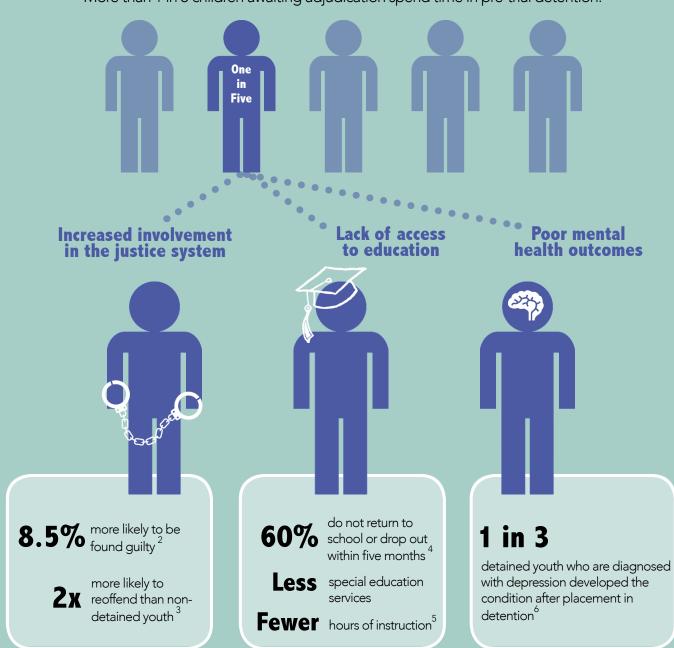
The Harms of Juvenile Detention

Youth in detention are removed from settings that matter: their homes, schools, and communities. Without those supports, children develop higher rates of depression, anxiety, and other mental health conditions, and they lose access to educational opportunities. Once released, youth who spent time behind bars are more likely to disengage from school and become system-involved in the future.



More than 1 in 5 children awaiting adjudication spend time in pre-trial detention.¹



Parents are often charged with detention fees, which can total over \$600 in some states⁷



Average length of stay in pre-trial detention⁸



Youth of color are detained 1.5 times more than white youth⁹

Sources

¹ MELISSA SICKMUND, ANTHONY SLADKY, AND WEI KANG, NATIONAL CENTER FOR JUVENILE JUSTICE, EASY ACCESS TO JUVENILE COURT STATISTICS: 1985-2013 (2015), http://www.ojjdp.gov/ojstatbb/ezajcs/ (census data from 2010 – 2013 shows 20.5% of children were detained when awaiting disposition).

² The Annie E. Casey Found., Juvenile Detention Alternatives Initiative, 2014 Progress Report 5, http://cms. aecf.org/m/resourcedoc/aecf-2014JDAIProgressReport-2014.pdf.

³ JUSTICE POLICY INSTITUTE, THE DANGERS OF DETENTION 6 (2006), http://www.justicepolicy.org/images/ upload/06-11_rep_dangersofdetention_jj.pdf.

⁴ *Id.* at 9.

⁵ Kareem L. Jordan, U.S. Dep't of Justice, Office of Juvenile Justice and Delinquency Program, Preventive Detention and Out-of-Home Placement: A Propensity Score Matching and Multilevel Modeling Approach (Fall 2012).

⁶ JUSTICE POLICY INST., *supra* note 3, at 8.

⁷ See, e.g., Berkeley Law Policy Advocacy Clinic, High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families In Alameda County, California (March 2016) (in California, the average total cost families pay for detention is \$607).

⁸ U.S. DEP'T OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PROGRAM, STATISTICAL BRIEFING BOOK (2013), http://www.ojjdp.gov/ojstatbb/corrections/qa08405asp?qaDate=2013.

⁹ Julie Griggs, The Effect of Race on Pretrial Detention in the Juvenile Justice System: A Meta-Analysis, Doctoral Dissertations, Paper 401 (May 21, 2014).



NATIONAL JUVENILE DEFENDER CENTER

1350 Connecticut Avenue NW, Suite 304 Washington, DC 20036 202.452.0010 | www.njdc.info

The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit www.njdc.info.

This project was supported by Grant # 2013-MU-FX-K004 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this graphic are those of the author(s) and do not necessarily reflect those of the Department of Justice.

Juvenile Detention Alternatives Initiative's Core Strategies and Best Practices Matrix

CORE STRATEGIES	BEST PRACTICES; SAMPLE REFORMS	TOOLS & RESOURCES	RELATED RESULTS
COLLABORATION	JDAI steering & sub committees MOU/resolution establishing JDAI and RED authority JDAI coordinator Purpose of detention statement Work plans	Fundamentals training Pathways 1 Pathways 2 Model sites Helpdesk	All impact results Influence Leverage
USE OF DATA	Detention utilization study (DUS) Daily population counts Quarterly reports Annual results report System assessment	Pathways 1 Pathways 7 QRS training Results Reports DUS Handbook Helpdesk	All impact results Influence
OBJECTIVE ADMISSIONS DECISIONS	Detention admissions criteria Risk assessment Risk assessment validation 24/7 screening Juvenile detention risk assessment monitoring	Pathways 3 Practice Guide #1 RAI training Model sites Helpdesk	Admissions FTA rate Re-arrest rate RED reductions
ALTERNATIVES TO DETENTION PROGRAMMING	Home detention Day/evening reporting center Electronic Monitoring/GPS Shelter/foster care beds Reception Center Placement Coordination	Pathways 4 Model sites Fundamentals training Helpdesk	ADP FTA rate Re-arrest rate RED reductions Commitments/placements
EXPEDITED CASE PROCESSING	"Speedy trial" rules Expediters Weekly detention & daily case reviews Early screening/assignments	Pathways 5 Model sites Fundamentals training Helpdesk	Average length of stay (LOS) Distribution of LOS FTA rate Re-arrest rate RED reductions
"SPECIAL DETENTION" CASES	Response grids Court notification systems Differential warrant policies Dispositional planning	Pathways 9 Model sites Fundamentals training Helpdesk	Admissions & LOS RED reductions FTA rate Re-arrest rate Commitments/placements
CONDITIONS OF CONFINEMENT	JDAI facility standards Facility self-assessments Population reductions Statewide standards	Pathways 6 Practice Guide #2 Conditions training Helpdesk	Influence Leverage
REDUCING RACIAL & ETHNIC DISPARITIES	The formal RED mandate Community engagement RED work plan Disaggregated data Special detention case reforms	Pathways 8 RED training Model sites Helpdesk	All YOC impact indicators Additional metrics Influence Leverage

Click on a core strategy, best practice, tool or resource for more information.

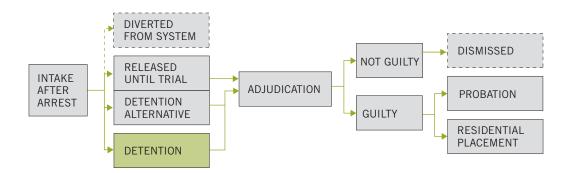
www.jdaihelpdesk.org



Juvenile Detention Reform: Why Does It Matter?

Detention is a crucial early phase in the juvenile justice process, the point at which the courts decide whether to confine a young person pending their court hearing or while awaiting placement into a correctional or treatment facility rather than allowing the young person to remain at home or perhaps in an alternative supervision program.

Every year, an estimated 300,000 young people are admitted to detention facilities nationwide, and approximately 20,000 are held in detention on any given night. The typical stay in juvenile detention is brief — the average length of stay nationally is about 20 days, and many youth spend only a few nights in these locked facilities. Yet even a short stay in detention can have an outsized impact on the ultimate case outcomes for court-involved youth — with potentially profound and lifelong negative consequences.



A Ticket to the Deep End. A vast body of research finds that youth placed into pretrial detention are far more likely to be formally charged, found delinquent and committed to youth corrections facilities than similarly situated youngsters who are permitted to remain at home pending their court hearings.¹ Also, African-American, Hispanic and American Indian youth are far more likely than their white counterparts to be detained, even after controlling for seriousness of offense, offending history and other factors.² Simply put, detention often functions as a slippery slope into juvenile justice's "deep end," one that affects youth of color disproportionately.

Damaging Consequences. Research also shows that placement into locked detention can cause young people serious harm, both immediate and long term. Detention disrupts young people's schooling and exacerbates the likelihood they will fail classes or drop out. Harsh conditions and invasive supervision inside detention facilities can exacerbate symptoms for youth with serious mental health problems or a history of trauma or abuse. Over the long term, youth who spend time in custody are less likely to complete high school,³ less likely to find employment,⁴ and more likely to suffer mental health problems than comparable youth who are not detained.⁵ Detained youth are also more likely to be rearrested,

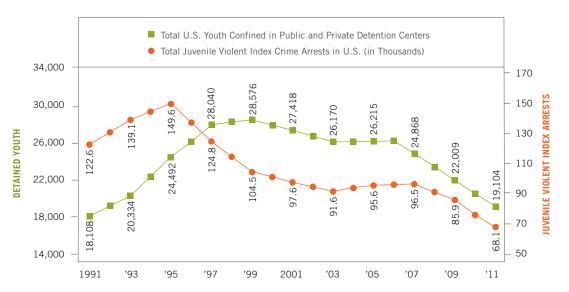
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adjudicated or convicted for new offenses, and incarcerated than youth who remain at home awaiting court or pending placement. For instance, a recent study of youth in Cook County, Illinois, found that youth sent to detention were 13 percent less likely to graduate high school and 22 percent more likely to end up in adult prison than comparable youth placed on home confinement or into an alternative supervision program.⁶

High Costs. Detention also represents a significant cost to taxpayers — roughly \$1 billion per year nationwide. Though expenditures vary from region to region, the average detention center costs roughly \$150 to \$300 per day, the equivalent of \$70,000 or more each year for each occupied detention bed. The average cost to build, finance and operate a single detention bed over its first 20 years is approximately \$1.5 million per bed.

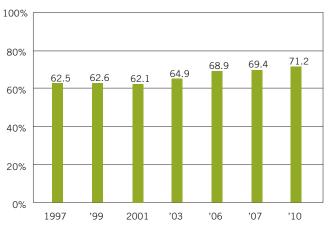
In the 1990s, a National Detention Crisis

In the early 1990s, as the Annie E. Casey Foundation began planning JDAI, the detention component of the juvenile justice systems in most jurisdictions was arbitrary, ineffective and discriminatory. Nationally, the average daily population in detention was rising at an unsustainable pace, more than doubling from 13,000 in 1985 to 28,000 by 1997. Though a run-up in youth offending in the late 1980s and early 1990s was a factor in this rise, it was not the primary cause. As shown in the chart below, juvenile crime rates began a steep decline in the mid-1990s, and now stand at the lowest levels in recent memory. However, for nearly a decade the nation's detention rate did not follow suit.



VIOLENT ARREST AND DETENTION RATES — DISPARATE TRENDS

Rapidly increasing populations led to serious and widespread overcrowding in the nation's detention centers in the 1990s, jeopardizing the health and safety of detained youth (and custodial staff), and compromising educational and other services. In 1985, just 20 percent of detained youth nationwide were confined in overcrowded facilities; a decade later, 62 percent were in overcrowded facilities. This period also saw a dramatic worsening in the disproportionate representation of youth of color in detention. In 1985, 43 percent of juvenile detainees nationwide were youth of color. In the most recent national Census of Juveniles in Residential Placement, conducted in October 2011, youth of color were 71 percent of the detained youth population.





SOURCE: Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2011). "Easy Access to the Census of Juveniles in Residential Placement."

As the Annie E. Casey Foundation was initiating JDAI in the 1990s, these alarming detention trends were progressing in most jurisdictions without any serious consideration from public officials. More than 70 percent of all detention cases in 1995 involved property or drug crimes, public order offenses, technical probation violations or status offenses. Just 29 percent of all cases involved any violence — and many of these were misdemeanor assault charges. Yet few jurisdictions systematically screened youth to ensure that detention was only used for those who posed genuine public safety risks, few invested heavily in detention alternative programs and few had procedures to expedite cases and minimize lengths of stay in detention.

What Is the Juvenile Detention Alternatives Initiative, and How Does It Work?

JDAI was developed to demonstrate that detention populations could be substantially and safely reduced. While JDAI's efforts focused on the detention phase of the juvenile court process, Casey Foundation leaders also believed that detention reform would be a catalyst for other needed changes in juvenile justice. For example, by reducing the number of youth detained pending adjudication and disposition hearings, Casey leaders were confident that participating sites would commit fewer youth to correctional institutions. More broadly, the initiative's designers believed that over time the collaborative and datadriven problem-solving approaches integral to JDAI would stimulate other changes essential to a smarter, fairer and more effective juvenile system.

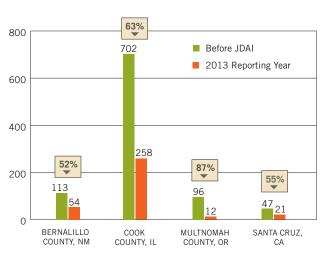
JDAI was inspired by a successful detention reform effort in Broward County, Florida, which combined inter-agency collaboration, research, objective screening procedures, non-secure detention alternatives and faster case processing to reduce its detention population by 65 percent from 1987 to 1992. The reforms came without any sacrifice of public safety and saved taxpayers more than \$5 million.

Building on the Broward model, the Casey Foundation devised a comprehensive detention reform model with eight core inter-related elements:

- I *Collaboration* between the local juvenile court, probation agency, prosecutors, defenders and other governmental entities, as well as community organizations, including a formal partnership to cooperatively plan, implement and assess detention reforms.
- **2** *Collection and utilization of data* to diagnose system problems and proclivities, assess the impact of various reforms and assure that decisions are grounded in hard facts rather than myths and anecdotes.
- **3** *Objective admissions screening* to identify which youth actually pose substantial public safety risks, which should be placed in alternative programs and which should simply be sent home.
- **4** *New or enhanced non-secure alternatives to detention* targeted to youth who would otherwise be locked up and, whenever possible, based in neighborhoods where detention cases are concentrated.
- **5** *Case processing reforms* that expedite the flow of cases through the system, reduce lengths of stay in custody, expand the availability of non-secure program slots and ensure that interventions with youth are timely and appropriate.
- **6** *New court policies and practices to deal with "special" detention cases*, such as violations of probation and failures to appear in court, that in many jurisdictions lead automatically to detention even for youth who pose minimal risks to public safety.

- 7 *Persistent and determined attention to combating racial disparities*, including careful study to identify and specific strategies to eliminate bias and ensure a level playing field for kids of color.
- 8 *Intensive monitoring of conditions of confinement* for youth in secure custody to ensure that detention facilities are safe and appropriate care is provided.

JDAI's demonstration phase — commenced in 1992 — involved five pilot sites, each of which received extensive financial and technical support to implement a multifaceted reform strategy. Begun at the height of the nation's alarm over youth crime, JDAI pilot sites faced significant political resistance and, predictably, achieved mixed results. However, two of the original sites — Multnomah County (Portland), Oregon, and Cook County (Chicago), Illinois — recorded significant successes, as did two of the initiative's first replication sites, Santa Cruz County, California, and Bernalillo County, New Mexico.



DETENTION REDUCTIONS IN JDAI MODEL SITES

As word of these successes spread, the Foundation began receiving inquiries from additional jurisdictions seeking support to replicate JDAI. Initially, the Foundation considered these requests on a case-by-case basis, accepting those sites that showed clear commitment to detention reform and capacity to implement the JDAI model with fidelity. To help the new sites, Casey built a training and technical support infrastructure including expert consultants, specialized training, publications and conferences. The Foundation also named Cook County, Multnomah County, Bernalillo County and Santa Cruz County as model sites to host tours and assist other jurisdictions in planning and implementing detention reforms.

By 2003, recognizing that it could not offer this support to every jurisdiction nationwide wishing to adopt JDAI and hoping to encourage states to actively support JDAI replication, the Foundation announced that — with rare exceptions — it would no longer accept applications from individual counties seeking to launch new JDAI efforts. Instead, it would provide a green light for replication only to cohorts of multiple sites wishing to initiate JDAI simultaneously within any given state. In 2008, Casey named New Jersey as the first statewide model jurisdiction, based on its success in supporting effective replication of JDAI throughout most jurisdictions in the Garden State.

Insights from the Annual Results Report Indicators Through 2016

The annual results reports provide evidence that JDAI sites have achieved significant reductions in both juvenile incarceration and juvenile crime (Table 1).

Indicator	Pre-JDAI Baseline	2016 Results	Numerical Change	Percentage Change	Sites Included in Analysis	
Detention Population						
Average Daily Population (ADP)	8,780	4,964	-3,816	-43%	- 164	
Annual Admissions	188,948	95,939	-93,009	-49%		
Disparities in Detention						
Youth of Color ADP	6,209	3,679	-2,530	-41%		
White Non-Hispanic ADP	2,049	934	-1,115	-54%		
Youth of Color Admissions	119,287	66,968	-52,319	-44%		
White Non-Hispanic Admissions	50,952	20,826	-30,126	-59%	140	
Youth of Color Detention Rate per 100,000	150	83	-67	-45%		
White Non-Hispanic Detention Rate per 100,000	45	23	-22	-49%		
Commitments to State Custody						
Total	17,457	7,432	-10,025	-57%	162	
Youth of Color	12,381	5,593	-6,788	-55%	132	
Juvenile Crime						
Felony Petitions	79,391	48,770	-30,621	-39%	79	
Delinquency Petitions	42,562	29,351	-13,211	-31%	22	
Juvenile Arrests	33,511	14,333	-19,178	-57%	19	
Referrals/Intakes	32,526	17,298	-15,228	-47%	7	

Table I: Overall 2016 Results on Frequently Cited Indicators

ADVANCES

Reduced reliance on juvenile detention. Across the 164 JDAI sites that reported in 2016, there were more than 3,800 fewer youth in detention on an average day in 2016 than before those sites undertook JDAI — a reduction of 43 percent. That means that over the course of a year, sites use about 1.4 million fewer days of juvenile detention than they used prior to JDAI. There were roughly 93,000 fewer admissions per year to juvenile detention facilities in JDAI sites — a decrease of 49 percent — compared with pre-JDAI levels.

Reduced commitments to state custody. Although the primary focus of most JDAI sites over the years has been the use of juvenile detention, the initiative has always strived to reduce other forms of youth incarceration as well. For that reason, the results reports ask sites to provide information on the number of youth they commit to state custody each year. As of 2016, the 162 sites providing this information reported committing 10,000 fewer youth to state custody each year — a reduction of 57 percent — compared with pre-JDAI levels.

Reduced juvenile crime. The results reports allow sites to select a juvenile crime indicator (JCI) and ask them to report on it annually, to see how youth behavior and public safety are changing while detention reforms take hold. For the 127 sites providing this information in 2016, juvenile crime was well below pre-JDAI levels across all JCIs used, by an average of more than 40 percent. The most frequently used JCI, the number of felony petitions filed against juveniles in a year, was down by 39 percent among the 79 sites using that indicator. Decreases in the less frequently used indicators ranged from 31 percent for sites reporting on the number of delinquency petitions filed to 57 percent for sites reporting on juvenile arrests.

These gains have been achieved across a wide diversity of JDAI sites.

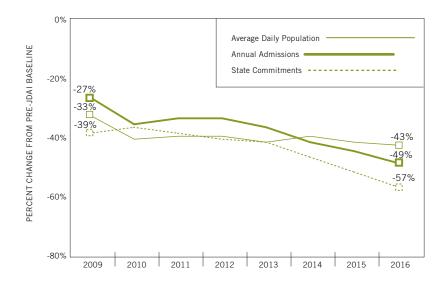
Detention reductions across the vast majority of sites. Of the 164 sites reporting in 2016, 140 (85 percent) had a lower detention population than before JDAI.

Reductions in both urban and non-urban communities. Eighty-one of the sites were predominantly urban and 83 were not.² Although the urban sites reported larger reductions than rural sites, most sites in both groups relied less on detention than they had prior to JDAI. As of 2016, urban sites had reduced their overall detention population by 45 percent, with 90 percent of the sites showing reductions, and non-urban sites had reduced by 35 percent, with 80 percent of the sites showing reductions.

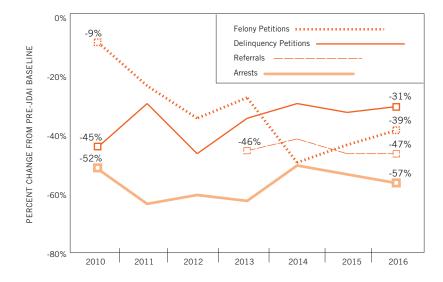
Reductions across multiple states and all regions. Thirty-five states were represented among the sites reporting in 2016. In 31 of those states (89 percent), the 2016 detention population in local JDAI sites was lower than their pre-JDAI baseline; in 32 states (91 percent), most local JDAI sites had reduced their use of detention. Large overall reductions were reported across all regions of the United States (ranging from 35 percent among sites in the South to 56 percent among sites in the West), and the vast majority of sites in all regions reported using less detention than before JDAI (ranging from 82 percent of sites in the Midwest to 91 percent of sites in the Northeast).³

Looking across the results reports received in recent years, it is possible to see that these overall gains have been sustained and deepened (Figure 2).

FIGURE 2 TRENDS IN FREQUENTLY CITED INDICATORS Overall reductions in incarceration across JDAI sites have been sustained or deepened...



While indicators of juvenile crime have remained low or improved



THERE WERE MORE THAN 3,800 fewer youth in detention on an average day in 2016 than before those sites undertook JDAI — a reduction of 43 percent.

Sustained and growing reductions in incarceration. As of 2009, JDAI sites had already achieved significant reductions in juvenile detention and state commitments. Yet over the next seven years, even as more new sites joined the initiative, the scale of those reductions increased. As a result, the overall reductions in detention ADP, detention admissions and state commitments that sites recorded in 2016 were the largest to date.

Sustained and growing reductions in juvenile crime. Over the past seven years of results reports, sites have also maintained or improved upon their overall reductions in juvenile crime. Because sites use different JCIs, the number of sites reporting on any single JCI in each year is much smaller than the number that report on the detention and commitment indicators. Therefore, the trends in these indicators are comparatively more volatile. Since 2010, there has been a notable trend among sites using the felony petitions indicator, with the decreases in felony petitions filed generally getting larger each year. The trends among the other three JCIs — which are used by fewer sites than the felony petitions indicator stayed roughly the same from 2010 to 2016.

CHALLENGES

The results reports also show that important challenges remain, including the persistence of racial and ethnic disparities and loss of detention reform momentum in some sites, characterized by rising lengths of stay.

Persistent, glaring disparities in the incarceration of youth of color.⁴ A defining characteristic of American juvenile justice is the overrepresentation of youth of color at every level of system involvement. JDAI sites strive to change this reality in their jurisdictions, but based on the results reports, little overall progress has been made. Among the 140 sites that provided disaggregated detention data in 2016,

youth of color accounted for 52 percent of the total youth population, but 80 percent of the detention ADP. This overrepresentation has changed little since the sites' baseline years, when youth of color were 47 percent of the total youth population and 75 percent of the detention ADP. Among the 132 sites providing disaggregated data on state commitments, similar levels of overrepresentation were reported in 2016, with youth of color accounting for 78 percent of overall commitments in the baseline year and 83 percent in 2016 (Figure 3).

Looking across multiple years, the overrepresentation of youth of color has been remarkably persistent. The share of youth of color in the detained juvenile population in JDAI sites has fluctuated over the years, but has never fallen below 75 percent of the overall ADP, or 70 percent of detention admissions, across JDAI. Similarly, the percentage reductions in detention among all youth versus youth of color have fluctuated over the years; but in no year has the percentage reduction in detention admissions or detention ADP among youth of color exceeded the percentage reduction among all youth.

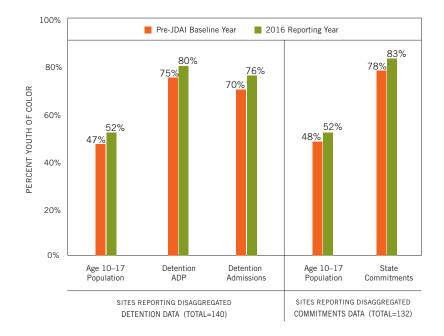


FIGURE 3 OVERREPRESENTATION OF YOUTH OF COLOR IN JDAI INCARCERATION INDICATORS

The growth of this disproportionality over time is due in part to demographic changes in JDAI sites (Figure 4). Since their baseline years, the 140 sites that provided disaggregated data in 2016 saw an overall 7 percent increase in their population of youth of color, while their population of white youth fell by 10 percent. Simply because youth of color are more likely to be detained than white youth, this demographic shift by itself would tend to increase the total use of detention across JDAI sites. If the only thing that had changed in JDAI sites since their baseline years was their community demographics, then the overall detained population would have been 3 percent *higher* than its baseline level. Instead, because these JDAI sites reduced their reliance on detention, their actual ADP was 44 percent *lower* than its baseline level. To accomplish that, sites reduced their overall detention rate (defined as the detention ADP per 100,000 youth ages 10–17 living in the site's jurisdiction) among both youth of color and white youth by similar degrees. In 2016, a youth of color living in a JDAI site was about 45 percent less likely to be in detention and a white youth was about 49 percent less likely to be in detention than their peers were prior to JDAI.



FIGURE 4 DEMOGRAPHIC CHANGES ALONE WOULD HAVE LED TO MORE DETENTION; BUT SITES REDUCED THE RATE OF DETENTION BOTH FOR YOUTH OF COLOR AND WHITE YOUTH

NOTE: Based on 140 sites providing disaggregated data on detention ADP.

It is encouraging that reductions in the detention rate have been similar among white youth and youth of color — but disparities remain large, and have widened across the three main indicators of juvenile incarceration collected through the results reports (the ADP in detention, the number of youth admitted to detention centers annually and the number of youth committed to state custody). Reductions in all three of these rates for white youth have been greater than the reductions for youth of color since sites began JDAI. Moreover, incarceration rates for youth of color in 2016 are still higher than those rates were for white youth even before JDAI (Figure 5).

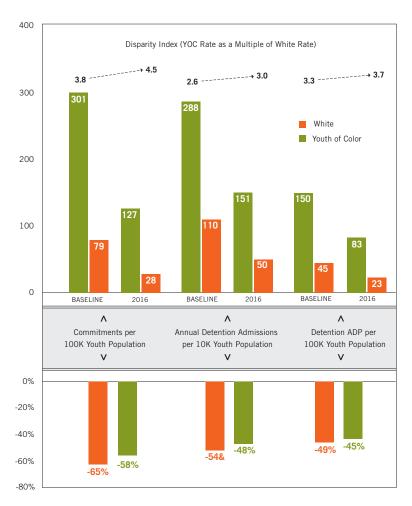


FIGURE 5 DECREASING RATES OF INCARCERATION, BUT INCREASING DISPARITIES

Change in Incarceration Rates for White Youth and Youth of Color (YOC), Baseline to 2016

NOTE: Based on reports from 132 sites that provided disaggregated date on Commitments, Admissions and ADP.

JDAI CONNECT

JDAlconnect is a destination for juvenile justice reformers to connect, find resources and learn. The platform is available to everyone practitioners, policy makers, community-based organizations, advocates, youth, families, researchers and others. Membership is open to all and free of charge, whether or not you participate in the Juvenile Detention Alternatives Initiative.

All members of JDAlconnect can:

- Reach out to a network of juvenile justice reformers for advice, camaraderie, peer support or inspiration
- Find reports, articles, presentations and other documents on juvenile detention reform or youth justice more broadly
- Access training on demand on subjects such as eliminating systemic racial and ethnic disparities, risk assessment instruments, and improving conditions of confinement

To sign-up and join the JDAlcommunity, please visit www.jdaiconnect.org. You will be redirected to the login screen on the Annie E. Casey Foundation's Community Cafe where you should click on the "Non-Casey Staff Login" link. Then fill in your email address and click the confirm address button. You will receive an email with instructions on creating your account and logging into the Community Cafe. Once in the Community Cafe, click on the "Need access to JDAlconnect?" button to join JDAlconnect.

