juveniles jailed are "hardcore" and need to be securely confined.
- The lack of appropriate alternatives is cited by advocates as a reason for jailing. One suggests that adequate pre-court hearing options for detention would eliminate 90 percent of juvenile jail detentions.
- Both a lack of law enforcement staff to transport juveniles to alternatives and a lack of community commitment to the minimum use of jail for holding juveniles are cited as reasons for jailing in Virginia.
- A belief by judges and juvenile court staff that jailing juveniles deters them from further involvement in crime.

### LENGTH OF STAY

More than 200 juveniles are held in jail for more than 90 days each year. Some 720 stay more than 30 days and another 1,000 are there for two days. Of the 4,000 youths jailed each year, only 800 stay less than 24 hours, with an average stay for this group of five hours.

### BACKGROUND

- The Virginia Juvenile Code was rewritten and adopted in 1977; it effected the removal of status offenders from correctional institutions; juvenile jailing was reduced by about 25%; in the past five years the numbers jailed have remained fairly constant.

## JUVENILES IN VIRGINIA

Page Two

- Virginia's share of federal juvenile justice funds currently totals less than \$1 million, compared to a one-time high of between \$2.5 and \$3 million.
- The state is unique in having established a centralized information system for data collection---the Virginia Juvenile Justice Information System operated by the Department of Corrections.
- The Juvenile Justice Advisory Committee was reconstituted on July 1, 1982, by the Governor; the former Committee declined to take a stand on the issue of juveniles in jail.
- A 1981 survey conducted by the Department of Criminal Justice Services revealed secure detention as the alternative of choice for judges and court personnel. Of those juveniles diverted to alternative placements before appearance in court, the survey indicated that 78 percent were put in secure juvenile detention facilities. Only 10 percent were assigned to home detention as an alternative to jail.
- Sixty of Virginia's 95 jails are certified to hold juveniles.
- In 22 of the 60 jails that have been approved by the Department of Corrections to hold juveniles, isolation cells or holding cells are used to keep juveniles separate from adults. Many Virginia sheriffs have indicated that they would prefer that juveniles not be held in jails at all. Said one in a 1979 study: "The majority of Virginia jails were not designed for keeping juveniles, in that, trying to maintain 'sight and sound' between adults and juveniles is very nearly impossible. Many jails are overcrowded and have little recreation areas for them. Few have schools or other programs."

### NEEDS

- A legal ban on using jails to hold juveniles.
- Information about and development of alternatives to jailing, as well as community support of alternatives and strategies for public education.
- The development and maintenance of adequate and objective classification, detention and release criteria for juveniles who come into contact with the juvenile justice system. This would help determine which juveniles need to be held securely and which need referral to crisis and shelter services.



JUVENILES IN VIRGINIA

Page Three

- More training for law enforcement and court staff to develop skills in supervising high risk juvenile probationers and for judges to consider placement alternatives.
- A transportation system to take juveniles to shelter facilities.
- Development of citizen monitoring of juveniles in jails.

PLANS

- The federal mandate provides leverage to tackle the issue of juveniles in jail. The State Department of Juvenile Justice Services in pursuing several strategies to effect jail removal. Among these are: training judges; negotiating with the Virginia Crime Commission to follow-up on a comprehensive policy study of juvenile justice issues; orienting the new Juvenile Justice Advisory Committee; seeking opportunities to collaborate with efforts of other groups to raise issues and make changes; and developing a pamphlet on the issue.

DANGERS

- "Backsliding"---loosening some of the provisions of the juvenile code. In the next legislative session there will be a bill to enable judges to commit status offenders accused of violating a valid court order to confinement institutions. The bill, if passed, would have the effect of sending additional youths to detention and corrections institutions.
- Perceived high incidence of serious crime in parts of the state which may increase public and judicial pressure to put more juveniles in jail.

For further information, contact:

Mr. Jim Roberts  
Juvenile Justice Specialist  
Department of Criminal Justice Services  
805 East Broad Street  
Richmond, Virginia 23219  
(804) 786-4000

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## JUVENILES IN JAIL IN MAINE

### HOW MANY ARE JAILED?

- The current estimate is between 2,000 and 2,300 juveniles a year are being jailed in Maine.

### WHO IS BEING JAILED?

- Young people up to the age of 18 who are accused of criminal offenses and/or possession of alcohol or marijuana can be detained in county jails and lockups.
- Very few youths are sentenced to jails, although some judges will sentence juveniles to jail for a weekend or number of weekends for "shock" value.
- Only 5 percent of the juveniles in detention in 1980 were charged with serious crimes (murder, manslaughter, aggravated assault, forcible rape, and arson). About 41 percent were charged with property crimes. Officials say Maine's serious juvenile problems are with property offenders.
- The age distribution of juveniles arrested in 1980 was: 68 percent were 15-18; 28 percent were 11-14; the remaining 4 percent were under 11.

### WHY ARE JUVENILES JAILED?

- The state law allows the jailing of juveniles charged with delinquent offenses; the detention criteria lean toward protecting the juveniles and can be broadly interpreted.
- There is a lack of alternatives to fill immediate holding needs; and, for some youths, jail is the only place available. Court intake workers must give approval for release or detention, pending a court hearing, when their parents or guardians cannot be located.
- Maine has only one secure detention unit, which is part of the Maine Youth Center, the only institution for those found delinquent in the state. The Maine Youth Center is located in the southwestern part of the state, as much as eight hours one way (in good weather) from some places in Maine. Jails provide the only other secure detention capability.

## JUVENILES IN MAINE

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### LENGTH OF STAY

- More than 500 youngsters were held in Maine's jails for 24 hours or more in 1980. Some 10 percent of the 2,000 to 2,300 youngsters jailed were held for more than six hours, but less than 24; 28 percent were held from two to six hours, and 37 percent were held for an hour or less.
- A juvenile must have a detention hearing within 48 hours of arrest.

### BACKGROUND

- Maine passed laws to remove status offenders from institutions before the federal deinstitutionalization of status offender laws were passed in 1974.
- A revised Juvenile Code was effective in 1978. Major features of the code were the creation of a court intake/diversion system; the decriminalization of all status offenders, and the establishment of statutory responsibility for provision of appropriate services to offenders and non-offenders. The code clearly delineates the limits of police action and the responsibilities of other agencies to provide services.
- When the Maine legislature passed the Code revisions, it called for the development of all proposed alternative facilities, but failed to appropriate any funds for their implementation.
- Maine has an active Juvenile Justice Advisory Group (JJAG) that includes citizens, justice systems representatives, and the Commissioners of youth-serving departments. The JJAG operates with assistance from its Juvenile Justice Specialist and one staffed Committee, the Jail Monitoring Committee. Staff to the Jail Monitoring Committee conducted a statewide survey of jails and lockups and intake workers' practices of detaining juveniles. Among many findings was official reluctance to release data on juveniles.
- Maine has requested and received federal technical assistance and has worked with Community Research Center, a federally funded juvenile justice agency, in its jail removal efforts.

### NEEDS

- Uniform reporting system on juveniles in jail and uniform definitions.

- Inventory and evaluation of existing detention resources as alternatives to jail and the development of alternatives where there are no existing resources.
- Training for police and intake workers on legal requirements, detention and release criteria, and the use of alternatives.
- Information about jail removal strategies that have worked and are working in other places; and about strategies to avoid "backsliding."

PLANS

- Implementation of the Jail Removal Plan developed by the JJAG's Jail Monitoring Committee. The Jail Monitoring Committee has representation from the JJAG, the Departments of Corrections (i.e., Chief Jail Inspector, Chief Inmate Advocate, Intake Supervisor), Human Services, Public Safety, and Mental Health and Retardation, in addition to youth services providers, local elected officials, and local law enforcement. Its ability to implement a plan for jail removal is therefore enhanced because the policy-makers who will be affected are represented in the process.
- An assessment of group homes and emergency shelters by the Interdepartmental Coordinating Committee (representing the Departments of Human Services, Mental Health and Retardation, Corrections, and Educational and Cultural Services), assisted by the JJAG.

BARRIERS/DANGERS

- Conflicting public attitudes that youths must not be confined in jails with adults, but that jailing "will teach them a lesson."
- A Legislature that has not appropriated funds for alternatives.
- Very sparse population and lack of resources (per capita personal income level of \$8,655 in 1981, ranked Maine 40th among the 50 states) would allow Maine to plead "exceptional circumstances" in not meeting the mandated federal removal initiative. Maine officials, however, say they do not plan to plead "exceptional circumstances" and will make every effort to remove juveniles from jail by 1985.

For further information contact:

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Juvenile Justice Advisory Group  
State House Station 111  
Augusta, Maine 04333  
(207) 289-2711

Mr. Ted Trott  
Program Director  
Jailing Monitoring Committee  
4 Wabon Street  
Augusta, Maine 04330  
(207) 623-4832

# NATIONAL COALITION FOR JAIL REFORM

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## JUVENILES IN JAIL IN MICHIGAN

### How Many Are Jailed?

- In 1981, approximately 3,240 youths were held in jails and lockups in Michigan. Some 740 youths were put in jail cells and 2,500 were placed in lockups.

### Who Is Being Jailed?

- Young persons between the ages of 15 and 18 who are jailed by order of a judge, prior to a hearing or as a sentence of up to 30 days.

### Why Are Juveniles Jailed?

- Michigan's law does not prohibit the jailing of juveniles. Public safety issues are supposed to be considered in making such decisions; officials note the extensive amount of judicial discretion and the dearth of defense advocacy to hold courts accountable and to test their decisions.
- Without 24-hour assessment and appropriate referral services, juveniles are held in jail for "convenience."
- Some counties continue to use jail as a threat.
- Jailings are most prevalent in rural areas of the north; in metropolitan areas, young persons are more likely to be detained in police lockups.
- Less than 5% of the juveniles arrested in Michigan are charged with violent crimes. Juvenile arrests overall have declined over the past several years.

### Length of Stay

- Youths are kept in adult jails anywhere from a few hours to more than 30 days; most recent statistics indicate that nearly 60 percent are held for more than 24 hours.

### Background

- Officials and advocates assert that there is strong official and public commitment to unjailing juveniles.
- Michigan has an active State Advisory Group which has tackled the issue of jail removal. Support comes from the Michigan Sheriffs' Association, Michigan Association of Chiefs of Police, Michigan Department of State Police and the Michigan Council on Crime and Delinquency. The State

## JUVENILES IN MICHIGAN

Page Two

Advisory Group, in conjunction with juvenile and criminal justice systems personnel and many advocates, undertook a campaign beginning in 1981 to gain public support for unjailing juveniles; they have published and distributed a brochure and have held regional conferences and training sessions. Currently they are developing plans for the implementation of clear objective criteria for detaining or releasing young persons.

- In June 1982, the Michigan Association of Children's Agencies adopted a resolution in support of legislation prohibiting the jailing of juveniles.
- In 1977 the Michigan Coalition for Juvenile Justice Reform was founded. Now 13 active members strong, the Coalition is working toward juvenile code revision. There has been advocacy on behalf of code revision since at least 1974.
- As most everywhere, there is wide variation in the types of records kept on the detention of juveniles; and there is confusion in definitions, such as those of "runaway," "status offender," etc.
- Michigan has requested and received technical assistance from the Community Research Center, a federally funded juvenile justice organization, to assist in planning for and effecting jail removal.
- There are 19 secure juvenile detention facilities--- all are in the lower part of the state.
- On January 1, 1982, the Michigan Department of Social Services (which has statutory authority to operate regional detention programs) instituted a very promising experiment with non-secure detention alternatives to jailing juveniles. First implemented in the rural counties of the Upper Peninsula, the project will be expanded during Fiscal Year 1982-1983 to the 27 counties of the northern lower peninsula. A brief outline of the program is included.

### Needs

- Revision of the juvenile code to prohibit jailing of juveniles.
- Continuing evaluation of and dissemination of information about effectiveness of alternatives.

**CONTINUED**

**1 OF 2**

Plans

- Development of clear objective criteria for detention and release.
- Continuation of building public support for jail removal and providing training of criminal justice and juvenile justice professionals.
- Based upon the Upper Peninsula experience, officials are optimistic that a ban on jailing can be accomplished at less cost and with fewer secure juvenile detention beds than was previously anticipated.

Dangers

- Severe economic problems in Michigan leading to fewer resources for developing alternatives to jail.

For further information contact:

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Juvenile Justice Specialist  
Office Criminal Justice  
Department of Management and Budget  
P. O. Box 30026  
Lewis Cass Building  
Lansing, Michigan 48909  
(517) 373-3992

Elizabeth Arnovits  
Chair  
Michigan Advisory Committee on Juvenile Justice  
P. O. Box 30026  
Lewis Cass Building  
Lansing, Michigan 48909

NOTE: Ms. Arnovits may be reached at:

Michigan Council on Crime and Delinquency  
Community Services Building  
300 North Washington, Suite 52  
Lansing, Michigan 48933  
(517) 482-4161



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## COMPONENTS OF MICHIGAN'S REGIONAL DETENTION PROGRAM

Effective January 1, 1982, the Michigan State Department of Social Services, which has statutory authorization to plan for and operate regional juvenile detention programs, established the nonsecure components of its Regional Detention Program Plan in rural counties of the Upper Peninsula. Department officials believe the key to reducing the majority of juvenile jailings in this area is the establishment of nonsecure components, such as holdover sites, in-home detention, and shelter care in each county jurisdiction. The components are being funded for up to 30 months primarily with 1980 and 1981 federal Juvenile Justice and Delinquency Prevention Act monies, through the Michigan Office of Criminal Justice.

### Nonsecure holdover sites in each county

These are administered by the juvenile division of the probate courts through written agreements with the Regional Detention Program Director, specifying the responsibilities of each part. The sites are approved by the Director and must not be locked facilities. They must have bed and bath facilities. Sheriffs offices, local and state police offices, hospitals and detoxification centers are currently being used as holdover sites.

Courts pay attendants to supervise youths for up to 16 hours until a preliminary hearing can be held. The courts are reimbursed with the federal monies for the services provided. There is no charge to counties for holdover site services. The holdover time gives youths and their families a breather, and the youths a chance to sober up, if necessary. The courts have time to make an informed determination whether to release the youngster.

To date, roughly 20 to 30 percent of the juveniles who would otherwise be jailed are being placed in holdover facilities for up to 16 hours. Trained attendants are recruited from the community to be on call. They include teachers, police, probation officers and college students.

### In-Home Detention in each county

Each probate court administers its own in-home detention program, again through written agreement with the Regional Detention Program Director, outlining each party's responsibilities. Courts may contract with in-home detention workers to supervise youths in their own homes for up to 14 days, beginning

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on the date of the preliminary hearing. Payment for in-home detention services is made by the Regional Detention Program with federal monies. There is no charge to counties.

Part-time in-home staff receive training and have access to the Regional Detention Program Director for assistance. The in-home staff visit the youth's home every day and are on call for both parents and youths. All youths receiving in-home detention require a preliminary hearing and a court order authorizing in-home detention.

To date, roughly 60 to 70 percent of those juveniles who would otherwise be jailed are ordered to home detention.

### Shelter Care and Shelter Care Attendants

Each local Department of Social Services recruits and licenses the number of shelter home beds needed in its county. A written agreement specifies the responsibilities of the shelter home parents and the Department.

Shelter home parents are paid a premium of \$15 a day per child for each day of care provided. Federal monies pay 50 percent of the cost, and the county is charged with 50 percent.

Some youths placed in shelter care require shelter care attendants to provide necessary security. The program provides for this service with federal funds at the "going rate" in the county, with a 50 percent charge to the county.

These three components---holdover sites, in-home detention and shelter care---have been available to the 15 counties of the Upper Peninsula since January 1, 1982. During Fiscal Year 1982-1983, they will become available to the 27 Northern Lower Peninsula counties. Counties are encouraged to use the services on an individual county need basis. Some counties need all the services, others need only one or two.

At the end of September 1982, the jailing of juveniles in the Upper Peninsula had been reduced by approximately 75 percent with the alternatives costing only 25 percent of the original estimate for these services.

### Secure Detention

There is one regional secure detention center in the northern part of the state. The center has a staff/resident ratio of 1 to 8; it provides diagnostic screening and education, recreation and counseling programs, as well as locked security. The Center was established to provide short-term custody, assessment,

and assistance to youths in preparing them to return to the community, or to an alternative placement. Youths alleged to be delinquent may be detained as ordered by juvenile court pending an adjudication hearing, and/or pending completion of a placement subsequent to a disposition hearing.

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## JUVENILES IN JAIL IN WISCONSIN

### HOW MANY ARE JAILED?

- In 1981, 4,275 juveniles were detained in jails and 3,497 juveniles were detained in lockups in Wisconsin.
- Of the total 7,772 held in jails and lockups, 817 young people (ages 16 and 17) were confined for traffic offenses. Many were unable to make bail.

### WHO IS BEING JAILED?

- Young people between the ages of 12 and 18 who are accused of delinquent acts may legally be held in jails in Wisconsin. However, in 1981, 14 percent of the juveniles jailed were confined for alleged status offenses. Only 11 percent of the juveniles jailed were detained on charges of crimes against persons. Five youngsters under the age of 11 were jailed in 1981.
- Wisconsin law permits the secure detention of any child (even under 12) if, while under a nonsecure detention order, he or she allegedly runs away from the ordered placement or commits a delinquent act. Thus, some status offenders who may not be securely detained in the first instance may be "bootstrapped" into secure detention legally if they meet either of these criteria. Some of the youths reported to be securely detained for running away---an apparent status offense---are delinquents who ran from their nonsecure placement while awaiting trial.

### WHY ARE JUVENILES JAILED?

- The Wisconsin Children's Code allows for secure detention on nine separate grounds and juveniles may be detained in county jails "if no juvenile detention facilities are available." The state has three juvenile detention facilities.
- 1981 figures indicate that 48 percent of the juveniles held in jails, exclusive of the 17 percent held on traffic offenses, were detained on charges of status offenses, violation of supervision, victimless crimes and even dependency and neglect. A full 16 percent were jailed for "other" reasons that are not spelled out. These figures raise the possibility that in Wisconsin there is still a significant degree of inappropriate, and possibly unlawful jailing and secure detention.

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### LENGTH OF STAY

- In 1981, the average length of stay for juveniles jailed for all reasons was 85.3 hours or 3½ days. Twelve percent of all juveniles jailed were detained for over 10 days.

### BACKGROUND

- Wisconsin led the nation in jailing juveniles in the 1970's. In 1974, juvenile detentions in jails, the three secure detention centers and in lockups tallied 22,379. Following the passage of a revised comprehensive juvenile code in 1978, the total number of secure detentions in all facilities dropped to 12,540 in 1979. The total number of secure detentions continues to decrease. Detentions in county jails and in lockups have both declined, while detentions in the state's three juvenile detention facilities remain about the same.
- With the exception of a few counties, the state effectively deinstitutionalized status offenders by 1980. Dispositionally, this was achieved in 1973.
- One of the major provisions of the Children's Code has been the creation of round-the-clock intake services in each county. The availability of trained intake workers has resulted in the improvement of the diversion and screening capabilities of both law enforcement and the courts. Fewer young persons are now detained for court hearings.
- Juvenile crime, in line with national trends, is decreasing in Wisconsin. Arrests of juveniles during the first quarter of 1982 decreased by 14 percent over the same period in 1981, in cities with over 25,000 population. Adult arrests for the same period declined by 8 percent.
- The state is unique in having the resource and legal advocacy of the Youth Policy and Law Center. Two of its recent law suits against jails in Waukesha County and LaCrosse County, precipitated by the conditions of confinement and treatment practices of juveniles in those counties' jails, have resulted in consent judgments to improve the situation for juveniles held in jail. Counties around the state are looking at the effects of the litigation.
- A strong working relationship exists between the Youth Policy and Law Center, the Wisconsin Juvenile Officers Association and the Wisconsin Chiefs of Police Associations.

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- In September, 1982, the State held its first statewide conference on jailing and juveniles. Close to 200 people---county board members, law enforcement officers, intake workers, social workers, attorneys, corrections personnel, alternative programs staff, youth workers---wrestled with strategies for unjailing and for providing adequate services within jails. The conference was the kickoff for the next years' jail removal efforts.
- In 1980 Wisconsin passed the innovative Youth and Family Aids legislation which effects a redistribution of \$26 million previously in the state budget for correctional services to counties for use in developing alternatives for juveniles.
- Wisconsin has a strong State Advisory Group appointed by the Governor and a well-staffed State Planning Agency, the Wisconsin Council on Criminal Justice. These two groups are committed to meeting the federal mandate for removal of juveniles from adult jails.
- There are 72 counties and 72 jails in Wisconsin. One county is a federal American Indian reservation. Three counties use separate juvenile facilities. Nine county jails are prohibited from jailing juveniles because of their conditions and two are under federal consent orders to improve conditions. Until now, there have been no rules governing the detention of juveniles in jails. The Youth Policy and Law Center is negotiating with the Department of Health and Social Services to develop rules, following the American Correctional Association standards. The new rules will effectively close the doors of many more of Wisconsin's jails to juveniles, unless some significant changes are made in jail conditions.

PLANS

- Officials plan to be under the 500 mark of juveniles in jail by 1985. They plan to build coalitions and utilize federal monies and expertise over the next three years to create and fund alternatives.

NEEDS

- An improved statewide method of data collection on juveniles in jail and the ascertainment of reasons for detention.
- The development of a plan for effecting jail removal, including alternative strategies, reinforcing state legislation and the coordination of funding.
- Even with recent intense efforts to increase the range of services for juvenile offenders, many counties continue to lack needed nonsecure alternatives.

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DANGERS

- Waning emphasis on deinstitutionalization of status offenders and other youths who do not need secure confinement.
- Pending legislation that would allow the juvenile courts to put sentenced youths in detention facilities with alleged offenders.
- State Supreme Court decision on the inherent power of judges to sentence any child to jail for contempt, even though that is prohibited. The case was argued on November 29, 1982. A decision is pending.

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