Conclusion

What Policymakers Need to Know about Juvenile Detention Reform

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Juvenile detention is the underbelly of the juvenile justice system. Detention centers are isolated from the community and unmonitored by the media and most child advocates. About the only time the public hears about their local detention center is when a scandal—e.g., suicide, staff abusing youth, or an escape—surfaces in the press or on television.

While these institutions are hidden from public scrutiny, they are a grim reality to the hundreds of thousands of young people confined in them each year. Most of the juveniles locked up in detention centers on any given day are confined in antiquated, overcrowded, inadequately staffed, and poorly managed facilities. When pressed to act, policymakers and juvenile justice officials generally respond to the overcrowding and deteriorating physical plants by proposing to build new facilities or increasing the capacities of existing institutions. This occurs despite increased competition for shrinking public resources and evidence that large numbers of admissions can be prevented without compromising public safety.

What Accounts for the Over-Reliance on Detention?

The contents of this book make one thing clear: admissions to secure detention are primarily the result of policy decisions. More often than not, they are policies that have little to do with juvenile crime prevention or control. For example, Terry Martin’s chapter describing the
detention facility planning process in Cuyahoga County (Cleveland), Ohio is a case in point. Martin documented the fact that fluctuations in admissions to secure detention were largely related to juvenile court policies. Admissions were driven by judicial attitudes regarding who should be confined and not by rates of serious juvenile violent offenses and property crimes. As a result, there were years when many juveniles were admitted to secure detention who clearly could have been managed in less restrictive alternatives.

The chapter by Barton, Schwartz, and Orlando describing the developments in Broward County (Ft. Lauderdale), Florida is another example. In Broward County, dangerous overcrowding and unconstitutional conditions of confinement were effectively addressed by developing objective detention intake criteria, increasing the use of release on recognizance, and establishing a few carefully planned, community-based alternatives. The detention intake criteria, which were developed by judges, prosecutors, public defenders, law enforcement officials, and child advocates, limited the use of secure detention to youth accused of serious violent crimes who therefore presented a clear and substantial threat to the community. The current average daily population in the Broward County detention center is less than 60. Four years ago, the average daily population was in excess of 175.

Staff from the Conservation Company and the Juvenile Law Center in Philadelphia studied the fiscal implications of the reforms in Broward County. The preliminary findings indicate that Broward County officials "significantly reduced . . . long-term operating costs without jeopardizing public safety" (The Conservation Company and Juvenile Law Center, 1992, 1). This is something that should be of particular interest to elected public officials and juvenile justice professionals in other jurisdictions interested in controlling juvenile justice system costs.

David Steinhart describes the developments leading to the decline in admissions to San Francisco's detention facility. As in the case of Broward County, the decline resulted from changes in policies and practices. The policy changes were triggered by scandals that surfaced in the media, pressure for reforms by a community advocacy group, studies indicating that admissions could be reduced without compromising public safety, and because of the appointment of a new chief probation officer committed to controlling detention utilization. To a
significant extent, and in the face of stiff opposition from unionized staff, admissions were gradually brought under control through the development, implementation, and monitoring of detention-intake screening criteria.

There are some who believe that simply creating alternatives to secure detention will curb admissions. It is not uncommon, for instance, for judges to say that they would reduce their reliance on detention if they had other alternatives. While this is a perfectly reasonable position, it rarely happens in the real world. There are many jurisdictions where alternatives were created. In virtually all instances, such alternatives had little or no sustained impact on reducing rates of admission to secure detention. In order to have the desired impact, community-based alternatives must be accompanied by the political will and commitment on the part of key policymakers and juvenile justice actors to control detention utilization.

The politicization of the juvenile crime problem is another major factor that contributes to the excessive use of detention. Put simply, judges who want to give the appearance of being “tough” on juvenile law violators will lock up lots of kids. Prosecutors claiming to protect the public by “cracking down” on juvenile crime often advocate for increased and virtually indiscriminate use of detention. This is particularly the case in jurisdictions where judges and prosecutors are elected and where they may have hopes of running for some other political office (i.e., governor, U.S. Senate, U.S. House of Representatives, state Supreme Court, etc.).

The politicization of juvenile crime may be good politics and may even help win elections. It also leads to bad public policy and is costly to the public. It also drains resources desperately needed for such other vital services as education, prenatal care, child welfare, health and mental health care, and services to the elderly.

The decade of the 1990s is shaping up as one of the most challenging in our national history. States and counties will continue to be faced with budget deficits and fiscal problems. Government officials will be forced to make difficult decisions and, in all likelihood, reduce the amount of public services. While this will prove to be a painful experience, it does provide some opportunities. For those who are willing and who have the courage to take on the challenge, it will provide an opportunity to reform detention systems.
Agenda for Reform

Policymakers and juvenile justice professionals seriously interested in reforming their youth detention systems should consider the following:

1. Conducting a comprehensive study of the detention system. The study should carefully and objectively examine detention intake criteria, admissions trends and reasons for admission to detention, length of stay in secure care, and the processing and handling of youth throughout the entire detention system. The study should also examine existing alternatives to detention and determine how well they are functioning. If at all possible, and for obvious reasons, the study should not be conducted by an architect or an architectural-planning firm.

Where such studies have been done, they have always identified large numbers of youth who could be diverted from secure detention. They also help to identify policies and practices that could be modified that would have a significant impact on controlling detention utilization.

2. Adopting objective detention intake criteria. The detention intake criteria recommended by the Institute for Judicial Administration/American Bar Association and the National Advisory Committee on Juvenile Justice should be used as reference material in this process.

3. Developing 24-hour face-to-face detention intake screening and crisis intervention services. In jurisdictions with small numbers of referrals, detention screening and crisis intervention services should be available on an on-call basis. The purpose of face-to-face detention screening should be to carefully assess each referral and to insure that only those who meet criteria are admitted. The screening should also be designed to insure that appropriate decisions are made about returning youths to their homes and referring them to various alternative services.

4. Eliminating the practice of committing youth to serve time in detention. Youth who fail to obey probation orders or who engage in other non-dangerous and non-violent behavior need not be held accountable by having them committed to detention at an average cost of about $100 a day. Instead, they could be put under very intensive and virtually 24-hour supervision and ordered to pay restitution, perform work for their victims, or do community service. Although intensive supervision and surveillance is expensive, it is not nearly as costly as committing youth to detention. In addition, having youth make resti-
tution to their victims and perform community service is much more productive than simply incarcerating them.

5. Creating a detention population management position, particularly in large jurisdictions. The person who occupies this position should be responsible for monitoring detention intake decisions to make sure that only youth who meet criteria are admitted, monitoring cases admitted to detention and cases referred to alternatives to make sure they are processed expeditiously, and monitoring conditions under which youth are confined. Inappropriate admissions, cases lingering in detention status, unconstitutional conditions of confinement, and unprofessional practices should be brought to the attention of judges, detention administrators, defense attorneys, and other appropriate officials for corrective action. If necessary, they should be brought to the attention of the media.

6. Developing partnerships between public and private agencies in the delivery of alternative services. This will help to strengthen and build community support for alternatives and take advantage of existing community resources. The day report center operated by the Boys and Girls Clubs of Broward County (Ft. Lauderdale), Florida is a case in point. Boys and Girls Clubs' facilities are not generally used during the day. Contracting with them to provide an alternative to secure detention takes advantage of their facilities, helps to acquaint hard-to-reach youth with Boys and Girls Club programs, and builds support for community-based services.

7. Enacting legislation that restricts the use of detention and provides fiscal incentives to reduce admissions. One of the most effective strategies for reducing detention would be to enact legislation that included strict criteria for the use of secure detention. Such a strategy would be particularly effective if it also included funds that were distributed to localities as incentives for reducing rates of detention admissions.

8. Creating a range of alternatives to secure detention and criteria for their use. In addition to crisis intervention services, the alternatives should include such things as release on recognizance, home detention, family shelter care, staff-operated shelter care, and day report centers.

9. Developing a mechanism for overseeing and monitoring the detention system. Unless monitored on an ongoing basis, the problems that once plagued a detention facility tend to reappear.
Conclusion

The chapters in this book are authored by some of the most knowledgeable professionals in the country on the subject of juvenile detention. The chapters are brimming with useful information for policymakers and practitioners. Taken collectively, the chapters present clear and convincing evidence that detention need not be a degrading and dehumanizing experience and that it can perform the role for which it was intended: to house juveniles who present a clear and substantial threat to the community and who are at great risk to abscond pending their appearance in court.

Unfortunately, there is one thing this book cannot do. It cannot reform state and local detention systems. It is hoped, however, that it will both serve as a catalyst and provide support for those who might be willing to lead the fight.

Bibliography
