

**ADVOCASEY**  
DOCUMENTING PROGRAMS THAT WORK FOR KIDS & FAMILIES

A PUBLICATION OF THE ANNIE E. CASEY FOUNDATION | VOLUME FIVE | NUMBER ONE | SPRING 2003

# JUVENILE JUSTICE AT A CROSSROADS

ADVOCASEY EXPLORES THE CHALLENGES FACING AMERICA'S  
JUVENILE COURTS AND CORRECTIONS SYSTEMS

**CHOICES:**  
Four Keys to Juvenile Justice Reform

**AND THE WALLS KEEP  
TUMBLING DOWN:**  
Continued Progress on Juvenile Detention  
Alternatives

**SMALL IS BEAUTIFUL:**  
Missouri Shows the Way on Juvenile Corrections

Douglas W. Nelson:  
**TIME TO END FAD JUSTICE**

HIP-HOP VS. LOCK-UP: Alameda County Youth Battle a Juvenile Jail Building Boom

# KIDS, CRIME, AND PUNISHMENT

## FAR-REACHING CHALLENGES AND PHANTOM SOLUTIONS

### FOR JUVENILE JUSTICE, SERIOUS CONCERNS

#### RACIAL IMBALANCE:

Number of new studies from 1989 to 2001 that documented racial disparities in the way youth are treated in our nation's juvenile justice systems: **25**

Chances that a minority youth arrested for a violent felony in California will be transferred to adult court and sentenced to incarceration, compared with those for a white youth arrested for a violent felony: **3 times as likely**

Among youthful offenders admitted to adult prisons nationwide in 1997, percentage who were African American: **58**

#### SKYROCKETING CONFINEMENT:

Change nationwide in the number of juvenile offenders confined in residential corrections institutions from 1993 to 1999: **+48 percent**

Change in the juvenile arrest rate for violent index offenses from 1993 to 1999: **-33 percent**

Percentage of confined juvenile offenders nationwide in 1999 who were violent felons: **25**

Percentage of youth released from confinement in Minnesota and Washington State who were convicted of a new offense within three years of release: **54 and 73, respectively**

Average cost of confinement in Minnesota and Washington State juvenile corrections facilities: **\$133 and \$120 per day**

#### ASSEMBLY LINE JUSTICE:

Number of rulings made by a juvenile judge in Cook County, Illinois, on a typical day: **110**

Maximum fee in Virginia for a court-appointed lawyer to represent a juvenile defendant: **\$112 per case**

Percentage of juvenile offenders in a Louisiana juvenile corrections facility who recall speaking with an attorney for more than 30 minutes prior to their court date: **15**

### ...AND A FALSE SOLUTION: "ADULT TIME FOR ADULT CRIME"

#### GROWING POPULARITY:

Number of states that changed their laws in the 1990s to make it easier to try juvenile offenders as adults: **49, plus the District of Columbia**

#### DISAPPOINTING RESULTS:

Of five widely cited scientific studies analyzing the effects of trying youth in adult courts, number showing that youth tried in adult courts are less likely to reoffend than youth with similar backgrounds tried in juvenile courts: **none**

Percentage of Florida youth serving time in adult prisons who say they expect to remain crime-free after release: **34 percent**

Percentage of Florida youth serving time in juvenile corrections facilities who say they expect to remain crime-free: **55 percent**

## DOCUMENTING PROGRAMS THAT WORK FOR KIDS &amp; FAMILIES

**2** ON ADOLESCENT CRIME,  
TIME TO END FAD JUSTICE

by Douglas W. Nelson

The president of the Annie E. Casey Foundation decries America's embrace of tough-sounding but ineffective strategies in juvenile justice.

**4** A MATTER OF CHOICE:  
FORKS IN THE ROAD FOR JUVENILE JUSTICE

An ADVOCASEY Briefing

ADVOCASEY details four critical challenges facing our nation's juvenile courts and corrections systems.

**18** AND THE WALLS KEEP TUMBLING DOWN

by Dick Mendel

A demonstration project has come and gone, but juvenile detention reform continues to gather steam.

**28** SMALL IS BEAUTIFUL:  
THE MISSOURI DIVISION OF YOUTH SERVICES

by Dick Mendel

Since closing its large juvenile training schools 20 years ago, Missouri has become a model for the nation in juvenile corrections.

**39** HIP-HOP VS. LOCK-UP

by David Hill

Youth join the battle to slow California's juggernaut of juvenile jail building.

Cover photo: As part of protests against a proposed "super jail" in Alameda County, California, youth demonstrators lock themselves in chains. For more on the protests, see story on p. 39.



BY DOUGLAS W. NELSON

## ON ADOLESCENT CRIME, TIME TO END FAD JUSTICE

Though more than three years have passed, I still remember the December morning in 1999 when I picked up the *Baltimore Sun* and read the first installment of a dismaying, gut-wrenching series about Charlie Squad—a team of 14 troubled teens in a correctional “boot camp.”

The story revealed that participants at the camp regularly suffered split lips and bloody noses as guards would “slam teens to the ground and crash down on them with full force.” Subsequent stories detailed the failure of Maryland authorities to monitor the young people once they returned home. Within nine months, the *Sun* reported, 11 of 14 Charlie Squad teens were locked up again on new offenses.

The allegations of physical abuse sparked a political firestorm. Within ten days, the boot camps were disbanded, and Maryland’s juvenile justice secretary was fired along with three top lieutenants.

As the controversy wore on, however, I found myself equally concerned with the systemic questions behind the tragedy. Why did Maryland embrace (and spend millions on) these programs despite an absence of evidence that boot camps help delinquent teens or reduce their recidivism? How could the state fail to invest in effective follow-up for the youth to help them succeed back in their home communities?

Such questions are not unique to Maryland. Throughout America, the trend toward tough-sounding action in juvenile justice has been pervasive in recent years—often with little regard to costs or consequences. Probably no other area of domestic policy has been abandoned more thoroughly to misinformation, hyperbole, and pandering to public prejudices. The results, frequently, have been ill-thought strategies that actually increase crime, damage young people, and waste taxpayers’ dollars.

Take the fad of juvenile boot camps. By 1996, 27 states were operating 48 juvenile boot camps—all but one of which opened after 1990. This headlong rush toward boot camps was not supported by data documenting their effectiveness. Rather, as Dale Parent of Abt Associates has commented, the boot camps began to thrive because they “make good copy, conveying powerful visual images well suited to the electronic media.”

When evaluations emerged in the mid-1990s, they found that juvenile boot camps suffered recidivism rates of 64 to 75 percent—a bit worse than the alarming recidivism associated with traditional youth corrections institutions. The U.S. Department of Justice, which initially championed the boot camps, reported in 1997 that “the efficacy of these programs is questionable at best.”

Throughout America, the trend toward tough-sounding action in juvenile justice has been pervasive in recent years—often with little regard to costs or consequences.

Other fads in juvenile justice have followed a similar path. The 1978 documentary, “Scared Straight,” won an Academy Award for depicting a New Jersey project that took delinquent teens into the Rahway State Prison for a face-to-face encounter with adult inmates serving life sentences. Soon, similar programs were up and running in 30 states.

Yet a number of conscientious evaluations have shown that these programs are not only ineffective, they actually increase the likelihood that teens will commit additional crimes. Nonetheless, prison visitation programs remain a staple of juvenile programming in many jurisdictions nationwide.

The most popular trend in juvenile justice over the past decade goes by the pop label, “adult time for

adult crime.” During the 1990s, 49 states and the District of Columbia passed laws to transfer more underage offenders to adult courts.

Here, too, the evidence reveals that popular policies produce counterproductive results. Several recent studies find that youth transferred to adult courts reoffend more often, and commit more serious crimes, than equivalent youth who remain under the jurisdiction of juvenile courts and corrections systems. Contrary to popular perceptions, transfers to adult courts do not guarantee longer sentences for youth offenders. What transfers do ensure is that youth—with their crimes a matter of public record—will have an even harder time finding productive employment, a critical step in turning their lives around.

Over the past decade, the Annie E. Casey Foundation has dedicated itself to reversing another common and counterproductive practice in juvenile justice: the excessive reliance on locked detention centers. Through our Juvenile Detention Alternatives Initiative (story on p. 18), we have demonstrated that many teens now locked in detention cells can be successfully supervised in the community for a fraction of the cost of confinement, and that detention center populations can be further reduced through reforms to speed up the processing of juvenile court cases. In demonstration sites, the initiative has sharply reduced detention center crowding, minimized disruptions in the lives of vulnerable youth, and—in some sites—lessened disproportionate confinement of minority teens.

As this issue of *ADVOCASEY* details, deep challenges appear in many other aspects of juvenile justice as well. Overreliance on large correctional institutions presents another significant opportunity for reform, as do substandard legal representation for accused teens, unequal treatment of minority youth, and inadequate investment in effective and practical community-based and family-focused programs.

In these and other juvenile justice policy areas, far better results are available. Before we achieve them, though, our nation will need to replace its penchant for fad justice with a hard-nosed commitment to real-world results.

*Douglas W. Nelson is the president of the Annie E. Casey Foundation.*



## ADVOCASEY

SPRING 2003 VOLUME FIVE NUMBER ONE

*ADVOCASEY is published by the Annie E. Casey Foundation. Material may be reprinted with appropriate acknowledgment. Articles are also available online at [www.aecf.org](http://www.aecf.org).*

*The Annie E. Casey Foundation is a private charitable organization dedicated to helping build better futures for disadvantaged children 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. In pursuit of this goal, the Foundation makes grants that help states, cities, and neighborhoods fashion more innovative, cost-effective responses to these needs.*

*The Annie E. Casey Foundation was established in 1948 by Jim Casey, one of the founders of United Parcel Service, and his siblings, who named the Foundation in honor of their mother.*

*Editor: Dick Mendel*

# A MATTER

## FORKS IN THE ROAD FOR JUVENILE JUSTICE

*After a dramatic lurch toward punishment in the 1990s and little effort to solve underlying problems in delinquency courts and corrections systems, America's juvenile justice apparatus stands at a crossroads.*

*Glaring weaknesses remain... The very notion of a separate justice system for youth is under siege... Yet the evidence suggests that far better results are possible if states and local court systems reaffirm their commitment to youth-focused justice and reform their teen justice systems.*

### AN ADVOCASEY BRIEFING

When 17-year-old Anthony Whitfield got hauled into court on his second destruction of property charge in 1997, he caught a break.

His first time around, the Baltimore native was thrown into the Cheltenham Youth Facility for two months. The stay cost taxpayers about \$5,000, but it didn't do him much good, Anthony recalls. "[They] regulated when you slept, when you ate, there was no free will and decision-making," he says.

This time the consequences for Anthony could have been far worse. The judge threatened to send him to a 20-week Maryland "boot camp." There, the *Baltimore Sun* reported in 1999, guards routinely harassed and even struck juvenile participants. Of 14 teens the newspaper followed through the \$18,000 program, 11 were locked up on new offenses within nine months of returning home—one for first-degree murder. (The boot camps have since been disbanded.)

Fortunately, the court gave Anthony another option. To avoid boot camp, he had to vacate the apartment

complex he had vandalized, move in with his brother, and abide by the rules of "Choice," a community-based alternative program supervised by the Shriver Center at the University of Maryland Baltimore County.

In the program, Anthony's case manager, Laurie Leonard, visited him at school first thing every morning, then again in the afternoon, then in the evenings at his fast food job or a tutoring program at Towson University.

"She kept tabs on me," Anthony recalls. "She made it her business to get personally involved. She knew my teachers and my whereabouts. If I was absent from school, she'd come by to see if I was really sick."

Anthony had a problem controlling his anger back then and had gotten in with the wrong crowd, he admits. Today, he credits Laurie Leonard and his high school ROTC instructor with helping him turn himself around. "They believed in me when I didn't," Anthony says.

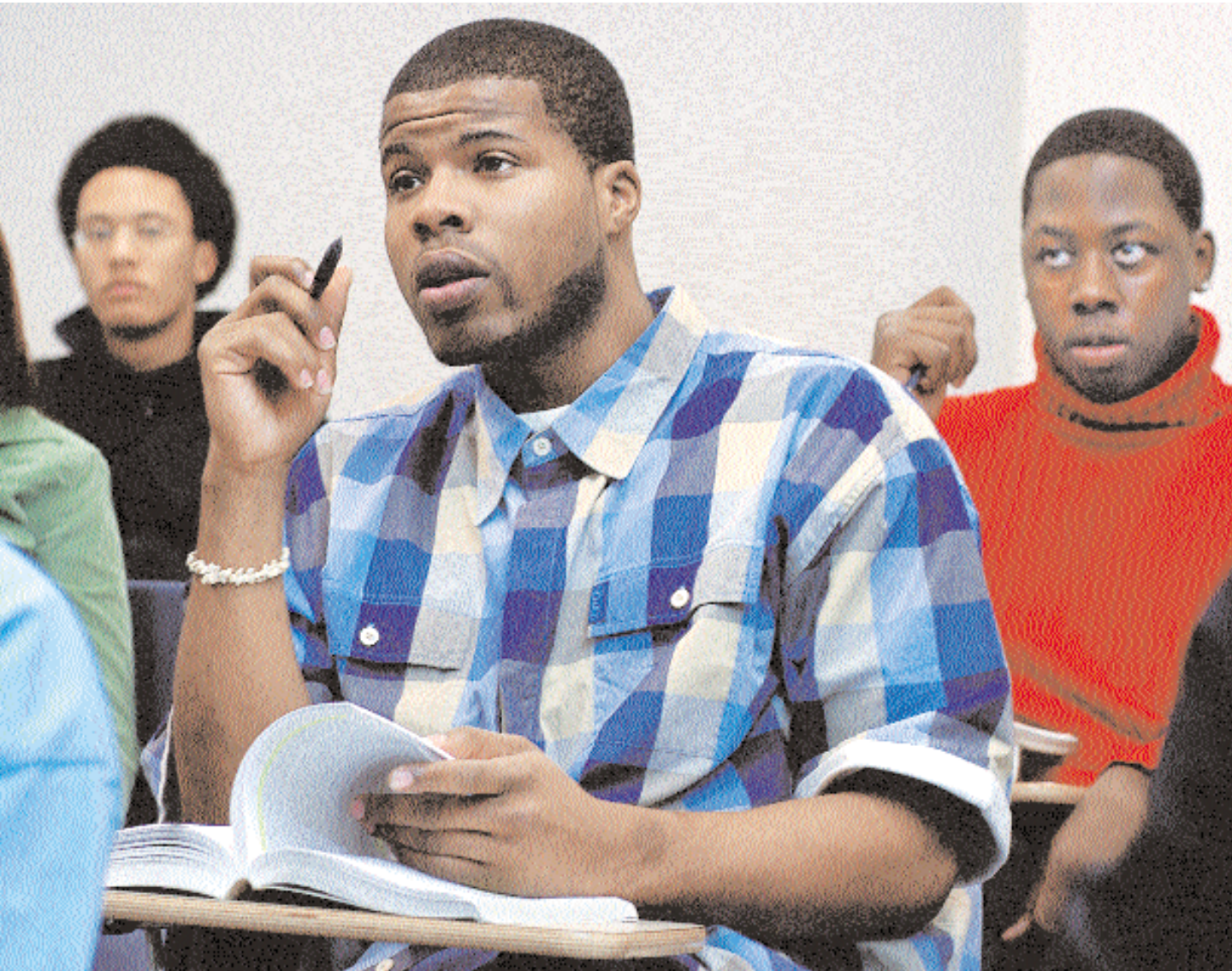
Now 23, Anthony is a junior at Bowie State University majoring in computer science. "I'm living proof, with the right help, you can do it," he says.

Anthony's story is a personal triumph. It's also an emblematic tale. "Choice" is more than the name of the program that rescued this one teen, it is also a metaphor for the many dilemmas facing juvenile justice in America today.

Once a delinquent teen, Anthony Whitfield is now a student at Bowie State University. He credits the Choice program with helping him turn his life around.



# OF CHOICE:



*The nation's Byzantine youth courts and correctional agencies today teeter between great opportunities and grave deficiencies. Failure, waste, and even abuse of troubled youth are rampant. Yet, thanks to promising reform efforts and policy innovations, the prospects for progress have never been stronger.*

Like Anthony, many or most troubled youth can succeed, can turn around, and many do. Yet the evidence shows that youth are more likely to do so if they receive focused support from caring adults like Laurie Leonard — particularly if that supervision is offered in their own homes and communities, rather than far-away institutions.

However, intensive home-based programs like Choice remain rare throughout America. And even where they exist, as in Baltimore, these programs serve only a small percentage of troubled youth. Instead, most teens in our juvenile justice systems are either placed into probation programs offering only cursory oversight or confined in residential detention centers and correctional facilities that cost far more money than even the most intensive home-based supervision programs. Meanwhile, a growing number of youth are standing trial as adults.

This dearth of opportunities is the result of policy choices made by legislators and court officials and correctional administrators under intense pressure to crack down on youth offenders in response to a perceived (but not actual) “tidal wave” of juvenile crime.

As a result, the nation’s Byzantine youth courts and correctional agencies today teeter between great

opportunities and grave deficiencies. Failure, waste, and even abuse of troubled youth are rampant. Yet, thanks to promising reform efforts and policy innovations, the prospects for progress have never been stronger.

As the following pages document, America’s juvenile justice systems stand at a crossroads. It is time to choose.

Anthony Whitfield, pictured here with his former Choice caseworker, Laurie Leonard.



GIVEN THE SHARP RISE IN YOUTH VIOLENCE IN THE LATE 1980s AND EARLY '90s AND THE WIDESPREAD, MEDIA-FUELED PERCEPTION THAT YOUTH CRIME WAS SPIRALING OUT OF CONTROL, THE IMPULSE TOWARD TOUGHER JUSTICE WAS UNDERSTANDABLE. BUT IN RETROSPECT IT SEEMS CLEARLY MISGUIDED.



# CHOICE #1: RHYME OR REASON?

## RETHINKING “ADULT TIME FOR ADULT CRIME”

A simple rhyme—“adult time for adult crime”—turned America’s juvenile justice debate on its head in the 1990s.

For almost a century, a nationwide consensus held that except in extreme cases, young people deserve a different and more rehabilitative system of justice than adults. While judges retained the prerogative to transfer teens to adult courts, they did so only rarely.

During the 1990s, the consensus unraveled: 49 states altered their laws to increase the number of minors tried as adults. Roughly 210,000 minors nationwide are now tried in adult courts each year—including youth in states whose upper age of jurisdiction for juvenile courts is 15 (as in three states) or 16 (as in ten more states), plus the rapidly rising number of youth transferred from juvenile to adult courts.

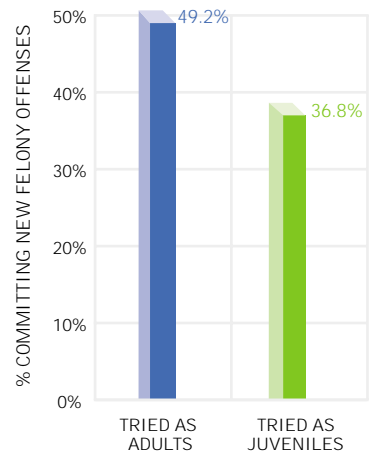
Given the sharp rise in youth violence in the late 1980s and early ’90s and the widespread, media-fueled perception that youth crime was spiraling out of control, this impulse toward tougher justice was understandable.

But in retrospect it seems clearly misguided. Youth violence rates have declined precipitously since the early 1990s. Meanwhile, experience shows that transfers to adult courts accomplish few of the goals cited by transfer advocates—and instead lead to serious unintended (and undesired) consequences.

### TOO MANY TRANSFERS? TOUGH LESSONS FROM TWO STATES

In 1978 Florida became the first state to allow prosecutors, rather than judges, to make transfer decisions. The Sunshine State became the transfer capital of the nation—

RECIDIVISM IN FLORIDA:  
Youth Tried as Adults vs.  
Youth Tried as Juveniles\*



\*Study compared the outcomes of 315 pairs of youth (630 teens total) matched by current offense, number of current charges, number of previous charges, seriousness of previous charges, age, gender, and race.

Source: Lanza-Kaduce, Lonni; Frazier, Charles E.; Lane, Jodi; and Bishop, Donna M. (2002). *Juvenile Transfer to Criminal Court Study Final Report*. Tallahassee: Florida Department of Juvenile Justice.

routinely shifting 4,000 or more youngsters per year to adult courts.

Rather than guaranteeing tougher punishments for underage Florida offenders, transfers often led to light sentences—or none at all. Just 26 percent of Florida youth transferred in 1999–2000 served any time in a prison or jail. Most got probation.

Follow-up studies found that youth transferred to adult courts were more likely to commit new offenses than youth tried in juvenile courts. A tightly controlled analysis released in 2002 revealed that 49 percent of youth transferred to adult courts were arrested for a new felony offense, compared to 37 percent of youth with equivalent backgrounds who were retained in juvenile courts.

Perhaps as a result of these findings, Florida has scaled back its reliance on transfers from 5,350 youth in the 1995–96 fiscal year to 2,817 youth in 2001–02.

In 1995 Pennsylvania passed a law requiring transfers for all youth ages 15 and older accused of two types of violent crimes—those involving deadly weapons, and those committed by youth previously adjudicated for a violent offense.

When the *Pittsburgh Post-Gazette* examined the impact of the transfer law in 2001, it found that three-fourths of those targeted for prosecution as adults were black, and

black teens received far more severe sentences than white teens. Also, contrary to claims that the law would ensure long prison terms for violent juveniles, most youth sentenced in adult courts got less than a year. And as in Florida, youth tried in adult courts and sent to adult jails reoffended more often and with more serious crimes than youth who remained in juvenile courts and went to reform schools.

“The law has proved to be both unfair and ineffective,” the *Post-Gazette* concluded.

### SECOND CHANCES: EVEN MANY SERIOUS YOUTH OFFENDERS RESPOND

At age 13, Leslie F. (not her real name) committed a heinous crime. Hooked on drugs, alienated from her parents, and suffering with serious emotional problems, she helped her abusive, violent boyfriend murder his father.

Convicted of conspiracy to commit murder and robbery, Leslie was sentenced to 24 years in prison—but with a twist. Thanks to a new “dual-sentencing” law in Missouri, she served the first part of her term in a juvenile facility. Then, before turning 21 and moving to adult prison, she was eligible for a second

chance—a court hearing in which the judge could suspend the adult portion of her sentence and release her on probation.

Today, Leslie is barely recognizable from the troubled girl who participated in that grisly crime. Under the supervision of Missouri’s Division of Youth Services, she blossomed. She delved back into her studies and completed high school, then enrolled in community college and earned an associate’s degree. She also became a mentor to other delinquent girls.

In October 2002, a month before her 21st birthday, Leslie appeared before a St. Louis-area judge and gained her freedom. Today she is living on her own, pursuing her four-year degree, and holding down two jobs.

Leslie’s transformation underscores the continued relevance of the juvenile court concept: Even kids who commit serious crimes deserve and often respond to second chances.

“Most juvenile offenders do not belong in the adult system,” says Northeastern University criminologist James Allen Fox, “even most juvenile murderers. Kids may look like adults, act like adults, even shoot like adults, but they think like children.”

*“When I was in juvenile programs they were telling me that I am somebody and that I can change my ways and get back on the right track. In here [prison], they tell me I’m nobody and I never will be anybody.”*

— Statement by a chronic juvenile offender in Florida who has served time in both the juvenile and adult corrections systems.

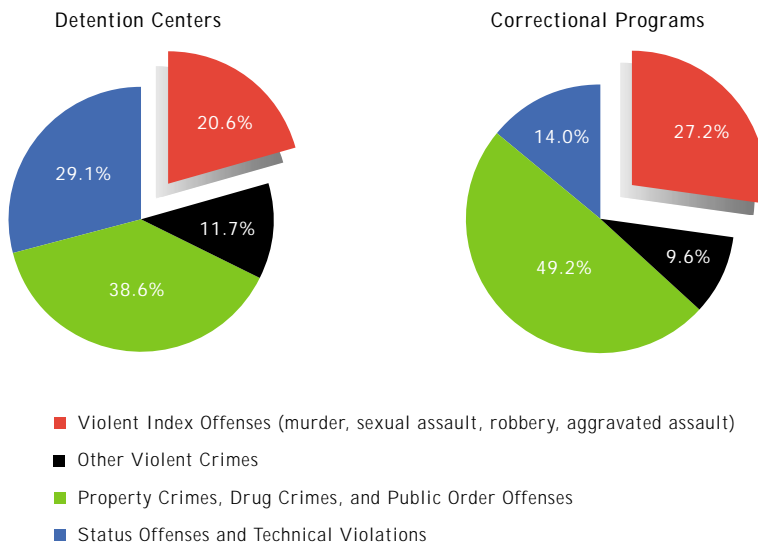
# CHOICE #2: CONFINEMENT OR COMMUNITY?

## STRIKING A BETTER BALANCE

Back in the 1980s, Wayne County, Michigan, conducted a radical experiment in juvenile justice. The county took its population of youth newly convicted of serious offenses, and it flipped a coin. Some youth were sentenced to a state correctional institution, while others remained home—albeit under the close supervision of intensive probation programs that included school, group and individual counseling, family outreach, and preemployment training.

During the experiment, some of the probation youth committed crimes while they would otherwise have been confined. But their offending rates remained modest. By contrast, youth sent into state custody were far more likely to commit new offenses after they returned home—so that by the end of two years, the two groups committed roughly the same amount of crime.

OFFENSE PROFILE OF YOUTH CONFINED IN U.S. JUVENILE JUSTICE SYSTEMS



Source: Sickmund, Melissa; and Wan, Yi-chun. (2001). "Census of Juveniles in Residential Placement Databook." Available online at [www.ojjdp.ncjrs.org/ojstatbb/cjrp](http://www.ojjdp.ncjrs.org/ojstatbb/cjrp).

The big difference: the community programs cost less than one-third as much as confinement—resulting in an \$8.8 million savings for taxpayers.

Nationwide, more than 100,000 delinquent teens are held in custody every day at costs ranging from \$100 to more than \$300 per day. A



majority of these youth are housed in large, congregate-care corrections facilities—detention centers for those awaiting court hearings, and “training schools” for those who have been found delinquent.

Few of these confined teens are serious or chronic violent offenders. Most have committed only property or drug crimes, some only misdemeanors. (See chart on p. 9.) Yet the recidivism rates for youth leaving these institutions are almost uniformly high. Is this heavy reliance on confinement the best or the only way to operate a juvenile justice system?

Many of our nation’s leading youth crime experts say no, and they offer three compelling alternatives.

### LIMIT RELIANCE ON LOCKED DETENTION

Like jails in the adult justice system, juvenile detention centers are locked facilities where youth accused of crimes can be held pending their adjudication hearings.

Under juvenile law, secure detention should be reserved only for

youth who endanger public safety or pose a significant risk to skip their court hearings. Detention is expensive (more than \$100 per day), and it seriously disrupts the lives of minors—separating them from family and interrupting schooling or employment.

In practice, the majority of youth held in detention centers nationwide (79 percent) are not accused of violent felonies. (See chart on p. 9.) Experience shows that many youth now locked in detention could be successful in supervised community-based programs.

In San Francisco, the Detention Diversion Advocacy Project (DDAP) convinces judges to release accused teens from locked detention by promising to monitor the youth intensively in their homes and to work with them (and their families) to address underlying problems in their lives. The program costs less than one-fourth as much as locked detention, and the results are far better: 80 percent of youth enrolled in the program remain crime-free and appear at their hearings as

scheduled. Virtually none of these successful participants is sentenced to expensive correctional or residential treatment programs. And most importantly, DDAP youth were half as likely as detained youth with similar backgrounds to commit new offenses and one-third as likely to commit serious violent offenses, according to an evaluation published by the federal Office of Juvenile Justice and Delinquency Prevention.

### RETHINK “TRAINING SCHOOLS”

According to Barry Feld, a leading juvenile justice scholar at the University of Minnesota, “Evaluation research indicates that incarcerating young offenders in large, congregate-care juvenile institutions does not effectively rehabilitate and may actually harm them.” In fact, writes Feld, “A century of experience with training schools and youth prisons demonstrates that they constitute the one extensively evaluated and clearly ineffective method to treat delinquents.”

RECIDIVISM FROM JUVENILE CORRECTIONS FACILITIES: RECENT DATA FROM STATES

	GEORGIA	MINNESOTA	TEXAS	IDAHO	MARYLAND	WASHINGTON	FLORIDA
<b>Recidivism Rate</b>	62.7%	54.1%	51.0%	50.2%	43.7%	60.9%	41.6%
Period	3 years	3 years	3 years	2 years	2 years	arrest within 18 months and conviction within 30 months	1 year
Definition of Recidivism	returned to juvenile corrections (for rule violations or new crimes) and/or sentenced to adult prison or probation	conviction on a new criminal offense	returned to juvenile corrections (for rule violations or new crimes) and/or incarcerated as an adult	conviction on a new criminal offense	conviction on a new criminal offense	conviction on a new criminal offense	conviction on a new criminal offense
Sources: Data from Georgia, Minnesota, Texas, Idaho, Maryland, and Florida taken from reports published or posted online by each state’s juvenile corrections agency. Data for Washington provided by the Washington State Institute for Public Policy.							

In Minnesota, for instance, 86 percent of youth released from the Red Wing training school in 1997 were rearrested within three years of release. Only 18 percent of the youth at Red Wing were violent offenders.

Nonetheless, such training schools represent the treatment of choice in most states' juvenile justice systems.

Many experts believe that youth are far more likely to respond well in smaller-scale facilities, particularly when their care is overseen by trained youth counselors rather than guards or correctional officers.

Since Missouri replaced its single century-old training school with a statewide network of smaller facilities in 1983, its recidivism rates have fallen well below those of other states. (See story on p. 28.) Likewise, the Florida Environmental Institute, a small facility in the Everglades, consistently achieves one of the lowest recidivism rates of any juvenile corrections institution in Florida—even though its residents have among the most serious criminal backgrounds of any facility in the state.

## FUND COMMUNITY ALTERNATIVES

In the late 1980s, Wayne County, Michigan, demonstrated that intensive community-based supervision and services could be just as effective as incarceration for serious teen offenders—at one-third the cost. By 1996, the county had forgotten its own lesson, and its juvenile justice system was in a costly crisis.

The county's crumbling 215-bed detention center, which at times held 350–375 teens, was under federal

investigation for violating residents' rights. Meanwhile, the county's juvenile courts were sending more than 500 teens per year to state-run or out-of-state youth corrections facilities—footing half of the \$300 per day tab and then suffering as nearly 70 percent of the incarcerated teens committed new crimes once released.

In the past five years, Wayne County has begun to relearn its lessons and is making itself a national model once more.

The reforms started with detention. In 1998 the county opened a spiffy new detention center, providing a needed face-lift. Even more important were internal changes engineered by the new detention director, Leonard Dixon. He added new gatekeeping procedures to screen out nonserious offenders, expanded home-based supervision programs, and created a new “rocket docket” to shorten detention stays. As a result, the new center is not overcrowded—even though it contains only 188 beds. Dixon also instituted new procedures to investigate allegations of abuse, enhance special education services, and monitor staff. In May 2002, the Department of Justice ended its eight-year investigation, lauding “enormous improvements” in how the county treats its juvenile detainees.

In February 2000, Wayne County launched an even more ambitious reform of its correctional treatment programs for delinquent youth. Previously, whenever a juvenile judge wanted to give a young person a heavier sentence than probation, the offender was committed to the state's youth corrections agency—typically for 18–24 months at a rural training school.

Under the new regime, Wayne County took over responsibility for delinquent teens. Instead of making residential corrections the treatment of choice, it contracted with five “care management organizations” to supervise the cases of delinquent teens. Under these care providers, almost half of the youth on the county's caseload remained in their own homes in 2002, and another 40-plus percent were housed in low- or moderate-security group homes or residential treatment centers. Meanwhile, the county sent just 119 youth into state custody in 2001—down from a high of 906 in 1996.

“It's been revolutionary,” Elizabeth Arnovits of the Michigan Council on Crime and Delinquency told the *Detroit Free Press* in August 2002. “I'm exceptionally pleased and I was not an early supporter of this.”

*Is heavy reliance on confinement the best or the only way to operate a juvenile justice system?*

*Many of our nation's leading youth crime experts say no.*

# CHOICE #3: RIGHTS OR WRONGS?

## PROTECTING THE CIVIL RIGHTS OF COURT-INVOLVED YOUTH

“Under our Constitution, the condition of being a boy does not justify a kangaroo court.”

So the U.S. Supreme Court bellowed in 1967 as it struck down the six-year sentence imposed on a 15-year-old Arizona boy, Gerald Gault, for the crime of making a lewd phony phone call.

From their very beginnings 100 years ago, America’s juvenile courts rested upon a paradox. The courts’ mission was altruistic, but their methods were often coercive—denying liberty to children.

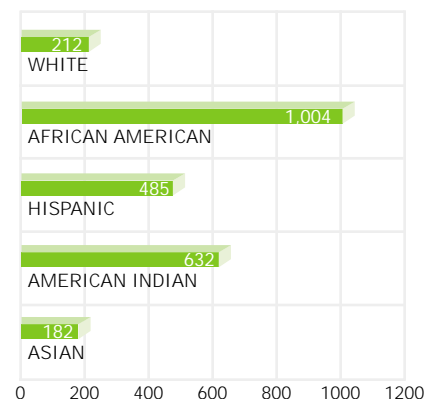
Juvenile courts shielded child prisoners from adult convicts. They protected the privacy of young offenders, allowing them to enter adult life unhampered by criminal records. The courts employed probation counselors, psychologists, and other staff to supervise and support young offenders.

But in their zeal for rehabilitation, the founders of the juvenile courts provided almost unlimited discretion to judges and staff. Juvenile defendants had no right to counsel or to a trial by jury (in most states), not even the presumption of innocence until proven guilty beyond a reasonable doubt. Courts even maintained the right to detain youth who committed no crimes. As of 1971, these so-called “status offenders” comprised 23 percent of all boys held in juvenile correctional institutions.

In a series of rulings in the late 1960s and early ’70s, the Supreme Court ordered that juvenile courts and corrections systems provide young people most of the rights afforded to adults.

Nonetheless, rights violations remain commonplace in juvenile courts and corrections systems today. Effective legal representation is scarce. Conditions inside juvenile corrections facilities are often substandard—and occasionally barbaric. And at every

U.S. JUVENILE CUSTODY RATES  
BY RACE  
(per 100,000 youth)



Source: Adapted from Sickmund, M. (forthcoming). *Juveniles in Corrections*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.



level of the juvenile justice system, ethnic and racial minorities are treated more harshly than white youth—denying minority youth their right to equal protection under the law.

Despite the Supreme Court’s ruling, not all of the kangaroos have exited the courtroom.

## ABUSES IN JUVENILE CORRECTIONS

“The boys in the Nova cottage at Adobe Mountain School had been locked in their cells for six days. . . . They had not showered, or washed their clothes. Some had been without a mattress on their metal bed frames for weeks. Leftover food and garbage sat on the floors of their cells; some boys banged on the doors, demanding to use the bathroom. A streak of dried urine ran under the door of one cell. Inside there was more urine and feces on the floor. . . .”

The scene reads like a nightmare from the Dark Ages, but the portrait is all too current—documented in gripping detail by the *Phoenix New Times* in a July 2001 story about Arizona’s juvenile corrections system. Verbal and sexual abuse, excessive use of restraints and solitary confinement,

woefully inadequate mental health services . . . all rampant.

Juvenile corrections horrors are not limited to Arizona. In just the past five years, shocking revelations have also emerged in Arkansas, Georgia, Louisiana, Maryland, and South Dakota. While corrective action is being taken in these states, others are now under federal investigation.

The Arizona story is doubly disquieting for another reason: In 1998 the state’s juvenile corrections system emerged from five years under a federal court order to correct many of these same problems.

This cycle of state-sponsored abuse need not be endless, however. After Kentucky signed a consent agreement in 1994 to reverse widespread problems in its juvenile facilities, the state hired a reform-minded administrator to run its youth corrections department. Kentucky shut down three of its worst-run facilities, created a special unit to investigate reported abuses, and developed a 400-hour training course for all correctional youth counselors.

In January 2001, outgoing Attorney General Janet Reno flew to Kentucky to praise the state’s

progress and end federal oversight of the Kentucky delinquency system. Kentucky’s reforms have been “like the difference between light and dark,” said Earl Dunlap, director of the National Juvenile Detention Association at Eastern Kentucky University.

## MEANINGFUL LEGAL DEFENSE

As part of the *Gault* decision in 1967, the U.S. Supreme Court ruled that juvenile defendants are entitled to legal counsel, just like adults. Yet in December 1995, 28 years later, the American Bar Association (ABA) and two juvenile law advocacy groups released a national study finding that “many children still fail to receive effective legal representation” and “in some jurisdictions, children regularly appear in delinquency proceedings with no attorney at all.”

Since 2000, the ABA has conducted state-specific reviews of legal defense for juveniles in Georgia, Louisiana, Kentucky, Texas, and Virginia. Again, the findings have been stark. In Virginia, fees for court-appointed attorneys are capped at \$112 per juvenile case. In Georgia, some

*In just the past five years, juvenile corrections horror stories have emerged in Arkansas, Georgia, Louisiana, Maryland, and South Dakota. While corrective action is being taken in these states, others are now under federal investigation.*



*Rights violations remain commonplace in juvenile courts and corrections systems today. Effective legal representation is scarce. Conditions inside juvenile corrections facilities are often substandard—and occasionally barbaric. And at every level of the juvenile justice system, ethnic and racial minorities are treated more harshly than white youth.*

Left: Guards at Maryland's Savage Leadership Challenge juvenile boot camp program scream at a youth offender on his first day. After press reports revealed widespread verbal and physical abuse by guards, the boot camps were disbanded in December 1999.

Bottom: The director of Maryland's boot camp program lectures new cadets on the rules at the facility.

attorneys are assigned more than 900 cases per year. Louisiana's juvenile courts are "a plea mill," reported ABA Juvenile Justice Center Director Patricia Puritz. "The detention hearing, the adjudication, and the disposition are rolled into a three-minute period."

In Texas, a report filed in 2000 by the ABA and the Texas Appleseed legal advocacy project found that some local judges assigned juvenile cases only to attorneys who made contributions to their reelection campaigns. More often, judges steered cases to attorneys who moved the docket along smoothly—and not to lawyers who filed motions, requested investigations, or sought delays.

In 2001 Texas passed an ambitious bill to reform the public defender system in local courts. For the first time, qualified attorneys are being assigned to juvenile cases in an objective fashion, no longer fearing that vigorously advocating for juvenile clients could interfere with their next paycheck. The state also appropriated

millions in new funding to pay for public and court-appointed defense attorneys.

## RACIAL INEQUALITY

The numbers are unequivocal. At every stage of the juvenile justice process, minority youth receive tougher treatment than white youth: They're more likely than white youth to be arrested, more likely to be formally charged in juvenile court once arrested, more likely to be held in secure detention pending court, and more likely to be committed to youth corrections facilities. Minority youth are many times more likely than white youth to be tried as adults, and they make up 75 percent of all youth sentenced to adult prisons.

"Throughout the system," the Building Blocks for Youth Coalition reported in 2000, "minority youth—especially African-American youth—receive different and harsher treatment. This is true even when

white youth and minority youth are charged with the same offenses."

Since 1988, the federal government has required states to study and address racial disparities in their juvenile justice systems. Initially, these efforts produced more analysis than tangible progress. Recently, however, some communities—like Santa Cruz, California, and Portland, Oregon—have begun making significant strides toward equalizing treatment for youth of different races by analyzing each decision point in the juvenile justice process for potential racial biases, and by retraining staff to counteract subconscious stereotypes that can perpetuate racial disparities.

"It's a solvable problem," says James Bell, director of the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity. "But it requires an intentional focus, and it requires a jurisdiction that's mature and self-confident enough to systematically examine its practices."





# CHOICE #4:

## RUN-OF-THE-MILL OR RESEARCH-BASED PROGRAMMING?

PAYING ATTENTION TO WHAT WORKS

When Mark Lipsey of Vanderbilt University reviewed the findings of 401 scientific evaluations of juvenile justice intervention programs in the late 1990s, he found that contrary to the conclusions drawn by skeptics, juvenile justice programs do reduce the recidivism of delinquent youth. But only a little: The evaluated programs reduced youth recidivism rates by an average of just 6 percent.

However, Lipsey found, these modest impacts masked the fact that programs with certain characteristics consistently produced sizable benefits—lowering recidivism by 20–25 percent—while programs lacking these traits produced modest effects or none at all, and sometimes even exacerbated the future offending of participating youth. “Rehabilitative programs [for juvenile offenders] clearly can be effective,” Lipsey

concluded. “The challenge is to design and implement them so that they, in fact, are effective.”

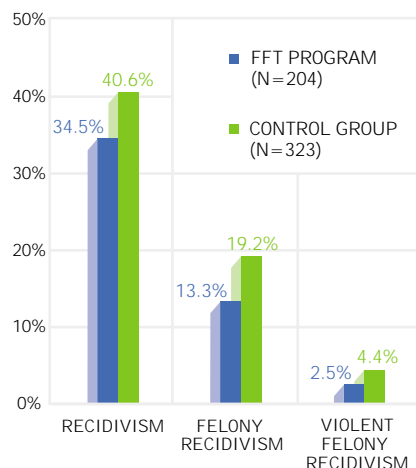
Most of the time in most of the country, however, juvenile justice agencies are not stepping up to this challenge. Youth offenders are typically served in “grandfathered kinds of programs run by the same people who have been running juvenile programs for years,” Lipsey says. “They have a toolkit of things they feel confident doing—even if it has never been validated as effective—and they continue to do those things year after year.”

Then, Lipsey says, “you have those ideas that hit the newspapers—like boot camps or ‘Scared Straight’ programs or transfers to adult court. They attract

### FUNCTIONAL FAMILY THERAPY

12-Month Recidivism Rates\* for Washington State Youth Assigned to Competent Therapists vs.

Youth in a Control Group Receiving Usual Juvenile Justice Services



\*Recidivism—reconviction in a Washington State court.  
Source: Washington State Institute for Public Policy.

advocates in the political arena who start selling the notions all too often like snake oil.”

## MEASURING RESULTS

One reason that less-than-effective programs have been allowed to flourish in juvenile justice is that most states and local court systems do not track outcomes. A 1999 survey by the state of Florida found that only 26 states reported any data on the recidivism rates of youth leaving juvenile corrections programs.

While other states have begun compiling recidivism data since 1999, Florida remains the only one that reports detailed information on the costs and success rates of every juvenile justice program statewide. Florida also calculates an expected success rate for each program based on the demographic backgrounds and offending histories of participating youth, and it has carefully studied the outcomes of youth transferred to adult courts. These data have not ensured that Florida pursues optimal juvenile justice policies—the state still has the third highest population of confined youth in the nation—but the data have contributed to sharp reductions over the last two years in the number of Florida youth transferred to adult courts.

## FAMILY-FOCUSED SUCCESSES

Since 1996, Delbert Elliott, director of the Center for the Study and Prevention of Violence in Colorado, has led the national “blueprints for violence prevention” project—identifying and supporting the replication of program models with proven success in preventing youth crime. Thus far, Elliott has found three models that work successfully with serious youth offenders.

All three focus on the family, and none involves incarceration—even for youth with lengthy offending histories. Two of the models—Functional Family Therapy and Multisystemic Therapy (see “Punish ‘Em, Fix ‘Em, Make ‘Em Go Away” in *ADVOCASEY*, Vol. 1, No. 1, Spring 1999)—involve intensive counseling to help youth and their families to identify and reverse the dynamics that propel the young person toward crime. The third model, Multidimensional Treatment Foster Care, combines short-term, therapeutic foster care for the youth with intensive counseling for the natural family, followed by rapid reunification and ongoing support.

All three models have been evaluated in multiple scientific trials, and youth in all three have demonstrated far lower reoffending rates than comparable youth assigned to conventional juvenile justice or mental health services. Because they reduce the costs of future incarceration and cost less to operate than traditional programs, all three are also highly cost-effective. A cost-benefit analysis by the Washington State Institute for Public Policy found that the three models ultimately save taxpayers \$6.85, \$8.38, and \$14.07, respectively, for every dollar spent to deliver services.

## MOVING RESEARCH INTO PRACTICE

Based on these results, many efforts are now under way to replicate these and other scientifically validated strategies for treating delinquent teens. The replication efforts still represent a small blip on the

radarscope of America’s juvenile justice systems, however. The vast majority of court-involved teens remain in conventional programs.

Washington, the state that completed the cost-benefit study, is making perhaps the boldest strides to translate research into practice. In 1997 the state appropriated \$4 million to support and study county-level efforts to replicate four evidence-based programs. And last August, the state released a preliminary evaluation of Functional Family Therapy (FFT) programs in 14 counties. Overall, the study found that the programs had negligible impact on the overall recidivism rates of FFT participants. However, when youth were treated by therapists deemed “competent” or “highly competent”—roughly half of the therapists examined in the study—felony recidivism rates declined by 30 percent.

“The clear lesson (so far) from the Institute’s evaluation of Washington’s... programs is that certain research-based programs work—but only when implemented competently,” the Institute for Public Policy wrote in October 2002.

If we pay attention to research, measure results, and use data to maximize success, our nation can substantially improve the outcomes of juvenile justice programs—rescuing troubled teens, reducing crime, and saving taxpayers’ dollars.

*Compiled by ADVOCASEY Editor Dick Mendel, with assistance from Susan Middaugh, a freelance writer in Columbia, Md.*

BY DICK MENDEL

# AND THE WALLS KEEP TUMBLING DOWN

A Demonstration Project Has Come and Gone,  
But Detention Reform Continues to Gather Steam



It's after 5 p.m. on a Wednesday afternoon as big Larry Ortega walks out the door of the Bernalillo County Juvenile Detention Center and ducks into a white Chevy. Ortega isn't going home, though. His workday is just getting started.

He rolls out a back entrance, then heads south toward The Heights, one of Albuquerque, New Mexico's toughest neighborhoods. Later, he will continue on to Southwest Valley, an equally rough area where he himself grew up.

Ortega used to work inside the detention center monitoring teens locked up while awaiting court hearings for their alleged crimes. As recently as 1999, all 170 members of the county's detention staff supervised youth in locked detention cells.

Not anymore.

Today, 18 detention staffers work outside the lock-up. According to Detention Center Director Tom Swisstack, that number will grow to 31 in 2003.

Swisstack reassigned the 6'2", 255-pound Ortega to a new "community custody" program in July 2001. There, he and two other officers supervise 30–35 youth in their homes or in unlocked half-way houses. Tonight Ortega will call on Robert, a 16-year-old repeat offender who was arrested most recently in June on a carjacking charge. Later, he will visit Josie, an 18-year-old who has violated probation repeatedly since catching an assault charge two years ago. (The names of all youth in this story have been changed.)

Ortega's redeployment is part of a top-to-bottom overhaul of Bernalillo County's detention system

Detention officer Larry Ortega visits a youth in Bernalillo County's community custody program. The program uses home visits, phone calls, and electronic monitors to supervise teens rather than locking them in detention cells.

engineered by Swisstack in cooperation with two of the county's three juvenile court judges, as well as the local probation department, district attorney, and public defender.

In addition to the community custody program, Swisstack assigned staff to a "youth reporting center"

where teens attend school during the day and/or extracurricular activities in the afternoon and early evening. Like community custody, the reporting center allows accused youth to live at home with their families rather than sleeping behind bars on a detention center cot.

A third group of detention staffers now works in a mental health clinic—the first of its kind in the nation—which the detention center launched in December 2001 to provide counseling and medications for court-involved youth with mental health problems.

The goal of these new programs, Swisstack says, is to focus the detention system's resources on "making sure that the kid doesn't come back to you."

"We used to think that everybody is better off if this kid is locked in detention," explains Judge Tommy Jewell, the presiding justice in Bernalillo's delinquency court. "But I think we've made a philosophical shift that, in general, we now recognize that detention is not healthy or rehabilitative for kids, even if it is necessary in some cases [to protect public safety]."

## BIRTH OF A MOVEMENT

Bernalillo County's reforms are a sign of what advocates hope and some juvenile justice professionals believe is the leading edge of a national movement to reinvent detention—the critical front end of our nation's embattled juvenile justice systems.

The seeds of reform were planted from 1992 to 1999, when the Annie E. Casey Foundation designed and funded a national multisite demonstration project, the Juvenile Detention Alternatives Initiative (JDAI).

The Foundation launched this initiative after watching the number of young people confined in juvenile detention facilities skyrocket during the 1980s and early '90s. Nationwide, the average daily population in publicly run detention centers grew from just over 13,000 in 1985 to more than 23,000 in 1994 (a 73 percent increase). Though juvenile crime rates rose during this period, much



of the increase was caused by aggressive confinement of minor offenders and inefficient court systems that left many youth languishing in detention for weeks or months. In fact, the average daily detention population continued rising after 1994, surpassing 26,000 in both 1997 and 1999 despite a dramatic drop in juvenile crime rates.

In the late 1980s, Broward County, Florida, mounted a campaign to reverse these trends. Using a combination of new screening procedures, home-based detention alternatives, and faster case processing, Broward reduced its detention population by 65 percent from 1987 to 1992, saving taxpayers over \$5 million. Based on Broward's success, the Foundation invited jurisdictions around the nation to submit applications to participate in the JDAI demonstration.

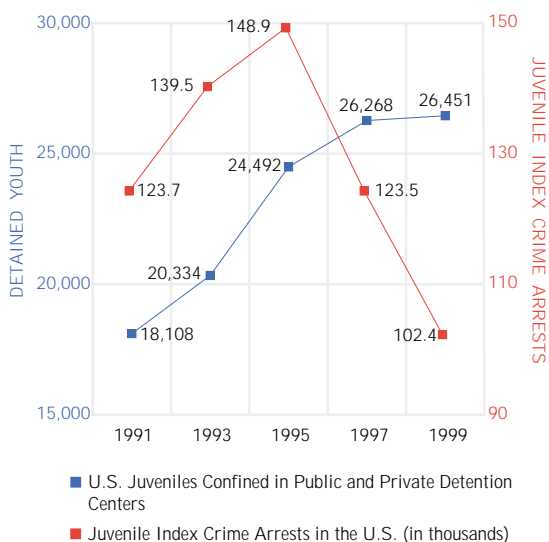
Two of the five sites selected—Milwaukee and New York City—never mobilized fully for the initiative. But the three sites that did pursue reform energetically—Chicago, Sacramento, and Portland, Oregon—achieved notable results. Supported with

grants of \$2.25 million over three years from the Casey Foundation, each site developed new screening procedures to ensure that only high-risk teens were held in detention, and each launched new detention alternative programs to supervise youth in the community.

In Chicago, which established four evening reporting centers from 1996 to 1998 as well as other detention alternative programs, the average daily population in locked detention dwindled from 693 in 1996 to 543 in 1999. Meanwhile, more than 90 percent of youth assigned to reporting centers and other detention alternatives remained crime-free prior to their court hearings. In Portland, thanks both to expanded detention alternatives and to a new process to reduce the time that youth spend in confinement, the average daily population in locked detention plunged from 96 in 1993 to 35 in 1999.

In Sacramento, the daily detention population did not decline—but only because more and more youth remained in detention after their trials, awaiting transfers to correctional programs. The pretrial detention population dropped substantially as Sacramento sped up case processing and reduced the percentage of youth sent to locked detention from 54 percent of teens referred to court in 1994 to 41 percent in 1997. (For more on JDAI, see “Juvenile Jailhouse Rocked” in *ADVOCASEY*'s Fall 1999/Winter 2000 issue.)

DIFFERENT DIRECTIONS:  
Detention Populations vs.  
Arrest Rates for  
U.S. Juveniles in the 1990s



Sources: Detention data adapted from Sickmund, M. (forthcoming). *Juveniles in Corrections*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention; arrest data from FBI Uniform Crime Reports.

## A LIFE OF ITS OWN

Unlike many social policy demonstrations, the detention alternatives initiative did not disappear when the funding began drying up after 1999. Instead, two of the three remaining cities—Chicago and Portland—intensified their detention reform efforts and continued to improve their results after the last large Casey Foundation grants ran out. (Both sites continue to work closely with the Casey Foundation, and both receive Foundation funds to share information about detention reform with other jurisdictions.)

In Chicago, the Cook County juvenile probation department has added three more reporting centers since 1999, and it has also created a range of new early intervention programs for troubled youth. The average daily detention population continued falling from 543 in 1999 to 440 over the first nine months of 2002.

In Portland, local detention administrators have kept their detention populations low—averaging 33 per day in 2001, including youth charged as adults. They have also made dramatic progress in reducing the disproportionate confinement of minority youth—one of the most vexing and pervasive problems in juvenile justice nationwide. (See sidebar on p. 26.)

## THE IDEA SPREADS

In addition to the continued progress in Chicago and Portland, detention reform has attracted widespread interest across the nation, and several jurisdictions have begun detention initiatives of their own.

The first replication effort began in 1997 when John Rhoades, a key figure in Sacramento's detention reforms, became chief probation officer in Santa Cruz County, 150 miles to the south.

By devising new screening criteria to keep less-serious offenders out of the county's previously crowded detention center and significantly expanding home-based detention and electronic monitoring programs, Rhoades lowered Santa Cruz's juvenile detention population from 61 in 1996 to 35 in 2001. The county lowered the percentage of minority youth in detention from 64 percent in 1997 to 54 percent in 2001.

Unlike the initial demonstration sites, Santa Cruz achieved these results without financial aid from the Casey Foundation. Instead, by reducing the number of youth in detention, Santa Cruz was able to reassign staff to community programs that cost one-third as much per day as juvenile hall confinement.

## A COST-SAVING ADVANTAGE— AND MORE

This cost-saving advantage of detention alternatives over locked detention provides a powerful motivation for local agencies to consider detention reform. In Chicago, for instance, the evening reporting centers cost \$33 per participant each day, versus \$120 per participant for confinement in detention. Substantial savings can also be generated through administrative reforms that shorten stays in detention or reduce the number of youth locked up on probation violations or on "bench warrants" when youth fail to appear in court.

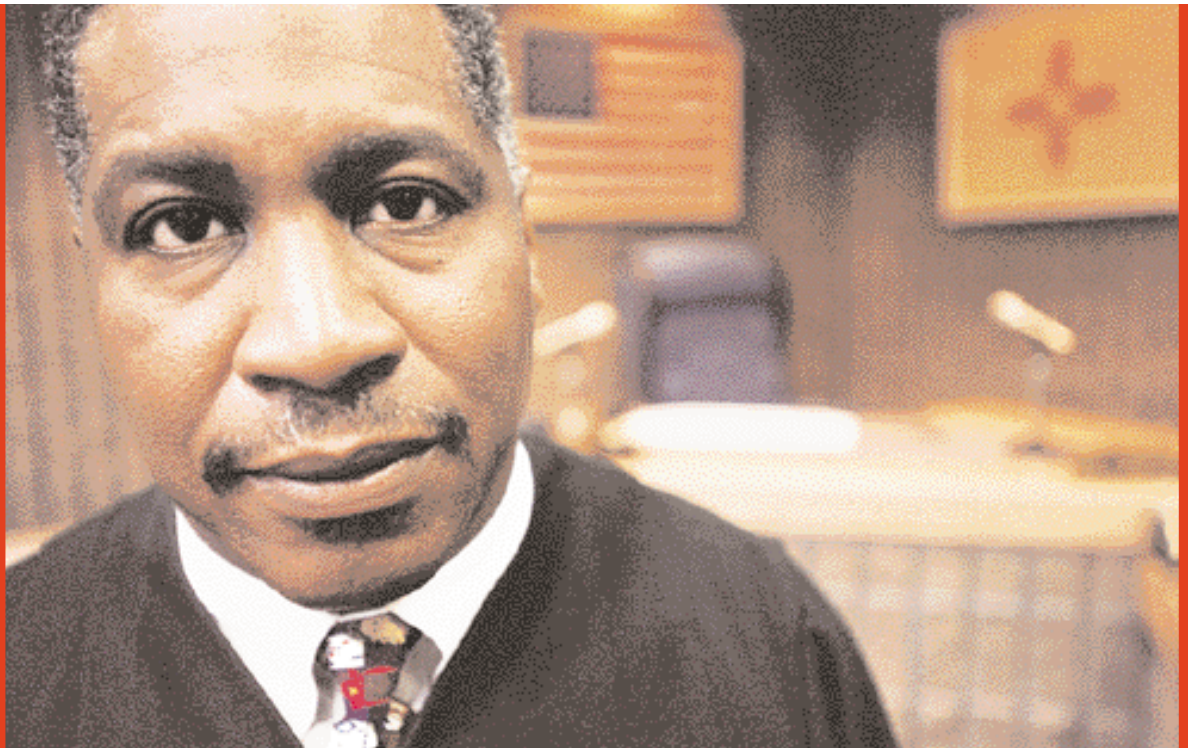
The pent-up idealism of many detention professionals provides another strong motivation for reform, says David Roush, research and professional development director for the National Juvenile Detention Association. "The politics of juvenile incarceration have not been open to this kind of a movement over the past 15 years," Roush suggests. "But most folks in detention realize that [locked detention] is not the alternative of choice. Most folks realize that there should be better alternatives available."

Among the jurisdictions that have taken notice of detention reform since the Casey Foundation began publicizing JDAI's successes, some—like Wayne County, Michigan—simply rolled up their sleeves and implemented key components of the JDAI reform model. Many others clamored for support from the Casey Foundation to help them implement JDAI-style reforms.

In response, the Foundation has accepted five states and six localities as official JDAI replication sites. As in Santa Cruz, the Foundation has not financed new programming in these sites, but it is providing grants to support project coordinators and to finance travel for local teams to visit pilot sites and learn about detention reform firsthand.

## REFORM COMES TO ALBUQUERQUE

In Bernalillo, the spark for detention reform ignited in 1998 when Detention Director Tom Swisstack



“We used to think that everybody is better off if this kid is locked in detention. But I think we’ve made a philosophical shift that, in general, we now recognize that detention is not healthy or rehabilitative for kids, even if it is necessary in some cases [to protect public safety].”

—Judge Tommy Jewell, presiding justice in Bernalillo County Juvenile Court

and Juvenile Court Judges Tommy Jewell and Michael Martinez attended a workshop led by Bart Lubow, the senior associate at the Casey Foundation who coordinated the JDAI demonstration.

All three men were already familiar with JDAI, because each had helped prepare Bernalillo County’s unsuccessful application to become a JDAI pilot site five years earlier.

Swisstack, an affable but hard-charging administrator who served as assistant detention director in the early 1990s, left his position in 1994 to become the mayor of Rio Rancho, an Albuquerque suburb.

By the time he returned to take over as director of the detention agency in 1998, the county’s detention facility was hopelessly overcrowded—rising to a high of 143 teens in early 1998. The center accommodated the extra bodies only by installing stackable bunk beds. The crowded conditions made normal programming impossible and heightened tensions inside the facility for staff and youth alike.

After sitting through the workshop, Swisstack and the judges approached Lubow for assistance. He soon agreed to provide seed funding for the county to study the JDAI pilot sites and plan its own detention reform campaign.

## GETTING STARTED

As a first step, Bernalillo established a steering committee of top officials from the juvenile court, probation, district attorney, and public defender's office, as well as the detention center itself.

"We sent some of our key players to Portland, Sacramento, and Chicago," recalls Swisstack. "We began to see how the system could work if we changed our philosophy a little bit. We started to realize that a lot of these kids could be worked with in the community."

As in other JDAI sites, Bernalillo's committee created new screening criteria to limit the number of accused youth placed in locked detention. Bernalillo's detention reform leaders also agreed to meet at 11 a.m. each workday to develop a consensus recommendation for every young person slated for a detention hearing.

## EMPTYING THE LOBSTER TRAP

Bernalillo's steering committee also took steps to reduce the number of youth detained for violating probation orders or missing court dates. Before Ron West took over the local juvenile probation office in June 2000, "the system was a lobster trap," he says. Because most probation agreements were laden with dozens of rules and requirements, "It was easy to get in but hard as hell to get out."

Curfew violations, failed drug tests, driving without permission, and other minor misbehavior were all commonplace, and these violations often led officers to revoke probation and return young people to locked detention pending a new court hearing.

As West sat through briefings about detention reform and visited the JDAI pilot sites, "I saw some things that I could do," he says. West authorized a new "sanctions grid" prescribing the steps officers should

follow before revoking probation, and he began requiring that probation officers bring any request to revoke probation to the deputy probation director. The result has been a 50 percent drop in the number of youth placed in locked detention for probation violations.

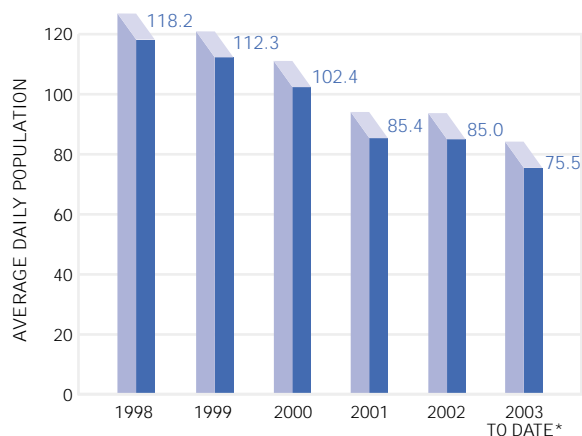
Bernalillo also reduced the number of youth confined on "bench warrants" for failure to appear at their court hearings. In 2000, before reforms were implemented, Bernalillo admitted 542 youth to detention on bench warrants and typically kept them confined until their court dates. Thanks to reforms that increased attendance at court hearings and provided second chances when youth offer reasonable excuses for missing court, the detention center admitted only 203 youth on bench warrants in the first nine months of 2002.

Meanwhile, Swisstack hired a "case expeditor," Doug Mitchell, to help speed up the cases of young people held in the detention center.

## DETENTION ALTERNATIVES

When Tom Swisstack became detention director in 1998, Bernalillo already had a home detention and electronic monitoring program on its books. But the program was little used, Swisstack says,

DETENTION REFORM IN BERNALILLO COUNTY  
Impact on Average Daily Population



\* Includes data for January and February.

Source: Bernalillo County Juvenile Detention Center.



just four or five kids on any given day—with no dedicated staff and no structured protocols.

Today, the detention agency's Community Custody Program oversees 30–35 young people every day—more than 400 over the course of each year—and its three dedicated officers are guided by a 22-page program manual that spells out four levels of supervision.

While most participants are accused of simple assaults, nonviolent felonies, or probation violations, the community custody roster includes some youth charged with violent felonies.

Robert, the accused carjacker, remains on 24-hour house arrest, monitored electronically through an ankle bracelet. Larry Ortega or another youth officer visits Robert's home every day, and Robert calls the detention center four times. He is allowed outside the house only for his job at McDonald's. Robert earned that privilege only after obeying program rules for several weeks.

Despite these restrictions, Robert far prefers community custody to detention. "In detention, it's boring," he explained in an interview. "You're just locked up in your room most of the time."

"I see a really big change in him," added Robert's mother.

While in community custody, some youth are also required to attend Bernalillo's second detention alternatives program, the Youth Reporting Center. This center operates on the grounds of the detention center from 8:30 a.m. to 8:30 p.m. each weekday, involving teens in academic learning, recreation, and group workshops.

David, a 15-year-old charged with smashing in car windows, had been attending the reporting program for three weeks when he was interviewed in December 2002.

"It's better [here] than being in the back," he says, referring to the locked detention center where he spent a week prior to entering the reporting program.

Even with serious offenders enrolled, Swisstack reports that no teen has committed a felony offense while participating in community custody or the reporting center since the programs started three years ago. Only 5 percent of participants commit new misdemeanors, and another 17 percent are returned to detention after breaking program rules. A large majority—76 percent—complete the programs successfully and return to court as scheduled without committing any new offenses.

### SOMEONE TO TALK WITH

Ramon, a 17-year-old whose probation was revoked last June when police pulled him over with too much alcohol in his system and a handgun in the

Bernalillo County detention director Tom Swisstack sits in the empty confines of Unit C, once the busiest wing of the county's juvenile detention center. Thanks to the county's detention reform efforts, Swisstack was able to close the 30-bed unit in 2001.



**“The politics of juvenile incarceration have not been open to this kind of a movement over the past 15 years. But most folks in detention realize that [locked detention] is not the alternative of choice. Most folks realize that there should be better alternatives available.”**

—David Roush, *National Juvenile Detention Association*

glove compartment, agreed that the reporting center and community custody are “much better than being locked down.”

But he was even more grateful for the most recent addition to the detention center’s program menu: an outpatient mental health clinic that provides counseling and medications for court-involved youth with emotional and behavioral problems. Located in an outbuilding adjacent to the detention center, the clinic is the brainchild of detention center drug and alcohol abuse counselor Rick Miera, who is also an elected member of New Mexico’s state legislature.

Seeing an urgent need for counseling—63 percent of teens referred to the detention center suffer from emotional or behavioral health problems—Miera reached out to the three local HMOs that insure county Medicaid recipients. Miera and Swisstack negotiated agreements with the HMOs to reimburse the detention center for mental health services provided to troubled teens, and the detention center opened a fully licensed mental health clinic in December 2001. Its staff of three therapists, two case managers, and one nurse saw 395 children during the clinic’s first year—most (but not all) of them referred by the probation department or detention center.

For Ramon, the 17-year-old probationer, weekly counseling sessions with clinical counselor Linda Winter have made a world of difference. “I tell her stuff that’s on my mind, and she really helps

me out,” he says. “If I’m thinking about doing something stupid, she’ll make me think. I can’t really talk to nobody else.”

### LESS IS MORE

Juvenile Court Judge Michael Martinez, a key force behind Bernalillo’s detention reforms, is proud of the strides the county has made in reducing its reliance on locked detention. “We’ve made a lot of progress,” he says. “We’ve come a long way just in terms of attitude, and the results are good.”

The population inside the detention center, which ballooned to 143 in February 1998, plummeted to a low of 63 adolescents in late 2002. Fewer youth are going to detention, while those placed in detention stay fewer days. Participation in community custody programs is way up; probation violations and bench warrants are down.

Meanwhile, new arrests and court referrals for youth have also taken a nosedive in Bernalillo, showing that relying less on locked detention—when complemented by tight supervision, positive youth development programming, and mental health counseling—need not jeopardize public safety.

### GETTING NOTICED

Based on these results, Bernalillo’s detention reforms have attracted attention throughout New Mexico.

# ON RACIAL BALANCE, A BREAKTHROUGH

Think of it as the scarlet “R”—a badge of shame sully- ing the reputation of juvenile justice systems throughout our land. The “R” stands for racial inequality, specifically the disproportionate confinement of minority youth.

Fifteen years after the U.S. Congress made racial disparities an explicit focus of federal juvenile justice law, only modest progress has been made. Even in the JDAI demonstration—which makes reducing racial disparities a core goal—most sites have achieved only slim gains.

But this gloomy picture has an exception: Multnomah County, Oregon. There, once-glaring gaps in the detention rates of minority versus white youth have been virtually eliminated.

When Multnomah entered the JDAI project in the early 1990s, the presiding family court judge and the lead juvenile prosecutor made racial disparities a top priority.

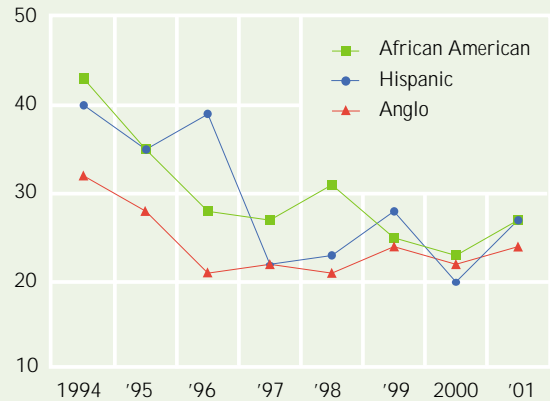
The county’s detention reform steering committee also placed a premium on data collection and data-driven decision-making, eventually hiring a full-time statistician to document progress. “Disproportionality flourishes in a sloppy system,” says county detention reform coordinator Rick Jenson.

In 1994 Multnomah developed a new risk assessment index to determine which youth should be detained. At first, minority youth were still locked up disproportionately. But a cross-agency team reviewed the data and discovered several hidden biases.

The risk index initially included “good family structure” as an element, skewing the results toward intact nuclear families, which are less prevalent in minority communities. The index also assigned points for “gang affiliation,” which was often ascribed to minority youth based on the neighborhoods they lived in.

In addition, Multnomah’s probation department hired more minority staff, and the county courts added part-

MULTNOMAH COUNTY DETENTION RATE BY RACE 1994–2001



Source: Multnomah County, Oregon, Department of Community Justice.

time “trial assistants” to gather information on new juvenile cases and share it with all stakeholders. The new system helped overwhelmed public defenders advocate more effectively for their low-income clients, many of whom are minorities.

In 1994, prior to these reforms, Multnomah detained 42 percent of the African-American youth and 40 percent of the Hispanic youth brought in on delinquency referrals, compared with just 32 percent of white youth.

Since then, detention rates have declined for all races, but they have fallen far faster for African Americans and Hispanics than they have for whites. In 2000 and 2001, the differences in detention rates essentially disappeared, with the rates for all three groups separated by just three percentage points. (See chart above.)

“Race has to be part of the discussion about juvenile detention reform,” says Vincent Schiraldi, president of the Justice Policy Institute. “Multnomah County’s success in reducing racial disparities shows that it can be done.”

—*Susan Middaugh and Dick Mendel*

Ty Hannamann, deputy director of the state's juvenile corrections division, calls detention reform an important tool for reducing the population in the state's long-term juvenile institutions.

"It's a domino effect," he says. "If you have a client show up to court in shackles and handcuffs, there's a much better chance he'll end up incarcerated than if he shows up with a little success because he's been thriving in a detention alternatives program.

"If we do detention correctly," Hannamann says, "we'll see fewer kids end up in our long-term facilities."

Hannamann's agency has signed on as a partner in an effort to replicate detention reform statewide over the next decade. The project began in early 2002 when Tom Swisstack made presentations on Bernalillo's reform efforts to probation directors in six of the largest New Mexico counties outside of Bernalillo. Additional presentations by the Casey Foundation's Bart Lubow and other detention reform experts solidified support in these pilot counties. By December 2002, five counties had agreed to implement new detention screening procedures—the first step in the JDAI process—and were forming task forces to oversee more comprehensive detention reform initiatives.

## GOING NATIONWIDE?

Outside New Mexico, momentum for detention reform is also building. In January 2002, 500 juvenile justice professionals from 40 states traveled to Portland, Oregon, for a two-day conference on detention reform. Then in October, detention reform was the prime topic at a conference sponsored by the National Juvenile Detention Association (NJDA) in Las Vegas.

There, NJDA Director Earl Dunlap described the Casey Foundation's JDAI project as "the single greatest reform ever undertaken in juvenile justice programming," and he challenged the 400-plus professionals in attendance, saying that "now is the

time for juvenile justice advocates and policymakers to step up to the challenge of reform."

To help meet this challenge, Dunlap's agency began conducting two-day workshops on detention reform for communities across the nation. Though the workshops provide only an introduction to reform, juvenile justice reform consultant Paul DeMuro calls NJDA's involvement a "critical" step.

"You can develop best practices in a hothouse environment, but the critical test is getting them accepted by leaders in the field," DeMuro says. "Because NJDA is willing to push and promote this, we can expose a large percentage of the field to best practice, and that way [detention reform] has a chance to become standard practice."

So far, detention reform remains the exception in juvenile justice practice. At the Las Vegas conference, many participants showed limited interest.

But some, like juvenile probation supervisor Buddy Adams of Clark County, Nevada, were catching the reform bug. Prior to the conference, Adams's supervisor asked him to lead a task force to explore options for expediting the cases of detained youth.

"I had never heard of [JDAI] when this was brought to me. I did some research about it, and I found it really interesting," Adams said. "We just spent I don't know how many millions expanding our juvenile detention center and we're already overcrowded."

At the same time, Adams admitted, "I don't know if we have a lot of momentum. This is the wild, wild west, and lots of folks here still believe we ought to just lock the kids up, teach them a lesson."

Then again, Adams said, "It's pretty dangerous when you're overcrowded. We've got to do something about it."

*Dick Mendel is the editor of ADVOCASEY.*





**SMALL IS BEAUTIFUL:** THE MISSOURI DIVISION OF YOUTH SERVICES

Since closing its large juvenile training schools 20 years ago, Missouri has become a model for the nation in juvenile corrections.

**BY DICK MENDEL** Just a hundred yards south of the Missouri River, a few blocks off the main drag in Boonville, Missouri, population 8,000, lies an arresting site: a 158-acre campus of grim two-story brick residence halls, surrounded by a chain-link fence adorned with razor wire at eye-level and topped with a menacing barbed-wire overhang.

Think of it as a portrait of America's approach to juvenile corrections.

In state after state, the greatest budget expenditures for juvenile corrections and the greatest number of incarcerated youth are concentrated in large, congregate-care "training schools," most of them located in country towns like Boonville. Nationwide, 52 percent of juveniles confined in 1997 were held in facilities with more than 110 offenders.

In these training schools, young offenders—most of them minorities, often from the cities—spend months or years, typically housed in small cells, disconnected from their families and neighborhoods. They are disconnected as well from the social forces that drove them to criminality—and to which they will sooner or later return.

The facilities employ teachers and typically some certified counselors as well, but youth spend much of their time under the watchful gaze of "correctional officers," often high school graduates, some with little training in or affinity for counseling or youth development. Or, if youth misbehave, they languish alone—locked down in isolation cells.

Training school confinement is often justified as a necessary step to protect the public. Yet only 27 percent of incarcerated youth nationwide have been found guilty of a violent felony. Most have committed only property or drug crimes, or disorderly conduct, sometimes only misdemeanors or "status offenses" (like truancy or alcohol

possession) that would not be crimes if committed by an adult. Nonetheless, recidivism studies routinely find that half or more of training school youth are convicted of a new offense within three years of release.

### The Rear-View Mirror

Here in Missouri, though, this troubling portrait of juvenile corrections can be seen only in the rear-view mirror.

From 1887 until 1983, the Boonville Training School was Missouri's primary correctional facility for boys, holding up to 650 teens at a time. Though its stated mission was rehabilitative, the reality at Boonville was often brutal.

Soon after losing his job in 1949, for instance, former Boonville Superintendent John Tindall, a would-be reformer, described the facility in the *St. Louis Post-Dispatch*: "I saw black eyes, battered faces, broken noses among the boys," Tindall wrote. "The usual corrective procedure among the guards was to knock a boy down with their fists, then kick him in the groin... Many of the men were sadists."

Three boys died inside the facility in 1948 alone.

Conditions remained problematic throughout the 1950s, '60s, and '70s, reports University of Missouri law professor Douglas Abrams, who recently completed a history of the state's juvenile courts. A 1969 federal report condemned Boonville's "quasi-penal-military" atmosphere, particularly the practice of banishing unruly youth to "the Hole"—a dark, solitary confinement room atop the facility's administration building.

Then in 1983, Missouri shut down the Boonville training school.

Missouri's Division of Youth Services (DYS) began in the 1970s to experiment with smaller correctional programs. Liking the

Residents of the Northwest Regional Youth Center outside Kansas City play guitar and chat with state Division of Youth Services director Mark Steward and regional administrator Gail Mumford.

results, and tired of the endless scandals at Boonville, the state donated the facility to the state's Department of Corrections, which turned it into an adult penitentiary.

In place of Boonville, as well as a training school for girls in Chillicothe that closed in 1981, DYS secured smaller sites across the state—abandoned school buildings, large residential homes, a convent—and outfitted them to house delinquent teens. The largest of the new units housed only three dozen teens.

DYS divided the state into five regions, so confined youth could remain within driving distance of their homes and families. And it began staffing its facilities primarily with college-educated “youth specialists,” rather than traditional corrections officers.

Over the next decade, DYS developed a distinctive new approach to juvenile corrections—one that relies on group process and personal development, rather than punishment and isolation, as the best medicines for delinquent teens.

Today, the available data suggest that Missouri achieves far more success than most other states in reducing the future criminality of youthful offenders. Missouri also rises above the pack in protecting the safety of confined youth, preventing abuses, and fostering learning.

“I think it's a great system,” says Barry Krisberg, president of the National Council on Crime and Delinquency. “More than any other state in the country, Missouri provides a positive, treatment-oriented approach that's not punitive or prison-like.”

### Small Is Beautiful

According to both Missouri insiders and national justice experts, Missouri's switch to smaller facilities was crucial to improving its juvenile corrections system. “The most important thing in dealing with youthful offenders is the relationships,” says veteran juvenile justice consultant Paul DeMuro, “the one-on-one relationships formed between young people and staff. And not just the line staff. It's critical that the director of the facility know every kid by name.”

Ned Loughran, executive director of the Council of Juvenile Correctional Administrators, agrees that “small is extremely important.”

“The kids coming into juvenile facilities need a lot of specialized attention,” Loughran says. “A small facility allows the staff to get to know the kids on a very individual basis.”

Large facilities routinely suffer with high rates of staff turnover and absenteeism, Loughran adds, “so the kids spend a lot of time sitting in their rooms . . . With large [facilities] it's like going to a large urban high school. Kids get lost, and these kids can't afford to get lost.”

### Small Isn't Everything

Smaller facilities, however, are not a magic bullet for juvenile corrections reform. Kentucky has long housed delinquent teens in small facilities, but a federal investigation in 1995 found that Kentucky was ignoring abuse complaints, using isolation cells excessively, and providing substandard education and mental health programming. (Since then, Kentucky has beefed up staff training and closed its worst facilities.)

In Missouri, small facilities likewise produced no immediate miracles. Initially, chaos reigned inside many of the new sites, recalls Gail Mumford, who began working with DYS in 1983 and now serves as the division's regional administrator for the north-west corner of the state.

“It was really crazy,” says Mumford. “We didn't know what we were doing. The boys ran us ragged [at first]. They were acting up every day, sometimes every hour.”

But conditions in Missouri's small facilities steadily improved as DYS tinkered with staffing patterns, invested in staff training, built case management and family counseling capabilities, and invested in community-based services to monitor and support teens after they leave custody.

Led by its charismatic director, Mark Steward, who has overseen the agency since 1988, DYS also built an enviable base of political support across the



Missouri political spectrum. Before his untimely death in 2000, Democratic Governor Mel Carnahan frequently invited Steward to bring DYS youth for visits to his office in the state capitol. Likewise, conservative state Supreme Court Judge Stephen Limbaugh, a cousin of commentator Rush Limbaugh, is also a longtime DYS supporter.

### Remodeling the Schoolhouse

In what was once an elementary school on the northern fringes of Kansas City, 15 miles from downtown, the Northwest Regional Youth Center is home to 30 serious youth offenders.

Inside, the facility has been redesigned from its schoolhouse days. But there are no cells inside, no iron bars. In fact, once you pass through a metal detector at the front door, there are few locked doors and little security hardware of any type—just video cameras whose monitors line a wall of the central office.

“Why I think they’re such a good system is that they have preserved the community aspect even in the secure programs,” says Loughran. “When you visit, you can see that they’re not institutional. They’ve been able to preserve . . . a family atmosphere.”

The main lobby of the Northwest Center is furnished with couches and rugs. Handmade posters produced by facility residents hang on one wall, and an upright piano hugs another. Along the third wall stands an elaborate fountain, constructed by residents in the late '90s, that empties into an oval pond that brims with oversized goldfish.

Three of the old school’s classrooms remain just that, classrooms, and three others have been turned into dormitories—each an open room furnished with two-level bunk beds and dressers.

These dorms, in turn, are each part of a larger “pod” where residents spend the majority of their time. Each pod also includes a living room furnished with couches and coffee tables, plus a “treatment room” where the team meets for an hour each afternoon and youth talk about their personal histories, their future goals, and the roots of their delinquent behavior.

### A Focus on Treatment

It is this emphasis on treatment, and the underlying philosophy behind it, that sets Missouri apart.

Like a growing number of states, Missouri employs mental health counselors to work with youth and



**DYS SUCCESS:** Now a 26-year-old husband and father earning \$70,000 per year managing this furniture showroom, Jason Janicke has come a long way. Jason started running the streets at age 12 “just to get away from being home,” he says. His mother was schizophrenic, and his father figure was alcoholic. After arrests for stealing bicycles and cars, Jason spent three years in and out of DYS custody, first in a group home and then at two locked facilities. DYS staff pushed Jason to explore his biracial background and his troubled family roots. “Until I did the genogram [see p. 32],” he says, “I had never thought about that.”



their families, and it partners with outside psychiatrists to ensure that confined youth receive appropriate psychotropic medications.

But while some states concentrate therapy in these occasional services, Missouri infuses treatment into every aspect of its correctional programs. From the day they enter a DYS facility, Missouri youth spend virtually every moment with a team of 9–11 other teens. The teams eat together, sleep together, study together, shower together—always under the supervision of two trained youth specialists (or during the school day, one youth specialist and one teacher).

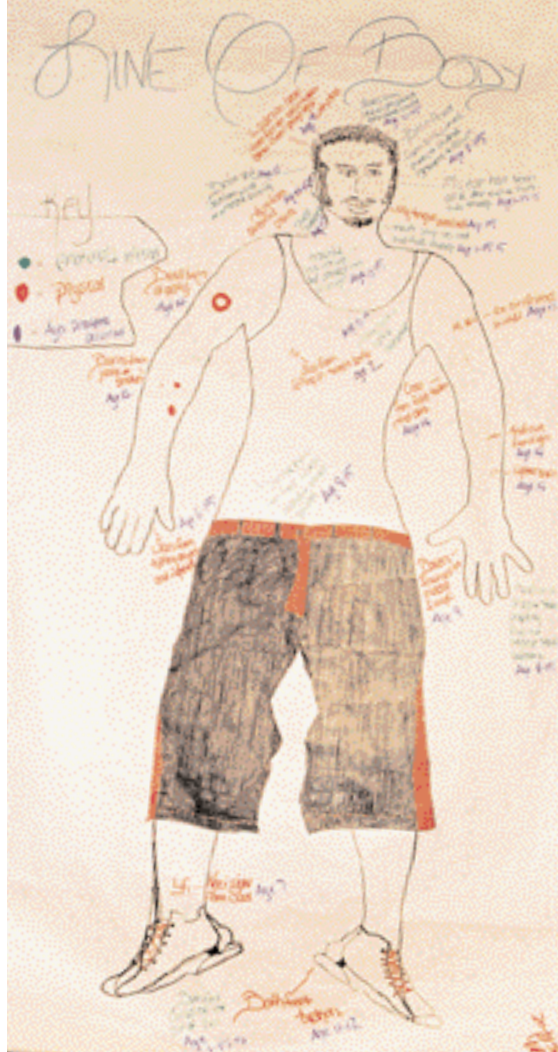
At least five times per day the teams “check in” with one another—telling their peers and the staff how they feel physically and emotionally. And at any time, youth are free to call a “circle”—in which all team members must stand facing one another—to raise concerns or voice complaints. Thus, at any moment the focus can shift from the activity at hand—education, exercise, clean-up, a bathroom break—to a lengthy discussion of behaviors and attitudes. Staff members also call circles frequently to enforce expectations regarding safety, courtesy, and respect.

At the Northwest Center, efforts to establish a positive environment are clearly paying off. “I remember my first day,” recalled Dawson, a Northwest resident, before leaving the facility last year. “People were helping each other, people were interacting with each other in ways you weren’t used to. You ain’t used to a total stranger helping you out to a degree that any average person wouldn’t.”

### Line of Body

The final pillar of Missouri’s rehabilitative process takes place in the treatment rooms, where teams meet each afternoon. Some days the teens participate in “group-builders”—shared activities designed to build comradery and help teens explore issues like trust, perceptions, and communication. But in many meetings one particular teen will make a presentation to the group about his or her life.

In this “line of body” drawing, a 15-year-old DYS resident has traced all of the physical and emotional scars of his young life. The line of body is one of several exercises youth undertake as part of the DYS treatment process.



In the “life history” session, teens are asked to—and often do—talk about wrenching experiences in their lives: domestic abuse, violence, sexual victimization, and family negligence. They are also encouraged to speak about their crimes and other misdeeds.

In the “genogram,” teens produce and then explain a coded family tree detailing domestic violence, alcoholism, drug addiction, criminality, and illiteracy in their families, as a first step toward exploring the roots of their own behavior problems. In the “line of body,” confined adolescents trace their bodies onto a large sheet of paper and then write in the physical and mental traumas they have suffered during their young lives.

When Martin, a 15-year-old chronic offender in the Northwest Regional Youth Center’s “A Team,” completed the exercise last year, his illustration was covered with scars. Martin’s feet had been broken at ages 11 and 12, and “both feet carried me in and out of evil,” he wrote. Both hands were scarred from fighting, Martin said, and stained through contact

with drugs, stolen property, and “negative sexual relations.” One arm had burns suffered while smoking marijuana, the other arm a knife wound.

But it was around his head that Martin had suffered the deepest trauma: sleep problems (ages 11–15); emotional scars from physical and sexual abuse (ages 2–15), including sexual assaults by his own father at age 7; brain injuries from a nearly successful suicide attempt (age 11); and “brain fried” from his abuse of “pills, weed, meth, alcohol, shrooms, and opium” (ages 8–15).

Sadly, this long list of wounds is not atypical of the boys and girls committed to DYS. Of the 12 teens in the Northwest Center’s A Team in the first half of 2002, nine suffered from parental abuse or neglect; 12 had alcoholic or drug-addicted parents; and six had parents who had served time behind bars, including two boys whose fathers were in prison for murder.

### A Safe Space

According to Vicky Weimholt, the DYS deputy director in charge of treatment, convincing delinquent teens to open up about their troubled pasts is critical in reversing behavior problems. And the keys to getting teens talking are physical and emotional safety. “Without safety,” she says, “you’re really very limited in what you can do.

“Our staff are always there, and they will not let you get hurt,” Weimholt explains. “And on the emotional side, you can’t underestimate the power of group work. There are nine or ten other kids in the same circumstances, facing the same problems . . . There’s safety in knowing that I’m not the only one going through this.”

In promoting safety, DYS staff shun most of the tactics commonly used in training schools. Even when they act out, youth are almost never held in isolation. The Northwest Regional Youth Center has no isolation cells. DYS staff do not employ “hog ties,” “four-point restraints,” or handcuffs to stifle youth who become violent.

Instead, Missouri staff train the teams themselves to restrain any youth who threatens the group’s safety. Only staff members may authorize a restraint, but once they do team members grab arms and legs and wrestle

their peer to the ground. Once down, the team holds on until the young person regains his or her composure.

Ned Loughran, the correctional administrators’ director, sharply criticizes this practice, which has been abandoned by nearly every other state. “You shouldn’t have juvenile offenders putting their hands on other juvenile offenders,” he says. “These kids come in with all kinds of aggression.”

But DYS Director Mark Steward defends youth restraints on both practical and therapeutic grounds. “We don’t have 200-kid facilities with 100 staff we can call in to break things up,” he says. And even if they did have the staffing, “if we had to wait for the staff to arrive [whenever a fight broke out], someone’s gonna get their head beat in.”

Steward says that in the 15 years he’s been leading DYS, there has never been a serious injury during a restraint, never a lawsuit or a formal complaint filed by parents. Steward also cites the infrequent use of restraints in DYS facilities and the near-absence of serious fights among youth.

On the Northwest Center’s A Team, for instance, not a single fight broke out from February to November 2002, and only six restraints were called—all for the same young man, Isaiah, an emotionally disturbed 17-year-old on heavy medications.

“The kids are the only ones who can stop the fights and keep it safe,” Steward says. “So it works much better to give them the responsibility.”

### Community Connection

The small scale and therapeutic, family-oriented atmosphere distinguish Missouri’s juvenile facilities from the training schools common throughout most of America. The differences do not end when Missouri teens walk out the doors of a DYS facility. More than most states, Missouri supports youth through the tricky transition when they leave facilities and return home.

“Large, locked, secure training schools frequently fall prey to an institutional culture in which the measures of success relate only to compliance with rules and norms,” writes Johns Hopkins University criminologist David Altschuler, the nation’s foremost expert on so-called “aftercare” for juvenile offenders.





**DYS SUCCESS:** Dustin Hernandez spent his first 13 years bouncing from one foster home to the next. Then he joined a gang, became a drug runner, and ran afoul of the law. Sentenced to the Northwest Regional Youth Center in 1999, Dustin raised hell when he first arrived. But gradually the message sunk in: “I realized, hey, I can use this time to my advantage,” he says. “I spent a good six months being quiet, real thoughtful, and then I started speaking up and getting a lot of support from the staff.” A natural leader, Dustin has thrived since departing DYS custody in November 2000. He currently attends college, works the overnight shift for UPS, and serves on the Governor of Missouri’s Youth Service Council.

“Progress within such settings is generally short-lived, unless it is followed up, reinforced, and monitored in the community,” Altschuler complains, and in most jurisdictions, “the complexity and fragmentation of the justice system works against the reintegration of offenders back into the community.”

Missouri, by contrast, makes aftercare a core component of its correctional approach. It assigns one “service coordinator” to oversee each young person from the time they enter DYS custody until he or she is discharged—usually after three to six months on aftercare. These coordinators—unlike the parole officers employed by most states—decide when the young person will leave residential care, and they already have longstanding relationships with teens when they do head home.

While on aftercare, youth meet and speak frequently with their service coordinators, and many youth are also assigned a “tracker”—typically a college student, or a resident of the youth’s home community—who meets with them several times per week, monitors their progress, and helps them find jobs.

Missouri also operates 11 nonresidential “day treatment” centers from 8 a.m. to 3 p.m. each school day, which serve as a step-down for many teens after leaving a DYS facility. (DYS also assigns some youth—typically younger teens with lesser-offending histories—directly to day treatment.)

### Well-Spoken Teens

Word of Missouri’s unique juvenile corrections system has begun to spread. National Public Radio aired a feature about DYS in 2001, and the non-partisan American Youth Policy Forum dubbed Missouri a “guiding light” for juvenile justice reform. As a result, the state hosts frequent tours for policymakers and juvenile justice practitioners from other states.

Visitors often respond with surprise, even amazement, at the feeling of safety and optimism inside the facilities, and at the ability of Missouri youth to articulate a positive message and dispel the negative stereotypes that typically surround delinquent teens.

After touring St. Louis-area DYS facilities in December 2002, David Addison, chief juvenile public defender for Baltimore County, Maryland, said, “I was very impressed with the professionalism of the staff, and I was impressed that the kids really understood what the program was all about. They were able to express it a lot better than a lot of the staff could explain it here in Maryland.”

*More than most states, Missouri supports youth through the tricky transition when they leave facilities and return home.*

Diane Winston, a Louisiana state legislator who toured DYS facilities in late 2002, says that “the kids we met had definitely gone through a process of change. They had a lot of new tools for coping when they get out. ...

“In Louisiana, we have what Missouri had 20 years ago, which is warehousing kids in facilities that isolate and punish our juvenile offenders,” Winston added. “In Missouri, they’ve broken it down into smaller therapeutically focused centers where they really are changing behaviors.” (For more on this tour, see “For Louisiana Leaders, An Eye-Opening Experience” on p. 37.)

DYS Director Mark Steward takes DYS youth every year to visit with and testify before state legislators in Jefferson City, Missouri’s capital, and Steward sponsors countless facility tours for influential leaders all over the state.

Linda Luebbering, who once analyzed the DYS budget for the Missouri Division of Budget and Planning and is now the budget division’s director, vividly recalls her first visit to a DYS facility.

“I was surprised that I was walking into a facility like that—these were hard-core kids—and I was completely comfortable to go up and talk to them about their treatment,” Luebbering says. “I ended up in a long conversation with a very well-spoken young man. Only afterward did Mark [Steward] tell me that this kid had committed murder. It made a big impression on me.”

### Measuring Outcomes

Historically, DYS has not measured the long-term reoffending rates of program graduates. For years it reported only the number of youth returned to its own custody for crimes and rule violations committed before their 17th birthdays—but not how many were convicted or sentenced as adults.

In April 2000, Missouri’s state auditor criticized this oversight, and since then DYS has tracked the number

of youth who end up in Missouri’s adult corrections system. (DYS still lacks the ability to calculate the number of youth convicted of new offenses following release, the most common measure of recidivism.)

The most recent DYS recidivism report, compiled in February 2003, shows that 70 percent of youth released in 1999 avoided recommitment to a correctional program within three years.

Of 1,386 teens released from DYS custody in 1999, just 111 (8 percent) were sentenced to state prison or a state-run 120-day adult incarceration program within 36 months of release, and 266 (19 percent) were sentenced to adult probation. The new report also shows that 94 youth were recommitted to DYS for new offenses following release. (Another 134 youth returned to DYS residential facilities temporarily for breaking rules while on aftercare. DYS does not consider these cases failures or include them in its recidivism data.)

Compared to states that measure recidivism in similar ways, these success rates are exceptional. For instance, a 2000 recidivism study in Maryland found that 30 percent of youth released from juvenile corrections facilities in 1997 were incarcerated as adults within three years. In Louisiana, 45 percent of youth released from residential programs in 1999 returned to juvenile custody or were sentenced to adult prison or probation by mid-2002.

In Florida, 29 percent of youth released from a juvenile commitment program in 2000–2001 were returned to juvenile custody or sentenced to adult prison or probation within 12 months; the comparable figure in Missouri is just 9 percent.

Missouri’s lower recidivism rates do not come with a high price tag. The total DYS budget for 2002 was \$58.4 million—equal to \$103 for each young person statewide between the ages of 10 and 16. By contrast, Louisiana spends \$270 per young person 10–16, Maryland spends roughly \$192 for each youth ages 10–17, and Florida spends approximately \$271.



(Juvenile courts in Maryland and Florida have jurisdiction over youth up to age 17, while Missouri and Louisiana juvenile laws cover youth only up to age 16.)

In addition, not a single Missouri teen has committed suicide under DYS custody in the 20 years since Boonville closed. Lindsay Hayes, a researcher with the National Center on Institutions and Alternatives, reports that 110 youth suicides occurred nationwide in juvenile facilities from 1995 to 1999 alone.

Missouri's educational outcomes are also promising. Though DYS youth enter custody at the 26th percentile of Missouri students in reading and the 21st percentile in math, and many have not attended school regularly for years, three-fourths made more academic progress than a typical public school student in 2002, and 222 DYS youth earned their GEDs.

### Unfinished Business

Even with these encouraging signs, some limitations remain apparent in Missouri's youth corrections efforts.

While the DYS philosophy places strong emphasis on families, and the regional approach keeps most teens close to home, only 40 percent of DYS youth participated in family therapy last year. And in many cases, this therapy involved only handful of sessions just prior to release. Moreover, DYS therapists need not be licensed. Most are former direct care staff who have undertaken 150 hours of additional in-house training.

DYS has also suffered in recent years from a lingering state budget crisis. Salaries have been frozen since 2000, which has sapped morale and led some valued staffers to leave. The budget squeeze has also reduced DYS's ability to help youth from deeply troubled

families. Funding for "independent living" programs is increasingly scarce, forcing DYS to return some youth to chaotic and unhealthy homes. Budget shortages have also limited DYS's ability to help youth prepare for work and careers.

### Providing Opportunity

Despite these limitations, 70 percent of Missouri youth stay out of serious trouble for three years after leaving DYS facilities. Even at the Northwest Regional Youth Center, which receives the most serious offenders in the Kansas City region—including many youth who've failed in other programs—half of the graduates succeed for three years.

Among youth released from the Northwest Center's A Team in 2002, none had returned to state custody as of March 2003. Martin, whose "line of body" revealed head-to-toe scars, is back in high school earning good grades. Isaiah, the heavily medicated youth, has lived at home for five months without incident. Jerome, an athletic Kansas City teen with a long history of car thefts, is mentoring younger children in an after-school project. Roger, a one-time gang member and drug dealer, joined the military. Craig, a former heroin user and dealer, found work in a hospital.

Only one teen, Dawson, appears to be in serious jeopardy. A muscular African-American teen from one of Kansas City's toughest east-side neighborhoods, Dawson was born to an addicted mother and a father he never knew. He was taken in by a neighborhood family at age 4 but never bonded with his stepfather, and his behavior grew increasingly reckless in adolescence. By 16, when he entered the Northwest Center, Dawson had been arrested for burglary, assault, drug possession, and driving in a stolen car.

*Missouri's lower recidivism rates do not come at a high price. The DYS budget for 2002 was \$58.4 million—\$103 for each young person of juvenile age statewide. By contrast, Louisiana spends \$270 per young person statewide, Maryland spends roughly \$192 per young person, and Florida spends approximately \$271.*

# FOR LOUISIANA LEADERS, AN EYE-OPENING EXPERIENCE

After driving through the entry gates of the Watkins Mill State Park one gray November afternoon, two dozen well-dressed powerbrokers traverse a gravel parking lot and approach a nondescript wood frame building. The front door is unlocked.

Inside, the walls are decorated with crepe paper, and the air is infused with the welcoming aroma of hot cider. A half dozen teens—African Americans and whites, boys and girls—greet the visitors warmly.

Though they have been sentenced here for serious (but mostly non-violent) crimes, the youth are dressed in their own clothes—no jump suits, no military crew cuts. The teens laugh and joke with their staff, they look visitors in the eye, they smile easily as they offer up cider and a snack.

Most of the visitors have come from Louisiana, members of a commission established by the state legislature to explore reforms of the Bayou State's deeply troubled juvenile corrections system.

The group is understandably tired. This is stop number three today in a whirlwind tour of juvenile facilities in and around Kansas City. But something about this site sparks their attention: There are no fences here, and no heavy locked doors. The path to escape is wide open.

"Why don't you run?" asks one member of the delegation, a county judge.

*"Until now, this issue of juvenile justice has just been words and numbers to me. But this tour has really put a human face on the issue for me. It's a face of hope."*

For the Louisianans, the idea that delinquent youth might remain in a correctional facility voluntarily seems incongruous. Their juvenile corrections agency—managed by the state bureau of prisons—is dominated by four massive youth correctional centers, each housing more than 180 youth offenders. Grim, sometimes barbaric conditions inside these facilities prompted a federal investigation in 1996.

In 1998 a front-page *New York Times* feature on one of the facilities declared that "inmates of the privately run prison regularly appear at the infirmary with black eyes, broken noses or jaws or perforated eardrums from beatings by the poorly paid, poorly trained guards or from fights with other boys. Meals are so meager that many boys lose weight. Clothing is so scarce that boys fight over shirts and shoes. Almost all the teachers

are uncertified, instruction amounts to as little as an hour a day, and until recently there were no books." (Conditions in Louisiana facilities have reportedly improved since that time, though the state's youth corrections agency remains under federal supervision.)

"Do you ever think about running?" the judge repeats.

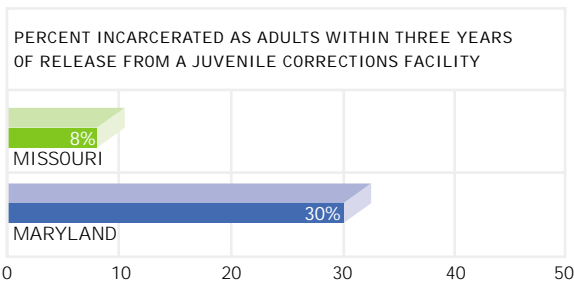
The question is posed to a tall, slender 16-year-old with a speech impediment and deep scars crisscrossing his face.

"I did when I first got here," the boy says. "I was making my plan. But then I saw that the other kids weren't going anywhere, they were thinking about their futures. And I saw that the staff here really cared. So I changed my mind."

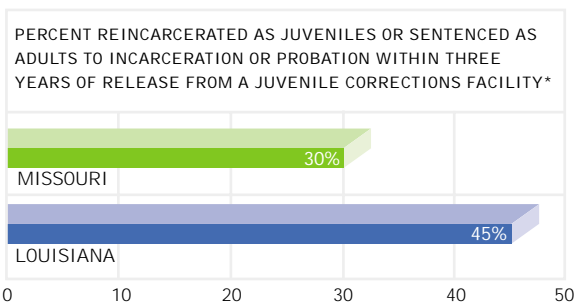
"I'm in here because I stole a car and crashed it going 85 miles an hour," the boy continued, his voice suddenly trembling. "I need to get this surgery finished. I need to make some different choices. I don't want to spend the rest of my life running."

That evening, at a going away dinner in downtown Kansas City, Louisiana representative Diane Winston stood up at a podium and confessed that "until now, this issue of juvenile justice has just been words and numbers to me. But this tour has really put a human face on the issue for me. It's a face of hope."

JUVENILE RECIDIVISM:  
Missouri vs. Other States

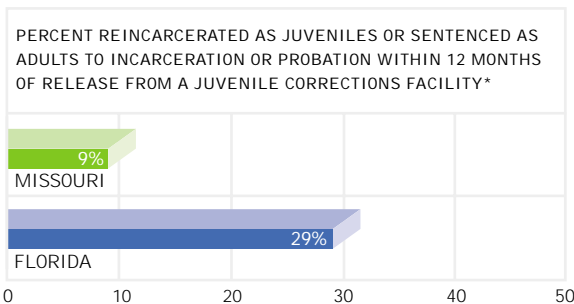


Sources: Missouri Division of Youth Services and Maryland Department of Juvenile Justice.



\*These figures do not include youth returned to juvenile custody on technical violations.

Sources: Missouri Division of Youth Services and Louisiana Department of Public Safety and Corrections.



\*These figures do not include youth returned to juvenile custody on technical violations.

Sources: Missouri Division of Youth Services and Florida Department of Juvenile Justice.

At Northwest, Dawson earned a GED, made plans to attend college and play football, and acquired a new demeanor of thoughtfulness and self-respect. In April 2002, a month after leaving the facility, Dawson

explained that “I’m glad [for my time at Northwest]. I learned a lot there. I got to chance to think about my priorities, become more of a man.”

But Dawson had not lifted a finger yet to pursue college or find work. He partied with friends, stayed out till all hours and then slept till noon in his step-parents’ large but crumbling prairie box home. Still, he insisted that he would never return to the corner drug trade—the vocation of choice for most of his neighborhood peers.

“It’s just not tempting to me,” he said. “I know I’ve got skills. I’ve got a future, and I’m not going to do anything that could put me in prison and take that away from me.”

Asked if he also worried about the morality of selling drugs, Dawson paused a moment, then responded: “Honestly, most of the reason I won’t do it is for me, but yeah, I know what drugs do. When a little kid don’t have no mommy or daddy because they’re off doing drugs, that ain’t right. I don’t want to be part of that.”

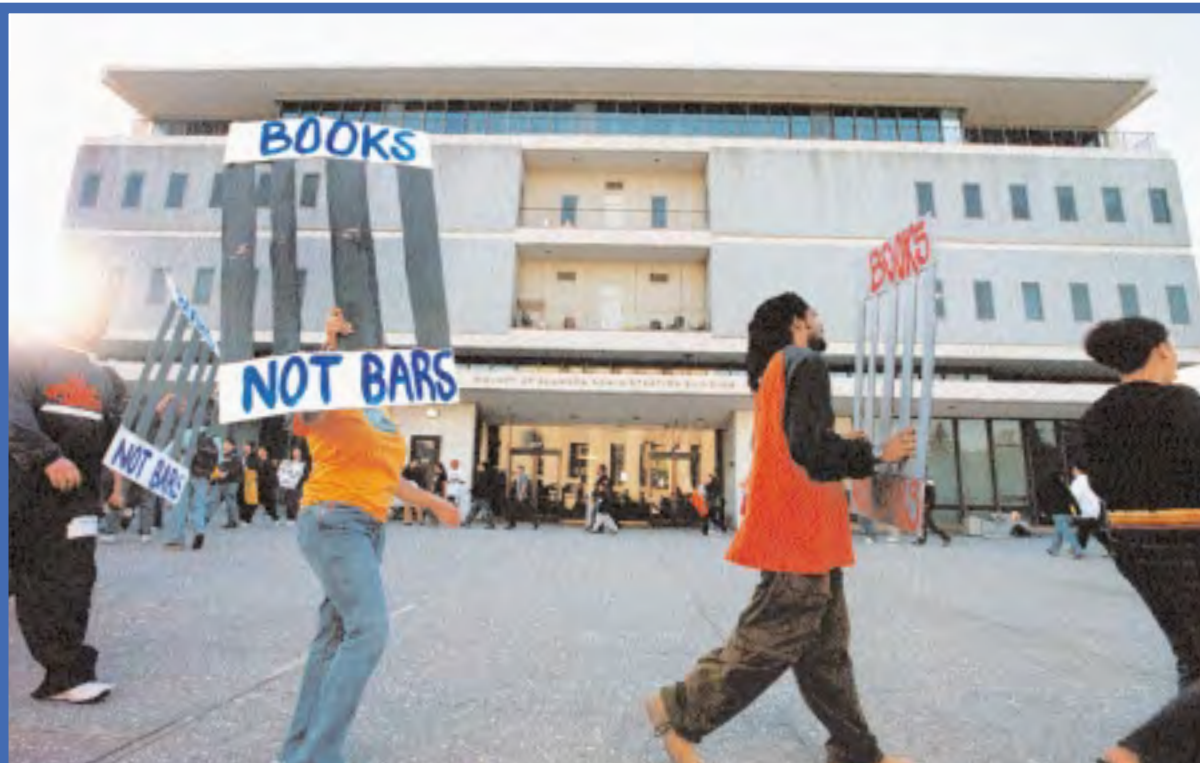
Despite his strong words, Dawson never applied to college. He even declined to interview for subsidized jobs lined up by DYS staff. And sadly, as his aftercare period ended in the summer of 2002, both Dawson’s service coordinator and a DYS tracker spotted him on a notorious drug corner.

Tales like Dawson’s leave Mark Steward philosophical—but no less certain of Missouri’s unconventional, smaller-is-better approach to juvenile corrections.

“All we can do is to give these kids a chance,” Steward says. “We teach them to look at themselves. We put them in a safe and stable and supportive environment—some of them for the first time in their lives. We help them see opportunities and make choices about their futures, but in the end it’s still up to them.”

“With us, they have an opportunity. Send them to a typical training school, where staff intimidates them and they have to fight to survive, and they’ve got no shot.”

*Before becoming editor of ADVOCASEY, Dick Mendel authored three national reports on juvenile justice and youth crime prevention for the American Youth Policy Forum.*



On May 17, 2001, Fela Thomas and dozens more Bay Area youth activists boarded two early-morning flights out of San Francisco International Airport and headed south to San Diego, where the California Board of Corrections was slated to dole out millions of federal and state grant dollars for the construction of juvenile detention centers. For months, the activists—hip-hop teens and twentysomethings from some of Oakland's

poorest neighborhoods—had been trying to stop Alameda County from building a massive new 540-bed “super jail” for kids in the suburban city of Dublin, about an hour’s drive from Oakland. Under the rallying cry of “Books Not Bars, Schools Not Jails,” they had disrupted meetings, held marches and demonstrations, built alliances, and pressured politicians to rethink the size of the detention center.

YOUTH JOIN THE BATTLE TO SLOW CALIFORNIA'S  
JUGGERNAUT OF JUVENILE JAIL BUILDING



Now, at a meeting that had been hastily moved from Sacramento—apparently to make it harder for them to attend—the protesters stood in the back of the room holding placards (“Educate, Don’t Incarcerate!”) and raising clenched fists in the air. When the time came for public comment, several of them, including Thomas, a 23-year-old Oakland resident, stood before the 12-member board and demanded that it rescind a \$2.3 million grant earmarked for Alameda County’s proposed juvenile hall.

“I told them they needed to get their priorities straight,” Thomas recalls, “that the way they were running their game wasn’t working and was hurtful and destructive to communities of color, and young people in particular.”

Thomas and his colleagues pointed out that juvenile crime in Alameda County had gone down in recent years, which obviated the need for an expanded facility. That the existing juvenile hall, though obsolete, was frequently overcrowded not because of an increase in crime but because probation officials refuse to place nonviolent juveniles in community-based programs. That moving the detention center to Dublin would make it harder for family members to visit their children, the majority of whom come from Oakland. That more money should be spent on Oakland’s troubled public schools, not on building new jails.

Rachel Jackson, field coordinator for the campaign against the proposed detention center, knew that the board rarely overruled its executive steering committee, which had already approved the \$2.3 million grant. “But we were really hopeful that the presence of young people would make a difference,” she says.

The board members listened patiently, argued among themselves, and then, in a stunning defeat for Alameda County officials, voted 10 to 1 (with one abstention) to reject the grant and redirect the funds to a project in Sacramento.

The activists couldn’t believe their ears. “I was convinced that they were actually voting against us

*Previous page:* Members of the Youth Force Coalition protest the proposed “super jail” outside the Alameda County Administration Building.

*Bottom of next page:* Youth allied with the Books Not Bars campaign march to protest plans for a new 540-bed juvenile detention center in Alameda County.

because of how unanimous it was coming out,” Thomas says. But their argument had prevailed, and as result, the detention center would have to be scaled back.

“We were ecstatic,” Jackson says. “We started chanting, ‘Ain’t no power like the power of the youth, ’cause the power of the youth don’t change!’ Then we held a rally outside in the parking lot.”

Board member Zev Yaroslavsky, a Los Angeles County supervisor, told the *Los Angeles Times* that the impassioned pleas

from the young activists helped convince him to overrule the subcommittee’s recommendation.

“I wouldn’t have given them 10 cents for their odds to change the minds of the Board of Corrections, but they did it,” he said. “After hearing them speak, the board decided, ‘Let’s take a second look at this.’ I was a protester when I was young, and I never got those results.”

## A DETENTION BUILDING BOOM

America is in the midst of a juvenile detention building boom. Despite a sharp decrease in serious and violent crimes committed by young Americans since the early 1990s, the number of juvenile offenders held in detention remains at unprecedented levels. In January 2002, the publication *Youth Today* estimated that the number of detention beds will increase by at least 25 percent nationwide over the next few years.

In California, prison officials and local politicians are parlaying federal, state, and county dollars into the construction of more than 3,000 new detention beds and 1,350 replacement beds. When these projects are completed, California—which already confines more young people than any other state in the country—will have a juvenile detention capacity of more than 9,000 beds. That’s a 50 percent increase from 1999.

In light of this boom, a growing chorus of reformers is calling on policymakers to explore alternatives to locked juvenile detention—including programs

sponsored by the Annie E. Casey Foundation. In 2001 a panel on juvenile crime convened by the National Academy of Sciences urged the federal government to provide states with funds and other incentives to develop community-based alternatives for juvenile offenders and to move away from institutionalization.

In Alameda and a handful of other jurisdictions, young people themselves are taking a leading role in attacking the status quo, employing attention-getting street tactics to get their message across. Many of these youth have firsthand experience with juvenile detention, so fighting what they see as a flawed system is more than academic—it's personal.

"These days, it's kind of hard for young people of color to not have some connection to the prison and juvenile justice system," says Thomas, the Oakland activist, whose brother has been in and out of prison over the past nine years. For him, traveling to San Diego to confront the Board of Corrections was an "empowering" experience.

Tey Welbeck, another youth protester, says the experience taught him that "your voice does matter."

Van Jones, who has helped organize much of the campaign against the proposed detention center, says, "Most people don't think that young people can do much of anything. But young people around the world have played leading roles in correcting social problems."

Jones, a 34-year-old Yale University Law School graduate and social activist, founded the San Francisco-based Ella Baker Center for Human Rights in 1996. Named for an unsung hero of the Civil Rights movement, the nonprofit center challenges what it sees as human rights abuses in the criminal justice system.

In 2000 Jones, dubbed the "Hip-Hop Litigator" by *Mother Jones* magazine, teamed with youth groups to organize a

number of Bay Area rallies and protest marches against California's Proposition 21, a ballot initiative to grant prosecutors—not judges—the authority to decide whether 14- to 17-year-olds are tried in adult courts. The initiative passed with 65 percent of the vote.

In the wake of that defeat, Jones launched "Books Not Bars," a campaign to, in his words, "expose and end the widespread overincarceration of youth."

Jones designed Books Not Bars to be more "pro-active" than the anti-Proposition 21 campaign, he says. Young people would still play a pivotal role, but he and the other staff at the Ella Baker Center would coordinate the policies and strategies. "You can't have 17-year-olds making decisions about litigation," Jones points out. "But young people have a lot of energy and a lot of passion. They're smart, funny, charismatic, great on TV, impossible to ignore."

They also, he believes, possess a piercing moral clarity. "Kids," he says, "put things in stark, clear terms that are hard to ignore."

### FREE ONE-TIME MONEY

The Books Not Bars campaign was barely under way in early 2001 when Jones learned that Alameda County was planning to build a \$176 million, 540-bed juvenile detention complex to replace an aging,



299-bed hall that sits between two seismic fault lines and has been plagued by overcrowding. The new lock-up would be located on 16 acres of county-owned property in Dublin, across the street from the Santa Rita Jail, and would include court and probation facilities.

In 1999 the county asked for \$119 million from the California Board of Corrections to pay for a new facility but was turned down. The second time around, county officials applied for two grants from the corrections board—one for \$33.1 million, and one for \$21.1 million (later pared to \$2.3 million). The remainder of the construction costs would come from the sale of county bonds.

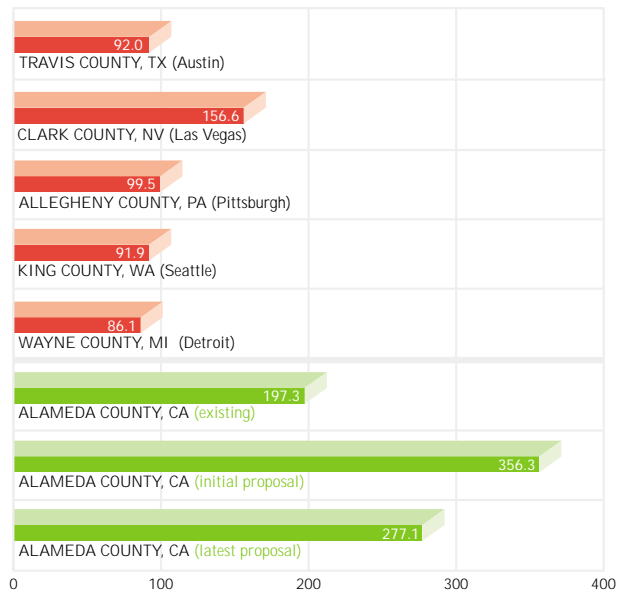
The county’s plan for the facility was developed by Rosser International, an Atlanta-based prison design and construction firm. In justifying its proposal to nearly double the number of detention beds, Rosser presented calculations showing that juvenile court referrals and detentions in Alameda County were on the rise, as was the county’s youth population.

County leaders’ support for the facility was fueled by the availability of construction funds through the federal Violent Offender Incarceration/Truth in Sentencing Act of 1994 (VOI/TIS). Since 1996, the act has pumped roughly \$500 million nationwide into the expansion and construction of juvenile detention centers—more than half of it in California. Many of the state’s juvenile facilities—including Alameda’s—are outmoded and need replacement. But—to the consternation of many critics—California corrections officials have interpreted VOI/TIS rules to require that counties not just replace their juvenile halls but also expand them, whether they need more detention beds or not.

“This is essentially free, one-time money from the feds to build new facilities,” explains James Bell, director of the Youth Law Center’s W. Haywood Burns Institute, “and if you are a county that is strapped for cash, you’re going to go after it.

“But that doesn’t mean it’s a good thing,” Bell says. “Alameda County already has large numbers of kids locked up disproportionate to the size of the county.”

JUVENILE DETENTION BED CAPACITY:  
ALAMEDA VS. OTHER U.S. JURISDICTIONS  
(per 100,000 youth\*)



\* Juvenile population is the number of youth ages 10–17 in those states (CA, NV, PA, WA) where the upper age of juvenile jurisdiction is 17 and 10–16 in states (TX, MI) where the upper age of juvenile jurisdiction is 16.

Source: Ella Baker Center for Human Rights, plus author’s calculations.

## NOT A RATIONAL PLAN

With little fanfare or debate, the Alameda County Board of Supervisors voted unanimously in early 2001 to build the new center.

Then Van Jones and his young partners got on the case.

“At first,” Jones says, “we didn’t know that a 540-bed facility was especially big.”

But Jones and his colleagues quickly discovered that a detention center of that size in a county of 1.5 million residents would make it one of the largest per capita in the nation. By contrast, Cook County, Illinois, with a population of more than 5 million residents, has a 498-bed juvenile detention center. King County, Washington, home to about 1.8 million people in and around Seattle, operates a detention center with just 160 beds. (See chart above.)

Jones knew that juvenile crime was on the decrease, and he had doubts about the county’s research. “It just didn’t make sense,” he says, “yet there was really no serious opposition.”

Jones's suspicions were confirmed in a 1998 letter written by Barry Krisberg, director of the National Council on Crime and Delinquency (NCCD), a juvenile justice think tank headquartered in Oakland. After reviewing the analysis compiled by Rosser International, Krisberg complained to Alameda County's probation director that Rosser's findings were based on faulty data and projection methods that were "insufficient for good planning."

For example, Rosser's report asserted that juvenile court referrals in Alameda rose 2 percent from 1991 to 1997, whereas the probation department's own statistics showed that referrals and detentions actually declined 12 percent. Also, the county plan's projections were based on the current hall's all-time peak population of 339, not on its lower average monthly population.

"Basically, the numbers didn't add up," Krisberg says. "There was no consideration given to alternatives to detention. It was nothing that resembled a rational plan."

### HIP-HOP ACTIVISM

On March 15, 2001, Jones and about 35 protesters, many of them young hip-hop activists with ties to Oakland's Youth Force Coalition, held a noisy rally outside the Alameda County Probation Department's office in downtown Oakland. In a scene right out of the 1960s, they forced their way into the building and presented a letter of opposition to department officials.

Two weeks later, Books Not Bars interrupted Alameda County's presentation to the state Board

of Corrections in Sacramento. Forty protesters marched into the hearing with placards and demanded to speak—even though public comment wasn't on the agenda. "We told them it didn't make sense to propose a new detention center without young people having a say in the matter," says the Ella Baker Center's Nicole Lee. "But they didn't want that, so they asked us to leave. When we refused to, they closed the meeting. We stayed for a while and rallied and protested, then we called it a victory and left."

In addition to protest activities, youth leaders worked to recruit allies to their cause. Each Saturday, as many as 40 young people fanned out on street corners and asked local citizens to sign petitions or postcards opposing the new facility. Youth made presentations to civic and religious organizations like the Rotary Club and the Nation of Islam, and they helped forge an alliance with Dublin homeowners who were also opposed to the new facility.

On May 9, the youth coalition returned to confrontation as more than 100 protesters pleaded their case at a special public hearing. The state corrections board had already awarded the \$33.1 million grant to the county and was considering an additional \$2.3 million. Protesters demanded that county supervisors turn down the extra funds and build a facility with no more than 330 beds. They also urged the supervisors to consider alternatives to traditional juvenile detention. Bart Lubow, a senior associate at the Annie E. Casey Foundation, testified about the successes of the Foundation's Juvenile Detention Alternatives Initiative and offered, as he had in the past, to show county officials how to rethink and reform their juvenile justice system.

**"I wouldn't have given them 10 cents for their odds to change the minds of the Board of Corrections, but they did it. After hearing them speak, the board decided, 'Let's take a second look at this.' I was a protester when I was young, and I never got those results."**

*—Zev Yaroslavsky, Los Angeles County supervisor and a member of the California Board of Corrections*



The supervisors put off a decision that night. A week later, in a 3-to-2 vote, they voted to move forward with the 540-bed facility.

That’s when the Books Not Bars activists flew to San Diego and convinced the Board of Corrections to reject the county’s \$2.3 million grant request.

Buoyed by that victory, the teen activists ramped up the campaign. At a raucous board meeting on July 24, 2001, protesters chanted, rapped, and sang protest tunes to get their point across. Keith Carson, one of two sympathetic board members, proposed hiring NCCD to conduct a needs analysis to rethink plans for the new juvenile hall. But the resolution failed in a 3-to-2 vote. Afterward, the activists staged a sit-in in front of the supervisors’ dais, resulting in the arrests of nine activists.

“They arrested us, handcuffed us, booked us, packed us in a van, and took us out to Santa Rita, the county lock-up, which ironically is just across from where the proposed facility would be,” recalls Robin Templeton, the Ella Baker Center’s national communications director. Templeton and the other protesters were released at about 3 o’clock the next morning. The charges were later dropped.

Back at the meeting, the supervisors voted to forge ahead with the detention center but to reduce its size from 540 beds to 450. The board also established an ad hoc subcommittee to study the county’s juvenile justice system and to explore “options for minimizing the detention of youth in Juvenile Hall.” But, as the activists noted, the study wouldn’t be completed until after construction of the new juvenile hall had begun—too late to influence its size or location.

Soon after, hundreds of young people assembled at the “Not Down with

the Lockdown” rally in downtown Oakland—a festival of hip-hop culture, with rap music, poetry, breakdancing, and graffiti art.

By the fall of 2001, Alameda County was on track to build a slightly smaller hall—420 beds, with space for up to 450—at the Dublin site. The Books Not Bars protesters took credit for the reduction in size, but they were far from satisfied. Jackson called the drop “a political maneuver to get us to go away.” But she insisted they weren’t going anywhere.

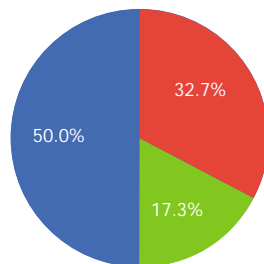
### OVERSIZED, INACCESSIBLE

In November 2001, NCCD issued a report on the Alameda controversy spelling out serious flaws underlying the plan for a 540-bed facility and examining the causes of crowding at Alameda’s existing detention center. NCCD reported that one-fourth of the young people admitted to detention from February to May of 2000 were locked up not for committing crimes, but rather for violating probation rules or failing to appear in court. And it urged the county to expand the use of proven detention alternatives.

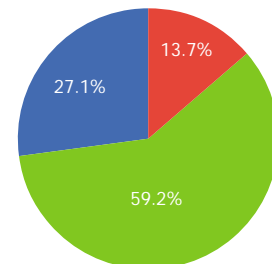
Krisberg argues that Alameda’s new juvenile hall could actually be *smaller* than the existing 299-bed facility. “I think a serious commitment to

OVERREPRESENTATION OF AFRICAN-AMERICAN YOUTH IN THE ALAMEDA COUNTY JUVENILE HALL

Alameda County Youth Population (Ages 10–17)



Alameda County Juvenile Hall Population



■ White      ■ African American      ■ Other (or multiracial)

Source: Ho, Ying-sun; and Anderson, C. Lenore. (2002, April). *Alameda County and the Crossroads of Juvenile Justice Reform: A National Disgrace—Or a National Model?* San Francisco: Ella Baker Center for Human Rights. Available online at [www.booksnotbars.org/popups/countyatcrossroads.pdf](http://www.booksnotbars.org/popups/countyatcrossroads.pdf).

alternatives could drive that population down even further,” he says. “It would be relatively easy to move somewhere between 75 and 100 kids to less-secure placements. There’s no question about that.”

In April 2002, with help from NCCD and other juvenile justice reform organizations, Books Not Bars generated its own report, chronicling the history of the controversy and examining the issues in detail. The report slammed the county for hiring Rosser International to write its plan, pointing out that the firm, as a potential bidder on the new facility, had a vested interest in demonstrating the need for a larger hall. As the Casey Foundation’s Bart Lubow told columnist Arianna Huffington, “That’s like asking Lockheed Martin how many bombers the U.S. needs to protect itself.”

The report also complained that almost one-fourth of youth detained in juvenile hall on any given day had already completed their trials and were awaiting transfers to group foster homes or other unlocked community facilities. And it took aim at the dramatic overrepresentation of minorities in Alameda’s juvenile hall, where 86 percent of the youth admitted into custody are nonwhite. (See chart on p. 44.)

“Instead of addressing these problems,” the report concluded, “the county is focusing its energies and resources on building an oversized and inaccessible 420-bed juvenile hall that will only make matters worse. Alameda County stands at the brink of making a disastrous mistake.”

After releasing the report, the Books Not Bars activists kept up the heat, with mixed results. In June 2002, about 100 turned out for a county budget hearing and urged the board to adopt cost-saving reforms, such as opening “day reporting centers” to supervise some youth in the community as an alternative to locking them in detention. The centers, initially developed in Chicago, cost \$30 to \$40 per day for each young person—about one-fourth the daily cost of locked detention. That and other reforms would cost \$615,000, Books Not Bars asserted, but could save the county more than \$1 million.

The board members did not include the proposals in the budget—sending them instead to a public safety committee for analysis. As the board adopted its final budget on a 5-to-0 vote, the activists turned around and displayed signs reading, “Don’t Turn Your Back on Youth.”

## “NOT GOING ANYWHERE”

At the end of 2002, the outcome of the controversy remained unclear. As part of its environmental review for the proposed juvenile hall, the county was exploring other possible sites, including a former county jail located in Oakland. And a group of “not-in-my-backyard” Dublin homeowners had threatened to sue the county over the project.

Jones admitted that he and his Books Not Bars colleagues are “tired and frustrated” by the county’s unwillingness to make larger concessions. “At this point,” he said, “we don’t feel like we’ve got a whole bunch of tricks up our sleeves. We’re definitely at a strategic impasse.”

On the other hand, he’s proud that a vocal group of young people—many of them not even old enough to vote—turned what was basically a *fait accompli* into a hard-fought battle.

“There was literally one second left on the clock,” he said. “And these kids jump in there and knock it back by half, knock \$2.3 million from the state government, and create this whole public debate that hadn’t taken place on this issue before. It proves that young people can get involved and really make an impact on public policy. ...

“We’re not going anywhere,” Jones vowed. “Even if we are unable to keep them from building this thing, we’re definitely going to prevent them from filling it. We intend to keep pushing for real reforms that will result in a reduction of incarceration for Alameda County juveniles. Eventually, what we’re talking about will have to be taken seriously.”

*David Hill, formerly a staff writer for Teacher Magazine and Education Week, now works as a freelance writer in Denver, Colo.*



**The Annie E. Casey Foundation**

701 St. Paul Street  
Baltimore, Maryland 21202  
Phone: 410.547.6600  
Fax: 410.547.6624  
[www.aecf.org](http://www.aecf.org)

*Design and Production:*

Kathryn Shagas Design

*Design:* Kathryn Shagas, Janice Bonner

*Charts:* Joanne Cooper

*Typesetting:* Rebecca Wheeler

*Photography:*

*Cover, pages 39, 41:* Ray Chavez

*Page 3:* Martin O'Neill

*Pages 5, 6:* Bill Denison

*Pages 14, 15:* Andre Chung/*Baltimore Sun* Staff

*Pages 18, 22, 24:* Jake Schoellkopf

*Pages 28, 31, 34:* Ben Weddle

*Page 32:* Dick Mendel

*Printing:*

Finlay Printing