
CHALLENGE #8: REDUCE INAPPROPRIATE DETENTION OF YOUTH AWAITING TRIAL OR PENDING PLACEMENT

“The inappropriate use of secure detention poses hazards for youth, jurisdictions, and society at large. Research indicates that detention does not deter future offending, but it does increase the likelihood that children will be placed out of their homes in the future, even when controlling for offense, prior history, and other factors.”⁵⁶

Annie E. Casey Foundation

When an adolescent is arrested, one of the most important decisions affecting his or her future will be made almost immediately: *detention*.

The choice whether or not to hold a young offender in a juvenile detention center – analogous to a local jail in the adult justice system – is not just a question of short-term liberty for the offender. Rather, this decision can have serious consequences for ultimate disposition of the young person’s case. According to Mark Soler of the Youth Law Center, “Youth who are detained, rather than let go to their parents or released to some other program, are much more likely to be incarcerated at the end of the process.”⁵⁷

Unfortunately, evidence is abundant that *pre-trial detention is used excessively, inefficiently, and inequitably in many jurisdictions nationwide, perhaps most*. Under the law, juvenile detention centers are intended to house young people

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pending trial only if they pose a danger to themselves or others, or if they are a risk to flee the jurisdiction rather than appear for scheduled court hearings. However, 79 percent of all youth held in juvenile detention nationwide in 1997 were not charged with violent felony crimes. Many were accused only of a misdemeanor, status offense, or property crime. Many more were detained after failing to appear at an earlier court hearing – often following a long delay from arrest to hearing date and minimal (if any) follow-up to remind the youth of the hearing or encourage attendance.

Meanwhile, inefficient case processing lengthens the duration of stay for many detained youth – causing young people to spend far more time than necessary away from their families and out of school. Once youth are convicted of crimes (“adjudicated delinquent” in the parlance of juvenile courts), many spend weeks or months more in detention waiting idly for placement into a corrections or treatment program.

These problems are a large part of the reason why the population housed in juvenile detention facilities nationwide has risen dramatically in the past two decades – not only during the period of rapidly increasing juvenile crime (from 1984 to 1993) but also since 1993 when juvenile crime rates have declined sharply. In 1995, 62 percent of youth held in detention were in overcrowded facilities – placing them at heightened risk for violence, and decreasing the quality of education, health and other services provided.

Fortunately, a number of jurisdictions have shown in recent years that over-use of detention can be overcome. In 1987, youth advocates filed suit in Broward County, Florida to protest overcrowding in the local juvenile detention center, which was overflowing with an average daily population of 160 young offenders. The county responded with a multi-pronged detention reform initiative. It introduced an objective screening device to determine whether each offender was a danger to himself or others, or a risk to flee, and it only detained those who met one of those two criteria. The county created new procedures to minimize “failures to appear” for court hearings, a major problem in Broward (and many other juvenile courts) and a cause for youth to be rounded up and detained. And Broward launched alternatives-to-detention programs to provide intensive oversight as well as mentoring and case-management for higher-risk youth released pending trial. Through these efforts, Broward County reduced its average daily headcount by two-thirds over five years – to only 56 young people per day – and the county

saved \$5.2 million in operating costs, construction, and overtime.⁵⁸

Broward County’s success in reforming juvenile detention paved the way for the Annie E. Casey Foundation’s multi-city Juvenile Detention Alternatives Initiative (see sidebar on p. 56) – which demonstrated again that many young people now languishing in detention beds can be safely supervised in the community or more rapidly placed into correctional programs. So too does the Juvenile Justice Operational Master Plan project in King County (Seattle), Washington, which is detailed in the following pages.

Meaningful detention reform can ease chronic overcrowding and avert the need for new multi-million dollar juvenile lock-ups. As the King County story demonstrates, it can also be a fulcrum for a more fundamental change in juvenile justice – embracing what works and discarding unproductive but still-common practices that waste money, damage youth, and fail to protect citizens.

Juvenile Justice Operational Master Plan Bringing Detention Reform to Seattle and King County, WA

Like most urban centers in America, the Seattle area has seen a sharp drop in serious juvenile crime since the early 1990s. Yet, like a lot of places, the juvenile detention center in King County – opened in 1991 – brimmed to capacity in the late 1990s. Admissions to detention rose 27 percent from 1993 to 1998, and the average length of stay in detention rose 39 percent – causing the average daily population to jump from 119 to 199. In January 1999, the detention population topped 200, though the facility was designed to house only 160 youth. The overcrowding forced King County to draw up plans for another detention center: construction for a 80-bed unit would cost \$11 million, and operational costs would add another \$5.8 million per year.

Such an investment would be worth every penny if the safety of King County residents was at stake. But was a new detention center the only option to prevent the county from having dangerous young

criminals loose on the streets? A team of community and local government leaders began examining this question in 1997 as part of a larger review of county juvenile justice programs for the new millennium.

Here’s what they found: Without jeopardizing safety, King County could dramatically reduce the detention population, avert the need for a new detention center, and reduce subsequent offending. The only catch was, to achieve these goals the county would have to change virtually everything about how its juvenile justice system did business. In August 2000, the King County Council voted to do just that – placing the proposed new detention center on indefinite hold and instead investing would-be construction and operations funds into long-needed administrative reforms and far-sighted prevention and treatment programs.

These reforms, which are now in varying stages of implementation, have already reduced King County’s

detention population by 30 percent while offering troubled youth an array of new and improved programs with proven power to prevent or reverse delinquency.

FRAMING A MASTER PLAN

King County's Juvenile Justice Operational Master Plan (Master Plan), commissioned by County Executive Ron Sims in December 1997, was developed over three years by a 22-person oversight team with support from a 16-person working group, expert consultants, and various project teams involving more than 100 representatives from county and city agencies, courts, community agencies, and schools.

In the first phase, the study team interviewed several dozen stakeholders in the Seattle area and held juvenile justice policy workshops in May and June 1998. These efforts, along with research by project staff and deliberations by the oversight committee, formed the basis for an interim report in August 1998. This report concluded, in part, that "Additional detention capacity will be needed to meet the current and future demand for the county if community based alternative programs... and other diversion programs are not expanded." However, the Phase One report stated, "This analysis found a high potential for the use of alternatives, which are more effective in terms of cost and impact for a high percentage of the youth entering the juvenile justice system."⁵⁹

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In the second phase of the study process, the Master Plan team developed a mountain of data regarding the options for reform in the local juvenile justice system. Not only did the study team identify 17 policy and program recommendations, but it also went the next step of combining these recommendations into three reform scenarios (ranging from limited implementation to full implementation of the recommendations). The team then developed a model to project the impact of each scenario on the size of the detention population and the county's juvenile justice costs over time.

"We are at a crossroads regarding the future of juvenile justice in King County," the Phase Two report found. "The choices are clear. We can continue to do what we did throughout the 1990s and face the need to construct and operate a major new juvenile detention facility, or we may rethink how we do business and find other ways to promote justice, protect the public, and help youth in trouble make responsible choices."⁶⁰

TARGETS FOR REFORM

The Master Plan identified many areas ripe for reform, including several that contributed directly to overcrowding in the county detention facility.

Objective Detention Screening. Historically, when police arrested young people for charges and decided not to release them with a warning, they would bring offenders to detention and simply drop them off. Only then would probation staff assess youth to determine whether they posed a threat to public safety or a risk to flee. If the young person did not pose a danger, detention center staff tried to find an adult or guardian to take custody – often unsuccessfully. Thus, many low-risk youth found their way behind bars. When a team of consultants and staff analyzed the problem, they found that by providing police with specific detention criteria, and then prohibiting officers from bringing less serious offenders to detention, the county could free up many detention beds.

Alternatives to Detention. As of October 1998, 46 percent of the youth locked inside King County's detention center were charged with a misdemeanor or status offense. Only 28 percent were charged with a serious felony. However, only about twenty

The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative

After the dramatic success of its grants to support juvenile detention reform in Florida's Broward County (see p.54), the Annie E. Casey Foundation decided to take its show on the road. Beginning in December 1992, the foundation developed, launched, and supported a multi-million dollar, multi-site project to help develop a model for detention reform that could be used throughout the nation.

Specifically, the **Juvenile Detention Alternatives Initiative (JDAI)** provided implementation grants of \$2.25 million each to Sacramento County, CA, Multnomah County (Portland), OR, and Cook County (Chicago), IL over a period of three years.⁶¹ The aim of the grants was to help these localities achieve four goals: (1) build a consensus on the purposes of juvenile detention (and thereby eliminate unnecessary and inappropriate detention placements); (2) reduce the number of youth who fail to appear in court for scheduled hearings or commit a new offense while pending adjudication; (3) improve cost-efficiency in detention by developing responsible alternatives to secure confinement; and (4) improve conditions and alleviate overcrowding in secure (i.e., locked) detention facilities.

The results from this JDAI initiative effort were rich – both for the localities involved, and for juvenile justice practitioners nationwide thanks to the wealth of tangible information disseminated by Casey through this initiative.

“Every measure we have suggests that in Chicago, Portland, and Sacramento, JDAI achieved significant reductions in detention admissions and significant improvements in the conditions of confinement,” reports Barry Krisberg, president of the National Council on Crime and Delinquency and chief evaluator of JDAI. “And there were no increases in either failure-to-appear rates or pretrial crime rates.”

In the three counties, staff from juvenile justice agencies and the courts made their most significant progress in three areas:

- ♦ *Reducing inappropriate admissions to detention.* In each of the three jurisdictions, juvenile probation agencies developed objective risk-assessment instruments to measure which youth offenders were really dangerous or likely to skip their scheduled court hearings. These objective measures replaced haphazard screening processes that previously allowed many youth to sit in detention as punishment (which is unfair to youth who not yet been convicted) or because no guardian could be located.

youth each day participated in alternatives-to-detention programs such as home detention, electronic monitoring, or intensive supervision, and an alternatives-to-detention intake worker was assigned to only one of the county's four juvenile courtrooms. In other jurisdictions, alternative programs report success rates of 85-90 percent supervising youth without arrests and getting them to scheduled court hearings – and at a fraction of the cost of secure detention. Expanding its alternative programs, analysts found, would free up many beds.

Appearance Rates for Juvenile Court. Twenty-nine percent of youth admitted to King County's detention center in 1996 were arrested on bench

warrants because they failed to appear in court. Though 78 percent of these youth were accused of misdemeanors or minor property felonies, most were admitted to detention – at an average cost of \$144 per day. Despite these costs, the county did little to encourage youth to appear – mailing a reminder letter, in English only, and often to incorrect addresses. Juvenile justice staff recommended a new plan to begin phoning youth and their parents just prior to hearing dates, a procedure that could cut the failure to appear rate and free more beds.

Truants and Status Offenders. In 1995, the state of Washington passed the “Becca Bill,” named for Rebecca Hedman, a 13-year-old runaway who was

- ♦ *Expedited case-processing and reduced lengths of stay in detention.* Sacramento and Multnomah Counties made dramatic strides in eliminating unnecessary and expensive delays in juvenile cases and reducing the periods of confinement for youth initially placed into detention. In both of these jurisdictions, probation staff began to meet with prosecution and defense attorneys as soon as possible after arrest to resolve cases and/or find alternatives to locked detention for youth who posed few dangers.
- ♦ *Detention alternatives for non-dangerous youth.* In Cook County, the most impressive outcome of the JDAI project was an array of new detention alternatives programs to supervise youth in the community while they awaited court hearings. These alternatives – including evening reporting centers, home confinement, community service work projects, and non-secure shelters – have succeeded with more than 90 percent of the youth assigned. The alternatives have allowed the county to reduce the number of youth placed into secure detention and lower the average daily population in its detention facility (designed for 498 youth) from more than 750 per night early in 1996 to fewer than 550 in the summer and fall of 1999.

In addition to these concrete accomplishments in the targeted cities, JDAI also produced valuable information for juvenile justice practitioners in other jurisdictions. The Casey Foundation hosted a national juvenile detention conference in December 1996, and it has since published a series of thirteen “Pathways to Detention Reform” reports examining aspects of detention reform, plus an interim evaluation report. (A final evaluation report is pending.) Thus, for the first time, juvenile justice practitioners have a wealth of information at their disposal to understand and address detention reform – a critical but little-understood battleground in the larger juvenile justice reform challenge.

CONTACT:

Bart Lubow, Senior Associate
The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202
(410) 547-6600

murdered while walking the streets. The law granted wide discretion to the courts to intervene with and confine young people who have not committed crimes – including runaways, truants, and other status offenders. The results in King County were dramatic: within two years the number of non-offenders admitted to detention increased by 1800 percent, from 34 in 1995 to 615 in 1997. Consultants and staff found that many cost-effective options were available to avert detention and reduce court costs for non-offenders. These included non-court truancy boards to resolve problems before court petitions are filed, truancy sweeps by police to round up truant youth and intervene before truancy becomes ingrained, and

mediation to resolve problems between unmanageable youth and their guardians without court involvement.

Lengths of Stay. From 1993 to 1998 the average period of confinement for youth in the King County detention rose from 7.6 days to 10.6 days, accounting for 62.5 percent of the overall growth in average daily population at the detention center. These increasingly lengthy periods of detention could be reversed, staff found, by adopting clear sentencing guidelines to expedite transfers out of detention following adjudication hearings and by speeding up required assessments for youth bound for state juvenile corrections facilities.

Research-driven Intervention Programs. In 1997, the Washington State Legislature passed a new “Community Juvenile Accountability Act” that set aside \$7.65 million for local juvenile courts to implement research-proven intervention models that reduce recidivism among high- and moderate-risk youthful offenders. (See sidebar in Challenge #3.) Using these funds, King County implemented programs for Functional Family Therapy (serving 150-200 youth in 2000), Multisystemic Therapy (serving 45 youth in 2000), and a less intensive (\$400 per participant) classroom-based social competency training called Aggression Replacement Training (serving 300 in 2000). Juvenile justice staff expect these programs to substantially reduce recidivism among participating youth – lowering both the crime rate and the need for juvenile detention beds.

THE FRUITS OF REFORM

In April 2000, the juvenile justice staff compiled a package of four options for King County Executive Ron Sims and the King County Council. The first option involved no change in policies, and the remaining three ranged from moderate to aggressive implementation of the reforms detailed above. Whereas the status quo option would require 255 detention beds by 2005, necessitating construction of a new detention center, the three reform plans would result in space needs ranging from an estimated 175 beds for the least aggressive option to 137 beds for the most aggressive plan. Weighing added costs for detention alternatives and other new services against the savings in reduced detention, these three options would result in a net savings to King County of \$3.9 to \$5.4 million per year.⁶²

Even before the final decision was made in August 2000, King County began to implement many of the proposed reforms. Police officers now carry cards detailing precise criteria for which youth can be taken to detention center and which youth must be released to parents or guardians. Volunteers now operate a “warrant reduction” phone bank to remind youth and parents of upcoming hearing dates and encourage them to attend. Model intervention programs are up and running, and the county has funding proposals pending to significantly expand these programs in the coming years. As a result, the King County detention population has begun to decline, falling from more than 200 in January 1999 to fewer than 140 in August 2000.

Though the Master Plan’s long-term prospects for success are clouded somewhat by administrative issues,⁶³ many signs of progress are now evident in King County’s juvenile justice efforts. At a cost far below what would have been required to build a new detention facility, King County youth are participating in new alternatives to detention and home-based intervention programs that have solid records for reducing future offending rates.

When it comes to detention, perhaps even more than other areas in juvenile justice, the opportunities are many for less spending, more safety.

Operating Agency	King County Juvenile Justice Operational Master Plan Oversight Committee
Program Type	County-Sponsored Study Commission
Program Goals	Reduce Overcrowding in Juvenile Detention; Eliminate Need for Construction of New Detention Facility; Develop Alternative Programs/Policies to Lower Delinquency and Improve Outcomes for Youthful Offenders
Target Group	Delinquent offenders and children in need of supervision
Key Strategies	Prevent unnecessary placements into juvenile detention; reduce failures-to-appear in court by delinquent youth; implement alternatives to secure detention; replicate model intervention programs to reduce recidivism among delinquent offenders.
Primary Funding Source(s)	King County, State of Washington, US Office of Juvenile Justice and Delinquency Prevention
Evidence of Effectiveness	Sharp drop in daily detention population, construction of new detention facility deferred indefinitely, and model delinquency intervention programs being replicated in King County
Contact Information	Michael Gedeon, Project Coordinator Juvenile Justice Operational Master Plan 1211 East Alder Street Seattle, WA 98122 Phone: (206) 205-9532; Fax: (206) 205-9349