



A Justice Policy Institute Report
By Barry Holman and Jason Zidenberg

The Dangers of Detention:

The Impact of Incarcerating Youth in Detention and Other Secure Facilities

The Dangers of Detention:

The Impact of Incarcerating Youth in Detention and Other Secure Facilities

A Justice Policy Institute Report
by Barry Holman and Jason Ziedenberg

Note: This document was published November 2006. For information see, justicepolicy.org/research/1978

The Dangers of Detention¹

Introduction: The Growing Impact of Youth Detention

Despite the lowest youth crime rates in 20 years, hundreds of thousands of young people are locked away every year in the nation's 591 secure detention centers. Detention centers are intended to temporarily house youth who pose a high risk of re-offending before their trial, or who are deemed likely to not appear for their trial. But the nation's use of detention is steadily rising, and facilities are packed with young people who do not meet those high-risk criteria—about 70 percent are detained for nonviolent offenses.²

"[F]airly viewed, pretrial detention of a juvenile gives rise to injuries comparable to those associated with the imprisonment of an adult."

—Justice Marshall for the minority in Schall v. Martin, 1984.

*"Detention: A form of locked custody of youth pre-trial who are arrested—juvenile detention centers are the juvenile justice system's version of 'jail,' in which most young people are being held before the court has judged them delinquent. Some youth in detention are there because they fail the conditions of their probation or parole, or they may be waiting in detention before their final disposition (i.e. sentence to a community program, or juvenile correctional facility)."*³

The increased and unnecessary use of secure detention exposes troubled young people to an environment that more closely resembles adult prisons and jails than the kinds of community and family-based interventions proven to be most effective. Detention centers, said a former Deputy Mayor of New York of that city's infamous Spofford facility, are "indistinguishable from a prison."⁴ Commenting on New York's detention centers, one Supreme Court Justice said that, "fairly viewed, pretrial detention of a juvenile gives rise to injuries comparable to those associated with the imprisonment of an adult."⁵

Detained youth, who are frequently pre-adjudication and awaiting their court date, or sometimes waiting for their placement in another facility or community-based program, can spend anywhere from a few days to a few months in locked custody. At best, detained youth are physically and emotionally separated from the families and communities who are the most invested in their recovery and success. Often, detained youth are housed in overcrowded, understaffed facilities—an environment that conspires to breed neglect and violence.

A recent literature review¹ of youth corrections shows that detention has a profoundly negative impact on young people's mental and physical well-being, their education, and their employment. One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration,⁶ and another suggests that poor mental health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm.⁷ Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce, and could change formerly detained youth into less stable employees. Educational researchers have found that upwards of 40 percent of incarcerated youth have a learning disability, and they will face significant challenges returning to school after they leave detention. Most importantly, for a variety of reasons to be explored, there is credible and significant research that suggests that the experience of detention may make it more likely that

Each year it is estimated that approximately 500,000 youth are brought to juvenile detention centers. On any given day more than 26,000 youth are detained.⁸

youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.

Detention centers do serve a role by temporarily supervising the most at-risk youth. However, with 70 percent being held for nonviolent offenses, it is not clear whether the mass detention of youth is necessary—or being borne equally. While youth of color represent about a third of the youth population, the latest figures show that they represent 61 percent of detained youth.⁹ Youth of color are disproportionately detained at higher rates than whites, even when they engage in delinquent behavior at similar rates as white youth.

This policy brief looks at the consequences of detention on young people, their families, and communities. This policy brief shows that, given the new findings that detaining youth may not make communities safer, the costs of needlessly detaining young people who do not need to be there are simply too high. Policymakers, instead, should look to detention reform as a means to reduce the number of young people needlessly detained, and reinvest the savings in juvenile interventions proven to reduce recidivism and crime, and that can help build healthy and safe communities.

⁸This policy brief brings together the best existing literature on the efficacy and impact of detention, and also examines the reported outcomes of incarcerating juveniles in secure, congregate detention facilities in order to provide practitioners and policymakers with a deeper understanding of “the dangers” of overusing detention. Some of the findings reported here are the result of research conducted on youth and young adults in facilities or programs outside of juvenile detention facilities. The implications and conclusion drawn from research outside of detention centers proper is worthy of consideration: detention is usually the first form of congregate institutional confinement that youth falling under the authority of juvenile justice agencies will experience, and like residential or adult correctional or pretrial institutions, it is reasonable to infer that the impact of other kinds of incarceration and secure, congregate facilities do apply to the detention experiences. Every attempt has been made to accurately portray the population that the cited authors were studying, and the environment in which the study was conducted—generally, we referred to “detention” when the youth were detained, and “incarceration” when they were somewhere else.

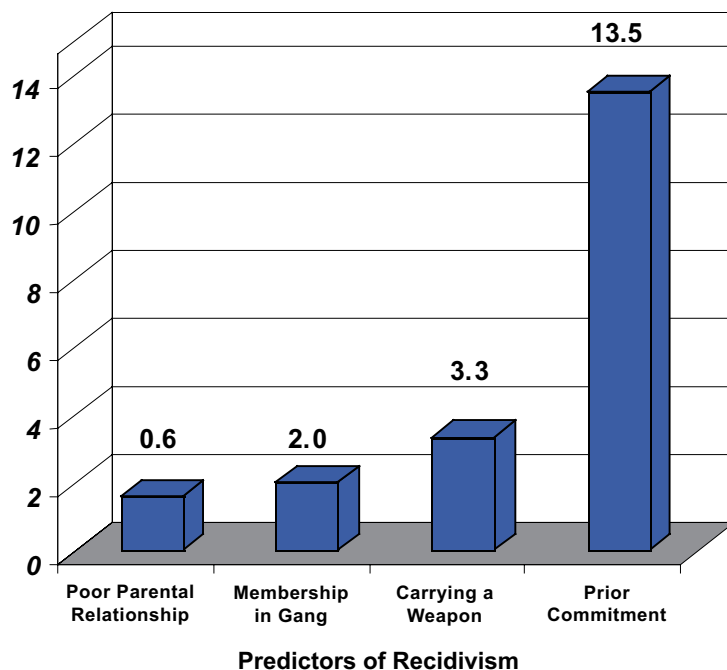
The Impact of Detention on Crime, Rehabilitation, and Public Safety

Detention can increase recidivism

Instead of reducing crime, the act of incarcerating high numbers of youth may in fact facilitate increased crime by aggravating the recidivism of youth who are detained.

A recent evaluation of secure detention in Wisconsin, conducted by the state's Joint Legislative Audit Committee reported that, in the four counties studied, 70 percent of youth held in secure detention were arrested or returned to secure detention within one year of release.¹⁰ The researchers found that *"placement in secure detention may deter a small proportion of juveniles from future criminal activity, although they do not deter most juveniles."*

Prior Incarceration was a Greater Predictor of Recidivism than Carrying a Weapon, Gang Membership, or Poor Parental Relationship



Source: Benda, B.B. and Tollet, C.L. (1999), "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents." *Journal of Criminal Justice*, Vol. 27, No. 2 111-126.

Studies on Arkansas' incarcerated youth¹¹ found not only a high recidivism rate for incarcerated young people, but that the experience of incarceration is the most significant factor in increasing the odds of recidivism. Sixty percent of the youth studied were returned to the Department of Youth Services (DYS) within three years. The most significant predictor of recidivism was prior commitment; the odds of returning to DHS increased 13.5 times for youth with a prior commitment. Among the youth incarcerated in Arkansas, two-thirds were confined for nonviolent offenses. Similarly, the crimes that landed the serious offenders under the supervision of adult corrections were overwhelmingly nonviolent—less than 20 percent were crimes against persons.

Congregating delinquent youth together negatively affects their behavior and increases their chance of re-offending

Behavioral scientists are finding that bringing youth together for treatment or services may make it more likely that they will become engaged in delinquent behavior. Nowhere are deviant youth brought together in greater numbers and density than in detention centers, training schools, and other confined congregate “care” institutions.

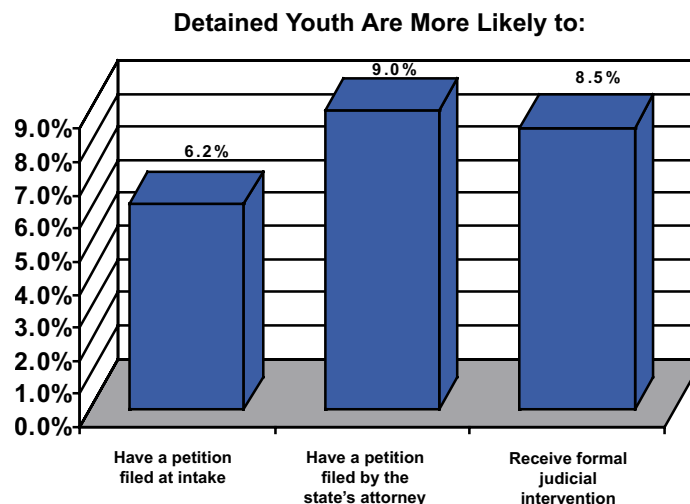
Researchers at the Oregon Social Learning Center found that congregating youth together for treatment in a group setting causes them to have a higher recidivism rate and poorer outcomes than youth who are not grouped together for treatment. The researchers call this process “peer deviancy training,” and reported statistically significant higher levels of substance abuse, school difficulties, delinquency, violence, and adjustment difficulties in adulthood for those youth treated in a peer group setting. The researchers found that “unintended consequences of grouping children at-risk for externalizing disorders may include negative changes in attitudes toward antisocial behavior, affiliation with antisocial peers, and identification with deviancy.”¹²

Detention pulls youth deeper into the juvenile and criminal justice system

“Locking up kids is the easiest way. But once they get in the juvenile justice system, it’s very hard to get them out.”

—San Jose Police Chief
Bill Landsdowne¹³

Similar to the comment by the San Jose police chief, studies have shown that once young people are detained, even when controlling for their prior offenses, they are more likely than non-detained youth to end up going “deeper” into the system; these studies show that detained youth are more likely to be referred to court, see their case progress through the system to adjudication and disposition, have a formal disposition filed against them, and receive a more serious disposition.



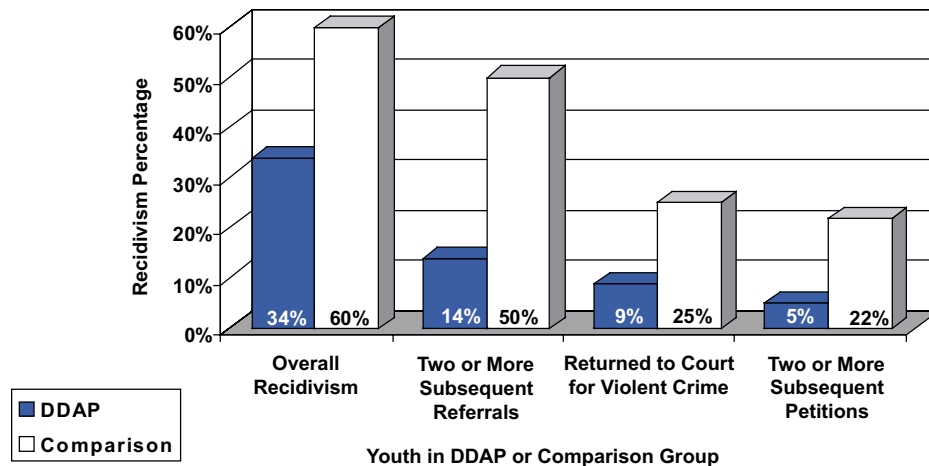
Source: Frazier, C.E. and Cochran, J.K. (1986) Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions. *Youth and Society*, Vol. 17, No. 3, March 1986, p. 286-305 (N=9,317; p=.05)

A study done in Florida in the late 1980s found that, when controlling for other key variables such as age, race, gender, and offense severity, detained youth faced a greater probability of having a petition filed at intake (6.2 percent), a greater probability for having a petition filed by the State Attorney (9 percent), and a greater probability of receiving formal judicial interventions (8.5 percent) than youth not detained. Another study in Florida by the Office of State Court Administrators found that when controlling for other factors—including severity of offense—youth who are detained are *three times more* likely to end up being committed to a juvenile facility than similar youth who are not detained.¹⁴

Alternatives to detention can curb crime and recidivism better than detention

Several studies have shown that youth who are incarcerated are more likely to recidivate than youth who are supervised in a community-based setting, or not detained at all. Young people in San Francisco's Detention Diversion Advocacy Program, for example, have about *half the recidivism rate* of young people who remained in detention or in the juvenile justice system.¹⁵

Various Measures of Recidivism between Detention and Diversion



Source: Sheldon, R.G. (1999), "Detention Diversion Advocacy: An Evaluation." Juvenile Justice Bulletin
Washington, DC: Department of Justice, Office of Juvenile Justice and Delinquency Prevention
(DDAP n=271; Comparison n=271)

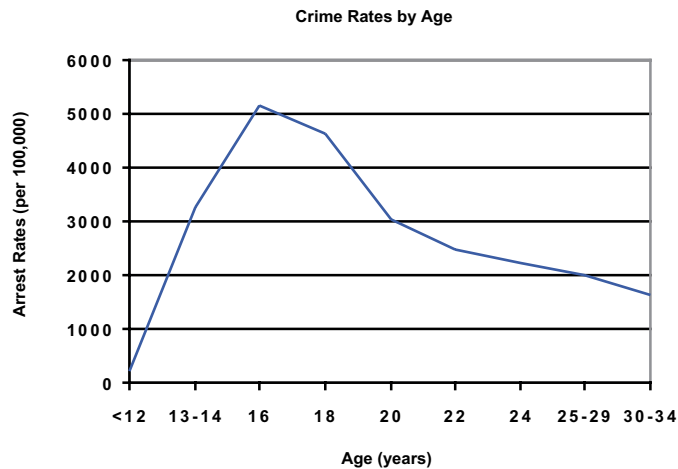
Research from Florida shows that when controlling for other factors, youth who are detained are three times more likely to end up being committed to a juvenile facility than similar youth who are not detained.

Research from Texas suggests that young people in community-based placements are 14 percent less likely to commit future crimes than youth that have been incarcerated.¹⁶

Detention can slow or interrupt the natural process of "aging out of delinquency"

Many young people in fact engage in "delinquent" behavior, but despite high incarceration rates, not all youth are detained for delinquency. Dr. Delbert Elliott, former President of the American Society of Criminology and head of the Center for the Study of the Prevention of Violence has shown that as many as a third of young people will engage in delinquent behavior¹⁷ before they grow up but will naturally "age out" of the delinquent behavior of their younger years. While this rate of delinquency among young males may seem high, the rate at which they end their criminal behavior, (called the "desistance rate") is equally high.¹⁸ Most youth will desist from delinquency on their own. For those who have more trouble, Elliott has shown that establishing a relationship with a significant other (a partner or mentor) as well as employment correlates with youthful offenders of all races "aging out" of delinquent behavior as they reach young adulthood.

Most Young People Age Out of Crime on Their Own



Source: FBI Crime in the United States (1993).

There is little observed relationship between the increased use of detention, and crime.

Whether a youth is detained or not for minor delinquency has lasting ramifications for that youth's future behavior and opportunities. Carnegie Mellon researchers have shown that incarcerating juveniles may actually interrupt and delay the normal pattern of "aging out" since detention disrupts their natural engagement with families, school, and work.¹⁹

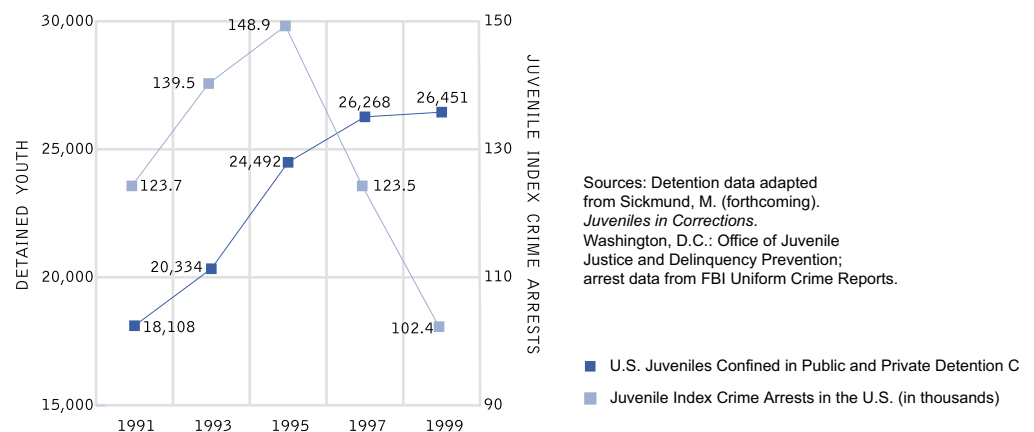
There is little relationship between detention and overall crime in the community

While there may be an individual need to incarcerate some high-risk youth, the mass detention of a half-million youth each year is not necessarily reducing crime.

During the first part of the 1990s, as juvenile arrests rose, the use of detention rose far faster (See table, "Different Directions"). By the middle of the 1990s, as juvenile arrests began to plummet (and the number of youth aged 10-17 leveled off), the use of detention continued to rise. *In other words, while there may be some youth who need to be detained to protect themselves, or the public, there is little observed relationship between the increased use of detention, and crime.*

Different Directions: Detention Populations vs. Arrest Rates for U.S. Juveniles in the 1990s

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



Researchers believe that the combination of mental health disorders youth bring into detention coupled with the negative effects of institutionalization places incarcerated youth at a higher risk of suicide than other youth.²¹

To the contrary, several communities ranging from the Western United States (Santa Cruz, California and Portland, Oregon) to one of the nation's biggest urban centers (Chicago, Illinois) have found ways to both reduce detention and reduce crime, better serving the interests of youth development and public safety. Between 1996 and 2002, violent juvenile arrests in the country fell by 37 percent; Santa Cruz matched that decline (38 percent), and Portland and Chicago exceeded it (45 percent and 54 percent, respectively).²⁰ And during roughly the same time, juvenile detention populations fell between 27 and 65 percent in those jurisdictions.

The Impact of Detention on Young People's Mental Health, and Propensity to Self-Harm.

Of all the various health needs that detention administrators identify among the youth they see, unmet mental and behavioral health needs rise to the top. While researchers estimate that upwards of two-thirds of young people in detention centers could meet the criteria for having a mental disorder, a little more than a third need ongoing clinical care—a figure twice the rate of the general adolescent population.²²

Why is the prevalence of mental illness among detained youth so high? First, detention has become a new “dumping ground” for young people with mental health issues. One Harvard academic theorizes that the trauma associated with the rising violence in the late 1980s and early 1990s in some urban centers had a deep and sustained impact on young people. At the same time, new laws were enacted that reduced judicial discretion to decide if youth would be detained, decreasing the system's ability to screen out and divert youth with disorders. All the while, public community youth mental health systems deteriorated during this decade, leaving detention as the “dumping ground” for mentally ill youth.

Detention makes mentally ill youth worse

A Washington state detention administrator interviewed by the U.S. House of Representatives said, “We are receiving juveniles that five years ago would have been in an inpatient mental health facility. . . . [W]e have had a number of juveniles who should no more be in our institution than I should be able to fly.”

Another reason for the rise in the prevalence of mental illness in detention is that the kind of environment generated in the nation's detention centers, and the conditions of that confinement, conspire to create an unhealthy environment. Researchers have found that at least a third of detention centers are overcrowded,²³ breeding an environment of violence and chaos for young people. Far from receiving effective treatment, young people with behavioral health problems simply get worse in detention, not better. Research published in *Psychiatry Resources* showed that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration.²⁴ “*The transition into incarceration itself*,” wrote one researcher in the medical journal, *Pediatrics*, “*may be responsible for some of the observed [increased mental illness in detention] effect.*”²⁵

An analysis published in the *Journal of Juvenile Justice and Detention Services* suggests that poor mental health and the conditions of detention conspire together to generate higher rates of depression and suicide idealization:²⁶ 24 percent of detained Oregon youth were found to have had suicidal ideations over a seven-day period, with 34 percent of the youth suffering from “*a current significant clinical level of depression.*”

An indicator of the shift was spelled out by a 2004 Special Investigations Division Report of the U.S. House of Representatives, which found that two-thirds of juvenile detention facilities were holding youth who were waiting for community mental health treatment, and that on any given night, *7 percent of all the youth held in detention were waiting for community mental health services.* As one detention administrator told Congress, “*we are receiving juveniles that 5 years ago would have been in an inpatient mental health facility. . . . [W]e have had a number of juveniles who should no more be in our institution than I should be able to fly.*”²⁷

Detention puts youth at greater risk of self-harm

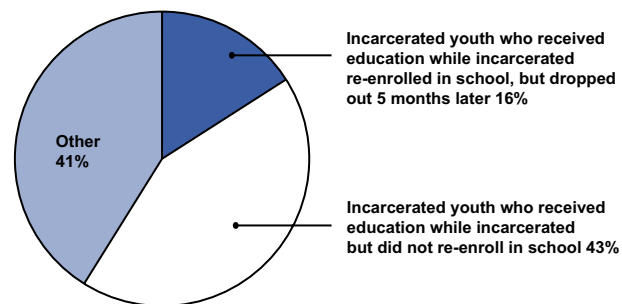
While some researchers have found that the rate of suicide in juvenile institutions is about the same as the community at large,²⁸ others have found that incarcerated youth experience from *double to four times* the suicide rate of youth in community.²⁹ The Office of Juvenile Justice and Delinquency Prevention reports that 11,000 youth engage in more than 17,000 acts of suicidal behavior in the juvenile justice system annually.³⁰ Another monograph published by OJJDP found that juvenile correctional facilities often incorporate responses to suicidal threats and behavior in ways that endanger the youth further, such as placing the youth in isolation.³¹

The Impact of Detention on the Education of Detained Youth

Detained youth with special needs fail to return to school

Juvenile detention interrupts young people's education, and once incarcerated, some youth have a hard time returning to school. A Department of Education study showed that 43 percent of incarcerated youth receiving remedial education services in detention did not return to school after release, and another 16 percent enrolled in school but dropped out after only five months.³² Another researcher found that most incarcerated 9th graders return to school after incarceration but within a year of re-enrolling two-thirds to three-fourths withdraw or drop out of school: After four years, less than 15 percent of these incarcerated 9th graders had completed their secondary education.³³

Detention May Affect Youth's Ability to Re-enroll in School



Source: LeBlanc, (1991), "Unlocking Learning" in Correctional Facilities. Washington, D.C. Department of Education.

In one study, 43 percent of incarcerated youth receiving remedial education services did not return to school after release. Another 16 percent enrolled in school but dropped out after only 5 months.

Young people who leave detention and who do not reattach to schools face collateral risks: High school dropouts face higher unemployment, poorer health (and a shorter life), and earn substantially less than youth who do successfully return and complete school.³⁴ The failure of detained youth to return to school also affects public safety. The U.S. Department of Education reports that dropouts are 3.5 times more likely than high school graduates to be arrested.³⁵ The National Longitudinal Transition Study reveals that approximately 20 percent of all adolescents with disabilities had been arrested after being out of school for two years.³⁶

The Impact of Detention on Employment

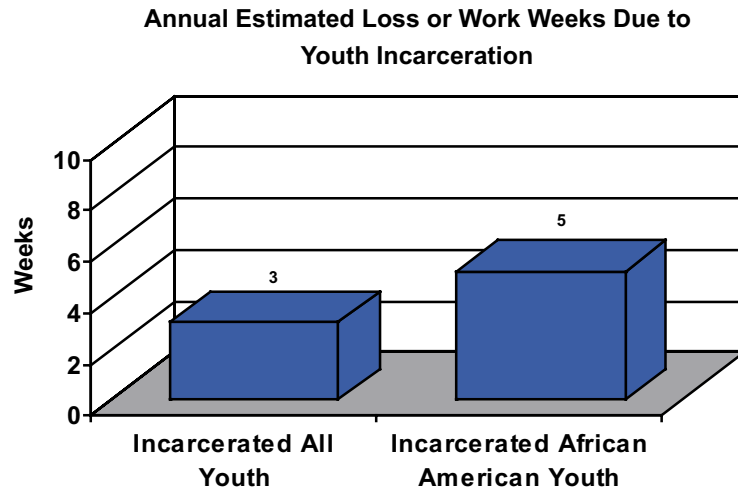
Formerly detained youth have reduced success in the labor market

If detention disrupts educational attainment, it logically follows that detention will also impact the employment opportunities for youth as they spiral down a different direction from their

non-detained peers. A growing number of studies show that incarcerating young people has significant immediate and long-term negative employment and economic outcomes.

A study done by academics with the *National Bureau of Economic Research* found that jailing youth (age 16-25) reduced work time over the next decade by 25-30 percent.³⁷ Looking at youth age 14 to 24, Princeton University researchers found that youth who spent some time incarcerated in a youth facility experienced three weeks less work a year (for African-American youth, five weeks less work a year) as compared to youth who had no history of incarceration.³⁸

"Having been in jail is the single most important deterrent to employment...the effect of incarceration on employment years later [is] substantial and significant," according to the National Bureau of Economic Research.



Source: Western, Bruce and Beckett, Katherine (1999), "How Unregulated Is the U.S. Labor Market?: The Penal System as a Labor Market Institution," *The American Journal of Sociology*, 104: 1030-1060.

Due to the disruptions in their education, and the natural life processes that allow young people to "age-out" of crime, one researcher posits, *"the process of incarceration could actually change an individual into a less stable employee."*³⁹

A monograph published by the *National Bureau of Economic Research* has shown that incarcerating large numbers of young people seems to have a negative effect on the economic well-being of their communities. Places that rely most heavily on incarceration reduce the employment opportunities in their communities compared to places that deal with crime by means other than incarceration. *"Areas with the most rapidly rising rates of incarceration are areas in which youths, particularly African-American youths, have had the worst earnings and employment experience."*⁴⁰

The loss of potentially stable employees and workers—and of course, county, state, and federal taxpayers—is one of numerous invisible costs that the overuse of detention imposes on the country and on individual communities.

The Larger Economic Impact of Detention on Communities

Detention is expensive— more expensive than alternatives to detention

The fiscal costs of incarcerating youth are a cause for concern in these budget-strained times. According to Earl Dunlap, head of the National Juvenile Detention Association, the annual average cost per year of a detention bed—depending on geography and cost of living—could range from \$32,000 (\$87 per day) to as high as \$65,000 a year (\$178 per day), with some big cities paying far more. Dunlap says that the cost of building, financing, and operating a single detention bed costs the public between \$1.25 and \$1.5 million over a twenty-year period of time.⁴¹

"It is quite reasonable to suggest that a single detention bed costs the public between \$1.25 and \$1.5 million over a twenty-year period of time."

*—Earl Dunlap, CEO,
National Juvenile
Detention Association*

By contrast, a number of communities that have invested in alternatives to detention have documented the fiscal savings they achieve on a daily basis, in contrast to what they would spend per day on detaining a youth. In New York City (2001), one day in detention (\$385) costs 15 times what it does to send a youth to a detention alternative (\$25).⁴² In Tarrant County, Texas (2004), it costs a community 3.5 times as much to detain a youth per day (\$121) versus a detention alternative (\$35), and even less for electronic monitoring (\$3.75).⁴³

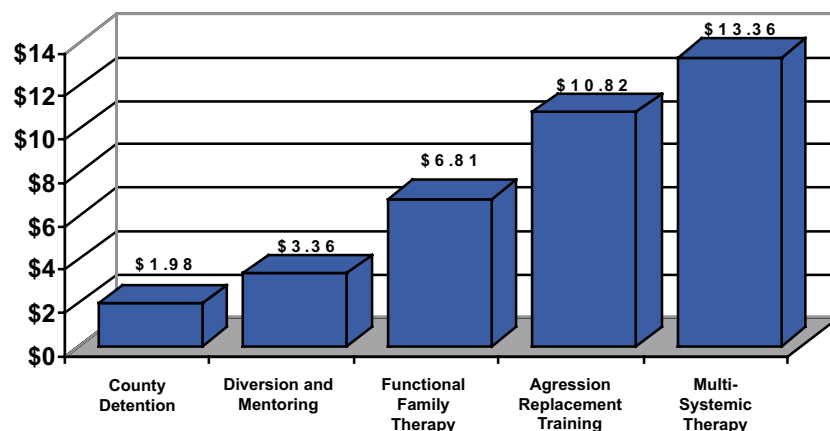
Detention is not cost effective

Whether compared to alternatives in the here and now, or put to rigorous economic efficiency models that account for the long-term costs of crime and incarceration overtime, juvenile detention is not a cost-effective way of promoting public safety, or meeting detained young people's needs.

The Washington State Institute for Public Policy (WSIPP), a non-partisan research institution that—at legislative direction—studies issues of importance to Washington State, was directed to study the cost effectiveness of the state's juvenile justice system. WSIPP found that there had been a 43 percent increase in juvenile justice spending during the 1990s, and that the main factor driving those expenditures was the confinement of juvenile offenders. While this increase in spending and juvenile incarceration was associated with a decrease in juvenile crime, WSIPP found, *"the effect of detention on lower crime rates has decreased in recent years as the system expanded. The lesson: confinement works, but it is an expensive way to lower crime rates."*⁴⁴ The legislature directed them to take the next step, and answer the question, *"Are there less expensive ways to reduce juvenile crime?"*

WSIPP found that, for every dollar spent on county juvenile detention systems, \$1.98 of "benefits" in terms of reduced crime and costs of crime to taxpayers was achieved. By sharp contrast, diversion and mentoring programs produced \$3.36 of benefits for every dollar spent, aggression replacement training produced \$10 of benefits for every dollar spent, and multi-systemic therapy produced \$13 of benefits for every dollar spent. Any inefficiencies in a juvenile justice system that concentrates juvenile justice spending on detention or confinement drains available funds away from interventions that may be more effective at reducing recidivism and promoting public safety.

Cost Effectiveness of Interventions per Dollar Spent



Source: Aos, S. (2002), *The Juvenile Justice System in Washington State: Recommendations to Improve Cost-Effectiveness*. Olympia, Washington: Washington State Institute for Public Policy.

Given the finding by the Journal of Qualitative Criminology that the cost of a youth offender's crimes and incarceration over their lifetime (including adult) can cost as much as \$1.7 million,⁴⁵ a front-end investment in interventions proven to help young people would seem to be more effective public safety spending.

"The effect of detention on lower crime rates has decreased in recent years as the system expanded... it is an expensive way to lower crime rates."

—Washington State
Institute for Public
Policy

By the end of the 1990s, the system became more punitive, and every state in the nation had changed their laws in some way to make it easier to incarcerate youth in the adult system. An adult charge often means a young person must be held pre-trial in either a detention center or an adult jail.

The rise of youth detention: policy or politics?

With falling youth crime rates, and a growing body of research that shows that alternatives are less expensive and more effective than detention, why do we continue to spend valuable resources building more locked facilities to detain low-risk youth?

Similar to the fate of the adult criminal justice system, the traditional mission of the juvenile justice system has been altered by the politicization of crime policy in this country.

At the turn of the century, when reformers developed the nation's first juvenile court in Chicago, Illinois, they set up a separate system for youth to meet the needs of adolescents, acknowledging that youth have different levels of culpability and capacity than adults. They also believed that youth deserved a second chance at rehabilitation. Within 30 years, every state in the nation had a juvenile court system based on the premise that young people were developmentally different than adults.

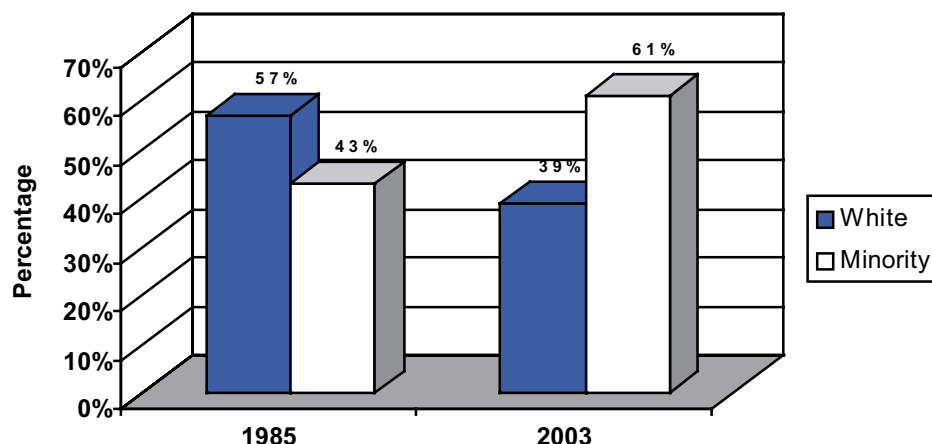
But the "tough-on-crime" concerns of the 1990s changed the priorities and orientation of the juvenile justice system. Rising warnings of youth "superpredators," "school shootings," and the amplification of serious episodes of juvenile crime in the biggest cities fueled political momentum to make the system "tougher" on kids. By the end of the 1990s, every state in the nation had changed their laws in some way to make it easier to incarcerate youth in the adult system. As many states made their juvenile justice systems more punitive, the courts made more zealous use of detention.

The rise of youth detention borne by youth of color

The rapid expansion of the use of juvenile detention has hit some communities harder than others. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent. But during this time, the proportion of white youth in detention actually dropped, while youth of color came to represent a majority of the young people detained. The detained white youth population increased by 21 percent, while the detained minority youth population grew by 76 percent. By 1997, in 30 out of 50 states (which contain 83 percent of the U.S. population) minority youth represented the majority of youth in detention.⁴⁶ Even in states with tiny ethnic and racial minority populations, (like Minnesota, where the general population is 90 percent white, and Pennsylvania, where the general population is 85 percent white) more than half of the detention population are youth of color. In 1997, OJJDP found that in every state in the country (with the exception of Vermont), the minority population of detained youth exceeded their proportion in the general population.⁴⁷

The latest figures show that the shift in the demographics of detention that occurred during the 1980s and 1990s continues today: In 2003 African-American youth were detained at a rate 4.5 higher than whites; and Latino youth were detained at twice the rate of whites. Minority youth represented 61 percent of all youth detained in 2003.⁴⁸

Disproportionate Minority Confinement Racial and ethnic proportions of the juvenile detention population

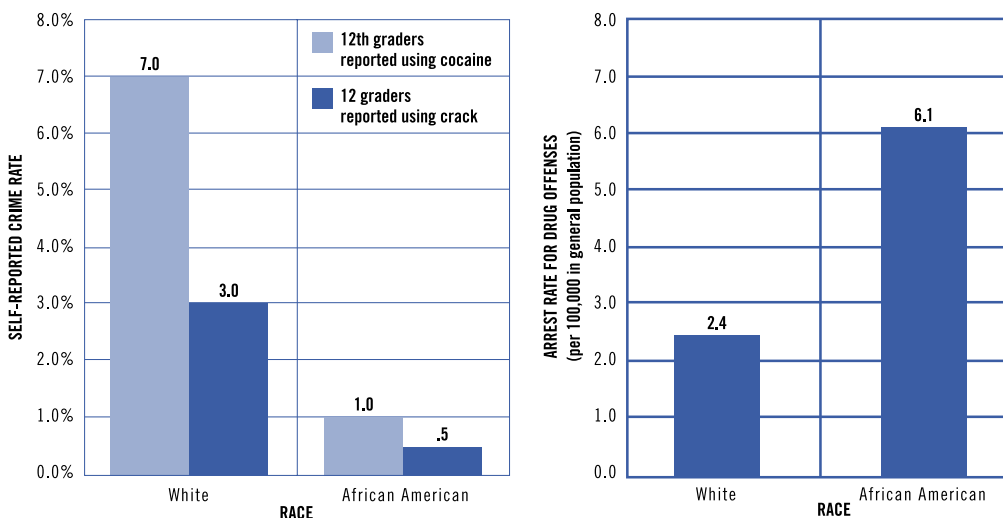


Source: Sickmund, Melissa, Sladky, T.J., and Kang, Wei (2004), "Census of Juveniles in Residential Placement Databook," <http://www.ojdp.ncjrs.org/ojstatbb/cjrp/>.

The greatest levels of racial disparity in the use of detention are found in the least serious offense categories. For example, surveys from the late 1990s found that whites used and sold drugs at rates similar to other races and ethnicities, but that African Americans were detained for drug offenses at more than twice rate of whites.⁴⁹ White youth self-reported using heroin and cocaine at 6 times the rate of African-American youth, but African-American youth are almost three times as likely to be arrested for a drug crime.⁵⁰ On any given day, African Americans comprise nearly half of all youth in the United States detained for a drug offense.⁵¹

WHITE YOUTH REPORT USING DRUGS AT 6 TO 7 TIMES THE RATE OF AFRICAN AMERICANS, BUT AFRICAN AMERICAN YOUTH ARE ARRESTED AT HIGHER RATES THAN WHITES FOR DRUG CRIMES

While white youth and minority youth commit several categories of crime at the same rate, minority youth are more likely to be arrested.



Sources for both graphs: Yamagata, Eileen Poe and Michael A. Jones. *And Justice for Some: Differential Treatment of Minority Youth in the Justice System*. Washington, DC: Building Blocks for Youth, April 2000; *U.S. Population Estimates by Age, Sex, Race, and Hispanic Origin: 1980–1999*. Population Estimates Program, Population Divisions, U.S. Census Bureau, 2000; *Monitoring the Future Report, 1975–1999*, Volume I. Washington, DC: National Institute on Drug Abuse, 2000.

The causes of the disproportionate detention of youth of color are rooted in some of the nation's deepest social problems, many of which may play out in key decision-making points in the juvenile justice system.

While white youth and minority youth commit several categories of crime at the same rate, minority youth are more likely to be arrested. Once arrested, white youth tend to have access to better legal representation and programs and services than minority youth.

People involved in the decision to detain a youth may bring stereotypes to their decision. One study shows that people charged with the decision of holding youth prior to adjudication are more likely to say a white youth's crimes are a product of their environment (i.e. a broken home), while an African-American youth's delinquency is caused by personal failings—even when youth of different races are arrested for similar offenses and have similar offense histories.⁵²

The way to reduce the impact of detention is to reduce the number of youth needlessly or inappropriately detained.

A Better Way: Juvenile Detention Reforms Taking Hold Across the Nation

The way to reduce the impact of detention on young people is to reduce the number of youth needlessly or inappropriately detained. The Juvenile Detention Alternatives Initiative (JDAI) is a response to the inappropriate and unnecessary detention of youth in the nation's juvenile justice systems. JDAI is a public-private partnership being implemented nationwide; pioneering jurisdictions include Santa Cruz County, California Multnomah County (Portland), Oregon; Bernalillo County (Albuquerque), New Mexico; and Cook County (Chicago), Illinois.

JDAI is a process, not a conventional program, whose goal is to make sure that locked detention is used only when necessary. In pursuing that goal, JDAI restructures the surrounding systems to create improvements that reach far beyond detention alone.

To achieve reductions in detention populations, the JDAI model developed a series of core strategies, which include:

- **Inter-governmental collaboration:** bringing together the key actors in the juvenile justice system—especially courts, probation, and the police—as well as actors outside the justice system such as schools and mental health.
- **Reliance on data:** beginning with data collection and leading to continuous analysis of data as well as the cultural expectation that decisions will be based on information and results.
- **Objective admissions screening:** developing risk assessment instruments and changing procedures so they are always used to guide detention decisions.
- **Alternatives to secure confinement:** creating programs and services in the community to ensure appearance and good behavior pending disposition, and to be available as an option at sentencing.
- **Expedited case processing:** to move cases along so youth don't languish in detention for unnecessarily long time periods.
- **Improved handling of "special cases":** Youth who are detained for technical probation violations, outstanding warrants, and youth pending services or placement create special management problems and need special approaches.
- **Express strategies to reduce racial disparities:** "good government" reforms alone do not eliminate disparities; specific attention is needed to achieve this goal.
- **Improving conditions of confinement:** to ensure that the smaller number of youth who still require secure detention are treated safely, legally, and humanely.

The fundamental measure of JDAI's success is straightforward: a reduction in the number of youth confined on any day and admitted to detention over the course of a year, and a reduction in the number of young people exposed to the dangers inherent in a detention stay.

Detention Reform Decreases Detention Populations: Admissions Impact of JDAI on Select Sites.				
County	Average Daily Population		Annual Admissions	
	Pre-JDAI	2003	Pre-JDAI	2003
Cook	623	454 (-27.1 %)	7,438	6,396(-14.0%)
Multnomah	96	33 (-65.6%)	2,915	348 (-88.1%)
Santa Cruz	47	27 (-42.6%)	1,591	972 (-38.9%)
Source: Cook County, Multnomah, and Santa Cruz Probation Departments.				

Decreasing the use of detention has not jeopardized public safety. In the counties implementing JDAI, juvenile crime rates fell as much as, or more than, national decreases in juvenile crime. These communities have also experienced an improvement in the number of young people who appear in court after they have been released from detention, further reducing the need for detention.

Detention Reform Coincides with Crime Declines, and Failure to Appear Rates Fall.			
County	Violent Juvenile Arrest Rate	Failure to Appear	
	(1996-2002)	Pre-JDAI	2003
Cook	-54 %	39%	13%(-66.7%)
Multnomah	-45 %	7%	7%
Santa Cruz	-38 %	N/A	3%
United States Average	-37 %		
Source: Uniform Crime Report, Crime in the United States Survey (1996; 2002); Cook County, Multnomah and Santa Cruz Probation Departments			

Like the impact of detention—which can extend beyond the walls of the locked facility—reducing detention populations influences the entire juvenile justice system. In Cook County, the number of youth sent from local detention to state prison beds declined from 902 in 1997 to 498 in 2003, at average annual savings of \$23,000 per bed.⁵³ In addition, more kids who rotated through the juvenile justice system re-enrolled in school and obtained scholarships for college.

Cities and counties engaged in detention reform also note their progress by their acceptance in the community. Cook County engaged system kids and their parents for advice about how to improve the system, and persevered (and supported the staff) through some daunting complaints. In the aftermath, the probation department adjusted its office hours and locations, changed the way it communicated with clients and their families, and institutionalized feedback mechanisms. Now community members are genuinely engaged in decisions including policy formulation, program development, and even hiring. It is not a formal measure, but it leads to improved services and priceless levels of respect and engagement in the community.

A better future: invest juvenile justice funds in programs proven to work

If detention reform is successful, communities should be able to reinvest the funds once spent on detention beds and new detention centers in other youth-serving systems, or other interventions proven to reduce recidivism.

The Center for the Study and Prevention of Violence, the Office of Juvenile Justice and Delinquency Prevention, the Washington State Institute for Public Policy, and a plethora of other research institutes have shown that several programs and initiatives are proven to reduce recidivism and crime in a cost-effective matter. Some common elements in proven programs include:

- Treatment occurs with their family, or in a family-like setting
- Treatment occurs at home, or close to home
- Services are delivered in a culturally respectful and competent manner
- Treatment is built around the youth and family strengths
- A wide range of services and resources are delivered to the youth, as well as their families.

Most of these successful programs are designed to serve the needs of youth in family-like settings, situated as close to home as possible with services delivered in a culturally sensitive and competent manner.

These proven programs identify the various aspects of a youth—their strengths and weaknesses as well as the strengths and resources of their families and communities. Progress is based on realistic outcomes and carefully matches the particular needs of the youth and family to the appropriate intervention strategy.

For online information and assistance on detention reform, visit: www.jdaihelpdesk.org

To learn more about the work and research of the Justice Policy Institute, visit: www.justicepolicy.org.

In the counties implementing JDAI, juvenile crime rates fell as much as, or more than the national decreases in juvenile crime.

Authors

Barry Holman is a criminal justice researcher and author. He is the Senior Associate of Research and Quality Assurance for the Department of Youth Rehabilitation Services of Washington, D.C. and the former Director of Research and Public Policy for the National Center on Institutions and Alternatives. He authored forthcoming Annie E. Casey Foundation, *Doing Deadtime: An Assessment of Detained Youth Awaiting Placement, the Process that Keeps Them Waiting and Findings from an Alternative Placement Project*.

Jason Ziedenberg is the Executive Director of the Justice Policy Institute, a Washington, D.C. based public policy organization dedicated to ending society's reliance on incarceration by promoting effective and just solutions to social problems. He is author of the Annie E. Casey foundation publication *Pathway's 8: Reducing Racial Disparity in Detention*.

Acknowledgements

The Justice Policy Institute is a Washington DC-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. This policy brief has been adapted from the forthcoming "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities," Baltimore, Maryland: Annie E. Casey Foundation. This report was edited by Anjula Razdan, designed by Robert Lewis, and supported by a generous grant from the Annie E. Casey Foundation. For more information, visit our website, www.justicepolicy.org

- ¹ Adapted from the publication by Holman, Barry and Ziedenberg, Jason, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities* (forthcoming). Baltimore, Maryland: Annie E. Casey Foundation.
- ² Sickmund, M., Sladky, T.J., and Kang, W. (2004), "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojdp.ncjrs.org/ojstatbb/cjrp/>
- ³ Schiraldi, V. and Ziedenberg, J. (2003), "The Multnomah Experiment: Reducing Disproportionate Minority Confinement." Washington, D.C.: The Justice Policy Institute.
- ⁴ Herbert Sterz, New York City's Deputy Mayor for Criminal Justice, 1984.
- ⁵ *Ellen Schall, Commission of New York City Department of Juvenile Justice v. Gregory Martin et al. Robert Abrams, Attorney General of New York.* No. 82-1248, 82-1278. (Decided, June 4, 1984).
- ⁶ Kashani, J.H., Manning, G.W., McKnew D.H., Cytryn, L., Simonds, J.F. and Wooderson, P.C. (1980), "Depression Among Incarcerated Delinquents." *Psychiatry Resources* Volume 3 185-191; Forrest, C.B., Tambor, E., Riley, A.W., Ensminger, M.E. and Starfield, B. (2000), "The Health Profile of Incarcerated Male Youths." *Pediatrics* Vol. 105, No. 1 286-291.
- ⁷ Mace, D., Rohde, P., and Gnau, V. (1997), "Psychological Patterns of Depression and Suicidal Behavior of Adolescents in a Juvenile Detention Facility." *Journal of Juvenile Justice and Detention Services* Vol. 12 No. 1 18-23.
- ⁸ Sickmund, M., Sladky, T.J., and Kang, W. (2004), "Census of Juveniles in Residential Placement Databook." <http://www.ojdp.ncjrs.org/ojstatbb/cjrp/>. In regards to the estimate of the number of youth moving through detention each year, the most recent data available from surveys administered by the National Council on Juvenile Justice (NCJJ) estimate that 350,000 youth were detained in 1999 (OJJDP, 2001b). This figure, however, does not include youth detained while they are awaiting a court-ordered out-of-home placement. Further, according to Dr. Barry Krisberg, "The NCJJ data covers court hearings for detention—many youths come into detention via law enforcement agencies, schools, parents, social service agencies etc, and are released before a court hearing is held—this might also include probation and parole violators in some jurisdictions." Personal correspondence (2003).
- ⁹ Sickmund, Melissa, Sladky, T.J., and Kang, Wei (2004), "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojdp.ncjrs.org/ojstatbb/cjrp/>
- ¹⁰ Bezruki, D., Varana, D. and Hill, C. (1999), *An Evaluation of Secure Juvenile Detention*. Madison WI: Legislative Audit Bureau.
- ¹¹ Benda, B.B. and Tollet, C.L. (1999), "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents," *Journal of Criminal Justice* Vol. 27, No. 2 111-126.
- ¹² Dishion, T. J., McCord, J. and Poulin, F. (1999), "When Interventions Harm: Peer Groups and Problem Behavior." *American Psychologist* Vol. 54, No. 9 755-764.
- ¹³ Hubner, J. and Wolfson, J. *Unlocking the Future: Detention Reform in the Juvenile Justice System*. Washington, DC: Coalition for Juvenile Justice.
- ¹⁴ Frazier, C.E. and Cochran, J.C. (1986), "Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing Decisions," *Youth and Society* Vol. 17 No. 3 286-305. Office of State Courts Administrator, *Florida Juvenile Delinquency Court Assessment*. (2003) Tallahassee, FL: Office of Court Improvements. This study shows that the odds of a previously detained youth receiving commitment are 3.22 times greater than that of a youth who has never been detained.
- ¹⁵ Shelden, R.G. (1999), "Detention Diversion Advocacy: An Evaluation," *Juvenile Justice Bulletin* Washington, DC: Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- ¹⁶ Fendrich, M. and Archer, M. (1998), "Long-Term Re-arrest Rates in a Sample of Adjudicated Delinquents: Evaluating the Impact of Alternative Programs," *The Prison Journal* Vol. 78 No. 4 360-389. In a 12-year study that compared the outcomes of 266 juvenile defenders in Texas placed in correctional centers and alternatives to detention centers, Fendrich and Archer found that the recidivism rate of youth in alternatives was 65percent, whereas the recidivism rate of those placed in correctional facilities was 71percent.
- ¹⁷ Elliott, D. S. (1994), "Serious Violent Offenders: Onset, Developmental Course, and Termination. The American Society of Criminology 1993 Presidential Address." *Criminology*, Volume 32, Number 1.
- ¹⁸ Sampson, R. and Laub, J. (1993), *Crime in the Making: Pathways and Turning Points Through Life*. Cambridge, MA: Harvard University Press.
- ¹⁹ Golub, A. (1990), *The Termination Rate of Adult Criminal Careers*. Pittsburgh: Carnegie Mellon.
- ²⁰ Uniform Crime Report, Crime in the United States Survey (1996; 2002); Cook County, Multnomah and Santa Cruz Probation Departments.
- ²¹ Mace, D., Rohde, P., and Gnau, V. (1997), "Psychological Patterns of Depression and Suicidal Behavior of Adolescents in a Juvenile Detention Facility," *Journal of Juvenile Justice and Detention Services* Vol. 12 No. 1 18-23.
- ²² Grisso, Thomas (2004), *Double Jeopardy: Adolescent Offenders with Mental Disorders*. University of Chicago Press.
- ²³ Using research from the mid-1980s, the Coalition for Juvenile Justice, two-thirds of the detention centers in the country were crowded. Using research from this data—and after a massive expansion of the detention system—the Office of Juvenile Justice and Delinquency Prevention reports that 32 percent of detention centers are crowded, measured by being at or over standard bed capacity. *Unlocking the Future: Detention Reform in the Juvenile Justice System*. (2003) Washington, DC: Coalition for Juvenile Justice. Synder, Howard N., and Sickmund, Melissa. (2006), *Juvenile Offenders and Victims 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- ²⁴ Kashani, J.H., Manning, G.W., McKnew D.H., Cytryn, L., Simonds, J.F. and Wooderson, P.C. (1980), "Depression Among Incarcerated Delinquents," *Psychiatry Resources* Volume 3 185-191.
- ²⁵ Forrest, C.B., Tambor, E., Riley, A.W., Ensminger, M.E. and Starfield, B. (2000), "The Health Profile of Incarcerated Male Youths." *Pediatrics* Vol. 105, No. 1 286-291.
- ²⁶ Mace, D., Rohde, P., and Gnau, V. (1997), "Psychological Patterns of Depression and Suicidal Behavior of Adolescents in a Juvenile Detention Facility," *Journal of Juvenile Justice and Detention Services* Vol. 12 No. 1 18-23.
- ²⁷ Committee on Government Reform, Special Investigations Division, Minority Staff (2004) *Incarceration of Youth who are waiting for Community Mental Health Services in the United States*, Prepared for Sen. Susan Collins, and Rep. Henry A. Waxman. Available at www.house.gov/reform/min/; Committee on Government Reform, Special Investigations Division, Minority Staff (2002) *Incarceration of Youth with Mental Health Disorders in New Mexico*, Prepared for Sen. Jeff Bingaman, Rep. Tom Udall, and Rep. Henry A. Waxman. Available at www.house.gov/reform/min/.
- ²⁸ There is a debate within the juvenile justice research community surrounding the true suicide rate in juvenile institutions, and how that compares to youth in the community at large. One researcher posits that the suicide rate is no higher in juvenile institutions than what is the rate in the community at large, while another has recently found that it is at least double what is about the same as the rate in the community at large. The reason for the difference reflects a debate among researchers as to how you calculate rates in a correctional population that "turns over"

frequently. Others question whether the number of suicides being accounted in more recent studies accurately reflects the true number of suicides in juvenile institutions (Hayes, Personal Communications; 2006). It is beyond the scope of this paper to answer which method yields a more accurate reflection of true youth risk of “successful” suicidal behavior—something resulting in a young person’s death, rather than the kind of self-harm behaviors young people engage in when in custody. As the researcher who finds no difference in “free-world” and juvenile custody suicide rates notes, “any suicide in custody is unacceptable. Its circumstances should be investigated and practice adjusted when possible.” Synder, Howard (2005), “Is Suicide More Common Inside Or Outside of Juvenile Facilities,” *Corrections Today*; Gallagher, Catherine A. and Dobrin, Adam. “The Comparative Risk of Suicide in Juvenile Facilities and the General Population: The Problem of Rate Calculations in High Turnover Institutions.” (forthcoming). *Criminal Justice and Behavior*.

- ²⁹ Parent, D.G., Leiter, V., Kennedy, S., Livens, L., Wentworth, D. and Wilcox, S. (1994), *Conditions of Confinement: Juvenile Detention and Corrections Facilities*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- ³⁰ Parent, D.G., Leiter, V., Kennedy, S., Livens, L., Wentworth, D. and Wilcox, S. (1994), *Conditions of Confinement: Juvenile Detention and Corrections Facilities*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- ³¹ Hayes, L.M. (1999), *Suicide Prevention in Juvenile Correction and Detention Facilities*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- ³² LeBlanc (1991), *Unlocking Learning: Chapter 1 in Correctional Facilities*, Washington, DC: US Department of Education.
- ³³ Balfanz, R., Spiridakis, K., Neild, R. and Legters, N. (2003), “Neighborhood Schools and the Juvenile Justice System: How Neither Helps the Other and How that Could Change.” Presented at the School to Jail Pipeline Conference, Harvard University.
- ³⁴ See finding from the National Dropout Prevention Center, http://www.dropoutprevention.org/stats/quick_facts/econ_impact.htm
- ³⁵ U.S. Department of Education (1994), *Mini-digest of Education Statistics*, Washington, DC: National Center for Education Statistics.
- ³⁶ Wagner, M., D’Amico, R., Marder, C., Newman, L., & Blackorby, J. (1992), “What Happens Next? Trends in Postschool Outcomes of Youth with Disabilities,” *The Second Comprehensive Report from the National Longitudinal Transition Study of Special Education Students*. Menlo Park, CA, SRT International.
- ³⁷ Freeman, R.B. (1991), *Crime and the Employment Disadvantage of Youth*, Cambridge, MA: National Bureau of Economic Research.
- ³⁸ Western, Bruce and Beckett, Katherine (1999), “How Unregulated Is the U.S. Labor Market?: The Penal System as a Labor Market Institution,” *The American Journal of Sociology*, 104: 1030-1060.
- ³⁹ Bushway, S.D. (1998), “The Impact of an Arrest on the Job Stability of Young White American Men,” *Journal of Research in Crime and Delinquency* Vol. 34 No. 4 454-479.
- ⁴⁰ Freeman, R.B. and Rodgers, W.M. (1999), *Area Economic Conditions and the Labor Market Outcomes of Young Men in the 1990s Expansion*. Cambridge, MA: National Bureau of Economic Research.
- ⁴¹ Personal correspondence, Earl Dunlap, July 29, 2005.
- ⁴² New York City Department of Juvenile Justice (2001), as cited by the Correctional Association of New York, Position Paper: www.correctionalassociation.org/JJP_Juvenile_Detention_factsheet.htm
- ⁴³ Tarrant County Juvenile Services (2004).
- ⁴⁴ Aos, S. (2002), *The Juvenile Justice System in Washington State: Recommendations to Improve Cost-Effectiveness*. Olympia, Washington: Washington State Institute for Public Policy. Researchers analyzed the benefit-to-cost ratios for different types of programs that have been shown to work or not work in lowering juvenile crime rates. To calculate this, they measured the benefits the programs produced for taxpayers and victims, and divided this by the cost of the program.
- ⁴⁵ Cohen, Mark A. (1998), “The Monetary Value of Saving a High Risk Youth,” *The Journal of Qualitative Criminology*, 14, (1), 5-33.
- ⁴⁶ Sickmund, M. and Snyder, H. (1997), *Juvenile Offenders and Victims: 1997 Update on Violence— Statistical Summary*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- ⁴⁷ Snyder, Howard et al. (1999), *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package], Pittsburgh, PA: National Center for Juvenile Justice [producer], Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention [distributor].
- ⁴⁸ Sickmund, M., Sladky, T.J., and Kang, W. (2004), “Census of Juveniles in Residential Placement Databook,” <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>. According to the Census of Juveniles in Residential Placement Survey, 214 African Americans and 106 Latinos were detained for every 100,000 juveniles. Only 47 whites for every 100,000 juveniles were detained.
- ⁴⁹ Sickmund, M., Sladky, T.J., and Kang, W. (2004). “Census of Juveniles in Residential Placement Databook,” <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>.
- ⁵⁰ Sickmund, M., Sladky, T.J., and Kang, W. (2004), “Census of Juveniles in Residential Placement Databook,” <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>.
- ⁵¹ Sickmund, M., Sladky, T.J., and Kang, W. (2004), “Census of Juveniles in Residential Placement Databook,” <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>.
- ⁵² Bridges, George S. and Steen, Sara (1998), “Racial Disparities in Official Assessments of Juvenile Offenders: Attributional Stereotypes as Mediating Mechanisms,” *American Sociological Review*, Volume 63, 1998.
- ⁵³ Uniform Crime Report, Crime in the United States survey, (1996, 2002); Cook County Department.

[illegible]

