

# J D A I N e w s

Newsletter of the Juvenile Detention Alternatives Initiative

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## J D A I S t a f f

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Photo by Jeff Hackett.....p. 4

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## Illinois Symposium Focuses on Rural Judicial Leadership

**T**he Illinois Juvenile Detention Alternatives Initiative (IJDAI), a partnership between multiple organizations, including (but not limited to) the Administrative Office of the Illinois Courts (AOIC), the Illinois Dept. of Human Services, the Juvenile Justice Advisory Commission (the Illinois SAG), the Circuit Court of Cook County and the Annie E. Casey Foundation, conducted a conference on May 3rd and 4th to deepen awareness and understanding of JDAI among judges from rural judicial circuits. Approximately 30 judges attended the sessions, which were held in Springfield.

Because judicial leadership is so essential to JDAI and because the next wave of detention reform implementation will involve more rural jurisdictions, this year's meeting specifically targeted judges from such sites. The agenda included introductory remarks from the Honorable Rita B. Garman, Justice of the Illinois Supreme Court and Cynthia Cobb, Executive Director of the AOIC, both of whom encouraged the judges to embrace the values and strategies of JDAI.

Supreme Court Justice Rita Garman drew on her 30 years of experience as a judge and a prosecutor, articulating the challenges experienced in rural jurisdictions in Illinois, saying in part, "We recognize the unique leadership role that judges play in juvenile justice and detention practice, particularly in rural counties where judges meet a variety of complex challenges

without an array of services often available in metropolitan areas and where populations are thinly distributed across large geographic areas that lack public transportation." She pointed out that judges play critical roles in smaller communities in convening key stakeholders in juvenile justice and other systems.



Illinois Supreme Court Justice  
Rita B. Garman

### Highlights

Plenary sessions featured three judges who are national leaders in creating detention reform in their jurisdictions—Judge John E. Payne of the Illinois 15th Judicial Circuit who detailed the progress of his rural circuit over the past two years, Chief Judge George Timberlake of the Illinois 2nd Judicial Circuit who discussed the types of leadership that *(continued on page 3)*

## Improving and Sustaining Conditions of Confinement

This month's inter-site conference will devote almost an entire day to training on the development of "self-inspection" capacities to ensure safe, humane and constructive conditions of confinement in secure detention facilities. Youth Law Center attorneys, among the nation's most respected litigators in these matters, will share an inspection framework and methodology designed to enable JDAI sites to routinely monitor conditions in their own facilities. It is our hope and intention that development of these capacities will provide sites with a sustainable, objective oversight mechanism to stimulate continued efforts to run institutions that meet the highest professional standards. Decades of institutional monitoring and lawsuits have made it clear just how easy it is for facility physical conditions to deteriorate, for services to diminish, for policies to become unnecessarily punitive or restrictive and, generally, for the health and safety of youth and staff to be put at risk.

These tendencies explain why one of JDAI's "core strategies" focuses on this issue. Our vision of detention reform would be hollow and hypocritical if those youth who must be detained to ensure court appearance or minimize public safety risks were con-

finied in places that could not at least pass constitutional muster. Indeed, if JDAI sites truly aspire to represent the best in detention system policies and practices, our ambitions for secure facility conditions and programming ought to exceed what the law requires and seek to achieve the same levels of excellence we expect regarding admissions practices, alternative programs, expedited case processing or reducing racial disparities.

**Establishing permanent, well-trained local inspection teams to routinely monitor and report on conditions of confinement is an effective, inexpensive and transparent way to maximize the odds that juvenile detention centers are safe, healthy and humane institutions.**

Why do conditions of confinement in youth corrections facilities so often degenerate beneath legal and professional standards? That is a long-debated question, the answer to which is well beyond the scope of this column. Given the commitment articulated by most of the facility administrators and staff we meet, it is perplexing why detention centers so often fall short of what we would want or expect if our own child was detained. And even though crowding typically makes the operation of facilities much more difficult, having empty beds has proven no guarantee that confinement conditions will be acceptable, much less outstanding. Perhaps it is in the very

nature of these places—as some commentators have observed in analyzing why torture and humiliation became commonplace at the Abu Ghraib prison in Iraq—an hypothesis that certainly reinforces JDAI's determination to rise above the norm in this component of the juvenile justice system.

Achieving excellence in detention facility conditions is no easy task. Some otherwise outstanding JDAI sites continue to operate facilities that are seriously deficient, that have been targets of lawsuits or federal investigations. These unfortunate shortcomings are a blemish on the initiative's collective reputation. We owe it to our colleagues in the field, and to the youth and public we serve, to take whatever steps are necessary to model excellence in this part of our work. Establishing permanent, well-trained local inspection teams to routinely monitor and report on conditions of confinement is an effective, inexpensive and transparent way to maximize the odds that juvenile detention centers are safe, healthy and humane institutions.

Bart Lubow  
Director of Programs for High Risk Youth

Raquel Mariscal  
Senior Associate for Juvenile Justice Reform

(continued from page 1)

judges can exercise to promote effective detention reform, and New Hampshire District Court Justice Paul H. Lawrence. Two discussion sessions, facilitated by Judges Payne and Timberlake, concluded the conference. These sessions were designed to assess current practices and policies in participants' jurisdictions, surface judicial concerns about IJDAI, debrief identified issues and discuss sites' readiness for full-blown implementation. A significant number of participants expressed a desire to introduce detention reform strategies in their jurisdictions.

### The 15th Judicial Circuit

Judge John Payne of the 15<sup>th</sup> Judicial Circuit detailed the implementation of juvenile detention alternatives in his largely rural circuit by highlighting the factors which influenced and motivated the change in detention policies.

A major factor that led the 15<sup>th</sup> circuit to make changes in juvenile detention policy and practice was financial: Lee County—where this judge sits—experienced a budget shortfall significantly reducing funding for secure detention and residential placements. A co-occurring shortfall of services in the community impacted the number of placement opportunities for youth. The results of Lee County's detention reforms were quickly demonstrated through (1) detention utilization reductions (from 2000 to 2002, detention ADP decreased by 59 percent, and average length of stay decreased from 14 days to 10 days), (2) cost savings, (3) reallocation of funds, and (4) an increased array of detention alternatives. (See charts on pp. 3 and 4.)

### IJDAI Outcomes

Judge Payne shared the results of a follow-up study in which two groups of youth were compared: youth who

had been held in detention and youth who participated in alternative programs pending their hearings. The results fundamentally support the idea that sites can reduce detention populations without a resultant compromise to public safety. During the twelve months following the release from alternatives, these youth had lower rates of delinquency petitions, adjudications, and detentions than did the detention sample.

### Building on What Judges Know

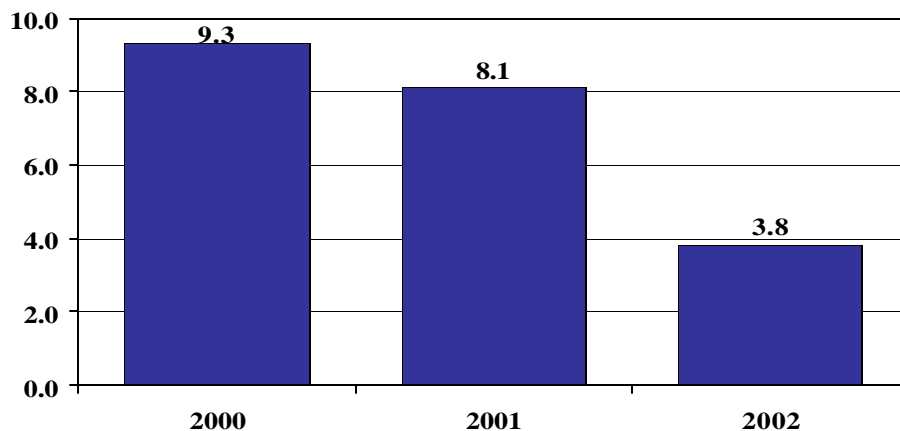
Chief Judge George Timberlake of the 2nd Judicial Circuit acknowledged the powerful concentration of authority and expertise in the room.

He described the varied aspects of judges' roles, and the broad and deep knowledge of youth and community that judges acquire through experi-

kids of color have a much higher possibility of being in detention...that 40 percent of the kids in detention have a diagnosable mental illness and also, parenthetically, are not being diagnosed for mental illness, in our system."

Leadership in the detention reform movement allows judges to reach beyond the courtroom to address the needs of youth in the community, and rests in part on the ability to help parties see their common interests and work toward them. Judge Timberlake concluded by urging judges to use the power of their communities and their own knowledge and influence, to initiate and support the process of juvenile detention reform, telling his colleagues, "Reserve the room in which power will sit. Determine the invitation list. Make the calls. Convene the

## Fifteenth Judicial Circuit Average Daily Population



Source: Juvenile Detention in Illinois: Annual Report 2000-2001 and Annual Report 2001-2002. Table 38. Juvenile Monitoring Information System.

ence on the bench, making judges uniquely qualified to understand and promote detention alternatives. "We know the problems of youth in our community," said Judge Timberlake. "We know what resources exist...that many of our resources—including detention and the department of corrections—do not effect behavioral change or reduce recidivism... that

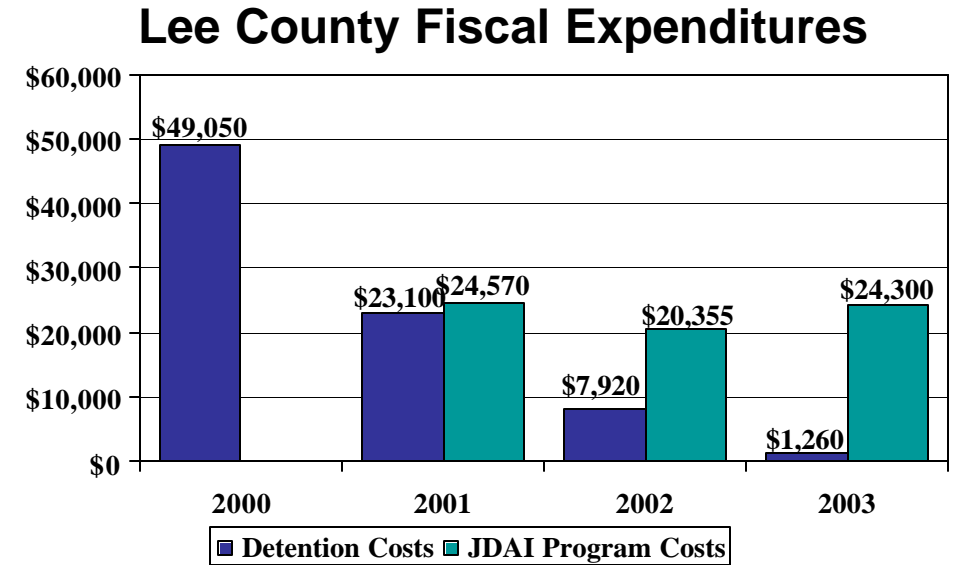
meeting. And do the right thing. That will create alternatives to detention that you never had before."

### New Hampshire's JDAI

In his introduction, Bart Lubow called Judge Paul Lawrence the man who introduced "uniformity and fairness"

into the juvenile detention system in New Hampshire. Judge Lawrence began his account of the evolution of the detention alternatives process in New Hampshire by describing the demographic, geographic, and political landscape and comparing some of its characteristics with those of Illinois. The judge noted that jurisdictions initiate a process of reform from a variety of motivations: overcrowding, a need to reduce costs, an understanding of the negative impact of detention, or exposure to other ways of thinking about detention, such as a visit to a JDAI site. These are factors that can help a jurisdiction assess and modify its practices.

New Hampshire's path to detention reform has been centered on the courts. Because judges in New Hampshire have the sole authority to detain youth, authority they exercise early in the case, changing the thinking of judges changes the culture of decision making about detention and influences how police and other actors in the system behave. "You are the leaders," said Judge Lawrence, speaking directly to the judges in the audi-



Source: County reported, December 1 – November 30.

ence. "You are the person who has to tell stakeholders how they are going to engage in this process. When thinking changes, the process changes and ultimately, they don't call you about detaining kids (who should not be detained). They start to take over the process."

Early in New Hampshire's detention alternatives process, the state, with help from the Casey Foundation,

assessed the population in its 23-bed detention facility and found that about half the young people confined were of low to moderate risk, raising the possibility of a healthy cut in the detention population accompanied by a cut in costs.

The first step after the evaluation of the detention population was the development of a risk-assessment instrument; the training sessions on the instrument created the first set of advocates for reform. The judge recommended that alternative programs and the assessment instruments be adopted at about the same time, because an instrument that diverts young people from detention serves no value if there are no alternatives. Currently, New Hampshire has alternative programs in 4 out of 10 counties. Program improvements are guided by evaluations conducted by the University of New Hampshire and the research center Justice Works.

*Thanks to Jeff Hackett for providing material for this article. For more information email: [jdhackett@aol.com](mailto:jdhackett@aol.com)*



Judge Paul Lawrence talks about New Hampshire's detention reform at the 2004 Illinois Rural Judges Symposium.

## Illinois Delegation Heads to D.C. for Training on Advocating for Detention Alternatives

The Illinois Juvenile Justice Commission recently awarded grants to facilitate early access to quality representation for youth facing detention, recognizing that having skilled lawyers would make a difference in children's lives. This new funding enhances defense counsel advocacy by providing a lawyer and case-worker that represent all youth facing detention. This legal/investigative team focuses on gathering information about youth and developing alternative strategies to detention.

Prior to this new grant, systematic obstacles and high caseloads led to attorneys introducing themselves to detained clients in court at the detention hearing, allowing for little or no preparation or information gathering. Having established a need for early access to quality representation, Steven Kossman (Director of Probation and Court Services in Peoria) contacted the National Juvenile Defender Center at the American Bar Association about the availability of training. This inquiry led to the development of a two-day specialized training program in Washington, D.C. Representatives from the Illinois districts, which are also JDAI sites, met with veteran juvenile defenders from Philadelphia, Maryland, and the District of Columbia. Each of these veteran defenders has experience with the lawyer/social worker team approach in detention advocacy. The group heard from five attorneys who came

from varying backgrounds but delivered similar messages:

### **Understand Counsel's Role**

Defenders must advocate for the *expressed* interests of the client and use all of their legal skills on behalf of the youth they are representing. Defenders should dispute probable cause, hold the court to statutory and case law standards for detention, and regularly file for motions for reconsideration of detention.

### **Consider the Impact of Each Restriction on the Child**

Secure detention and even home detention severely curtails the liberty of a child and should only be used when absolutely necessary.

### **Know the Options**

Central to creating alternatives is knowing the possibilities. Create and use a manual that illustrates community-based options.

### **Get all the Information**

Talk to the youth and be sure to have more information about the youth than anyone else in court. Contact possible resources and gather records from school, court and service providers.

### **Make a Plan**

Have an alternative placement lined up with an explanation of what safeguards will be in place.

The Illinois delegation also visited a D.C. court and watched both reconsiderations of detention and an initial detention hearing, seeing firsthand what to do and what not to do. Some attorneys were extremely prepared and one not prepared at all, which made a difference in keeping youth out of detention.

The group from Illinois left D.C. invigorated and inspired to do their part, knowing that high quality legal advocacy on behalf of youth is a crucial step in decreasing the overuse of detention.

For more information on this training, or training in local jurisdictions, please contact the National Juvenile Defender Center at 202/662-1506 or [www.juvjust@abanet.org](mailto:www.juvjust@abanet.org).

*Article by Steven Kossman, Director of Probation and Court Services in Peoria, with assistance from Mary Ann Scali, National Juvenile Defender Center. For more information email: [skossman@co.peoria.il.us](mailto:skossman@co.peoria.il.us)*

## Upcoming Events

July 18-21, 2004, the National Council of Juvenile and Family Court Judges holds its 67th Annual Conference in Portland, Oregon at the Portland Hilton. A panel of experts from Multnomah County model site will present the "Portland JDAI story".

July 25-28, 2004, the American Probation and Parole Association hosts its annual conference in Orlando, Florida. The conference features four workshops on JDAI presented by national JDAI faculty.

September 9 -11, 2004, CJJ hosts its Southern Regional Training Academy in Charleston, W VA featuring presentations on JDAI statewide implementation.

## Virginia JDAI Efforts Begin to Take Root

Virginia joined the growing family of states and localities committed to detention reform in the fall of 2003. Virginia has historically used detention at rates that are higher than many other states. Under the leadership of Jerrauld Jones, the Director of the Department of Juvenile Justice (DJJ), Virginia is determined to make significant changes in its use of secure detention. As a state level JDAI site, Virginia will attempt to spread its JDAI efforts over the course of several years, beginning with a cohort of seven jurisdictions which feed into four detention facilities. The sites were selected based on high utilization of detention, concerns over minority overrepresentation, and local interest in taking on the challenge of JDAI and include the following: Newport News Detention Center serving Hampton and Newport News, Richmond Detention Center serving the City of Richmond, Crater Detention Center serving Petersburg and Hopewell, and Lynchburg Detention Center serving Lynchburg and Bedford City and County.

After several preliminary meetings with state and local stakeholders, the initiative “hit the ground running” with a large kickoff meeting in the late fall of 2003. Teams of representatives from all the local sites, state agencies and constituencies gathered for training conducted by a national JDAI faculty and AECF staff. The DJJ Research and Evaluation Unit presented comprehensive statewide data on detention use patterns. Then in small, local groups each jurisdiction reviewed local data and, armed with a clearer sense of purpose, the sites objectively examined their systems, using the data to clarify problems and to suggest solutions. Eventually, each site

will examine detention admissions decisions and how cases are processed; new non-secure alternatives will be created and each site’s detention facility will be carefully inspected for conditions of confinement. Efforts to reduce disproportionate minority confinement and to handle “special” detention cases more effectively (e.g., probation violations or warrants), will also be undertaken.

Since the kickoff meeting, sites have developed collaborative steering committees and are creating work plans based on the eight core reform strategies of JDAI. Other activities include new day and evening reporting programs and implementation of an expediter in various participating jurisdictions. Each site continues to receive data regularly to identify areas for improvement, develop and implement changes in policy and practice, and monitor progress. Ongoing education efforts with various groups continue to spread the word about JDAI and “sow the ground” for further expansion in the next months and years.

While the local teams are working, DJJ has taken a leadership role in advancing legislation consistent with JDAI efforts. For example, a bill that passed recently requires expedited processing in the circuit court for youth who have appealed their juvenile court dispositions and remain detained pending resolution of their case.

While Virginia is just getting started on long-term JDAI efforts, there is a great deal of excitement and commitment toward significant reform in the months and years to come.

*Article by Scott Reiner, VA JDAI Coordinator. For more information email: [reinersm@djj.state.va.us](mailto:reinersm@djj.state.va.us).*

## New Jersey and Washington Become Newest JDAI Replication Sites

Juvenile detention reform gained additional footholds on both coasts recently as New Jersey and the state of Washington officially became JDAI replication sites.

The strategy for rolling out JDAI in both states is similar. Since detention is a county (rather than state) function in both states, an initial cohort of counties will pilot JDAI strategies for the remainder of the state. Their experiences and results are expected to make replication throughout the states much easier. In New Jersey, Essex, Hudson, Monmouth, Camden and Atlantic counties comprise the first cohort and have now begun organizing local collaboratives and preparing to conduct analyses of detention utilization. In Washington, Pierce County (already a JDAI replication site) is joined by King, Spokane, Whatcom and Yakima counties in the initial cohort.

In addition to these local efforts, both states are organizing state-level collaboratives to identify and promote statutory, regulatory and fiscal reforms that will support the county reform efforts.

Both New Jersey and Washington had formally submitted proposals to join the JDAI family through a process initiated by the Coalition for Juvenile Justice last year. CJJ, the national association of state advisory groups (SAGs) required for states to receive OJJDP funds, promoted awareness of JDAI through its constituent organizations. One advantage of this starting point is the potential it creates for leveraging federal funds in support of juvenile detention reform.

## JDAI Idaho Style

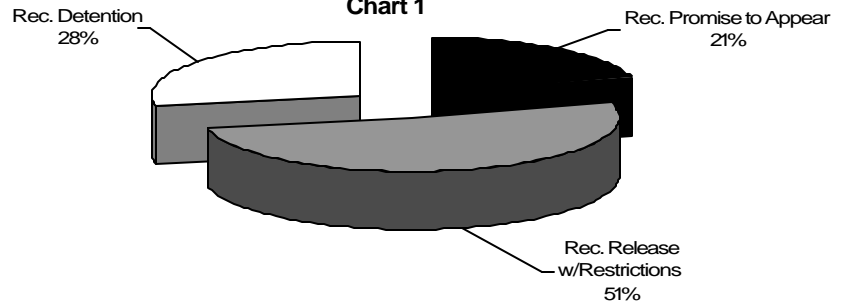
In Idaho, Ada County Juvenile Court Services (ACJCS) began the JDAI journey in December 2001. Several policy and practice reforms over the past two years have contributed to significant reductions in secure detention, both in average daily population (ADP) and average length of stay (LOS).

Through a series of reforms including the implementation of an objective detention risk assessment instrument (RAI), a placement coordinator and a continuum of non-secure detention alternatives, Ada County's ADP decreased 49 percent over the period of one year, while LOS decreased 53 percent. (See Chart 2.)

### Objective Screening

The new placement coordinator, Joe Vraspir, is responsible for the front end decision-making and his role is a key factor reducing detention. He administers the RAI, presents cases in court, facilitates placement planning meetings, performs 10-day detention reviews, expedites court hearings for detained youth, and ensures that no youth in detention falls through the cracks. Sound like a busy job? Add to that gathering and reporting detention admissions data to stakeholders on a routine basis, and that's a day in the life of the placement coordinator in Ada County.

FY 03 RAI Recommendations  
Ada County  
Chart 1



According to Vraspir, the retooling of the front end of ACJCS is still underway, but so far major inroads have been made in reducing admissions to detention. The RAI was developed two years ago. The placement coordinator scores the RAI and then presents the case along with the recommendation in court the following day. Judges have followed the RAI recommendations in 75 percent of the cases. RAI recommendations for FY 2003 are illustrated in Chart 1.

### Detention Alternatives

A continuum of non-secure detention alternatives accompanies the system's improvements at the front gates. One of these alternatives is the Community Supervision Program (CSP) which is both a pre and post-adjudicatory alternative. Data collected on this program demonstrates that the detention reductions were

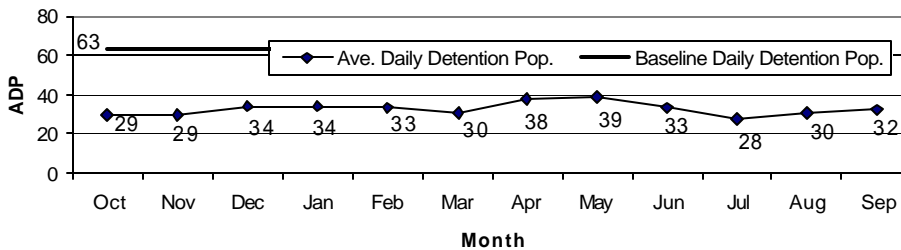
achieved without compromising public safety. In fact, the failure-to-appear (FTA) rate for court hearings was as low as 4 percent. Further, only 8 percent of youth involved in this program had new law violations.

Other detention alternatives include weekend detention, transitional foster care placement, electronic monitoring and house arrest. Additionally, Ada County, in partnership with the Boys & Girls Club, has developed an educationally-based day reporting center where youth can complete community service and participate in group activities while being supervised by a combination of probation and CSP staff.

### Reductions in Length of Stay

Because of the significant reductions in detention population, two detention wings have been closed. With a rated capacity of almost 90, the facility has seen its lowest numbers yet – an all-time low count recently of 19 youth.

Average Daily Detention Population, Ada County  
Chart 2



Thanks to Dr. Kay Carter, Director, and to Joe Vraspir, Placement Coordinator of the Ada County Juvenile Court for providing material for this article. For information email: [jvcartek@adaweb.net](mailto:jvcartek@adaweb.net)

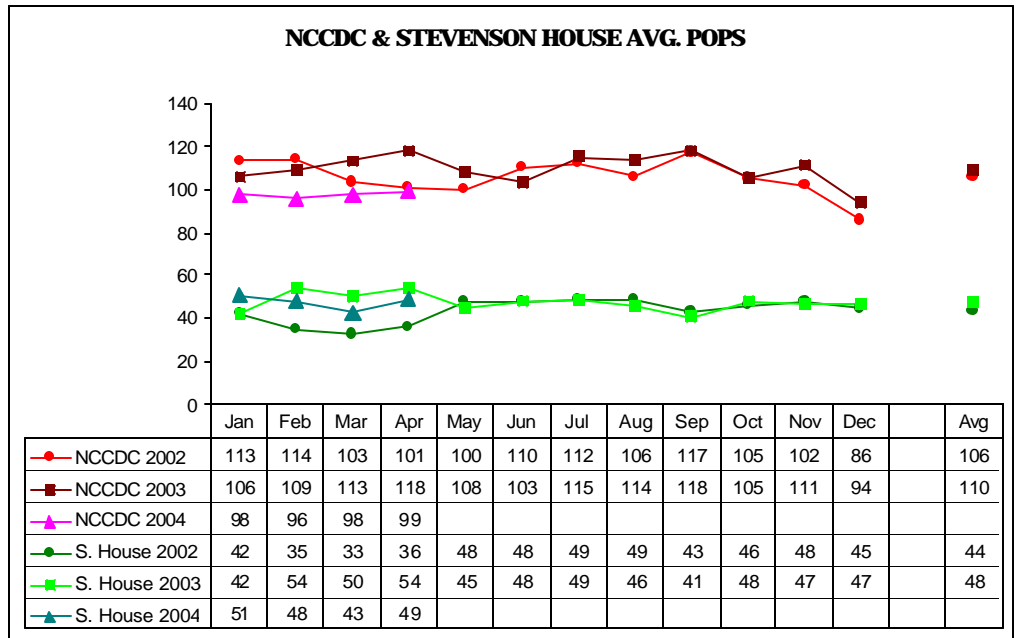
## Delaware Update

The state-wide Juvenile Detention Alternatives Initiative in Delaware took shape in March 2003 and already Delaware is beginning to see reductions in secure detention centers there. The chart below illustrates population trends for 2002, 2003 and 2004.

In April 2004 average daily population at the New Castle County Detention Center was 99 compared to 118 in the same month in April 2003. Stevenson House, serving Kent and Sussex counties, expanded bed capacity in January 2003, from 30 beds to a current staffed capacity of 55. In April 2004 the average daily population was 49 compared to 54 in April 2003. Data for Stevenson House in January, February and March 2004, compared to the same months in 2003 demonstrate a decrease of approximately 13 percent in secure detention population.

Delaware's JDAI collaborative, comprised of representatives from the Statistical Analysis Center, Attorney General's Office, Public Defenders Office, Justice of the Peace Court, Family Court, Delaware State Police, New Castle County Police, Wilmington Police, Center for Justice, Child Mental Health, Division of Family Services and the Division of Youth Rehabilitative Services (DYRS), guided the planning and implementation of several policy and practice reforms meant to reduce the unnecessary and inappropriate use of detention for these two facilities. These reforms include:

**March 2003:** 13 and Under Policy. Youth 13 years old and under, who have been admitted to secure detention are subject to new administrative processes, allowing these youth access



to the services of the Department of Services to Children Youth and Families (DSCYF). The goal is to provide information that will expedite the transfer of these youth to the most appropriate setting as quickly as possible.

**June 2003:** Judicial Access to Electronic Monitoring (EM). DYRS led an effort to partner Justice of the Peace Court, Project Stay Free and Cornell Abraxas allowing the Court direct and immediate access to electronic monitoring. Prior to these agencies joining forces, the administrative process for youth to obtain access to EM was laborious and usually required youth to spend a night in secure detention. The next business day, usually at the bail hearing, the youth received anklets via a Family Court. This new partnership allows youth access to these services directly and more expeditiously.

**November 2003:** Increased Detention Alternative Capacity. Camelot, a male non-secure detention facility, increased capacity from 12 to 16.

**February 2004:** Violation of Probation (VOP) Pilot Project. DYRS began using the "Uniform Criteria for VOP Consideration" form statewide. Now

VOPs must undergo a much stricter review process using a standardized format. This process adjustment increases the likelihood that VOP sanctions are uniform and graduated, and its impact is reflected in the lower numbers of probation violators in detention facilities.

**February 2004:** Youth on Aftercare Status. DYRS, in some instances, needs to sanction the youth on aftercare status for non-compliance. This is accomplished via administrative holds of 24, 48, or 72 hours, or via Aftercare Revocations (Step I/Step II) lasting 1 to 2 weeks and 2 to 4 weeks respectively. In recent years these youth have been held at the detention centers. Under a new directive, youth are to now be held at Mowlds Cottage, the Level IV step down program from Ferris School. This initiative should impact detention populations as these types of holds resulted in approximately 286 admissions during 2003.

**February 2004:** Increased Detention Alternative Capacity. Project Stay Free, an intensive community supervision program increased its capacity from 40 to 48.

**March 2004:** Increased Information

Sharing. Both the Family and Justice of the Peace Courts began receiving the weekly "Community Service PAC Report" which outlines program capacity and availability for a variety of programs including detention alternatives. This report provides the courts with current capacity information thus facilitating real-time availability of detention alternative slots.

**March 2004:** First Chance Evening Reporting Center. The center opened fifteen slots for youth who would have been admitted to secure detention on new offenses, VOP's or administrative holds.

**June 2004:** Collaborative Court Facilitator. This newly developed position, co-funded by the Annie E. Casey Foundation and Delaware's Criminal Justice Council will be responsible for the development and implementation of a risk assessment instrument (RAI).

In addition to the initiatives above, the Statistical Analysis Center believes the reduction in detention populations can be attributed to an 'awareness effect' and credits a culture change within the DYRS for early reductions in secure detention. Director of DYRS, Nancy Pearsall, notes several organizational behavior changes resulting from JDAI efforts, such as front line staff contacting the director's office with problematic issues, front line staff charting cases that highlight problematic patterns in system flow and detention facility superintendents becoming personally invested in case management. Facility superintendents are incorporating JDAI strategies into regular staff meetings and encouraging staff to participate on various JDAI subcommittees which include mental health, violation of probation and alternatives to detention.

*Thanks to Lauren Neill, Delaware's JDAI Site Coordinator for providing material for this article. For more information email: [Lauren.Neill@state.de.us](mailto:Lauren.Neill@state.de.us)*

## JDAI in Pierce County, Washington

The Pierce County juvenile court detention facility located in Tacoma, Washington is the second largest juvenile court complex in the state. With a county population of over 725,000 and a juvenile population age 0 to 17 of 190,600, the facility had been hard pressed to meet the demands for secure detention capacity. New construction and an extensive remodel in 1996 brought dedicated bed capacity to 206 beds with staffed capacity of 161 beds. By 1999, the ADP had increased to 166 youth with some monthly daily population averages in the 180's.

At this point, the judges, who have administrative responsibility for probation and detention services, made the decision to enhance alternatives to secure detention. Existing programs such as electronic home monitoring and weekend alternative detention were augmented; in 2000, ADP was 146 and by 2002 ADP dropped to 135.

In 2003 the structure of JDAI started to take form in a variety of ways: the community became very active and supportive of the JDAI concept, broad ownership by key stakeholders developed, the Superior Court judges unanimously adopted JDAI strategies. Pierce County's JDAI plan was unique with comparison to other sites in that the starting point was to take a secure facility off line, then redirect and invest the cost savings into alternative programming and infrastructure. Early buy-in for this proposal was sought at the County Executive's Office, Budget & Finance and the County Council. A two-part plan allowed the juvenile court administration to: (1) manage a deficit spending plan in January and February, 2004 as the detention alternatives were devel-

oped, and (2) redirect \$800,000 from the secure detention budget to fund new detention alternatives.

A number of parallel activities occurred, quickly moving the process forward. These included: (1) coordination of the department's fiscal efforts with the county budget process, (2) utilization of JDAI technical consultants in the development of a JDAI governance structure, data management and detention risk assessment; (4) creation of an Alternative Detention Services (ADS) Unit within the probation department.

As the capacity of ADS increased, the new detention risk instrument was adopted and a 50-bed facility was closed on March 1, 2004. Initially, due to the closure of the facility, twelve full-time positions had been identified for reduction. However, Pierce County planned ahead, leaving adequate time to retain all twelve staff due to attrition and promotions within the facility. Positions were protected and Pierce still saved an additional \$175,000.

"This has been a remarkable journey to date," states Judge Larkin. "Now the average daily population in secure detention is under 100 and the Community Detention/ Electronic Home Monitoring program averages 40 plus youth per day. There is still work to do, but the journey has been enjoyable and challenging and Pierce will stay the JDAI course." Next, Pierce tackles case processing and disproportionate minority confinement issues as stakeholders learn to rely more on data to assess each decision point, frame discussions and develop strategies that will continue to safely reduce the number of youth held in secure detention.

*Article by Dan Erker, Pierce County Juvenile Court Administrator. For more information email: [derker@co.pierce.wa.us](mailto:derker@co.pierce.wa.us)*

## U.S. Court of Appeals Rules Juvenile Detention Centers Can Be Liable for Deficient Policies and Practices

On June 10, 2004 the Third Circuit Court of Appeals found that there is potential liability for a county juvenile detention center in a Juvenile Law Center case involving a 13-year-old, with serious mental health problems, who was maltreated by other youth in juvenile detention. The Court found that the plaintiff raised serious issues, and that a county can be liable for deficient hiring and staffing, inadequate training for detention center staff, lack of policies to ensure youth safety, and lack of established policies and practices to address the mental and physical health needs of youth residents. The following summary of this case is excerpted from the Court's opinion.

*"A.M. was arrested in Luzerne County Pennsylvania for indecent assault and taken to a secure juvenile detention facility (the "Center"). He remained at the Center for thirty-eight days. While there, A.M. -then 13-years-old, 4'11" tall, and 92 pounds- was physically assaulted by other juvenile residents on numerous occasions. The assaults caused A.M. to suffer humiliation, fear and emotional distress. Prior to his detention, A.M. had eleven prior psychiatric inpatient hospitalizations for behavior problems and had been taking psychotropic medication. The detention center's administrators were made aware of these facts upon A.M.'s admission to the Center, but A.M. did not receive his prescribed medication or other mental health treatment. A federal civil*

*rights suit was filed against the county juvenile detention center and several of its administrators and staff, alleging they violated his substantive due process rights by failing to protect him from harm while he was detained. The District Court dismissed the suit, granting summary judgment to the defendants. A.M. appealed. The Third Circuit Court of Appeals reversed."*

Corrections expert, Paul DeMuro, testified in the case and cited several factors supporting the position that the actions of the Center directly contributed to the inappropriate treatment of this youth while he was detained, including: (1) failure to train its staff, (2) failure to follow recommended standards for the operation of a juvenile detention facility, (3) diffuse accountability, and (4) poor communication in key areas such as review and follow up on incident reports.

The Court's decision did not find the Center liable. Rather, it asserted that there could be liability if the facts claimed by the youth can be proven. Unless a settlement is reached, the case now returns to the trial court level where A.M. will make his case and the Center will try to defend its policies and practices. A jury will decide whether or not there is liability and, if so, what damages should be assessed.

This court decision could have significant impact for this country's juvenile detention facilities given the conditions of confinement in a large percentage of juvenile facilities. In a 2000 annual report, *Handle with Care: Serving the Mental Health Needs of Young Offenders*, the Coalition for Juvenile Justice (CJJ) cites that between 50 to 75 percent of incarcerated youth have a diagnosable mental health disorder and that every day only one-third of detained youth receive the mental health interven-

tions they need. Additionally, 75 percent of juveniles are confined in facilities that fail to conform to even the most basic suicide prevention guidelines. The CJJ report urges policy makers to establish regular training programs for juvenile detention facility staff on mental health issues, as well as cultural, racial, gender, sexual orientation and gender issues.

For more information on the decision of the United States Court of Appeals Third Circuit visit the Juvenile Law Center's website: [www.jlc.org](http://www.jlc.org).

*Thanks to Bob Schwartz, Executive Director of the Juvenile Law Center for providing material for this article.*

## Safety and Sense

By Vincent Schiraldi  
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*THE RECENT shooting of four students after a Randallstown, MD High School basketball game has highlighted again the downside of life among today's young people. But most would be surprised to learn that today's teenagers are better behaved than their parents' and teachers' generation. The misperceptions of their behavior are contributing to a host of harsh and counterproductive policies toward young people in America's schools.*

*From 1993 to 2000, for example, there was a 75 percent decline in youth homicides in America, and the youth crime rate in 2000 was down to levels not seen since the 1960s. Yet a 1999 poll commissioned by the Building Blocks for Youth initiative in Washington found that two-thirds of Americans thought that youth crime was on the rise.*

*The Class of 2000 was less likely to commit crimes in school, take drugs, have*

teenage births and drop out than the Class of 1975. In 2000, there was only a one in 3 million chance of a young person being killed in a school. Yet 71 percent of respondents to a 1999 Wall Street Journal poll thought that a school shooting was likely in their community, and school suspensions and expulsions have doubled (to over 3 million annually) since the 1970s.

Two female students recently were strip-searched at Kent County High School after sheriff's deputies with drug-sniffing dogs descended upon the school and conducted a warrantless search. Last year, a senior at Montgomery County's Walt Whitman High School was referred to the police and forbidden from attending graduation for smoking marijuana, a decision upheld by the school's principal, the school board and a county judge.

How many of today's educators, school board members and judges who smoked pot as youngsters can honestly say that they or society would have been better off if they had been strip-searched, arrested or forbidden from attending graduation? Shipping students from schools to jails for relatively minor problem behavior has become so prevalent that the Harvard Civil Rights Project convened a conference last summer examining the "School to Prison Pipeline." It focused on the idea that when youths are kicked out of school, a chain of consequences is set in motion rendering them increasingly likely to

wind up behind bars. Too often, in response to shocking but idiosyncratic school violence, teachers and principals are becoming appendages of law enforcement, referring youths to police for things that landed their own generation in the principal's office.

An analysis by the University of California found that "zero tolerance" laws result in increasing referrals to court from schools for minor misbehavior (the serious stuff has always resulted in arrest). The Centers for Disease Control and Prevention report that out-of-school students are more likely to get into fights, take drugs and drink alcohol and less likely to return to school and graduate. Young people without high school diplomas are, in turn, less likely to work and more likely to go to prison than high school graduates.

Expulsions and police referrals by schools are meted out in a manner that is also hobbling minority youths, particularly in inner-city schools. In Baltimore County, the suspension and expulsion rate for black youths is double the white rate, a figure of disparity similar to the national suspension data. Perhaps this is why the Justice Department predicts that, nationally, one out of every three black boys born in 2001 (today's 3-year-olds) will end up in prison.

The good news is that there are other options to make communities and schools

safe. One study presented at the Harvard conference detailed a series of rigorously evaluated programs that help schools build more respectful environments and provide more intensive interventions for students at risk of failure or delinquency. Further, these programs show promise in reducing frivolous suspensions and arrests, ultimately saving taxpayers' dollars by reducing legal system costs. Other promising reforms include smaller schools and schools that directly address the needs of nontraditional students by blending education and employment training, secondary and postsecondary training and learning opportunities that extend beyond the traditional school day.

Young people clearly need to learn in an environment free from drugs and violence. But now we are expelling and arresting students in increasing numbers, often for acts that, while irritating, are not dangerous to others. It doesn't have to be this way. Young people are doing their part by behaving better than their parents and teachers did when they were in school. Now it's our turn to create schools that improve learning and safety without resorting to counterproductive and punitive tactics.

Vincent Schiraldi is president of the Justice Policy Institute in Washington, D.C. and provides JDAI technical assistance.

## J D A I N E W S M A K E R S

### Visit to Southwest Key Program, Inc. from Goodwill Ambassador

Southwest Key Program, Inc. hosted a visit from Angelina Jolie, Goodwill Ambassador for the United Nations' High Commission for Refugees. On April 25th, Ms. Jolie visited the Unaccompanied Minors Shelter Program in Phoenix, AZ interacted with program staff and ate lunch with the kids.

Southwest Key Program is a long-time JDAI grantee that has provided technical assistance to JDAI sites on community-based programming. Its director, Dr. Juan Sanchez, has also advised the initiative and various sites on matters related to racial and ethnic disparities in the system, and he has often been a speaker at JDAI conferences. For more information email: [www.swkey.org](http://www.swkey.org)

Thanks to Elizabeth Arreguin and Peggy Lam for the photo.



From left to right: Dr. Juan Sanchez, Executive Director of Southwest Key Programs, Inc., Angelina Jolie, Goodwill Ambassador and Vonne Velazquez, Executive Coach

Since 1948, the **Annie E. Casey Foundation** (AECF) has worked to build better futures for disadvantaged children and their families in the United States. The primary mission of the Foundation is to foster public policies, human service reforms, and community supports that more effectively meet the needs of today's vulnerable children and families. For more information on JDAI, please feel free to contact the resources listed below.

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