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STATE-LEVEL DETENTION REFORM

A PRACTICE GUIDE FOR STATE ADVISORY GROUPS

Juvenile Detention Alternatives Initiative

A PROJECT OF THE ANNIE E. CASEY FOUNDATION

The Annie E. Casey Foundation is a private charitable organization dedicated to helping build better futures for disadvantaged children in the United States. It was established in 1948 by Jim Casey, one of the founders of UPS, and his siblings, who named the Foundation in honor of their mother. 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. For more information, visit the Foundation's website at www.aecf.org.

About the Coalition for Juvenile Justice (CJJ)

In 1984, citizen volunteers appointed by Governors and charged to fulfill the purposes and spirit of the federal Juvenile Justice and Delinquency Prevention Act formed a representative national nonprofit organization, the Coalition for Juvenile Justice (CJJ): to give voice to state-identified concerns and needs in juvenile justice; to advise state and federal policy makers and the federal Office of Juvenile Justice and Delinquency Prevention; and to generate ongoing collegial support and information exchange.

For nearly 25 years, CJJ has served as the national association of Governor-appointed State Advisory Groups and included members from many walks of life and professional disciplines who, together with allied individuals and organizations, seek to improve the circumstances of vulnerable and troubled children, youth and families involved with the courts, and to build safe communities.

Today, CJJ members span the U.S. states and territories, providing a forum for sharing best practices, innovations, policy recommendations and peer support.

For more information visit: www.juvjustice.org.

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PREFACE

This is a Coalition for Juvenile Justice “how-to” guide designed for a highly specialized and specific audience: State juvenile justice advisory group members (or “SAG” members) who advise and guide the implementation of the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) in the states, territories, and District of Columbia. SAG members are juvenile justice leaders, professionals, practitioners, and citizen-volunteers appointed by governors or chief executives, and charged under the JJDP A to participate in:

- the development and evaluation of the state juvenile justice plan;
- the review of sub-grant applications for receipt of federal JJDP A funds;
- efforts to ensure their state’s compliance with the purposes and requirements of the JJDP A.¹

Included in our focus on SAG member-leaders are state staff who work side-by-side with the SAGs to fulfill the purposes and mandates of the JJDP A—the state juvenile justice specialists, DMC (disproportionate minority contact) coordinators, and compliance monitors.

This guide is based on examples of SAG members’ leadership and highly dedicated work in key states that have been front-runners in advancing the Juvenile Detention Alternatives Initiative (JDAI) via SAG leadership. SAG leadership is one of many ways that jurisdictions throughout the nation have begun to explore and implement JDAI. This guide is specifically aimed at offering SAG members and SAG-connected staff, throughout the United States and its territories, clear “building blocks” and key examples of the ways to generate and lead an effective detention reform initiative. The Coalition for Juvenile Justice is grateful to have worked in partnership with the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative since 2002 to explore and expand SAG involvement and investment in detention reform.

JDAI: SIMPLY THE RIGHT THING TO DO

For more than a decade, the Annie E. Casey Foundation has invested in developing the Juvenile Detention Alternatives Initiative (JDAI), designed to safely reduce reliance on secure detention for youth charged with delinquency. JDAI is the model on which this guide focuses because it is the premier best practice model for detention reform, currently providing diverse jurisdictions with tangible and substantive results, like improving public safety and increasing the overall efficiency and effectiveness of court services, while also generating cost-savings.

“Children in conflict with the law deserve to be given a chance to change. Change is best fostered by keeping kids close to home, enrolled in school, and whenever possible, out of costly, harmful and unnecessary placement in locked detention.”

—Janice O’Mahony
SAG Chair, Washington State

Over its multi-year partnership with the Casey Foundation and JDAI, the Coalition for Juvenile Justice (CJJ) has found JDAI to be a helpful approach for State Advisory Groups (SAGs) to use to advance their goals under the federal Juvenile Justice and Delinquency Prevention Act (JJDP). CJJ and its member SAGs have found that JDAI is simply the right thing to do.

There are three core reasons why every SAG in the nation should place reform and improvement of juvenile detention policy and practice at the top of its agenda. Reducing reliance on secure detention of juveniles through JDAI:

- supports the legal obligations and central mission of SAGs in meeting the core purposes and core requirements of the JJDP;
 - garners substantial long-term savings and allows for more effective use of public dollars;
 - improves court services and produces better outcomes for court-involved children, youth, and families, while also enhancing public safety.

Abundant data show that juvenile justice systems throughout the United States over-rely on locked detention to “manage” the processing of troubled and troubling youth. Often a lack of reliable non-secure custody options, or a dearth of community- or family-based interventions are used as rationales for relying on secure detention for juveniles, prior to adjudication. However, such rationales must be carefully reexamined by *every* SAG.

For many of the hundreds of thousands of American youth who cycle through the nation’s locked juvenile detention facilities each year,² the decision to place them behind bars while awaiting a hearing or an out-of-home placement is both stigmatizing and harmful.

Juvenile court jurisdictions lock-up far too many youth, post-arrest and prior to a court hearing, for reasons that have little or nothing to do with community safety. Most jurisdictions lack objective criteria and screening tools to accurately identify which youth really pose

significant risks. Youth who are detained, some of whom will have all charges dropped, are more likely to have difficulty transitioning back into community, home, and school settings, and are more likely to be arrested again, as compared with youth who are placed in home or community custody upon arrest or as a result of disposition.³

Due to the increasing number of first-time, nonviolent, and low-level juvenile offenders entering detention, even while juvenile crime rates have been dropping in most jurisdictions, detention centers have become crowded and unsafe. Once detained, for even a single time, these youth are more likely than their non-detained counterparts to be formally charged, adjudicated and committed to a juvenile corrections institution.⁴ Because detention disrupts, and sometimes destroys, already tenuous connections youth have with school, supportive services, and at times their own families, detention also negatively impacts education and employment.

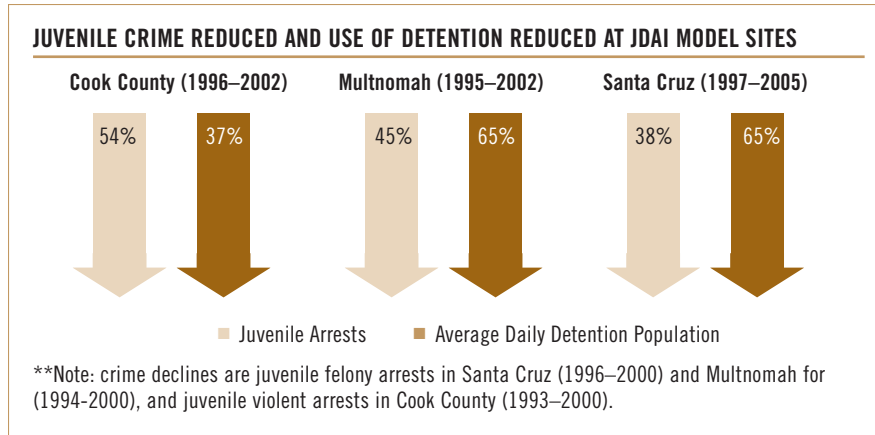
In addition to the high human costs, over-reliance on secure detention is a growing public expense. Experts estimate that the average annual cost for a single juvenile detention “bed” is \$70,000.⁵ Given attendant levels of crowding, many communities face huge new public expenditures for detention at a time when tax revenues and allocations of federal, state and local juvenile justice funding have been sharply cut.

Currently, more than 95 jurisdictions spanning 21 states and the District of Columbia seek to achieve five central objectives by implementing JDAI:⁶

- To safely eliminate the inappropriate or unnecessary use of secure detention;
- To minimize rearrest and failure-to-appear rates pending adjudication;
- To ensure appropriate conditions of confinement in secure facilities;
- To redirect public finances to sustain successful reforms;
- To reduce racial and ethnic disparities found in the juvenile justice system.

Results from JDAI’s four model sites (Cook County, IL; Multnomah County, OR; Santa Cruz, CA; Bernalillo County, NM) show that the average daily population of juveniles in detention has declined dramatically and, simultaneously, juvenile arrest rates have fallen 37 percent to 54 percent—matching or exceeding declines in juvenile arrest rates in similar jurisdictions throughout the country.⁷ The model sites have also evaluated cost-savings and cite that JDAI helps communities avoid building bigger, more expensive detention centers, shifting public safety spending away from detention toward community-based supervision programs and services. For instance, Bernalillo County, New Mexico, and Multnomah County, Oregon,

Once detained for even a single time, these youth are more likely than their non-detained counterparts to be formally charged, adjudicated and committed to a juvenile corrections institution.



have closed large numbers of beds in their local juvenile detention centers, avoiding spending millions of dollars on unnecessary detention and reinvesting into detention alternatives so that youth are supervised safely in the community.⁸

When SAGs and other entities embrace JDAI, they pursue eight interrelated core strategies:

1. Collaboration

A formal structure for collaboration across agencies and among key stakeholders in planning and policymaking will support shared understanding, well delineated roles and responsibilities, and mutual accountability. Without strong interconnectedness, mutual ownership and ongoing joint decision-making, initiatives such as JDAI may lose steam or end up, unintentionally or actively, subverted.

2. Use of accurate, comprehensive data

Use of data is required, both to diagnose a system's problems and proclivities, as well as to assess the impact of various reforms. Subjectivity, perceptions, anecdotes, and perceived limitations may rule a system and preclude agreement on key aspects of policy and practice unless hard facts are collected and analyzed by trusted sources.

3. Use of objective admissions criteria and instruments

Objective criteria and instruments must be developed to support decision-making at all points where choices to place youth in secure custody are made, rather than relying on subjective decisions.

4. New or enhanced alternatives to detention

Alternatives to detention must be put in place—ideally in, or very close to, the home community of affected youth and families. This way, opportunities for community-based placement, monitoring, reporting, and services provided to arrested youth and their families are

significantly increased. Such alternatives to secure detention must be carefully targeted to serve youth who would otherwise be locked up.

5. Case processing reforms

Changes made to expedite case processing can greatly reduce lengths of stay for juveniles in custody, expand the availability of non-secure program slots, and ensure that interventions with youth are timely and appropriate.

6. Careful management of “special” detention cases

Youth in custody as a result of probation violations, writs, and warrants, or while awaiting placement, must have their cases reexamined to reduce placements of such youth in secure facilities.

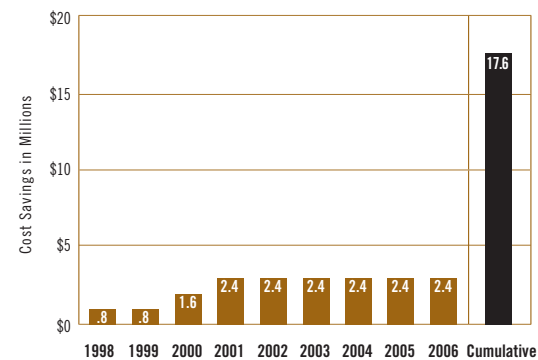
7. Deliberate commitment to reducing racial disparities

It is critical to identify, understand, and eliminate any bias that may lead youth of color to receive more severe sanctions as compared with white youth in similar circumstances. Inclusive, sustained leadership grounded in the use of data can catalyze changes in law enforcement, detention, judicial, and probation practices to guard against any unintended or institutional racial/ethnic disparities.

8. Improving conditions of confinement

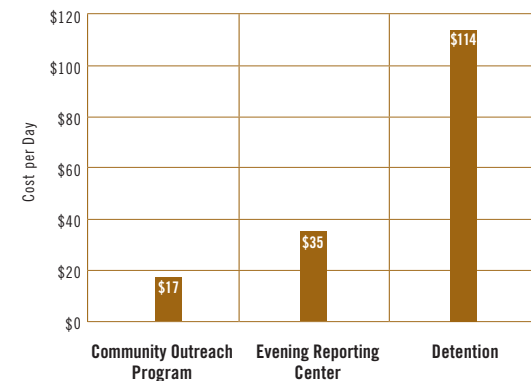
To fully understand and address conditions of confinement, it is essential to employ routine monitoring and inspection of detention facilities by knowledgeable and reliable individuals. Such monitors should apply rigorous protocols and standards. Absent consistent scrutiny, conditions in secure facilities are not likely to improve and may deteriorate, even while the detention population declines.

JDAI MODEL SITE MULTNOMAH COUNTY REDEPLOYS \$17.6 MILLION DOLLARS



Source: Multnomah County, Oregon, *JDAI Results Report*, 2006.

COOK COUNTY (CHICAGO): JDAI'S DETENTION ALTERNATIVES HELP COMMUNITIES SAVE MONEY EVERY DAY



Source: Cook County, Illinois, *JDAI Results Report*, 2006.

MEETING SAG GOALS AND RESPONSIBILITIES

More than 30 years ago, the JJDPA was established as a landmark federal statute. To this day, it is the single most important federal statute addressing juvenile justice and delinquency prevention. Since its passage in 1974, the JJDPA has been repeatedly reauthorized and strengthened with bipartisan support.

The JJDPA serves as the primary vehicle through which the federal government:

- Sets standards for the care and custody of youth in juvenile justice systems across the country;
- Provides federal funds for state and community-based juvenile justice and delinquency prevention programs;
- Provides federal support for training, technical assistance, research, and evaluation;
- Establishes federal-state-local juvenile justice advisory systems, engaging citizen volunteers (the SAGs) in policy setting and program decisions related to delinquency prevention and juvenile justice.

Via the SAGs, the JJDPA creates an explicit structure for citizen participation in developing and implementing policies and programs for delinquency prevention, as well as issues related to the overall care and custody of adjudicated children and youth.⁹ Each SAG is designed to bring together individuals with wide-ranging points of view and expertise from the public and private sectors. Youth, too, are required members of SAGs, preferably youth who have had contact with the juvenile justice system. Family members, to date, are not required, but several SAGs have had the foresight to also include family members or representatives of family organizations.

Typically, there are 15–30 members on each SAG, many of whom are actively concerned about over-reliance on detention and the general tendency in our public systems toward over-institutionalization and over-incarceration of children and youth.

In every jurisdiction, state-level staff work with the SAGs, known as State Juvenile Justice Specialists. In many states, there are additional staff who also support the work of the SAGs and the specialists under the JJDPA—Compliance Monitors and DMC (Disproportionate Minority Contact) Coordinators. Each Juvenile Justice Specialist, representing a state agency designated to address juvenile justice, works alongside the SAG to craft and implement the State Juvenile Justice Plan (also known as the State Three-Year Plan) as specified in the JJDPA.

State Three-Year Plans are guided by analyses of the gaps and needs for services, supports, and policies. Ideally, they are geared to enhance the state's compliance with JJDPa and further the state's delivery of optimal delinquency prevention and rehabilitative programming for at-risk and adjudicated youth and their families.¹⁰ In most states, the Juvenile Justice Specialist also coordinates the SAG's input regarding the distribution of federal juvenile justice funds to state/local facilities and programs. Together, SAG members and State Juvenile Justice Specialists are well positioned to be instrumental and influential detention reform leaders.

BOLSTERING COMPLIANCE WITH JJDP A CORE REQUIREMENTS

A hallmark of the JJDP A is its framework of four “core requirements” that set federal standards for the care and custody of juveniles who come into contact with the juvenile justice system. The core requirements are widely discussed, but less well understood outside of the circles of SAG members, Juvenile Justice Specialists, and other juvenile justice practitioners, advocates, and experts whose work focuses on supporting compliance with them.

In essence, the system of federal support for the states authorized by the JJDP A is keyed to a state/jurisdiction’s compliance. To be eligible to receive JJDP A Formula Grant Funds (Title II), states must comply with the four core JJDP A requirements. If a state is out of compliance with any one of the core requirements, a corrective plan of action must be developed and implemented by the state in cooperation with the federal agency that has oversight of the JJDP A, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice. If a state fails to come into compliance, its Formula Grant Funds allocation is reduced by 20 percent for each core requirement with which the state is out of compliance. Moreover, the state must then also use 50 percent of its remaining Formula Grant Funds allocation to come back into compliance.

Another funding stream under JJDP A, the Local Delinquency Prevention Funds (Title V), are granted by state agencies (with varying levels of SAG involvement) to units of local government. These, too, may only be awarded if the state verifies that the sub-grantee or unit of local government is in compliance with the JJDP A core requirements.

The Four JJDP A Core Requirements:

SAGs hold legal responsibility for monitoring and supporting their state’s progress toward complete compliance with the four core requirements of the JJDP A. The following are examples of how some states are meeting these core requirements.

1. Deinstitutionalization of Status Offenders (DSO)

The DSO core requirement mandates that status offenders and juveniles who are not charged with any offense, but who are aliens or alleged to be dependent, neglected, or abused, *shall not be* placed in secure detention or correctional facilities, with limited exceptions.

JDAI has proven useful in SAG efforts to ensure that states and localities fully comply with the federal core requirements under the JJDP. SAGs have found that JDAI practices enable jurisdictions to divert status offenders away from detention and into home and/or community care with appropriate supervision, services, and supports. As a key example, the New Mexico SAG utilizes detention reform as a way to help the state achieve and maintain compliance with DSO. Here, the SAG uses its federal funds to support non-secure shelter homes in several counties to safely hold juvenile runaways and alcohol offenders as needed for 24–48 hours. In addition, the New Mexico SAG has provided grant funds for a non-secure, detoxification shelter, known as the “Juvenile Crisis Center,” to better manage a large volume of DSO violations related to alcohol possession, a delinquency offense in the state.

2. Sight and Sound Separation (Separation)

Under the Separation requirement accused and adjudicated delinquents, status offenders, and non-offending juveniles cannot be detained or confined in any institution where they may have sight or sound contact with adult inmates. Moreover, the JJDP mandates that professionals who work with both adults and juveniles, including in co-located facilities, receive training and certification.

3. Removal of Juveniles from Adult Jails and Lockups (Jail Removal)

The Jail Removal core requirement mandates that juveniles are not detained in any adult jail or lockup, with an exception for juveniles who are accused of non-status offenses and detained in a jail or lockup for a period not to exceed six hours, during processing or release, while awaiting transfer to a juvenile facility, or when making a court appearance. The JJDP also provides for a “rural exception,” which allows juveniles who are accused of delinquency offenses to be detained in an adult facility for up to 48 hours (or longer due to extenuating circumstances), after being taken into custody and while awaiting an initial court appearance.

“Hold-over” sites have been developed and supported by several SAGs to support compliance with the core requirements for Separation and Jail Removal. Hold-over centers are short-term, non-secure sites—such as youth centers, faith institutions, and unused hospital spaces, that are geographically dispersed—where youth awaiting court hearings may be given one-on-one attention from trained adults, such as teachers, social work students, and/or clergy. The most effective hold-over centers strive to return a young person home or to a more appropriate community setting within 8–12 hours. As a key example, the North Dakota SAG addressed compliance with the Separation and Jail Removal requirements by sponsoring the development

and implementation of hold-over sites at the county level. Before the use of hold-overs in North Dakota, 87 percent of youth awaiting court hearings were held in adult jails. Now, fewer than 1 percent remain in adult jails.¹¹

4. Reduction of Disproportionate Minority Contact (DMC)

The 2002 Reauthorization of the JJDPA broadened the scope of the previously authorized disproportionate minority *confinement* requirement to disproportionate minority *contact*. It specifically mandates that states address juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

To support DMC compliance, SAGs are supporting the use of an objective risk assessment instrument before a child/youth is detained, and the development of continuums of culturally competent, community-based, family and community services and supports, as alternatives to detention.

As a key example, the New Jersey SAG has used JDAI as its principal DMC change strategy since 2004. Looking at data, the SAG found that youth of color in the state “are most over-represented at the points of detention and commitment.” Therefore, in early 2004, New Jersey chose five initial sites (Camden, Essex, Monmouth, Atlantic, and Hudson counties) to implement JDAI with SAG leadership and, as a result, has witnessed significant reductions in the overall number of youth of color in detention.

The daily census of youth in detention in New Jersey in 2006 showed that there were 199 fewer youth of color in secure detention across the five JDAI pilot sites, as compared with the census count three years earlier. Yet, the SAG found that the overall reduction in the number of youth of color detained—while clearly positive—did not improve disproportionality, because youth of color were still detained *more often* than their white counterparts when controlling for similar offense charges and histories.

Based on these findings, New Jersey sought to expand culturally, racially/ethnically competent detention alternatives in the five pilot sites to provide non-secure custody options and other needed supports. When racial/ethnic disparities were again measured using average daily population (ADP) as the variable, positive outcomes were found. For instance, in Atlantic County, in 2003, youth of color comprised 89.7 percent of the daily population of detained youth but just 81.2 percent of the ADP of

NEW JERSEY

RACIAL DISPARITY/DISPROPORTIONATE CONFINEMENT

ADP IN DETENTION FOR YOUTH OF COLOR

	Pre-JDAI 2003	Post-JDAI 2006	Change	
			#	%
Atlantic	30.6	22.1	-9	-27.8%
Camden	79.9	40.8	-39	-48.9%
Essex	242.6	114.1	-129	-53.0%
Monmouth	29.8	17.9	-12	-39.9%
Hudson	82.5	71.9	-11	-12.8%
TOTAL-NJ SITES	465.4	266.8	-199	-42.7%

youth in alternatives, a gap of 8.5 percentage points. By 2006, this gap was reduced to 2.8 percentage points, a decrease of -32.9 percent.

Disparities in average length of stay (in secure detention) were also reduced from 16 days (more for youth of color as compared with white youth) in 2003 to 5 days (more) in 2006.

New Jersey has expanded JDAI into five additional sites, the counties of Bergen, Ocean, Mercer, Burlington, and Union in its efforts to achieve greater reductions in DMC. (See page 23 for information on how New Jersey funded these reforms.)

Throughout the United States, JDAI sites assess their efforts to reduce racial/ethnic disparities in juvenile justice using a checklist (log on to www.jdaihelpdesk.org for a copy of the *JDAI Core Strategies through a DMC Lens*) that helps jurisdictions to discern whether appropriate steps are being taken to:

- eliminate bias;
- create a “level playing field”;
- ensure cultural competencies in staff, agencies, and programs.

Guiding Principles for DMC Reduction

Detention is an entry point into the juvenile justice system, therefore decisions made at the point of detention have a profound impact—either positive or negative—on

disproportionately high confinement of youth of color as well as disproportionately high contact throughout the system.

JDAI offers six guiding principles for reducing DMC in detention:

1. All children should be treated equally within the juvenile detention system.
2. Racial/ethnic disparities in detention occur because of both conscious and subconscious racism.
3. Racial/ethnic disparities in detention are often the unintended consequences of seemingly race-neutral practices.
4. Data must be collected and carefully analyzed to enhance efforts to reduce racial/ethnic disparities in detention policies and practices.
5. Leadership makes a difference; both individuals and agencies have a responsibility to address racial/ethnic disparities in juvenile justice.
6. While we cannot control all the factors that lead to racial/ethnic disparities, there are things we can control and change in the detention system.¹²

A sampling of SAG-supported detention practice improvements that support compliance with the core requirements of the JJDPA include:

- Using objective risk assessment instruments and screening in pre-detention decision-making;
- Developing culturally competent community-based service continuums;
- Establishing short-term, non-secure shelter care;
- Ensuring availability of detoxification centers and community-based treatment;
- Resourcing temporary hold-over centers;
- Implementing detention expeditors to speed case processing and ensure culturally competent, appropriate detention alternatives for youth.

BUILDING COLLABORATIVE LEADERSHIP FOR DETENTION REFORM

Many SAG members and leaders view JDAI and detention reform as helping them to meet the mandates as well as the principles and tenets of the JJDP. They also see their work in the context of a larger citizen-driven effort to improve outcomes in the lives of court-involved children and families, while ensuring community safety and efficiently managing public dollars.

Detention reform offers SAGs the opportunity to help their states and jurisdictions redirect capacity and resources from juvenile lockups to more effective and efficient home and community-linked resources for youth. Importantly, too, detention reform increases equity in the juvenile justice system, generating greater fairness in how and where services, supports, and interventions are provided to diverse youth and families.

Changing the juvenile justice system requires that all of the key stakeholders, especially those with policymaking authority, be at the table. Key stakeholders include judges, prosecutors, defenders, probation, detention, law enforcement, and program providers. Absent this kind of participation, even the most thoughtful new policies and programs may end up unsuccessful because of lack of support or appropriate implementation.

In addition, JDAI collaboratives typically include representatives of other public systems that are often “feeders” to juvenile justice. For example, schools, especially with the advent of “zero tolerance” policies, are often the source of a large percentage of delinquency referrals. Similarly, many high-need, but low-risk youth end up in juvenile detention because of decisions made by child welfare or mental health personnel. These stakeholders should be part of redesigning the detention system, too. Finally, representation from community-based organizations and families of court-involved youth is essential to meaningful change. This is especially true in addressing racial disparities in the system.

All JDAI sites form formal collaboratives charged with assessing system operations, planning needed reforms, and monitoring whether those reforms are having their desired impact.

“JDAI is a powerful vehicle for SAGs to use to motivate state and local jurisdictions to rethink and retool the way in which youth are processed by the juvenile court.”

*—Dave Schmidt, Chair
New Mexico State
Advisory Group,
Executive Board,
Coalition for Juvenile
Justice*

Purposes of Detention Reform Collaboration:

- To design and develop a mutually agreed-upon detention reform plan and timeline
- To provide support, resources, and mutual accountability
- To solve day-to-day and other ongoing problems
- To create collegial guidance, learning, and assistance
- To ensure appropriate implementation and monitoring
- To institutionalize and reinforce reform practices through policy formation

SAGs can play a convening role, ensuring that the right stakeholders participate in the collaborative, especially key state-level stakeholders.

WHO NEEDS TO BE INVOLVED?**State-Level Detention Reform Collaborative****State-Level Stakeholders:**

State Advisory Group (with a dedicated and sustained focus)
 Governor's Office
 Department of Juvenile Justice
 Department of Child Welfare
 Association of Counties
 Association of Sheriffs and Police Chiefs
 Superior Court Judges Association
 Juvenile Court Administrators Association
 Sentencing Guidelines Commission
 Association of Prosecuting Attorneys
 Defender Association
 Juvenile Rehabilitation Administration
 Children's Administration
 Juvenile Justice Committees (Legislature)
 State Juvenile Justice Advocacy Organizations

Local-Level Stakeholders:

Local State Advisory Group
 Representatives
 Law Enforcement
 Probation
 Judiciary
 Prosecutor's Office
 Defense Attorneys
 Detention administrators
 Schools
 Public Agencies with Youth Clients
 Elected Officials
 Community-Based Youth Service Agencies
 Child Advocacy Groups
 Youth and Family-Led Organizations

The Washington Experience

In Washington, the SAG has successfully communicated the value and positive results of detention reform and supported local implementation by hosting statewide conferences, trainings, and local meetings, followed by support in the form of grants. Beginning in 2003, the Washington SAG identified counties to become juvenile detention reform sites by inviting interested counties to a conference focused on reducing racial disparities and disproportionality in detention. Members of the Washington SAG had learned about JDAI at a national conference held by CJJ and took home these understandings and tools (JDAI video and books) to sponsor their own “JDAI 101” conference. County-level stakeholder teams, composed of key juvenile justice system personnel and community leaders, attended. At the conference, the SAG presented each county team with local data to identify local targets for reform. The SAG also offered each county a small technical assistance grant to create opportunities to deepen readiness.

Following the SAG-led conference, five Washington counties—King, Pierce, Spokane, Yakima, and Whatcom—became JDAI replication sites. A JDAI state coordinator was hired to convene the five sites quarterly and to monitor and report progress. The state coordinator also serves as the liaison between the county sites, the SAG, the state-level collaboration team, and the JDAI team at the Casey Foundation.

A state-level team also was convened to plan Washington’s multi-year, multi-site reform initiative and implement initial steps. This team initially included the JDAI state coordinator, the SAG Chair, the WA State Juvenile Justice Specialist, and the Casey Foundation Technical Assistance Team Leader. It has since grown to include representatives from each of the county replication sites.

The agenda of the state team in Washington has changed over the course of the initiative from an initial focus on convening stakeholders and building infrastructure to greater focus on substantive issues, such as sustainable funding and policy change. The team provides regular briefings, JDAI training for SAG members and connections to local sites. Direct involvement at the local level reinforces SAG members’ overall understanding and commitment to detention reform.

Following a SAG-led conference, five Washington counties became JDAI replication sites.

Washington's State-Level JDAI Key Actors:

Governor's Juvenile Justice Advisory Committee (GJJAC—the SAG)

Representatives from the Five County Teams

Superior Court Judges Association

Juvenile Court Administrators Association

Sentencing Guidelines Commission

Washington Association of County Officials (WACO)

Washington Association of Prosecuting Attorneys

Washington Defender Association

Washington State Association of Sheriffs and Police Chiefs (WASPC)

Washington State Association of Counties (WSAC)

Juvenile Rehabilitation Administration

Children's Administration

Juvenile Justice Committee (Legislature)

Sponsoring and Underwriting Conferences to Promote JDAI

The Washington SAG built collaboration by bringing people together for education, planning, and networking. It convened an introductory training conference to educate, generate support, and frame the detention issues facing the state and counties. That first conference offered an overview of JDAI, with corresponding research and data about the potential impact of reform. Emphasis was placed on employing all eight JDAI core reform strategies in order to highlight JDAI as a *system change* methodology, in contrast with it being principally viewed as a strategy for granting federal monies to local diversion programs or alternatives to detention.

Subsequent to its Introductory JDAI Training Conference, Washington State, like other states that have made detention reform and overall juvenile justice system improvement a priority, convened the first of a series of annual JDAI conferences highlighting results, policy and practice improvements, reform tools, and lessons learned. The conferences are open to juvenile justice representatives from around the state, serve as learning and networking opportunities for juvenile justice stakeholders, and provide a platform to promote detention reform statewide.

All SAGs have the ability to promote collaboration and investment in system change by leading and underwriting working conferences such as those in the aforementioned examples from Washington State. This is a natural and critically important role for SAGs invested in detention reform.

WASHINGTON SAG JDAI INTRODUCTORY TRAINING CONFERENCE AGENDA

Day One

- 9:00 – 9:20 a.m. Youth Presentation—Celebrate Youth and Diversity
- 9:20 – 9:40 a.m. Welcome / Opening Remarks
- 9:40 – 9:50 a.m. Overview of Conference Agenda, State Advisory Group Chair
- 9:50 – 10:10 a.m. Keynote Speaker—Director, JDAI, Annie E. Casey Foundation
- 10:10 – 11:10 a.m. Casey Foundation’s “These Are Our Kids” Video Screening
- 11:10 – 12:00 p.m. State Specific Implementation of the Eight Core JDAI Strategies
- 12:00 – 1:00 p.m. Luncheon Presentation: How JDAI Fits with State Initiatives
- 1:10 – 2:20 p.m. The Current State Landscape of Juvenile Detention
- 2:30 – 3:40 p.m. The National Landscape of JDAI
- 3:50 – 5:00 p.m. Discussion and Q & A with a JDAI Model Site Representatives

Day Two

- 8:30 – 8:50 a.m. Summary of Day 1 and Purpose of Day 2, SAG Chair or Member,
Juvenile Justice Specialist or Department Head
- 8:50 – 9:50 a.m. Track 1: Who Should Be Involved?
Track 2: Addressing Disproportionate Minority Contact (DMC)
- 10:00 – 11:00 a.m. Track 1: Overcoming Resistance to Change
Track 2: Addressing Deinstitutionalization of Status Offenders (DSO)
- 11:10 – 12:15 p.m. Next Steps for the State
- 12:15 – 12:30 p.m. Final Comments

The Role of the Juvenile Justice Specialist

Another way the Washington SAG promotes collaboration is through the role of the Juvenile Justice Specialist (JJ Specialist). The role of the JJ Specialist in supporting and sustaining detention reform work in the states is one of critical importance. As the person primarily

responsible for overseeing the planning and implementation of programs utilizing federal juvenile justice funding, the JJ Specialist is uniquely positioned to determine how and where limited resources can have the greatest impact on detention policy and practice. In states from New Jersey to Washington to Louisiana, the JJ Specialist has served as a core team member providing local sites with the tools needed to focus reform efforts and leadership to ensure that the effort achieves success.

In states' quarterly JDAI meetings, strategic planning, idea sharing, and problem-solving are emphasized. By maintaining an active role at these meetings, the JJ Specialist can help SAGs identify and address local juvenile justice needs.

Some specialists have served as liaisons to local sites or as conveners of key stakeholder meetings. In states' quarterly JDAI meetings, strategic planning, idea sharing, and problem solving are emphasized. By maintaining an active role at these meetings, the JJ Specialist can help SAGs identify and address local juvenile justice needs. The JJ specialist's relationship with SAG leaders allows for a continuous dialogue about the ways in which the state's reform effort can be strengthened and/or deepened.

Through state and local collaboration, innovative solutions as well as the most appropriate and effective practices and programs can be identified. Collaboration such as that exemplified in Washington State—which provides defined support for a cooperative process, content leadership, decision-making, and best use of resources—creates a context which allows JDAI and detention reform to be widely understood and valued. Such collaboration also allows states to pursue enhanced interagency responsibilities and accountabilities.¹³

FUNDING AND INCENTIVIZING DETENTION REFORM

Under the JJDPA, the SAGs and Juvenile Justice Specialists are responsible to guide and support juvenile justice system improvements. They advise their states/jurisdictions on the manner in which federal funds are allocated and influence the use of such funds toward specific provisions and requirements of the JJDPA.

By directing federal juvenile justice and delinquency prevention grants toward the development and implementation of detention reform activities, SAGs can fund and incentivize implementation of JDAI.

Three major federal grant streams managed through the OJJDP are dedicated to activities to reduce juvenile delinquency, to enhance compliance with JJDPA core requirements, and to improve system effectiveness and outcomes, particularly the Title II Formula Grant Funds Program and Title V Incentive Grants for Local Delinquency Prevention Programs, under the JJDPA, as well as the separately authorized Juvenile Accountability Block Grant (JABG) Program.

Title II / Formula Grant Funds

The primary purpose of the Formula Funds program is to support state and local delinquency prevention and intervention efforts and compliance with the core requirements and purposes of the JJDPA. Recipients may be non-profit agencies, units of local government and/or state agencies. These are the main federal dollars utilized for ensuring and supporting compliance with the four core requirements. Toward that end, Formula Funds may be directed toward standard program areas, also known as “core purposes,” written into Title II of the JJDPA. For example, under the core purposes cited in the JJDPA, SAGs and states are asked to consider directing funds toward:

“Community-based alternatives (including home-based alternatives) to incarceration and institutionalization including:

- those for youth who need temporary placement, crisis intervention, shelter and after-care;
- those for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services.”¹⁴

By directing federal juvenile justice and delinquency prevention grants toward the development and implementation of detention reform activities, SAGs can fund and incentivize implementation of JDAI.

“Expanded use of probation officers:

—particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization;

—to ensure that juveniles follow the terms of their probation.”¹⁵

Title V / Incentive Grants for Local Delinquency Prevention Programs

The Title V Prevention Grants funded under the JJDPAs support collaborative, community-based delinquency prevention efforts, in keeping with six guidelines:

1. comprehensive and multi-disciplinary approaches
2. data-driven and evidence-based planning
3. community control and decision-making
4. leveraging resources and systems
5. evaluation to monitor progress and effectiveness
6. long-term perspective

Eligible recipients of Title V funds are units of local government working in partnership with local youth-serving agencies. A local match of 50 percent of the federal award is required, either in cash or in-kind.

Juvenile Accountability Block Grant (JABG) Funds

JABG provides money for state agencies, units of local government, and/or community non-profit organizations to strengthen juvenile justice systems through system improvements. It allows for funds to be used across several program areas, which include development of graduated sanctions or community-based continuums of care.

State Three-Year Plan

Very often, the State Three-Year Plan serves as the basis for grantmaking decisions by the SAG and/or a state administrative agency. SAGs are increasingly writing an emphasis on detention reform into their State Three-Year Plans, thereby directing federal funds toward JDAI. In a 2007 *ad hoc* survey conducted by CJJ with state Juvenile Justice Specialists, a majority of those responding cited detention reform as a *priority area* in their State Plans. The following are examples of how SAGs and JJ Specialists positioned detention reform in their State Plans, as a priority for use of federal funds.

SAGs Federal Allocations Toward Detention Reform

By using a combination of federal Title II, Title V and JABG funds, SAGs have dedicated nearly \$11 million to JDAI detention reform initiatives between 2001 and 2007. In a growing number of cases, federal funding to stimulate JDAI is being replenished with state funds. Below are specific examples of SAGs' federal allocations toward detention reform:

District of Columbia	\$85,910
Illinois	\$2,500,000
Louisiana	\$71,416
Massachusetts	\$110,000
Minnesota	\$805,000
Nebraska	\$343,521
New Hampshire	\$57,000
New Jersey	\$525,000
New Mexico	\$1,500,000
North Dakota	\$3,570,000
Oregon	\$119,700
Tennessee	\$156,000
Virginia	\$653,000
Washington	<u>\$370,000</u>
Total	\$10,866,547

New Jersey

The New Jersey SAG examined detention reform through several lenses while developing its State Three-Year Plan, and incorporated JDAI in three ways. First, New Jersey identified specific programs or services that could be generated to keep youth from being needlessly detained, citing the purpose area called "Alternatives to Detention" in the OJJDP Fiscal Years 2006–2008 Formula Grants Program Comprehensive Plan Application Kit. Then New Jersey recognized JDAI as a "Systems Improvement Project," identifying detention (both as a place and a practice) involving the courts, the counties, and community service agencies. Finally, the SAG specifically distinguished how implementation of JDAI could impact DMC reduction by challenging every part of the system to review decisions based on the impact they would have on improving system fairness and reducing disparities for youth of color.

By addressing all of these priority areas, the SAG was able to allocate considerable federal funds for implementing JDAI. Federal Formula Grant Funds allowed the state to hire Juvenile Detention Specialists to collect and analyze detention data (at the local level) and provide staff support to local-level steering committees. (For a detailed description of the Juvenile Detention Specialist position, visit the JDAI Help Desk at www.jdaihelpdesk.org.)

New Jersey's use of federal funds early in the life of its new JDAI initiative successfully stimulated later investment of state monies. Armed with positive results from the first five New Jersey JDAI counties,¹⁶ the state agency received a FY 2008 legislative appropriation of \$4 million to support Juvenile Detention Specialists, to bolster educational outcomes for detained youth and to spur expansion of innovative policies and practices consistent with the goals of JDAI through incentive grants to existing and/or new sites. Due to the significant shift from federal to state monies supporting detention reform in New Jersey, the SAG now has the opportunity to refocus the use of federal monies on a three-year DMC reduction effort at the points of arrest and diversion.

Virginia

Virginia's 2006–2008 State Three-Year Plan uses data to show that many youth are being detained for reasons entirely unrelated to public safety. The plan also discusses ways that detention is harmful for low-risk offenders, particularly because it exposes them to delinquent peers, a strong predictor of future delinquency. In Virginia, as in many other states, technical violations of conditions of probation or parole supervision constitute fully one-third of inappropriate admissions to secure detention.

By highlighting the average annual cost of detention, which in Virginia is \$66,331 per child, the SAG's State Three-Year Plan effectively argues that using less costly alternatives to detention will better serve low-risk youth, as well as families and the state's taxpayers, while keeping the community safe.¹⁷

As described in the Virginia State Three-Year Plan Program Goals, Objectives, and Activities, the Virginia SAG awarded four communities Title II Formula Funds to hire "Detention Expeditors" to open evening reporting centers, to enhance school-based probation services, and to initiate restorative justice programs. The SAG also awarded its state Department of Juvenile Justice a five-year grant to fund day reporting centers as alternatives to detention. (For more information on Detention Expeditors, visit the JDAI Help Desk at [www. jdaihelpdesk.org](http://www.jdaihelpdesk.org).)

Virginia's 2006–2008 State Three-Year Plan

Program Goals, Objectives, and Activities:

Goal A: Reduce the number of juveniles in detention

Objective 1: Increase the use of model programs or strategies

- Fund initiatives that replicate model programs or strategies
- Provide technical assistance in program implementation
- Provide training in model strategies and programs

Objective 2: Reduce admissions for technical violations

- Fund local programs that provide alternatives to detention
- Provide training about alternatives to detention

Goal B: Reduce the length of stay in detention

Objective: Increase the use of community alternatives to detention

- Offer grant funding for community alternatives to detention
- Offer grant funding for community expeditors

Performance Measures:

- Amount of formula grant funds awarded for services
- Number of program youth served

Outcome Measures:

- Number and percent of program youth who offend or re-offend
- Number and percent of program youth completing program requirements

Budget:

2006: \$240,000 2007: \$275,000 2008: \$220,000¹⁸

Minnesota

Minnesota's SAG, known as the Minnesota Juvenile Justice Advisory Committee or JJAC, has played a critical role in bringing JDAI to its state.

Through its work on reducing racial disparities in the juvenile justice system, JJAC engaged JDAI in its three largest counties in the state (Hennepin, Ramsey, and Dakota). The premise was twofold; first, use detention reform as a catalyst to examine and reduce racial disparities in

the counties where the greatest disparities exist and second, use the progress and momentum generated by detention reform to explore greater juvenile justice reform statewide.

To help JDAI succeed in Minnesota, the JJAC provided financial support to the JDAI sites by providing Formula Grant Funds to support a JDAI coordinator position for each county. From FFY 2005 to FFY 2007, the JJAC provided \$620,000 in JABG and Title II funding to the sites. Over the same period, JJAC also provided \$75,000 in JABG funds to support a state JDAI coordinator to assist in the implementation and promote detention reform as a policy option statewide.

In addition, JJAC set aside an additional \$110,000 in Title II and JABG funding to support non-metropolitan area counties to develop plans for detention reform. And to further assist those counties, JJAC used \$96,000 of JABG funding to provide “readiness assessment consultations” by the W. Haywood Burns Institute to provide system analyses and recommendations to reduce racial/ethnic disparities.

Finally, JJAC formalized its long term commitment to JDAI by annually including detention reform in its Three-Year Plan and plan updates, adding representatives from JDAI to the committee and subcommittees, and working jointly with the JDAI sites to advance detention reform in the state.

New Mexico

Using a combination of Title II Formula Grant and JABG funds, the New Mexico SAG supported the following: day/evening reporting centers in four counties; a juvenile non-secure crisis and detoxification center in one county; intensive community (electronic) monitoring programs in seven counties; police citation programs in three counties; a detention expeditor program in two counties; and a reception/assessment center (law enforcement “drop off” program) in three counties.

North Dakota

North Dakota uses nearly all of its formula grant funds to support a statewide hold-over program to prevent juveniles from being placed in adult jails or lockups. Additionally, North Dakota has utilized Title V funds to support day reporting centers and family counseling services. Finally, state-level JABG funds have been directed to Restorative Justice programming and mental health treatment services (for youth who would otherwise have been detained).

Washington

Washington used small grants to stimulate local planning to improve the quality of existing systems, and to increase accountabilities for the pace and results of detention reform efforts.

As a key example, the Washington SAG provided its target jurisdictions with start-up and planning formula grants as incentives to implement JDAI, to reduce disproportionate minority contact (DMC), and to meet core requirements of the JJDPAs deinstitutionalization of status offenders (DSO).

Washington then designated modest amounts to clearly mandate that the full scope of JDAI strategies be implemented. Approximately \$20,000 each, from its Annie E. Casey Foundation grant, was given to each JDAI replication site in the form of a performance-based contract. Minimum performance standards that reflect JDAI core strategies were established to promote accountability and encourage progress, such as developing and piloting a risk assessment instrument; reviewing/revising detention policies; and performing detention facility self-inspections. Additionally, the Washington SAG has funded an evening reporting center in Pierce County, a detention expeditor position in King County, and several detention alternatives in Spokane County.

When the SAG is able to step up and direct resources to mandate the full scope of JDAI strategies, the state is likely to see long-range financial and best practice payoffs. When used appropriately, home and community-linked programs report success rates of 90 percent and higher, at a fraction of the cost of secure detention.¹⁹ For example, in King County, Washington, the public saves between \$3.9–\$5.4 million a year due to its detention reform efforts.²⁰

STATEMENT OF WORK TO RECEIVE SAG DETENTION REFORM FUNDS (WASHINGTON)	
Year One	Year Two
Update local implementation plan and coordinate effort with goals in Three-Year Plan	Update local implementation plan and coordinate effort with goals in Three-Year Plan
Produce quarterly progress reports to the SAG in addition to the quarterly reports required by the Casey Foundation	Produce quarterly progress reports to the SAG in addition to the quarterly reports required by the Casey Foundation
Develop and test a risk assessment instrument (RAI)	Implement, refine, and revise RAI based on evaluation of admission and release outcomes
Complete an annual detention self-inspection	Complete an annual detention self-inspection
Attend state quarterly meetings and training conference, JDAI national conferences, and model site visits	Attend state quarterly meetings and training conference, JDAI national conferences, and model site visits
Identify needs for technical assistance and participate in site evaluations by state coordinator and Casey Foundation team leader	Identify needs for technical assistance and participate in site evaluations by state coordinator and Casey Foundation team leader
Develop implementation strategies to reduce use of detention for warrants, probation violations, and status offenders	Implement strategies to reduce use of detention for warrants, probation violations, and status offenders
Develop strategies to address DMC	Implement strategies to address DMC
Document the current system's policies and practices	Revise and refine local policies and practices to reflect supportive detention reform policies and principles

ADVANCING SUPPORTIVE STATE POLICY CHANGES

The importance of having strong leaders involved in detention reform cannot be overstated, but progress may be stymied if and when such key leaders leave the system or if there is turnover in the state/SAG leadership. To institutionalize changes, states may need legislation to support detention reform.

New Mexico State Children’s Code Revisions

In New Mexico, legislation was enacted to increase alignment between tenets of detention reform and compliance with the JJDP core requirements. The legislative revisions to the New Mexico Children’s Code limit the use of secure detention only to those cases in which risk has been fully assessed with the use of an objective risk assessment instrument (RAI) and determined to be appropriate, based on criteria established by a statewide taskforce.

New Mexico’s 2003 Children’s Code Revisions mandated the Children, Youth and Families Department (CYFD) to implement a statewide risk assessment instrument that narrowed the detention criteria, requiring that youth who pose “substantial” danger to the community or risk of flight be detained.

Subsequently, additional changes were made to the New Mexico Children’s Code focused on more efficient case processing that, among other things, reduced the length of stay in detention. New Mexico also restricts the age at which a youth could be housed in a detention facility to at least 11 years of age and provided courts with additional options such as day reporting centers and community custody programs for pre-adjudicated youth. These legislative changes ensure the consistent, statewide application of JDAI core values and strategies. They also ensure continuation of a smarter, fairer, more effective and efficient juvenile justice system that has experienced overall reductions in the use of detention and decreases in juvenile offending.

Model State Legislation

SAGs can also influence juvenile justice policy and practice by sharing ideas about model legislation with state legislators and/or the governor’s office. In 2004, CJJ staff worked with the Center for Policy Alternatives (CPA) to design a detention reform policy summary and model legislation premised on the Children’s Code Revisions accomplished in New Mexico.

SAGs can use the CPA model as a resource for legislators willing to champion statutory changes.

Juvenile Detention Reform Act

Summary: The Juvenile Detention Reform Act restricts the use of pretrial confinement to young offenders who pose a danger to society or who may flee from justice.

SECTION 1. Short Title

This act shall be called the “Juvenile Detention Reform Act.”

SECTION 2. Juvenile Detention Reform

After section XXX, the following new section XXX shall be inserted:

Standard for Approving Detention:

A child taken into custody for an alleged criminal act shall not be placed in pretrial detention unless a detention risk assessment instrument determines that the child:

Poses a substantial risk of harm to others; or

Has demonstrated that there is a substantial risk that he or she may leave the jurisdiction of the court.

If a juvenile is placed into pretrial detention, a judge of the [Juvenile Court] shall, within 24 hours after the placement, consider the risk assessment instrument and review the appropriateness of pretrial detention. The Court shall not approve a placement in pretrial detention unless the state has proven by a preponderance of evidence that:

1. The child poses a substantial risk of harm to others or has demonstrated that there is a substantial risk that he or she may leave the jurisdiction of the court; and
2. No lesser custodial restrictions would serve as an effective alternative to pretrial detention.

If the court approves a placement in pretrial detention, the placement decision shall be reviewed by the Court at any pretrial conference.

The Department of [Juvenile Justice] shall develop and implement a detention risk assessment instrument. The instrument will be designed to reflect input from the child's family, social workers, law enforcement personnel, and the Department's staff and advisors.

Conditions of Detention

1. Pretrial detention shall not take place at any long-term facility for adjudicated delinquents.
2. A person older than 18 shall not be detained in a juvenile detention facility.
3. Publicly-funded counsel shall be made available to the juvenile and the juvenile's family upon completion of the risk assessment instrument and before the point at which any detention hearing is held.

SECTION 3. Effective Date

This Act shall take effect on month day, year.

INCREASING PUBLIC AWARENESS AND SUPPORT

Another way SAGs can promote detention reform is to increase public awareness and support for change. SAGs can increase awareness through dissemination of data, effective message development, media outreach, and recognition of accomplishments.

Using Data to Promote Detention Reform

Detention data can be strategically utilized by SAG members and Juvenile Justice Specialists to reveal the characteristics of a detention population (demographics, current offense information, prior history, length of stay, and risk levels), thereby raising awareness and activating concern.

SAGs, Juvenile Justice Specialists, and state agencies, as well as local probation departments and detention administrators, generally have access to data that describe which youth are admitted to detention and why, as well as details about their lengths of stay, what follows their time in detention, and other information providing an accurate snapshot of how detention is being used.

SAGs have found data to be especially useful in educating peers and stakeholders when it is disaggregated by race, ethnicity, and gender. SAGs can familiarize state and local leaders with such data, tying it to rationales for the State Three-Year Plans and core JJDP requirements. SAGs can also track the numbers and types of youth placed in each alternative in the continuum, assess the effectiveness of alternatives, and monitor public safety indicators.

New Hampshire

In New Hampshire, data collection efforts to determine who was being placed in detention and the attendant risk profile of detainees began several years ago. This data collection effort revealed that the majority of detainees were determined to be of low or moderate risk to public safety. This became the impetus for the development of a detention risk assessment instrument to more objectively determine who goes into detention and who goes into detention alternatives. Furthermore, this process resulted in redoubling the state's training effort to engage police, judges, and other law enforcement officials. More recently, judges (and other key decision-makers) receive weekly data

“Wisely, SAGs are investing in reforms that increase impartiality in decision-making and create more frequent use of home and community alternatives to detention. As a result we’re giving young people positive opportunities to step away rather than into the front-gate of the juvenile justice system.”

*—The Honorable Paul Lawrence
SAG Member, New Hampshire,
Coalition for Juvenile Justice
Executive Board*

reports and quarterly analyses that highlight detention decision-making (including overrides of the RAI). When presented with this information, these decision-makers understand the impact of their choices related to detention utilization and have now changed the philosophy and practice related to the use of secure detention.

Data and trend information may only go so far unless conveyed in the context of a trusted relationship. In New Hampshire, as a juvenile court judge with broad jurisdiction and as the CJJ National Chair in 2006, the Honorable Paul Lawrence has thoughtfully and deliberately persuaded his colleagues to consider the benefits of detention reform from his role as a SAG member.

Because the detention population in the entire state of New Hampshire is smaller than that of many U.S. cities, the reform process needed to be tailored to New Hampshire-specific concerns. Judge Lawrence used a series of judicial conferences, followed by forums for executive branch officials, probation and parole staff, and local police departments to persuade colleagues that the juvenile justice system, much like other human service systems, must operate with the motto, “first—do no harm.” He has explained the pitfalls of detention and the manner in which it sets an unproductive, sometimes criminalizing, course for youth who could otherwise be set in a positive direction.

His strategy is working as an increasing number of local jurisdictions in New Hampshire have implemented reform strategies and he is witnessing system changes and philosophical shifts among judicial, probation, and detention colleagues throughout the state. As a result, there are (proportionately) very few youth in detention and those who are held in detention are charged with very serious offenses.

Effective Messages

Public system change is often accompanied by resistance and confusion by practitioners, clients, and the public at-large. SAGs promoting detention reform will, therefore, find that communicating well and often is essential to progress. Clear and consistent messages—supported by facts—will enable SAG members to be influential about the need for, and benefits of, improvements in detention.

In juvenile justice in general, and detention reform specifically, messages can and should focus on issues of common concern to families, such as community safety, health, fairness, and accountability. Such messages draw on values that many people already support. For example, the public overwhelmingly favors prevention and rehabilitation programs rather than imprisonment for juveniles. The public also believes that young people deserve a “second chance.”²¹

Experience indicates that SAGs are most effective when the “voice” or tone of communication is moderate, like that of a trusted friend or advisor. Similarly, it is critical to minimize the use of any professional mental health, substance abuse, and juvenile justice jargon.

Media Outreach

SAG members and other influential state leaders can be trained to appropriately reach out and speak to the media. One efficient strategy might be to designate a single SAG member as the media representative. This could be a SAG volunteer who is apprised of the detention reform initiative and trained to deal with the media. It could also be a representative with a unique “insider” perspective; sometimes the most powerful advocate is someone whose thinking has been converted from using detention as a tool to “teach a lesson” to a supporter of using deten-

tion for public safety purposes alone. For example, in a 2002 opinion editorial published by the *Albuquerque Journal*, Oregon SAG member and then CJJ National Chair Rodney Cook admitted that “many years ago I ran a treatment program for youth in Oregon. There were a number of ways to punish kids if they acted up, but I believed the most effective was locking them up for a couple of days to teach them a lesson.” Yet, his views changed after seeing the damage done to the very youth he was trying to set straight and he spent the bulk of his editorial explaining how “this trend of locking kids up is a serious step that has serious (and harmful) repercussions. Improper detention does not increase community safety and is a detriment to the kids we are seeking to help.”²² In this way, he was what communications professionals call “an authentic voice” of experience.

SAGs have also organized valuable media outreach events with allied agencies and organizations. In cooperation with an organization like CJJ, SAGs can prepare talking points for spokespeople and information packets containing fact sheets, articles, and reports to be distributed at the event. For example, in January 2004, the Illinois SAG and CJJ staged a media event to provide information about a SAG-supported detention reform initiative at an evening reporting center in Chicago. Speakers included a former client of the program, who testified about the benefits of being able to continue to live at home and attend school while under court supervision. He credited the reporting center program with setting him on a positive pathway and influencing his chosen career of becoming a juvenile probation officer in inner-city Chicago.

SAG members and other influential state leaders can be trained to appropriately reach out and speak to the media. One efficient strategy might be to designate a single SAG member as the media representative.

The director of the reporting center, current clients, the probation administrator for the jurisdiction, as well as the local circuit court judge all provided details of interest to the media. Since the event was conducted in partnership with a national organization, the pick-up by the media was widespread. Positive messages on detention reform and its benefits for youth and the community were reported by major Chicago papers,²³ six national newspapers, Illinois Public Radio, three national radio broadcasts, local network television, and the Cable News Network (CNN).

Recognizing Accomplishments

By recognizing localities for detention reform progress, SAGs further provide incentives for juvenile justice system improvements—albeit non-monetary ones—and popularize specific strategies. Recognition events, newsletter articles, community roundtables, and well-placed media interviews that highlight positive work, all contribute to enthusiastic and sustained support for system reform. SAGs have the standing and profile within states to provide many such recognition incentives.

In New Jersey, SAG members representing two of the state's JDAI pilot counties led efforts to recognize the dramatic reductions in average daily population in those sites. One of the sites was historically the most overcrowded detention center in New Jersey. After more than halving its daily detention population between 2004–2006, this site received widespread recognition at SAG meetings and events as well as national media coverage for its accomplishments.

HOW SAGS CAN AND SHOULD PROMOTE DETENTION REFORM—LESSONS LEARNED

SAG-led detention reform initiatives differ in their demographic and political footing, yet SAGs have followed similar pathways toward implementation. As a result, there are common “building blocks” to consider when launching a SAG-driven detention reform initiative.

Educate yourself, your SAG, and others

- Educate yourselves about detention reform and JDAI
- Engage peer mentors and leaders from other states—including SAG members and Juvenile Justice Specialists via the Coalition for Juvenile Justice (CJJ)
- Engage the Annie E. Casey Foundation JDAI team directly or through CJJ
- Ensure that your SAG has made a multi-year commitment to detention reform
- Sponsor annual statewide conferences to highlight detention reform strategies, lessons learned, and results

Plan and build a team for your SAG’s statewide reform initiative

- Assess the detention needs in your state and make detention reform a critical goal of your State’s Three-Year Plan under the JJDPA
- Link detention reform to the core requirements and core purposes of your SAG’s work to fulfill the mandates of the JJDPA
- Develop a strategic plan and multi-year timeline for state-level reform
- Organize opportunities to convene stakeholders and build collaboration
- Use political and field relationships to garner broad and needed support

Provide funding and staffing support through the SAG and its relationships

- Allocate expenditures to employ a Detention Reform Coordinator and/or other needed staff
- Craft incentives to move the system away from over-reliance on detention
- Link data collection, evaluation and accountability measures to the SAG’s ongoing grantmaking in the area of detention reform

- Fund culturally competent home- and community-based alternatives to detention
- Seek to leverage state funds and other sources of funding to augment and eventually replace foundation grants and federal allocations

Bring attention to your success and stay focused

- Highlight progress and the positive outcomes in the areas of community safety and youth development
- Reinforce changes made in practice with legislation
- Vigilantly monitor, promote, and sustain your effort

Lessons Learned

Throughout the United States, where SAGs have engaged in partnerships with other key stakeholders to promote, support and lead detention reform efforts, the results have been encouraging, and offer the following key lessons:

1. SAGs are influential “conveners”:

In the aforementioned states, state-level policymakers encouraged juvenile justice stakeholders to implement detention reforms at the local level. In New Mexico, grants from the SAG to 12 counties *required* each county to develop a local continuum of alternatives and to create local steering committees.

2. Small grants can have big impact:

Grants from the SAGs have expanded the continuum of alternatives to detention and staff to support the work of the local steering committees in guiding and monitoring reform progress. In states like New Jersey, Washington, and Minnesota, small amounts of funding ranging from \$20,000 to \$50,000 have produced significant programmatic and systemic changes over the past few years.

3. Influence is a precious commodity:

In detention reform efforts, SAGs have faced a variety of challenges, including differences between rural and urban jurisdictions, resistance to change, and misplaced community fear about “dangerous youth” being mistakenly released or not held accountable. Any reform effort will encounter both expected and unanticipated challenges, but SAGs and Juvenile Justice Specialists have persevered. In North Dakota, the SAG has been instrumental not only in bringing financial resources to bear but also in spearheading ongoing and consistent training for

program staff and support for key stakeholders, particularly law enforcement. Over many years, sustained educational efforts have resulted in changing the status quo and vastly reduced the secure confinement of juveniles. In New Mexico, many rural counties viewed detention alternatives and reform as a “big city” initiative coming from Albuquerque that was not necessary in rural areas because of the smaller number of juveniles. The SAG persevered in working with these rural counties to help them see the benefits of developing local alternatives to detention, reducing the numbers of youth in secure detention, and providing assistance to youth released from detention while awaiting adjudication. In several instances, a single detention alternative was funded at first. Then, when it proved successful, local officials became interested in developing additional alternatives. More importantly, many SAG members are from these rural counties that viewed detention alternatives as an urban response, thus, they were able to assist their own local communities to see the benefits of these reforms. Finally, officials from the more urban reform sites attended several meetings with local officials in many of these rural jurisdictions to discuss JDAI and to offer assistance.

4. Embracing detention reform strategies strengthens SAG work:

The successes already achieved in states through the leadership of SAG members and Juvenile Justice Specialists are significant and long-lasting. In each state that adopted JDAI or similar methods, the average daily population of detained youth has declined. Simultaneously, more effective alternatives to detention have been put in place, so that youth and their families can receive more appropriate, supportive, and life-changing services. Dramatic decreases in average daily population and average length of stay have been achieved in many JDAI sites, including Washington State, New Jersey, Virginia, and New Mexico.

Detention reform is not a one-time event, but an ongoing process.

Detention reform is not a one-time event, but an ongoing process. SAG members and Juvenile Justice Specialists who have stepped up to take on the challenge of creating remarkable, quantifiable, and sustainable changes are changing the way in which states and localities view and treat children and youth in conflict with the law, giving them more productive pathways to healthy adulthood. The SAG leaders whose work is highlighted in this guide—from Minnesota, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Virginia, and Washington are to be commended for their determination, as well as for their willingness to share what they have learned along the way.

RESOURCES OF NOTE

There is no need to go it alone. Many leaders have come before you—some specifically from the SAGs. There are experienced detention reformers whose work and recommendations have been published in multiple documents, which will inform and bolster your efforts. Some are particularly helpful to SAG members, as follows.

JDAI Help Desk and Annie E. Casey Foundation Website

The recently expanded JDAI Help Desk can easily be accessed online by visiting www.jdaihelpdesk.org. The site contains a treasure trove of information on the core strategies, the entire “Pathways” series covering the development of JDAI over the course of the past decade and all of its fundamentals, briefs on how to get started, and descriptions of the JDAI model sites, as well as all active replication sites. The Help Desk also houses a library of site-specific documents that can be downloaded for adaptation in other jurisdictions. To order publications, go to the Annie E. Casey Foundation’s website and visit the JDAI pages at www.aecf.org.

Coalition for Juvenile Justice 2003 Annual Report

In 2004, CJJ published a research report entitled, “Unlocking the Future: Detention Reform in the Juvenile Justice System.” It profiles detention reform efforts in diverse jurisdictions: Ada County, Idaho; Cook County, Illinois; King County, Washington; and across rural North Dakota. The report also includes recommendations for SAGs, policymakers, localities, and juvenile court judges, as well as the Congress and the President. The publication can be obtained by visiting the CJJ website at www.juvjustice.org.

CJJ’s recommendations to the SAGs from “Unlocking the Future” include:

- SAGs can inform themselves about the use of secure detention in their states and become familiar with models of effective detention reform from other SAGs and elsewhere around the country.
- SAGs should make funds available for community teams to visit and learn from national model detention reform sites in other states and jurisdictions.
- SAGs can take the lead in informing policymakers, juvenile court personnel, and the public about the public safety risks, long-term cost implications and negative impact on children and communities that stem from an overreliance on secure detention.
- SAGs can encourage and promote rational, research-based detention reforms and alternatives.

- SAGs can examine the issue of race in detention and implement reforms that address inequities and cultural biases.
- SAGs can recommend to governors that detention professionals be appointed to State Advisory Groups.
- SAGs can strengthen and include detention reform efforts in their State Three-Year Plans.

National Association of Counties' Guide for County Officials

The National Association of Counties (NACo), an organization representing county governments across the United States, produced the “Juvenile Detention Reform Guide for County Officials,” in February 2007. It is intended to increase understanding of juvenile detention reform among county government officials and local policymakers. The NACo guide points up the responsibility of county policymakers for creating “the organizational framework for construction of a comprehensive strategy to provide for community protection, offender accountability to victims, and the supports and services necessary to positively change offender behavior.”²⁴ Included among NACo’s recommendations is one to determine, through regular, rigorous analysis, who is being detained and for what reason and how youth could be better served in alternative placements or at home. For copies of the report, log on to the NACo website at www.naco.org.

Bulletin from the Office of Juvenile Justice and Delinquency Prevention (OJJDP)

In a 2005 bulletin entitled “Alternatives to the Secure Detention and Confinement of Juvenile Offenders,” OJJDP points to the need for increased use of alternatives to secure detention due to dangerous overcrowding and the unproven effectiveness of detention and confinement. The bulletin describes ways to expand the use of alternatives through system change endeavors, including developing objective and reliable tools to make placement decisions and making available a continuum of community-based alternative programs. Accordingly, OJJDP states that secure detention “should be an option of last resort only for serious, violent, and chronic offenders and for those who repeatedly fail to appear for scheduled court dates. Secure detention and confinement are almost never appropriate for status offenders and certain other small groups of offenders—those who are very young, vulnerable, first-time offenders; those charged with non-serious offenses; and those with active, involved parents or strong community based support systems.”²⁵ The bulletin can be obtained on the OJJDP website at ojjdp.ncjrs.org.

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