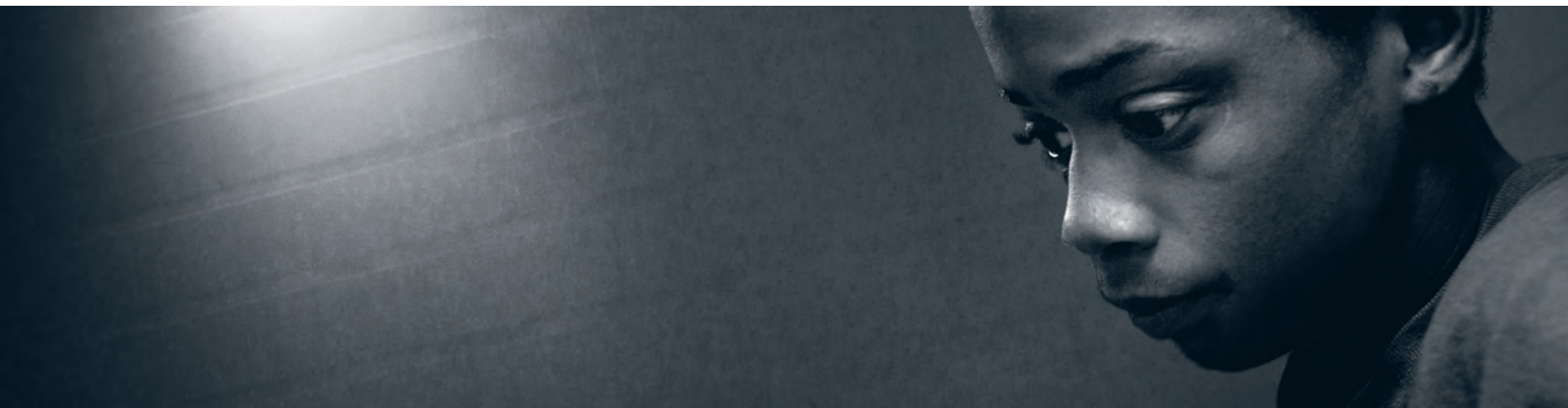


No Place for Kids: The Case for Reducing Juvenile Incarceration



NO PLACE FOR KIDS

The Case for Reducing Juvenile Incarceration

The Annie E. Casey Foundation

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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.

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Additional resources and state-level data for many of the report’s research findings are available at www.aecf.org/noplaceforkids.

Introduction

For more than a century, the predominant strategy for the treatment and punishment of serious and sometimes not-so-serious juvenile offenders in the United States has been placement into large juvenile corrections institutions, alternatively known as training schools, reformatories, or youth corrections centers.

Excluding the roughly 25,000 youth held in detention centers daily awaiting their court trials or pending placement to a correctional program, the latest official national count of youth in correctional custody, conducted in 2007, found that roughly 60,500 U.S. youth were confined in correctional facilities or other residential programs each night on the order of a juvenile delinquency

three-fifths of the total youth population, were just 37 percent of the confined youth.

America's heavy reliance on juvenile incarceration is unique among the world's developed nations. (See Fig. 1 on p. 3.) Though juvenile violent crime arrest rates are only marginally higher in the United States than in many other nations, a recently published international comparison found that America's youth custody rate (including youth in both detention and correctional custody) was 336 of every 100,000 youth in 2002—nearly five times the rate of the next highest nation (69 per 100,000 in South Africa).² A number of nations essentially don't incarcerate minors at all. In other words, mass incarceration of troubled and troublemaking adolescents is neither inevitable nor necessary in a modern society.

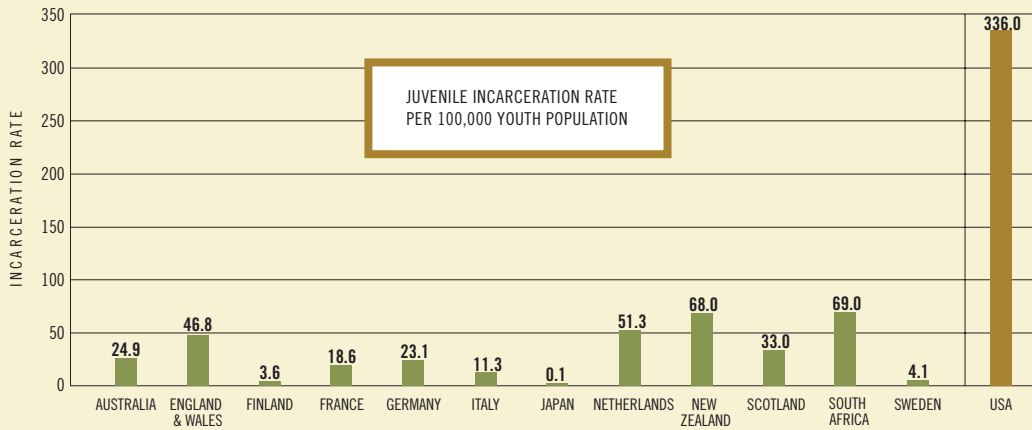
State juvenile corrections systems in the United States confine youth in many types of facilities, including group homes, residential treatment centers, boot camps, wilderness programs, or county-run youth facilities (some of them locked, others secured only through staff supervision). But the largest share of committed youth—about 40 percent of the total—are held in locked long-term youth correctional facilities operated primarily by state governments or by private firms under contract to states.³ These facilities are usually large, with many holding 200–300 youth. They typically operate in a regimented (prison-like) fashion, and feature correctional hardware such as razor-wire, isolation cells, and locked cell blocks.

Yet these institutions have never been found to reduce the criminality of troubled young people. Quite the opposite: For decades now, follow-up



court.¹ For perspective, that's more adolescents than currently reside in mid-sized American cities like Louisville, Kentucky; Nashville, Tennessee; Baltimore, Maryland; or Portland, Oregon. A high proportion of these confined youth are minority. According to the most recent national count, two of every five confined youth are African Americans and one-fifth are Hispanic; non-Hispanic white youth, who comprise

FIGURE 1
YOUTH INCARCERATION RATE: UNITED STATES VS. OTHER NATIONS



Source: Hazel, Neal, *Cross-National Comparison of Youth Justice*, London: Youth Justice Board, 2008.

studies tracking youth released from juvenile corrections facilities have routinely reported high rates of recidivism. Meanwhile, reports of pervasive violence and abuse have been regularly emerging from these facilities for as long as anyone can remember.

Nonetheless, incarceration in secure congregate-care youth corrections facilities has persisted as the signature characteristic and the biggest budget line item of most state juvenile justice systems across the nation. This status quo has been buttressed in part by public fears of youth crime and by politicians’ fears of being labeled “soft” on crime. The aversion to change has been further reinforced by the closely guarded economic interests of communities that host these facilities—and of the workers employed to staff them. Finally, states’ continuing reliance on these institutions has been abetted by a lack of proven alternatives: if not correctional confinement for youthful offenders, what? Until the 1980s, juvenile crime prevention and treatment experts had few answers.

However, an avalanche of research has emerged over the past three decades about what works and doesn’t work in combating juvenile crime. This report provides a detailed review of this research, and it comes to the following conclusion: We now have overwhelming evidence showing that wholesale incarceration of juvenile offenders is a counterproductive public policy. While a small number of youthful offenders pose a serious threat to the public and must be confined, incarcerating a broader swath of the juvenile offender population provides no benefit for public safety. It wastes vast sums of taxpayer dollars. And more often than not, it harms the well-being and dampens the future prospects of the troubled and lawbreaking youth who get locked up. Other approaches usually produce equal or better results—sometimes far better—at a fraction of the cost.

The idea of shuttering youth corrections facilities and substantially shrinking the number of youth in confinement may sound radical. But the reality is that in large swaths of the nation—on the east coast, west coast, and in middle America,

in big states and small, red states and blue—it’s already happening. Often prompted by lawsuits and revelations of abuse, or by mounting budget pressures, or by studies showing high recidivism, many states have slashed their juvenile corrections populations in recent years—causing no observable increase in juvenile crime rates. The trend is continuing, though the pace of change remains uneven—in part because the isolated changes are occurring largely under the radar, not as part of any organized movement. The winds of change are blowing, but they have not yet gathered gale-force intensity.

The evidence is clear that these changes must continue. The weight of expert opinion solidly concurs.

“We have to recognize that incarceration of youth per se is toxic,” says Dr. Barry Krisberg, the longtime president of the National Council on Crime and Delinquency now on faculty at the University of California-Berkeley, “so we need to reduce incarceration of young people to the very small dangerous few. And we’ve got to recognize that if we lock up a lot of kids, it’s going to increase crime.”⁴

Douglas Abrams, a juvenile justice scholar at the University of Missouri, concluded in 2007 that “More than a century after the creation of the nation’s first juvenile court grounded in rehabilitative impulses, many states still maintain inhumane, thoroughly ineffective juvenile prisons that neither rehabilitate children nor protect public safety.”⁵

“The best word to describe America’s addiction to training schools is ‘iatrogenic’—a cure that makes problems worse,” says Paul DeMuro, who served as commissioner of the Pennsylvania juvenile corrections system in the late 1970s and has since served as an expert witness in numerous

legal cases concerning conditions of confinement in juvenile facilities. “The model has been around for 150 years, and has proven a failure by any measure.”⁶

The main body of this report details six pervasive flaws in the states’ long-standing heavy reliance on large, prison-like correctional institutions. Specifically, the report will show that these facilities are frequently: (1) dangerous, (2) ineffective, (3) unnecessary, (4) obsolete, (5) wasteful, and (6) inadequate. A subsequent chapter addresses the question of public safety, finding that states where juvenile confinement was sharply reduced in recent years experienced more favorable trends in juvenile crime than jurisdictions which maintained or increased their correctional facility populations.

Finally, the report provides recommendations for states on how to reduce juvenile incarceration and redesign their juvenile corrections systems.

The time has come for states to embrace a fundamentally different orientation to treating adolescent offenders—an approach grounded in evidence that promises to be far more humane, cost-effective, and protective of public safety than our time-worn and counterproductive reliance on juvenile incarceration.

What's Wrong With America's Juvenile Corrections Facilities?

What is so wrong with juvenile incarceration? The case against America's youth prisons and correctional training schools can be neatly summarized in six words: dangerous, ineffective, unnecessary, obsolete, wasteful, and inadequate.

1.

Dangerous *America's juvenile corrections institutions subject confined youth to intolerable levels of violence, abuse, and other forms of maltreatment.*

Since 1970, systemic violence, abuse, and/or excessive use of isolation or restraints have been documented in the juvenile corrections facilities of 39 states (plus the District of Columbia and Puerto Rico). In 32 of those states (plus Washington, DC, and Puerto Rico), the abusive conditions have been documented since 1990, and in 22 states (plus Washington, DC), the maltreatment has been documented since 2000. (See Fig. 2 on p. 7.)

Included in these figures are states where: (a) lawsuits filed by the U.S. Justice Department and/or public interest legal advocates have succeeded in producing a court-sanctioned remedy to address alleged violence or abuse in juvenile facilities; and/or (b) authoritative reports written by reputable media outlets or respected public or private agencies have presented solid evidence of maltreatment. In all cases, the evidence shows that—at least at one particular point in

time—one or more state-funded youth corrections facilities displayed a systemic or recurring failure to protect confined youth from serious physical or psychological harm in the forms of violence from staff or other youth, sexual assaults, and/or excessive use of isolation or restraints. In other words, states have been identified not for one or a handful of isolated events, but for a sustained pattern of maltreatment.*

Combined over the past four decades, 57 lawsuits in 33 states plus the District of Columbia and Puerto Rico have resulted in a court-sanctioned remedy in response to alleged abuse or otherwise unconstitutional conditions in juvenile facilities. Of these lawsuits, 52 have included allegations of systemic problems with violence, physical or sexual abuse by facility staff, and/or excessive use of isolation or restraint. The remaining lawsuits have been limited to other types of unconstitutional conditions, such as failure to provide

*Even in three of the 11 states where dangerous/abusive conditions have not been demonstrated conclusively enough to meet all of the above conditions, substantial evidence of maltreatment has been reported in at least one facility since 2000.

required services (education, health care, and mental health treatment), fire safety and other environmental safety issues, or lack of required access to mail and to attorneys.*

In many states, including several where there has not been successful litigation, media reports or investigations undertaken by advocacy organizations or government watchdog agencies have also documented systemic abuses in youth corrections facilities. For instance, a 1998 series in the *Arkansas Democrat-Gazette* revealed violent and deplorable conditions in state youth facilities.⁷ In Connecticut in 2002, audit reports released jointly by the state's Child Advocate and Attorney General's offices revealed excessive use of force and restraint and other problems at the state's training school,⁸ as well as staff-sanctioned violence and other maltreatment in a second state-funded facility.⁹ In North Carolina, a nine-month newspaper series about abuses in one youth facility in 2003 prompted a major investigation by the state auditor that detailed problematic and often abusive conditions in facilities throughout the state.

The map on page 7 is not meant to imply that dangerous or abusive conditions persist in the states identified. In most cases, revelations of widespread maltreatment have led to court-ordered or state-sponsored reforms—increased staffing, new policies on isolation and restraint,

improved education or mental health services, and more. And meaningful improvements have been achieved in many jurisdictions. However, the map does show how frequently problematic conditions have arisen in juvenile facilities throughout the nation in recent decades.

Moreover, the fact that so many states have experienced these problems since 2000 suggests that few lessons have been learned from past outbreaks of maltreatment, or that large juvenile corrections facilities are, by their very nature, exceedingly difficult to operate in a consistently safe and humane fashion.

More specifically, America's youth corrections institutions suffer from the following safety and abuse problems:

- *Widespread physical abuse and excessive use of force by facility staff.* A March 2008 Associated Press story found that 13,000 claims of abuse had been reported from 2004 through 2007 in state-run juvenile facilities nationwide. Of these, 1,343 instances of abuse had been officially confirmed by authorities.¹⁰ Countless more claims had

never been investigated properly, or never filed by youth due to lack of functioning grievance systems and/or fear of retribution.

- *An epidemic of sexual abuse.* In 2010, the federal Bureau of Justice Statistics (BJS) released the first-ever national study on sexual abuse in youth corrections facilities. For the study, BJS surveyed a representative sample of the 26,650 youth confined in large juvenile facilities nationwide and found that 12 percent of them—more than 3,000 young people—had been victimized

That so many states have experienced these problems since 2000 suggests that few lessons have been learned from past maltreatment, or that large juvenile corrections facilities are exceedingly difficult to operate in a consistently safe and humane fashion.

*In recent years, the pace of private class-action litigation over conditions of confinement has slowed considerably. Passed in 1995, the Prison Litigation Reform Act placed difficult new restrictions on private lawsuits over facility conditions. Then in 2003, a federal court ruling further limited the compensation available to attorneys in class-action lawsuits—even in some cases where conditions are found to be problematic. Absent these developments, the number of successful lawsuits would likely be higher.

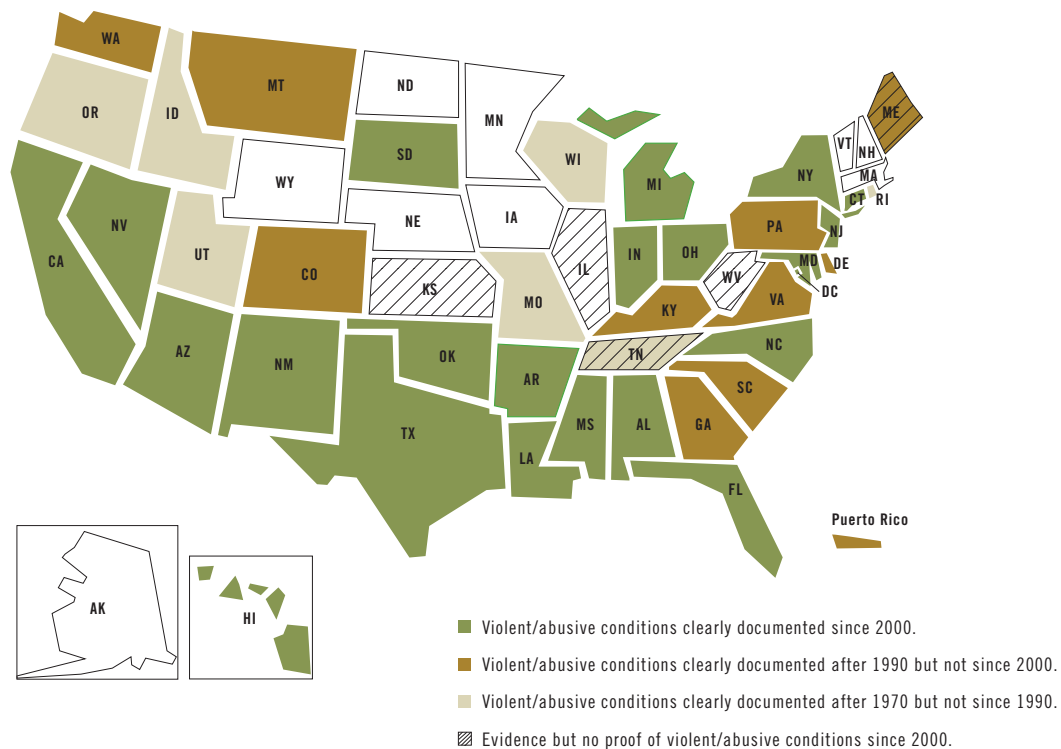
sexually during the prior year by staff or other youth in their facilities. Of these youth, nearly half reported incidents involving physical force or other forms of threats or coercion *and* unwanted genital contact. The remaining incidents involved sexual relations between staff (most often female staff) and confined youth. In 13 of the facilities surveyed, at least 20 percent of confined youth reported either being forced into sexual acts by staff or other youth and/or sexual relations (including genital contact) with staff.¹¹ In Texas, 750 complaints of sexual abuse were filed by youth confined in the state correctional facilities from 2000 to 2007—most of which had never been addressed due to intimidation

of abused youth and the lack of a functioning grievance system.¹²

■ *Rampant overreliance on isolation and restraint.* While no national data are available on the use of isolation and restraints, excessive reliance on these practices was alleged in 46 of the 57 successful lawsuits filed against juvenile corrections agencies since 1970. In Ohio, youth confined in state correctional facilities spent 66,023 hours in seclusion in July 2009—an average of more than 50 hours per resident.¹³ And that was one year after an intensive review of Ohio’s youth corrections facilities concluded that isolation “is used too often, for too long, and without adequate treatment or educational opportunities. The

FIGURE 2

SYSTEMIC OR RECURRING MALTREATMENT IN JUVENILE CORRECTIONS FACILITIES IN THE STATES: 1970 TO PRESENT



For this map, “systemic or recurring maltreatment” is identified when clear evidence has emerged from federal investigations, class-action lawsuits, or authoritative reports written by reputable media outlets or respected public or private agencies showing that—at least at one particular time—one or more state-funded youth corrections facilities repeatedly failed to protect youth from violence by staff or other youth, sexual assaults, and/or excessive use of isolation or restraints. “Evidence but no proof” is indicated when credible reports of maltreatment have emerged, but not enough to satisfy the above criteria.

For more information, visit www.aecf.org/noplaceforkids.

extended—at times, months on end—use of isolation (i.e., segregation) must be immediately revisited and dramatically changed.”¹⁴ A 2003 review in California found that on any given day, about 450 youth (10–12 percent of the population) in six of the state’s large youth corrections facilities were confined to their rooms for 23 hours per day.¹⁵

■ *Unchecked youth-on-youth violence.* Thirty-eight of the 57 successful lawsuits filed over conditions of confinement since 1970 have alleged failure to protect youth from harm. At the Plainfield Juvenile Correctional Facility in Indiana, four youths suffered broken jaws in assaults by other youth in a seven-month period in 2003–04.¹⁶ At



the Evins Regional Juvenile Center in Texas, staff documented 1,025 youth-on-youth assaults in 2005, and 568 more in the first half of 2006—an average of about three assaults every day.¹⁷ A review of safety conditions in California youth institutions in 2003 declared that “One might easily conclude that an intense atmosphere of fear permeates California’s youth corrections facilities.”¹⁸

■ *Frequent violence against staff.* Staff working in youth facilities are also assaulted, injured, and otherwise abused with disturbing frequency. In four Arizona juvenile correctional facilities, for instance, 484 assaults on staff were reported in 2003—an average of 40 incidents per month.¹⁹

Also, in many facilities staff are frequently subjected to taunting and other belligerent behaviors.

In many states, abuse and maltreatment have reached crisis proportions in recent years.

■ In Florida, the *Orlando Sun Sentinel* has reported that “One of the most egregious child abusers in Florida is the very agency that’s supposed to rehabilitate troubled youths: the state Department of Juvenile Justice.”²⁰

■ In New York, a governor’s task force reported in December 2009 that “there is compelling evidence that New York’s juvenile justice system is unsafe.” The task force described the youth corrections system as “badly broken” and declared that “the need for systemwide reform is urgent.”²¹

■ In Texas, investigations undertaken in the wake of a lurid sex-abuse scandal in 2007 revealed a breakdown in the state’s juvenile corrections agency so pervasive that the agency was placed into receivership.

■ In Ohio, a 2008 fact-finding report completed in connection with a class-action lawsuit against the state’s Department of Youth Services supported all of the alleged failures: unnecessary force; arbitrary and excessive use of isolation and seclusion; arbitrary and excessive discipline; inadequate mental health, medical, and dental care; inadequate education services; inadequate structured programming; broadly inadequate training of staff; an unsafe living environment; and a dysfunctional grievance system.²²

■ California’s youth corrections system has remained in perpetual crisis for more than a decade. In March 2006, a team of nationally recognized experts assembled to assist in implementing court-ordered reforms observed, “This is a system that is broken almost everywhere you look.” The experts listed 18 severe and systemic deficiencies—including “high levels of violence

and fear,” “unsafe conditions for youth and staff,” “frequent lockdowns,” and “capitulation to gang culture”—and they concluded: “It is not just reform that is needed. Everything needs to be fixed.”²³

■ Arizona, Arkansas, Georgia, Hawaii, Indiana, Louisiana, Maryland, Mississippi, South Carolina, and South Dakota have also suffered high-profile juvenile corrections abuse scandals over the past 10 to 15 years, and serious problems have been cited in several other states as well.

Of course, abuse and maltreatment are not omnipresent in juvenile correctional facilities. Some facilities provide humane care for confined youth, offering meaningful rehabilitative treatment in a safe and caring environment. Others fall short of this ideal, but still protect youth from severe forms of abuse and maltreatment. Even in the worst facilities, many staff are highly dedicated with a deep concern for the well-being of their charges.

However, the first-ever nationally representative survey of youth in correctional care, published in 2010, confirms that, while not ubiquitous, abuse and maltreatment remain widespread in America’s youth corrections facilities. Among youth in secure corrections facilities or camp programs, 42 percent said they were somewhat or very afraid of being physically attacked. More specifically, 30 percent were afraid of attack from another youth, and 27 percent were afraid of attack from a staff member. (Many were afraid of attack from both youth and staff.) In addition, 45 percent of youth confined in secure correctional facilities and camp programs reported that staff “use force when they don’t really need to,” and 30 percent said that staff place youth into solitary confinement or lock them up alone as discipline.²⁴

Given the inability of public officials to prevent maltreatment or even to clean up facilities where inhumane conditions are revealed, it would be difficult to argue that correctional confinement offers a safe venue to rehabilitate delinquent youth.

2.

Ineffective *The outcomes of correctional confinement are poor. Recidivism rates are almost uniformly high, and incarceration in juvenile facilities depresses youths’ future success in education and employment.*

An extensive Internet search and literature review plus limited outreach to state corrections agencies for this publication identified recidivism analyses for youth exiting juvenile correctional placements in 38 states, plus the District of Columbia.

These recidivism studies vary in many important dimensions, including the populations examined

and the measures employed to track recidivism over different lengths of time. While these variations make comparing recidivism outcomes from one state to another problematic, the overall body of recidivism evidence indicates plainly that confinement in youth corrections facilities doesn’t work well as a strategy to steer delinquent youth away from crime. (See Fig. 3 on p. 10.)

FIGURE 3

STATE JUVENILE RECIDIVISM RESULTS: OUTCOMES FOR YOUTH RELEASED FROM CORRECTIONAL CUSTODY

Recidivism Measure	Tracking Period	States Reporting	Range of Recidivism Results
Rearrest for a new crime (misdemeanor or felony)	1 year	DE, FL, MD, OK, SC, VA	37 – 67 percent
	2 years	HI, MD, NC, NY, SC, VA	68 – 82 percent
	3 years	CA, NY, TN, VA	74 – 75 percent
	> 3 years	NY, SC	73 – 89 percent
Rearrest for a new felony offense	1 year	DE, FL	34 – 45 percent
	2 years	MI	37 percent
	> 3 years	NY	83 percent (boys only)
Adjudication/conviction for a new offense (misdemeanor or felony)	2 years	AK, HI, MD, NY, VA	38 – 58 percent
	3 years	MD, NY, VA	45 – 72 percent
	> 3 years	NY, SC, WA	60 – 85 percent
Adjudication/conviction for a new felony offense	2 years	MD, MN, OR	22 – 43 percent
	3 years	MN, OR	34 – 53 percent
	> 3 years	NY	65 percent
Return to correctional custody (juvenile or adult) for a new offense	2 years	HI, LA, MD, MO, NJ, NY, VA, WI	15 – 46 percent
	3 years	IN, LA, MD, MO, NY, VA	16 – 62 percent
	> 3 years	SC	31 percent
Return to correctional custody (juvenile or adult) for a new offense or technical violation	2 years	AZ, KS, OH, TX	34 – 46 percent
	3 years	AZ, IN, MO, TX	24 – 51 percent

Sources: All figures are taken from state juvenile recidivism studies. A complete list of state recidivism studies can be found online at www.aecf.org/noplacforkids.

■ *Rearrest.* Available studies of youth released from residential corrections programs find that 70 to 80 percent of youth are rearrested within two or three years. Of the six states reporting juvenile or adult arrests within two years of release, none showed less than a 68 percent rearrest rate, and virtually all states reporting three-year rearrest rates converge at about 75 percent.

■ *New Adjudications/Convictions.* Available studies find that 38 to 58 percent of youth released from juvenile corrections facilities are found guilty of new offenses (as a juvenile or an adult) within two years and 45 to 72 percent within three years.

■ *Return to custody.* Recidivism studies examining return to custody are skewed by data from

Missouri, which dismantled its training schools in the early 1980s and now operates a widely praised network of small, treatment-oriented youth facilities. Excluding Missouri, available studies show that 26 to 62 percent of youth released from juvenile custody are re-incarcerated on new criminal charges within three years and 18 to 46 percent within two years. (In Missouri, the three-year re-incarceration rate is just 16.2 percent.)

Long-term cohort studies paint even a bleaker picture of training schools' impact on future offending. In New York State, 89 percent of boys and 81 percent of girls released from state juvenile corrections institutions in the early 1990s were arrested as adults by age 28. Among boys,

65 percent were convicted of felonies by age 28, and 71 percent were incarcerated in an adult jail or prison.²⁵ In South Carolina, a 1995 study of youth born in 1967 showed that 82 percent of those who were incarcerated as juveniles were later imprisoned or placed on probation as adults.²⁶

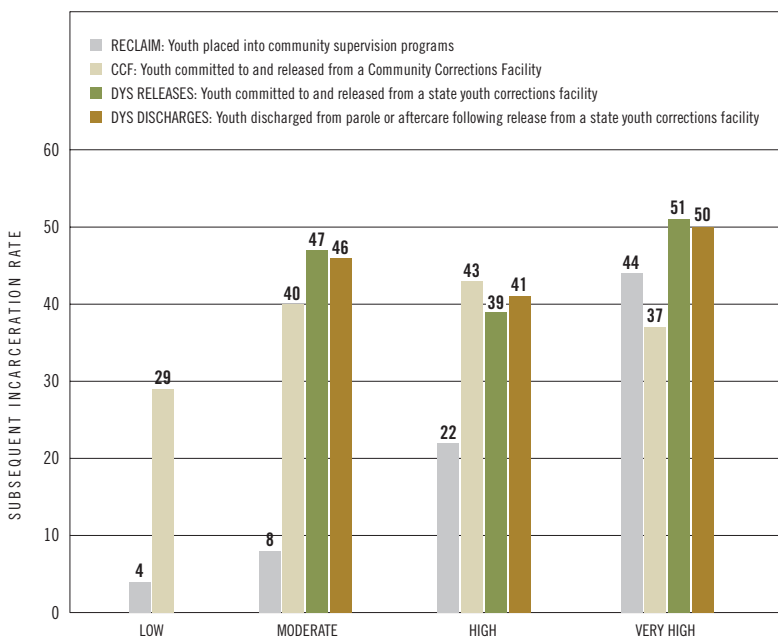
Other Research. In addition to recidivism analyses, criminologists have conducted more sophisticated studies in recent years to pinpoint the impact of juvenile confinement on the criminal careers of delinquent youth, and to compare the effectiveness of youth corrections facilities to a range of alternative treatments and punishments. This research reveals two critical lessons.

First, the vast majority of studies find that incarceration is no more effective than probation or alternative sanctions in reducing the criminality of adjudicated youth, and a number of well-designed studies suggest that correctional placements actually exacerbate criminality.

In 2009, for instance, an intensive long-term study of more than 1,300 juvenile offenders compared the success of youth sentenced to juvenile corrections facilities versus similar youth who remained in the community under probation supervision. Controlling statistically for 66 different background characteristics, the study found that placement in a correctional institution resulted in a small but statistically insignificant increase in both self-reported offending and likelihood of rearrest compared with alternative sanctions. “The results show no marginal *gain* from placement in terms of averting future offending,” the authors concluded.²⁷

Using a technique called “meta-analysis,” which allows scholars to aggregate results from multiple studies, a 2009 paper by Mark Lipsey assessed the results of 361 high-quality research studies measuring the effects of programs designed to rehabilitate juvenile offenders. Lipsey reported

FIGURE 4
COMMUNITY SUPERVISION VS. CORRECTIONAL CONFINEMENT IN OHIO: SUBSEQUENT INCARCERATION IN A STATE CORRECTIONAL FACILITY, BY YOUTH RISK LEVEL



Source: Lowenkamp & Latessa, *Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities, and DYS Facilities*, 2005.

“no significant relationship in this overall analysis between recidivism effects and the level of juvenile justice supervision.”²⁸

An eye-opening study in Montreal tracked 779 low-income boys from the time they were kindergartners (in 1984) up through age 25. Involvement in the juvenile justice system proved by far the strongest predictor of adult criminality of all the many variables examined. Holding other factors constant, youth incarcerated as juveniles were 38 times as likely as youth with equivalent backgrounds and self-reported offending histories to be sanctioned for crimes they committed as adults.²⁹

Second, incarceration is especially ineffective for less-serious youthful offenders. Many studies find that incarceration actually increases recidivism among youth with lower-risk profiles and less-serious offending histories.

In a recent Ohio study, low- and moderate-risk youth placed into community supervision programs proved less likely to re-offend than similar youth placed into correctional facilities and only one-fifth as likely to be incarcerated for subsequent offenses.³⁰ (See Fig. 4 on p. 11.) In Florida, a 2007 study involving more than 40,000 youthful offenders found that those assessed as low risk who were placed into residential facilities not only re-offended at a higher rate than similar youth who remained in the community, they also re-offended at a higher rate than high-risk youth placed into correctional facilities.³¹ In Virginia, low-risk youth released from correctional facilities had substantially higher rearrest rates than similar youth placed on probation.³²

Damaging Youths’ Futures. Beyond its failure to reduce future offending and protect public safety, juvenile incarceration also damages young people’s future success. Youth in confinement typically face long odds in their hopes to succeed in school and the labor market. Most are far below grade level in academic achievement, and a substantial percentage suffer from learning disabilities or mental health disorders. Also, many or most come from high-poverty neighborhoods. Yet the evidence is clear that incarceration itself creates a significant additional barrier to success.

Follow-up studies have long shown that youth released from juvenile correctional facilities seldom succeed in school. A 1987 study of youth released from a training school found that only 28 percent reenrolled in school and remained enrolled one year after release.³³ A 2006 study found that just one-third of youth exiting a Pennsylvania correctional camp program who said they intended to return to school actually did so.³⁴ A recent analysis of young people included in the National Longitudinal Youth Survey found that incarceration at age 16 or earlier led to a 26 percent lower chance of graduating high school by age 19.³⁵

Juvenile incarceration also exacts a heavy toll on youths’ future employment. One study found that—holding all other variables constant—individuals incarcerated as juveniles or young adults suffered a 5 percent reduction in employment (equivalent to about three weeks less work per year) four years after release. Black youth saw a 9 percent (five weeks per year) reduction. Even 15 years after release, those who had been incarcerated in their youth worked 10 percent fewer hours per year than similar individuals who had not been incarcerated.³⁶

The overall body of recidivism evidence indicates plainly that confinement in youth corrections facilities doesn’t work well as a strategy to steer delinquent youth away from crime.

3.

Unnecessary *A substantial percentage of youth confined in youth corrections facilities pose minimal risk to public safety.*

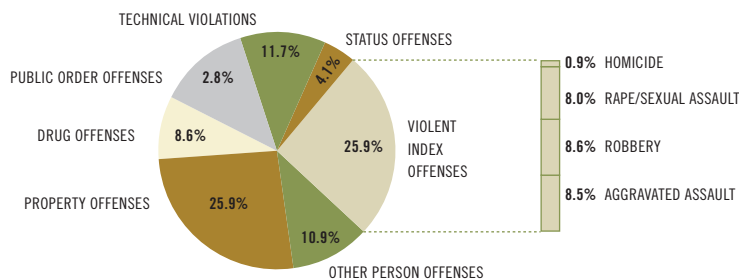
A tragic irony of the abuses and regrettable outcomes detailed in the previous sections is that many of the youth confined in juvenile correctional facilities have no records of serious offending that would necessitate their confinement to protect the public. Incarceration is particularly inappropriate for these lower-risk youth—increasing their odds of recidivism and damaging their prospects for a successful transition to adulthood.

Just 12 percent of the nearly 150,000 delinquent youth placed into residential programs by juvenile courts for delinquency offenses in 2007 were committed for any of the four serious violent crimes (murder, rape, robbery, or aggravated assault) that the FBI defines as “violent index offenses.”³⁷ (See Fig. 5 below.) The most recent one-day snapshot of adjudicated youth confined in residential facilities nationwide (taken in

October 2007) showed that just 26 percent were committed for a violent index offense.³⁸ Among youth confined in “long-term secure” facilities, which includes most training schools and youth prisons, the rate was 38 percent.³⁹

In New York, 53 percent of youth admitted to the state’s youth corrections facilities in 2007 were placed for a misdemeanor. All were younger than 16 when they committed their offenses.⁴⁰ In Florida’s youth corrections system, 58 percent of all youth placed into Department of Juvenile Justice residential facilities in 2008–09—including 56 percent of those placed into secure facilities—were committed for misdemeanors or technical violations of probation, not felony offenses. Just 13 percent were for serious violent crimes.⁴¹ In Arkansas, just 15 percent of commitments to state youth corrections facilities in 2007 involved a serious felony crime, while 42 percent involved

FIGURE 5
MOST SERIOUS OFFENSE OF ALL COMMITTED YOUTH IN THE U.S.: 2007



Source: Sickmund, et al. (2011). “Easy Access to the Census of Juveniles in Residential Placement.” Available at www.ojdp.gov/ojstatbb/ezacjrp.

misdemeanors. Three-fourths of the youth incarcerated for a misdemeanor had no prior adjudications.⁴² In South Carolina, only one of the top 10 offenses resulting in correctional placements in 2008–09 was a violent felony. Instead, the most common offenses were probation violations and contempt of court.⁴³

Why are juvenile courts sending so many low-level offenders to correctional institutions? Available evidence and expert opinion point to four driving factors:



Lack of Programs and Services. Low-level youthful offenders are being placed into residential programs due to a widespread failure in most jurisdictions to invest in high-quality community-based programming for delinquent youth. This dynamic, which plays out in states and communities nationwide, was described aptly in the 1990s by then-Governor Christine Todd Whitman of New Jersey: “A judge in one county has many options to craft appropriate orders for young offenders. In the next county over, especially if it is an urban county, a judge may have very few options between probation and incarceration. That’s like choosing between aspirin or a lobotomy for a migraine.”⁴⁴

Counterproductive Financial Incentives. Many local juvenile courts and probation agencies face strong financial incentives to place youth in state custody, rather than providing community-based

treatment. Most states pay the full cost to incarcerate juveniles in state facilities. Meanwhile, in the 38 states where local courts or probation agencies oversee community supervision and treatment programs, substantial state funding is rarely provided. Thus, local juvenile justice officials often face a perverse choice between offering cost-effective community-based programming (at considerable expense to local government) or committing youth to more expensive and less effective custody programs (at no local expense).

Dumping Grounds. Juvenile corrections systems have become the primary point of service for youth with mental health conditions and other serious disadvantages—youth who would be more appropriately and effectively served by other human service systems.

■ *Mental Health.* “During the 1990s, state after state experienced the collapse of public mental health services for children and adolescents and the closing of many—in some states, all—of their residential facilities for seriously disturbed youths,” explains Dr. Thomas Grisso, a leading expert on mental health and juvenile justice. “The juvenile justice system soon became the primary referral for youths with mental disorders.”⁴⁵

■ *Public Schools.* So-called “zero tolerance” policies have caused a substantial increase in school suspensions and expulsions in the past two decades, as well as an alarming number of students being arrested and referred to the juvenile justice system for disorderly behavior that was once considered routine and handled informally within the schools. Youth taken to court for minor offenses “generally get some sort of slap on the wrist, such as a few days of community service,” concluded a 2007 report from the Children’s Defense Fund, “but they also get a record. If the youth comes before the court again, this original charge likely will increase the penalty and minor charges can add up over time.”⁴⁶

■ *Child Welfare.* Youth involved in the child welfare system are also at high risk for placement into juvenile justice facilities. Studies find that youth who have been abused or neglected as children and become involved in the child welfare system are far more likely than other youth to be arrested as juveniles.⁴⁷ Once arrested, these so-called “dual-jurisdiction” youth face exaggerated risks both for pre-trial detention and for commitment into youth corrections facilities or other out-of-home placements.⁴⁸

Punishing Defiance, Not Delinquency. Many youth without serious offending histories are placed into custody for repeatedly violating rules and/or behaving disrespectfully toward judges, probation officers, and other authorities. In New York City, “markers of institutional compliance and noncompliance”—including probation violations, prior status offenses, or failure to admit their crimes and express remorse—are the “driving forces behind dispositional recommendations and orders,” a recent study found. “Youth who demonstrate to the court that they cannot or will not obey its orders are identified as prime candidates for incarceration.” The study also found that “despite the profound impact that they have on the risk of incarceration, these [markers of institutional non-compliance] are not very predictive of the risk of recidivism.”⁴⁹

Nationwide, nearly 12 percent of delinquent youth in secure correctional custody have been incarcerated for violating probation or aftercare rules, not for committing new criminal offenses. In some states, the share rises as high as 20 or even 30 percent,⁵⁰ even though many youth confined on these technical violations have never been adjudicated for a violent or serious offense. Often, the decision to place a youth in a residential facility for probation violations or for violating aftercare rules is made at the sole discretion of a probation or parole officer.

Excessive Lengths of Stay. For all of these reasons, America’s juvenile correctional facilities are too often incarcerating the wrong kids...and for the wrong reasons. However, admissions are only half the equation that determines the size of the confined population. Equally important is how long these young people remain in custody once admitted. Here, too, the signs point toward widespread excess.

Average lengths of stay vary widely from one state to the next. In its 2009 Yearbook, the Council of Juvenile Correctional Administrators (CJCA) reported that the average placement duration for boys was less than six months in four states and more than 18 months in three others, while the majority of states reporting data had average lengths of stay ranging from 6–12 months (13 states) or 12–18 months (9 states).⁵¹ This wide variation in commitment lengths is inconsistent with the evidence that longer spells of confinement have either no impact or a counterproductive impact on future offending.

A recent study of New York City youth released from juvenile facilities found that, in terms of future recidivism, “The impact of length of stay is minimal.” A longitudinal study on youth in Philadelphia and Phoenix found that “There is little or no marginal benefit, at least in terms of reducing future rate of offending, for retaining an individual in institutional placement longer.” The analysis found essentially no difference in future offending for youth held 3–6 months vs. 6–9 months, 9–12 months, or more than 12 months.⁵² A study of youth in California youth facilities in the early 1980s linked longer periods of juvenile incarceration to heightened criminality during adulthood.⁵³ More recently, a study of youth released from Florida youth corrections facilities “revealed no consistent relationship between length of confinement and recidivism.”⁵⁴

4.

Obsolete *Scholars have identified a number of interventions and treatment strategies in recent years that consistently reduce recidivism among juvenile offenders. None require—and many are inconsistent with—incarceration in large correctional institutions.*

As recently as the 1970s, the study of juvenile crime and delinquency remained in its infancy. Experts and scholars could not point to a single delinquency prevention or intervention program model with solid scientific evidence of effectiveness. Since then, however, we have accumulated a wealth of new knowledge about the causes of delinquency and about what works and doesn't work in reversing delinquent behavior. By aggregating and analyzing the results of hundreds of evaluation studies, scholars have clarified the crucial characteristics that distinguish effective juvenile intervention and treatment programs from those that are ineffective or counterproductive.

Programs offering counseling and treatment typically reduce recidivism, while those focused on coercion and control tend to produce negative or null effects. The most striking finding of recent research is that juvenile rehabilitation programs tend to work if, and only if, they focus on helping youth develop new skills and address personal challenges. A 2009 analysis examining 361 evaluation studies determined that the strongest results are achieved by programs employing a “therapeutic intervention philosophy.” Programs employing therapeutic counseling, skill-building, and case management approaches all produced an average improvement in recidivism results of at least 12 percent. By contrast, programs oriented toward surveillance, deterrence, or discipline all yielded weak, null, or negative results.⁵⁵

Programs tend to succeed when they address specific risk factors known to influence delinquent and criminal behavior. These risk factors include anger and anti-social feelings, lack of self-control, lack of affection or weak supervision from parents, lack of role models, and poor academic skills. One oft-cited study found that programs targeting these and other “criminogenic needs” resulted in an average recidivism reduction of more than 20 percent. The same study found that programs designed primarily to promote fear of punishment (i.e., shock incarceration or “scared straight”) increased recidivism, as did interventions aimed at other goals such as boosting self-esteem, talking about personal/emotional problems, or improving physical fitness.⁵⁶

So-called “cognitive behavior therapies” offer a particularly effective and economical method for reversing delinquency. This approach, which is usually taught in a group format and involves role-playing, aims to help participants change their thinking patterns and develop new problem-solving and perspective-taking skills. The training is not expensive—typically costing \$1,000 per participant. Yet a recent review found that cognitive behavioral training programs are associated with a 26 percent reduction in recidivism—the most of any treatment modality.⁵⁷

Evidence-Based Models. A handful of specific treatment methodologies have emerged over the past 25 years that consistently lower the

recidivism rates of serious and chronic juvenile offenders when measured against conventional treatment and supervision approaches in carefully constructed scientific trials.

Multisystemic Therapy (MST) and Functional Family Therapy (FFT) are intensive family treatment models for delinquent youth. In MST, therapists lead a regimented three- to five-month family intervention process involving multiple contacts each week in the family's home and surrounding community. FFT employs office-based counseling (an average of 12 sessions) designed first to engage family members and then to support meaningful behavior changes that improve family interaction and address the underlying causes of delinquent behavior. Costs average \$6,000 to \$9,500 per youth for MST and \$3,000 to \$3,500 for FFT, whereas a typical stay in a juvenile corrections facility (9 to 12 months at \$241 per day) costs \$66,000 to \$88,000.

Both MST and FFT have been analyzed in numerous scientific evaluation studies over the past 25 years, including several randomized trials, and they have realized superior results in most. Experimental studies of MST have resulted in arrest rates 25 to 70 percent lower than youth receiving usual services. In most studies, MST youth have spent less than half as many days confined for subsequent offenses.⁵⁸ In a study involving chronic offenders in Utah who had previously been incarcerated, FFT participants proved nearly six times more likely to avoid rearrest (40 percent vs. 7 percent) than youth receiving other treatments.⁵⁹

In Multidimensional Treatment Foster Care (MTFC), troubled and delinquent youth are placed with specially trained foster families for six to nine months while their parents (or legal guardians) receive intensive counseling and parent training. After a series of home visits, the

families are then reunited and provided with ongoing support until the home situation is stabilized. In several scientific studies, MTFC has proven superior to placement into group homes—where high-need youthful offenders with less-serious offending histories are often placed. In one study, serious and chronic youthful offenders participating in MTFC were twice as likely as comparable youth placed into group homes to complete the program (and not run away), and they spent an average of 75 fewer days incarcerated over the subsequent two-year period.⁶⁰

Based on these results, MST, FFT, and MTFC have all attracted substantial attention, and the models are being adopted in a number of jurisdictions nationwide. Thus far, these efforts have achieved encouraging but not uniform success.

The most favorable real-world outcomes have occurred when MST and FFT are employed as an alternative to incarceration or other residential placements. In Florida, the Redirection Program provides evidence-based family treatment (primarily MST or FFT) as an alternative to incarceration or residential placement for less-serious youth offenders. An April 2010 report by Florida's Office of Policy Program Analysis & Government Accountability found that, compared to comparable youth placed into residential facilities, youth participating the Redirection Program were 9 percent less likely to be arrested for a new crime (and 15 percent less likely to be arrested for a new violent felony); 14 percent less likely to be convicted of a new felony; and 35 percent less likely to be sentenced to an adult prison.⁶¹ As of August 2008, the Redirection Program had saved taxpayers \$41.6 million over the prior four years by steering less-serious offenders away from expensive residential confinement and by reducing recidivism.⁶² (See Fig. 6 on p. 18.)

FIGURE 6

SAVINGS GENERATED BY FLORIDA'S REDIRECTION PROGRAM

Savings		
Costs of Residential Placements Averted (2,033 youth)	\$50.8 million	
Savings from Reduced Recidivism	\$ 5.2 million	
Savings Subtotal		\$56.0 million
Costs		
Youth Referred to Treatment	2,867	
Youth Completing Treatment	2,033	
Cost of Redirection Treatment		\$14.4 million
Net Savings (Savings Subtotal–Costs)		\$41.6 million

Source: Florida Office of Program Policy Analysis & Government Accountability, *Redirection Saves \$36.4 million and Avoids \$5.2 million in Recidivism and Prison Costs*, Report No. 09-27, May 2009.

Despite these successes, however, no state has “scaled up” any of these evidence-based models to serve all or nearly all youth who could benefit. In a recent essay, MST designer Scott Henggeler and a colleague estimated that 15,000 juvenile offenders per year participate in MST, FFT, or MTFC currently. “If 160,000 juvenile justice youth are placed annually and we assume that an equal number are at high risk of placement,” Henggeler noted, “then fewer than 5% of eligible high-risk juvenile offenders in the U.S. are treated with an evidence-based treatment annually.”⁶³

Other Promising Approaches. Though they lack the powerful scientific evidence of MST, FFT, and MTFC, a number of other alternatives have also demonstrated promising results in reducing delinquency and obviating the need for correctional confinement. These include:

Wraparound services. Such as those offered by the Wraparound Milwaukee program—pool resources from a variety of funding streams (juvenile justice, community mental health, Medicaid, others) to pay for coordinators who help develop care plans and access an array of services tailored to the needs of youth with behavioral disorders or other mental health conditions.⁶⁴

Rigorous career preparation and vocational training—such as those provided by YouthBuild. A program for high-risk youth and young adults now operating in more than 250 sites nationwide, YouthBuild serves many court-involved youth and combines remedial academic education with hands-on construction skills training.⁶⁵

Mental health and substance abuse treatment programs. Several promising programs, some with strong evidence of effectiveness, provide targeted treatment services to address mental health and substance abuse problems. These include:

- *Mental health diversion projects*—such as the Enhanced Mental Health Services Initiative in Texas⁶⁶ and the Behavioral Health/Juvenile Justice program in Ohio⁶⁷—that steer youth to mental health treatment;

- *Specialty court programs*—such as the nearly 500 juvenile drug courts operating nationwide,⁶⁸ and mental health treatment courts. While debate over their efficacy continues, these models work with delinquent youth with serious substance abuse or emotional disturbances and supervise their participation in court-ordered treatment plans, rather than assigning them to routine probation;⁶⁹ and

■ *Family-focused, non-residential substance abuse treatment methods for adolescents*—for example, Multidimensional Family Therapy and Brief Strategic Family Therapy—have demonstrated substantial reductions in substance abuse and delinquency in scientific evaluation studies.⁷⁰ Indeed, a recent study found that substance-abusing youthful offenders who received any type of substance abuse treatment achieved small but statistically significant reductions in alcohol use, and those receiving extended treatment also reduced marijuana use.⁷¹

Intensive advocate/mentor programs. Under this approach, local agencies assign dedicated advocates to track, supervise, and mentor delinquent youth in the community. Youth Advocate Programs, Inc.; Southwest Key; and the Choice program are serving hundreds of youth each year in multiple sites. While none of these efforts has been carefully evaluated, all have reported positive results in terms both of recidivism and academic/employment outcomes.

5.

Wasteful *Most states are spending vast sums of taxpayer money and devoting the bulk of their juvenile justice budgets to correctional institutions and other facility placements when non-residential programming options deliver equal or better results for a fraction of the cost.*

One of the most telling traits of juvenile incarceration, one of the characteristics that distinguishes it most clearly as an obsolete response to adolescent lawbreaking, is cost.

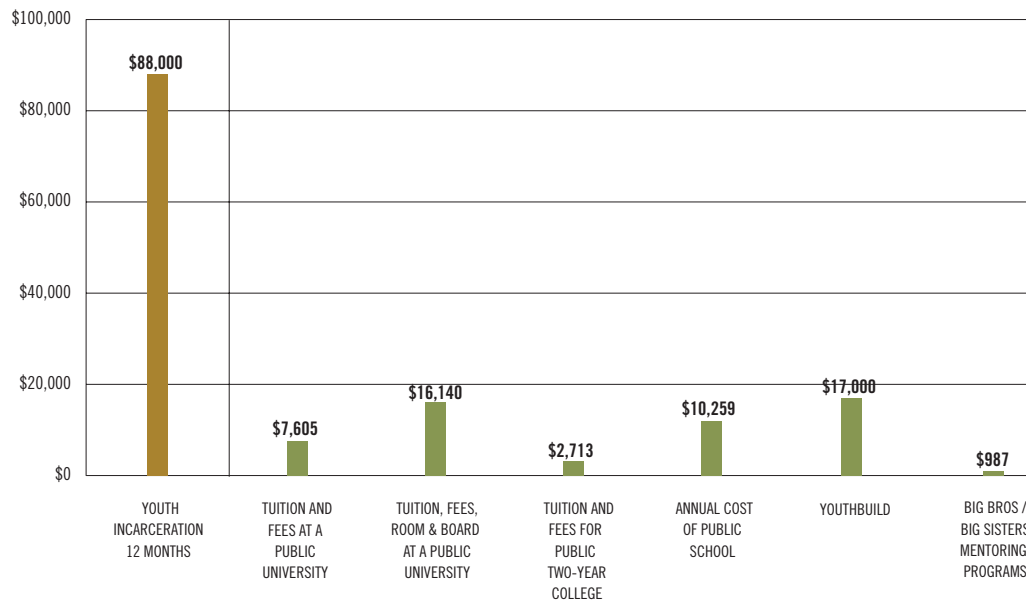
Confining juvenile offenders in correctional institutions and other residential settings is far more expensive than standard probation or conventional community supervision and treatment programs. It is also many times more expensive than new evidence-based treatment models like Multisystemic Therapy, Functional Family Therapy, and Multidimensional Treatment Foster Care. Other promising approaches also cost a fraction as much as incarceration.

Indeed, the dollar figures associated with juvenile confinement can be jaw-dropping. According to the American Correctional Association, the

average daily cost nationwide to incarcerate one juvenile offender in 2008 was \$241. That translates to an average cost of \$66,000 to \$88,000 to incarcerate a young person in a juvenile correctional facility for 9 to 12 months.⁷² This sum is many times the cost of: tuition and fees at a public four-year university (\$7,605) or a public two-year community or technical college (\$2,713);⁷³ average per pupil expenditures for public elementary and secondary schools nationwide (\$10,259);⁷⁴ high-quality mentoring programs such as Big Brothers/Big Sisters (slightly less than \$1,000 per participant);⁷⁵ or the YouthBuild career preparation program (\$17,000 per participant).⁷⁶

Yet, despite the problematic conditions and poor outcomes, most states continue to rely heavily

FIGURE 7
ANNUAL COST OF JUVENILE INCARCERATION VERSUS OTHER YOUTH INVESTMENTS



Sources: American Correctional Association (for costs of youth incarceration); College Board (for costs at public universities and public two-year colleges), U.S. Census Bureau (for costs of public education), Cohen and Piquero (2008) (for costs of YouthBuild), and Public Private Ventures (for costs of Big Brothers Big Sisters program).

For more information, visit www.aecf.org/noplacforkids.

on residential placements even for youth posing minimal risks to public safety. The result is wholesale misallocation—and waste—of taxpayer resources. (See Fig. 7 above.)

Though no official data set is available to document the budget of every state for juvenile corrections generally or for residential confinement specifically, the American Correctional Association⁷⁷ and the CJCA⁷⁸ both attempt to collect state juvenile corrections spending data each year. Though incomplete, their reports suggest that in all the states combined, taxpayers spent about \$5 billion in 2008 to confine and house youthful offenders in juvenile institutions.

Data on how much states and localities spend on non-residential supervision and treatment programs are even harder to find. But there's no doubt that residential programs consume the bulk of all juvenile justice resources in most states. For instance, in Maryland and Florida

the state government is responsible both for correctional facilities and for probation and community-based supervision: Both states spend about twice as much on facilities as they do on probation supervision and non-residential treatment services—even though the vast majority of youth referred to juvenile courts are never placed in residential facilities.⁷⁹

These lopsided budgets are especially problematic given the evidence that correctional placements are an inefficient use of taxpayer money.

■ A 2006 study compared the costs and effectiveness of community supervision and treatment programs versus residential confinement in Ohio. Community programs had far lower costs (average of \$8,539 per youth) than placement into a community corrections facility (\$36,571) or state training school (\$57,194). Except for the highest-risk offenders, community programs led to rearrest and subsequent confinement rates that

were equal to or better than those resulting from confinement.⁸⁰

■ A 1990 study in Wayne County (Detroit), Michigan, randomly assigned serious but non-violent youth offenders to either intensive community supervision or state custody. Many of the youth placed in intensive supervision were arrested during the period they might otherwise have been incarcerated, mostly for minor offenses. Youth placed in state custody, by contrast, proved more inclined toward serious and violent offending following release, and they were less likely to desist from delinquency. The biggest difference was price: taxpayer costs for youth in state custody were three times those for youth in intensive supervision.⁸¹

Even more dramatic disparities emerge from studies comparing residential confinement with the evidence-based treatment models (like MST and FFT) described earlier. The Washington State Institute for Public Policy found that while Multidimensional Treatment Foster Care costs \$7,000 more per young person than a conventional group home placement, each placement in MTFC ultimately saves an estimated \$96,000 in lower costs to victims and the criminal justice

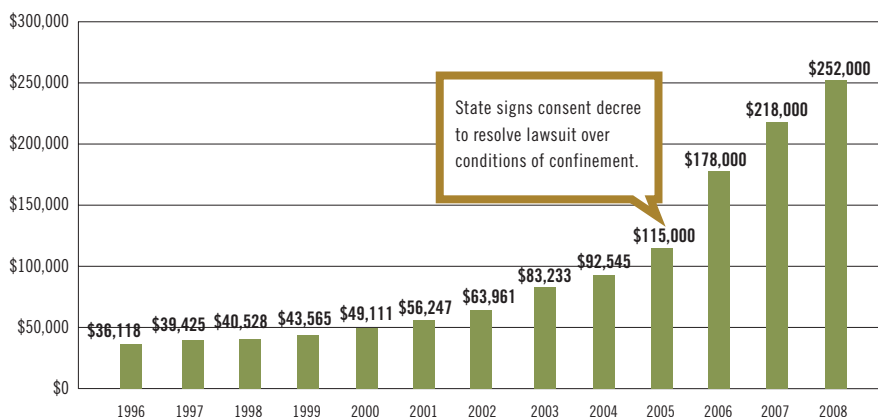
system—a return of \$14 for every extra dollar spent on treatment.⁸²

Added Costs of Defending the Indefensible.

The outsized expense of correctional confinement grows even larger when states face the added costs of complying with legal settlements imposed through litigation over conditions of confinement.

Since 1999, when the *Los Angeles Times* began documenting widespread violence and maltreatment in California Youth Authority facilities, the annual cost of confining one youth in California has grown from \$45,000 to \$252,000.⁸³ (See Fig. 8 below.) By comparison, in-state tuition and fees at the state’s flagship university, the University of California–Berkeley, were less than \$11,000 in 2010–11.⁸⁴ In New York, where facility populations have also dropped dramatically, daily costs in the depopulated facilities have exploded to sometimes absurd levels. The state spent \$170 million in the 2010–11 fiscal year to oversee fewer than 700 youth,⁸⁵ which translates to a daily cost of \$665 per day—more than the \$619 required to reserve a deluxe room for a night at the renowned Waldorf Astoria hotel in Manhattan.⁸⁶ In other states, too, the costs

FIGURE 8
IMPACT OF LITIGATION ON COSTS OF JUVENILE CONFINEMENT IN CALIFORNIA



Source: *Juvenile Justice Reform: Realigning Responsibilities*, Little Hoover Commission, 2008.

required to improve conditions and comply with settlement agreements have been substantial.

Perhaps the biggest cost associated with America's continuing overreliance on correctional facilities and other residential placements is what economists refer to as opportunity cost—the lost value of benefits that could be realized if these funds were reapplied to more productive uses.

In this era of mass unemployment and runaway deficits at every level of government, public agencies are slashing the budgets of many

programs crucial to the well-being of children, families, and communities. Teachers are being laid off in many jurisdictions; police officers as well. Summer youth employment programs and afterschool recreational programs are being defunded. These cutbacks are particularly damaging for youth at risk for involvement in the juvenile justice system. Yet many states continue to spend tens or hundreds of millions of dollars committing youth to correctional facilities that are dangerous, ineffective, wasteful, and often unnecessary.

6.

Inadequate *Despite their exorbitant daily costs, most juvenile correctional facilities are ill-prepared to address the needs of many confined youth. Often, they fail to provide even the minimum services appropriate for the care and rehabilitation of youth in confinement.*

To a remarkable extent, the adolescent boys and girls confined by America's juvenile corrections systems suffer from severe disadvantage. In fact, many placements into juvenile facilities are prompted more by the difficulties young people face—their deep and unmet needs—than by the crimes they have committed. In effect, juvenile justice has become the treatment system of last resort for many needy youth.

But by and large, juvenile corrections facilities are both poorly positioned and ill-equipped to provide effective treatment for youth with severe mental health conditions, learning disabilities, out-of-control substance abuse habits, and other acute needs.

Youth in Dire Need. In 2010, the U.S. Office of Juvenile Justice and Delinquency Prevention

released the first-ever survey of youth confined by America's juvenile justice systems. This Survey of Youth in Residential Placement revealed that the young people locked inside our nation's deep-end juvenile justice facilities are overwhelmingly the product of tragic circumstances. (See Fig. 9 on p. 24.)

Three of every 10 youth confined in correctional facilities had, on at least one occasion, attempted suicide. Seventy percent said that they had personally “seen someone severely injured or killed,” and 72 percent said that they had “had something very bad or terrible happen to you.”⁸⁷ Among committed youth in all types of juvenile facilities, 30 percent had been physically and/or sexually abused.⁸⁸ More than 60 percent of youth included in the survey suffered with anger management issues.⁸⁹ Half exhibited elevated

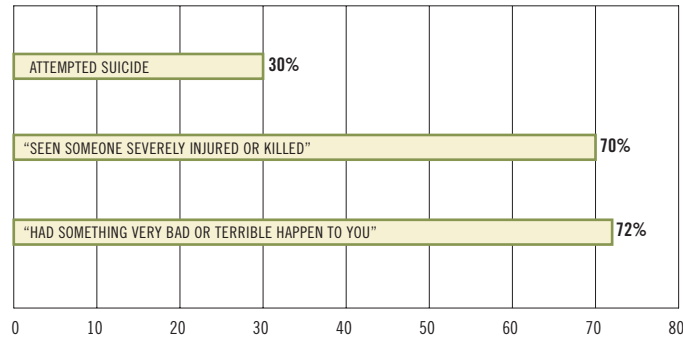
Widespread Racial and Procedural Injustice

In addition to the many practical shortcomings of our nation's juvenile correctional facilities—violence and abuse, poor outcomes, fiscal waste, and inadequate treatment services—the legal processes used to incarcerate youth often violate core American values of fairness and due process. The most glaring of these injustices involve racial inequities and the failure to provide youth with effective legal representation.

Unequal Treatment. At virtually every stage of the juvenile justice process, youth of color—Latinos and African Americans, particularly—receive harsher treatment than their white counterparts, even when they enter the justice system with identical charges and offending histories. Compared with white juveniles, African-American youth are: more likely to be formally charged (and less likely to have their cases dismissed or diverted from court); far more likely to be detained pending trial; and more likely to be committed to a residential facility (and less likely to receive a probation sentence). Among youth adjudicated delinquent in juvenile court, African-American youth are more likely than white youth to be placed and, if placed, more likely to be sent to a state youth correctional facility, rather than a private group home or residential treatment center. Finally, African-American youth are nine times as likely to be sentenced to adult prisons as white youth.⁹⁰ Piled one on top of the other, the ultimate impact of these serial disparities is an enormous cumulative disadvantage for youth of color.

Lack of Effective Legal Representation. The right to an attorney is fundamental to the American system of justice, and—given their lesser maturity and weaker understanding of the legal system—quality legal representation is especially important for youthful offenders. Nonetheless, effective representation remains a scarce commodity for court-involved youth. In 2009, a comprehensive review of juvenile indigent defense found that “modern-day juvenile courts continue to deny many low-income youth nationwide the legal representation to which they are entitled under the United States Constitution.”⁹¹ Pointedly, this study asserted that the nation's “broken” indigent defense systems for juvenile offenders “increase the likelihood that low-income youth will suffer the consequences of false confessions, unconstitutional guilty pleas, wrongful convictions, pretrial detention, and incarceration in secure facilities.”⁹²

FIGURE 9
**TRAUMATIC PASTS OF CONFINED YOUTH: PERCENTAGE OF YOUTH
 IN JUVENILE CORRECTIONAL FACILITIES WHO HAVE EVER...**



Source: Online data analysis of the Survey of Youth in Residential Placement, U.S. Office of Juvenile Justice and Delinquency Prevention.

symptoms for anxiety, and half for depression as well.⁹³ More than two-thirds reported serious substance abuse problems, and 59 percent said that they had been getting drunk or high several times per week (or daily) in the months leading up to their arrest.⁹⁴

A number of other recent studies have also found mental health problems at epidemic levels among confined youth. On average, the research finds that about two-thirds of youth confined in juvenile facilities suffer from one or more diagnosable mental health conditions—several times the rate of youth in the general population. About one of every five youth in custody has a mental health disturbance that significantly impairs their capacity to function.⁹⁵ Though these symptoms can sometimes be caused or exacerbated by the confinement experience itself, there is little doubt that juvenile justice youth suffer an unusually high prevalence of mental illness.

Youth confined in juvenile justice facilities also suffer from learning disabilities at exceptional rates⁹⁶—and they exhibit extremely low levels of academic achievement and school success. Studies find that youth in correctional confinement

score four years below grade level on average. Most have been suspended from school, and most have been left back at least one grade.⁹⁷

Glaring Lack of Effective Support. Most of the young people involved in the deep end of our nation’s juvenile justice systems have significant emotional, cognitive, and intellectual deficits—needs often rooted in severe trauma and deprivation. They need serious help. Yet in most cases, juvenile correctional facilities are unable to provide it. Crucial gaps are commonplace.

Mental Health Treatment. Among all youth in correctional confinement nationwide, more than half are held in facilities that do not conduct mental health assessments for all residents. When assessments are performed, they are often done in a haphazard fashion or by untrained staff. The Survey of Youth in Residential Placement found that two of every five youth in a residential commitment program had not received any mental health counseling. Amazingly, youth with serious mental health symptoms (anger, anxiety, suicidal feelings, attention deficits—even hallucinations) were less likely than other youth to receive counseling.⁹⁸ On the other hand, troubling reports

have emerged in recent years showing that many confined youth are given powerful psychotropic medications—called atypicals—sometimes without appropriate diagnosis and oversight.⁹⁹

Substance Abuse Treatment. The Survey of Youth in Residential Placement also found significant gaps in the scope and quality of substance abuse treatment. One-fifth of confined youth reside in juvenile facilities that do not screen any residents for substance abuse, and another 17 percent reside in facilities that screen some but not all youth.¹⁰⁰ Despite the pervasiveness of substance abuse, 42 percent of youth residing in juvenile corrections facilities do not receive any substance abuse treatment. This includes 35 percent of youth who report daily use of alcohol and drugs prior to being removed from their homes.¹⁰¹

Educational Programming. Available evidence suggests that the quality of education services offered to confined youth is often deficient. “Nationally, the educational programs of many state juvenile justice systems receive failing grades,” reported a team of scholars in 2003. “Recurrent problems include overcrowding, frequent movement of students, lack of qualified teachers, an inability to address gaps in students’ schooling, and a lack of collaboration with the public school system.”¹⁰² Including both detained and committed youth, just 45 percent of those with a previously diagnosed learning disability receive special education services while in custody.¹⁰³

Treatment Environment. Even if juvenile corrections facilities provide high-quality education, mental health, and substance abuse treatment services, youth are unlikely to benefit when the overall environment of the facility is permeated with fear, violence, or maltreatment. Yet the majority of youth in correctional confinement

(55 percent) believe that youth in their facilities are punished unfairly by staff, and nearly half (42 percent) are afraid of being physically attacked. Over 40 percent of youth in correctional facilities say that staff are disrespectful and that they physically restrain youth without justification.¹⁰⁴

Transitional Support. Whatever benefits youth derive from the treatment and assistance they receive (or don’t receive) while confined in juvenile facilities, young people exiting residential placements will be tested severely during their transitions home. Yet the scope and quality of aftercare support provided by youth corrections agencies nationwide is notoriously weak.



According to Pat Arthur, a senior attorney for the National Center for Youth Law, “Very little is done to help young people make the transition from school in the correctional setting to an appropriate school placement upon reentry.”¹⁰⁵ Despite the prevalence of severe substance abuse and psychiatric disorders among confined youth, few facilities take concerted action to sustain mental health and substance abuse treatment or to reinstate health insurance coverage as youth transition home.¹⁰⁶

Is It Really Safe to Reduce Juvenile Confinement?

Jurisdictions that have substantially reduced youth confinement in recent times have not suffered any increase in juvenile offending. Indeed, sharply reducing juvenile custody populations seems not to exert any independent upward impact on juvenile offending rates.

United States: 1997 to 2007. Between 1997 and 2007, the date of the most recent Census of Juveniles in Residential Placement, the share of the juvenile population confined in correctional custody nationwide declined from 256 of every 100,000 youth to 194—a 24 percent reduction. The rate at which adjudicated youth were confined in facilities described as long-term secure care correctional facilities—which include most training schools and youth prisons—plummeted 41 percent over this decade.¹⁰⁷ Despite the reduced reliance on incarceration, juvenile crime rates fell across the board from 1997 to 2007, including a 27 percent drop in the juvenile arrest rate for violent index crimes.¹⁰⁸ Clearly during this decade, reduced juvenile incarceration did not spark a new wave of youth violence.

A more detailed analysis comparing trends at the state level finds no correlation between juvenile confinement rates and violent youth crime. When states are broken into four groups based on the change in their rates of juvenile confinement from 1997 to 2007, the states that decreased juvenile confinement rates most sharply (40 percent or more) saw a slightly greater decline in juvenile violent crime arrest rates than states that increased their youth confinement rates. States that reduced juvenile confinement slightly (0 to 20 percent) or moderately (20 to 40 percent) saw a smaller reduction in juvenile violent felony arrest rates.¹⁰⁹ (See Fig. 10 on p. 27.)

California 1996 to 2009. On a typical day in 1996, the California Youth Authority incarcerated 10,000 youth.¹¹⁰ By June 2010, the average daily population of committed youth in state

correctional facilities had dropped to under 1,500—an 85 percent decline.¹¹¹ Even including the substantial number of California youth housed in county-run correctional camps, the state's incarcerated juvenile population declined 50 percent from 1999 through 2008.¹¹²

Contrary to the common presumption that more incarceration breeds less crime, California's juvenile crime rates have declined substantially during this period of rapid de-incarceration. The arrest rate for property index offenses fell steadily from 1995 through 2009.¹¹³ The juvenile arrest rate for violent index crimes also declined substantially, falling in 2009 to its lowest level since 1970.¹¹⁴

More detailed analysis of trends in within California provides no suggestion that greater reliance on incarceration improves public safety. In a July 2010 publication, the Center on Juvenile and Criminal Justice analyzed California's juvenile crime and correctional trends at the county level. "Across the state, the lowest-level and fastest-declining counties in terms of juvenile incarceration rates did not have significantly different juvenile crime rates or changes in crime rates compared to counties with the highest-level and fastest-increasing juvenile incarceration rates," the report found.¹¹⁵

Texas Before and After 2007. Unlike California, Texas began to steadily increase its incarcerated juvenile population in the mid-1990s. Between 1995 and 2000, Texas doubled the number of youth in state custody and then permitted populations to fall only modestly over the subsequent six years.¹¹⁶ Yet, despite pursuing a diametrically opposite incarceration policy, Texas achieved juvenile crime outcomes eerily similar to California

FIGURE 10
JUVENILE VIOLENT INDEX ARREST TRENDS IN STATES WITH DECLINING AND INCREASING JUVENILE CONFINEMENT RATES (1997–2007)



Source: Author's analysis, using data from the 1997 and 2007 Census of Juveniles in Residential Placement; and 1997 and 2007 FBI Arrest Statistics, both available at www.ojdp.gov/ojstatbb.

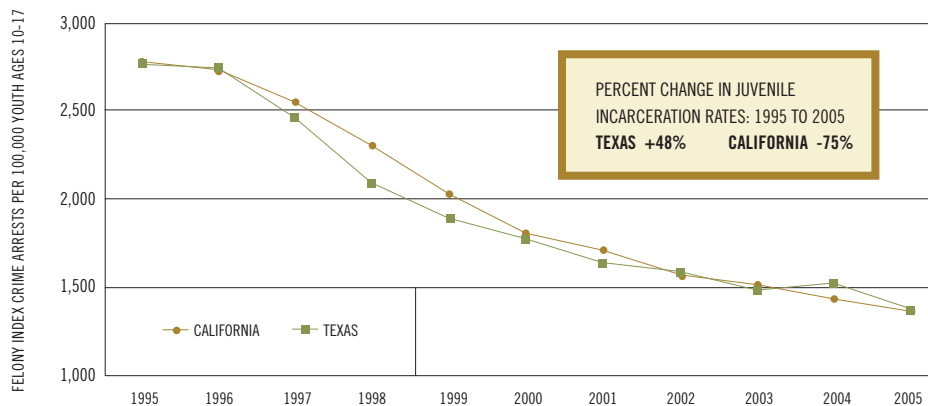
from 1995 through 2006. The two states had virtually identical juvenile arrest rates for serious index crimes in 1995 and saw an identical 51 percent decline over the subsequent 11 years.¹¹⁷ (See Fig. 11 below.)

Since its youth corrections system descended into scandal in 2007, Texas has precipitously reversed course on juvenile incarceration. The Texas Youth Commission's daily confined population has fallen from 4,800 at the end of August 2006

to 2,250 in August 2009 and 1,800 by August 2010.¹¹⁸ Yet again, contrary to the theories of incapacitation and general deterrence, neither the state's crime rate nor its juvenile arrest totals have increased since 2006. Violent juvenile felony arrests in Texas fell by 10 percent from 2006 to 2009, and total juvenile arrests fell by 9 percent.¹¹⁹

These data leave little doubt. Substantially reducing juvenile incarceration rates has not proven to be a catalyst for more youth crime.

FIGURE 11
TEXAS VS. CALIFORNIA: OPPOSITE JUVENILE INCARCERATION POLICIES, IDENTICAL RESULTS



Source: Males, Stahlkopf, & Macallair, *Crime Rates and Youth Incarceration in Texas and California Compared: Public Safety or Public Waste?*, Center on Juvenile & Criminal Justice, June 2007.

For more information, visit www.aecf.org/noplaceforkids.

How Should States Go About Reforming Juvenile Corrections?

How can states and communities best go about reducing incarceration rates and closing youth corrections facilities to ensure that reform efforts are safe, responsible, constructive, and cost-effective?

The case against juvenile corrections facilities is overwhelming. Countless studies and decades of experience show that these institutions are both dangerous and ineffective. Given the limited offending histories of most youth placed into custody, secure confinement is more often than not unnecessary. Exhaustive research shows correctional confinement is an obsolete and financially wasteful model for the care and treatment of delinquent youth. Meanwhile, the care provided in correctional facilities is often inadequate to meet the extraordinary needs faced by many confined youth.

Over the past three decades, delinquency scholars have achieved significant advances in determining what works in reversing delinquent behavior—including the development of several interventions that yield better outcomes than incarceration at a fraction of the cost. Meanwhile, pioneering jurisdictions across the nation

have made noteworthy progress in recent years reducing the unnecessary and inappropriate use of correctional confinement. Numerous states have closed facilities or lowered correctional populations, reaping significant savings for taxpayers without any measurable increase in youth crime. Indeed, if states adopt proven best practices for managing juvenile offenders and then reallocate funds currently spent on incarceration to more constructive crime prevention and treatment strategies, there is every reason to believe that reducing juvenile facility populations will result in less crime, not more.

The final chapter of this report provides an action agenda for states seeking to improve outcomes in their juvenile justice systems by severing their long-standing fealty to the youth incarceration model. Specifically, it identifies six key priorities for action.

PRIORITY

1.

Limit Eligibility for Correctional Placements

Commitment to a juvenile corrections facility should be reserved for youth who have committed serious offenses and pose a clear and demonstrable risk to public safety.

The most direct strategy for reducing the populations of juvenile corrections facilities is to sharply limit, by statute, the categories of youth who are eligible for correctional placement. Several states have taken just this approach in recent years,

with auspicious results. (See Fig. 12 on p. 29.) In 2007, California banned placements to state juvenile corrections facilities for all low-level and non-violent offenders. Texas passed a law the same year prohibiting commitments to the Texas

Youth Commission except for youth adjudicated for felony-level offenses. In the 1990s, North Carolina and Virginia both enacted rules prohibiting commitments for lower-level offenses except for youth with serious histories of prior offending. In 2008, Alabama outlawed all commitments for status offenses or for probation violations in cases where a status offense was the underlying charge.

These kinds of new rules are important not just for the admissions they specifically prohibit, but

also for the signal they send to judges and other juvenile justice personnel about the need to limit reliance on incarceration. In each of the states cited above, correctional populations have fallen far more than required specifically to meet the stricter guidelines.

Regardless of the specific criteria states adopt, what's important is to tie placement eligibility to the crimes youth have committed and their risks of re-offending—not to their needs for treatment or services.

FIGURE 12
WHEN STATES PLACE LIMITS ON CORRECTIONAL COMMITMENTS...JUVENILE INCARCERATION PLUMMETS

State	Limiting Provision	Year Enacted	Change in Incarceration Since Policy Was Enacted
AL	Prohibit commitments of youth adjudicated for status offenses, as well as for probation violations where a status offense was the underlying charge	2008	–40 percent (daily population in state commitment programs)
CA	State commitments allowed only for youth adjudicated for serious violent offenses	2007	–40 percent (daily population in state training schools)
NC	Correctional commitments authorized only for youth adjudicated for violent crimes plus a moderate or extended history of prior offending, or for serious non-violent crimes if youth also had an extended history of prior offending	1998	–73 percent (annual commitments to state training schools)
TX	Correctional commitments authorized only for youth adjudicated for felony offenses	2007	–69 percent (daily population in state training schools)
VA	Correctional commitments allowed only for youth with a felony adjudication or a serious misdemeanor offense if youth also has previously been adjudicated for a felony or four serious misdemeanor offenses	1996	–52 percent (annual admissions to state training schools)

Invest in Promising Non-Residential Alternatives

In every jurisdiction, juvenile justice leaders must erect a broad continuum of high-quality services, supervision programs, and dispositional options to supervise and treat youthful offenders in their home communities.

Among the most long-standing and crippling weaknesses in America's juvenile justice systems is a dearth of local options. Often, judges are forced to make an untenable choice between probation or incarceration for adolescents with moderately serious offending histories who do not pose an immediate or significant threat to public safety.

To fill this void, state and local courts and corrections systems should invest in and substantially expand access to intensive and high-quality alternatives to incarceration such as:

- *Evidence-based family intervention models* like Multisystemic Therapy, Functional Family Therapy, and Multidimensional Treatment Foster Care—the three specific intervention models that have repeatedly proven effective with serious youthful offenders.
- *Rigorous career preparation and vocational training programs*, such as YouthBuild, that combine academic instruction, work experience, and counseling full time over several months.

- *Intensive youth advocate and mentoring programs*, which assign youth development workers to supervise, monitor, and mentor delinquent youth in the community.

- *Cognitive-behavioral skills training*, either as a stand-alone treatment or in combination with other programming.

- *Specialized mental health and substance abuse treatment models* that have shown significant success in helping lower offending rates and improve youths' behavior, including wraparound services, mental and behavioral health diversion projects, and high-quality substance abuse treatment.

These enhanced treatment programs and alternatives to incarceration should be reserved for youth with significant records of delinquency. Youth with limited offending histories—even those with severe emotional disturbances, substance abuse problems, or other mental health conditions—should be diverted from juvenile court entirely. Need alone should not be a pretext for deep penetration into the juvenile justice system.

PRIORITY
3.

Change the Financial Incentives

States must eliminate counterproductive financial incentives that encourage overreliance on correctional placements.

In most states, commitments to state custody are funded entirely with state funds, whereas local jurisdictions must foot the bill for community-based supervision and treatment programs. Fortunately, several states have devised creative approaches in recent years to revamp their funding mechanisms and increase the incentive for local courts to treat delinquent youth in their communities whenever possible.

Under the RECLAIM Ohio program, counties receive a fixed budget allocation but must reimburse the state for each youth committed to a correctional facility. The fewer youth counties place, the more funds they have available to support local treatment and supervision programs. Statewide, RECLAIM led to a 36 percent reduction in commitments after it was launched in the 1990s, an early evaluation found.¹²⁰ Subsequent studies have shown that the community-based RECLAIM programs reduce offending by low- and moderate-risk youth participants and yield substantial savings for taxpayers. Redeploy Illinois, modeled on RECLAIM Ohio, substantially reduced commitments in four participating pilot sites from 2004 through 2007. Overall commitments in the pilot sites fell from 212 in 2004 to 96 in 2007 (a 55 percent drop).¹²¹ Wisconsin's Youth Aids program provides \$100 million per year to counties to cover the costs of all juvenile programming, but—other than youth adjudicated for the most serious violent crimes—the counties are charged the full cost of care for all

youth placed in state facilities.¹²² Under Pennsylvania's Act 148, counties receive 80 percent reimbursement for non-residential programs and services in the community, and for placement into non-secure community-based group homes, but they receive just 60 percent for commitments to secure institutions.¹²³

Before state officials and county leaders in Michigan's Wayne County (in and around Detroit) struck an innovative agreement in 2000, judges committed several hundred youthful offenders to state youth corrections facilities each year. Under the new agreement, Wayne County retains responsibility for all committed youth, and the state reimburses the county for half of its costs to supervise and treat them locally. The county contracts with five community-based social service agencies to oversee youth offenders with appropriate levels of supervision and treatment. Nearly half of the youth assigned to these care management organizations remained in their own homes in 2009, and most of the remaining youth were housed in low- or moderate-security group homes or residential treatment centers.¹²⁴ Only 18 youth per day were held in state training schools in 2009—down from 597 per day in 1999.* Few youth (less than 2 percent) commit felony offenses while under the supervision of care management organizations, and recidivism rates following treatment are well below those typical for youth released from juvenile corrections facilities.¹²⁵

*Another 80 youth per day in 2009 were confined in a privately operated treatment facility for chronic and/or violent youth offenders under contract with Wayne County.

PRIORITY
4.

Before California prohibited state commitments for misdemeanors and most non-violent felony crimes in 2007, the population in state youth correctional facilities had already fallen from a high of 10,000 in 1996 to just 2,500. Most of these reductions can be traced to an innovative sliding-scale fee schedule enacted in 1996 that substantially increased the cost to counties for commitments of low-level offenders. Before the

law was enacted, counties paid just a token fee (\$25 per month) for any youth in state custody. Under the new rules, the counties still paid little (\$150 per month) for the most serious offenders, but they had to pay 50–100 percent of the actual cost for youth with less significant offending histories.¹²⁶ The state's confined population fell by more than half in the first seven years after the sliding-scale fees were imposed.¹²⁷

Adopt Best Practice Reforms for Managing Youth Offenders

In addition to better programmatic alternatives, every jurisdiction must adopt complementary policies, practices, and procedures to limit unnecessary commitments and reduce confinement populations.

Specifically, state and local juvenile justice leaders should:

Implement Detention Reform. Now operating in 150 jurisdictions in 35 states plus the District of Columbia, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) has reduced the daily detention populations in participating sites by 41 percent. JDAI jurisdictions have also reduced the number of youthful offenders committed to state custody by 34 percent.¹²⁸ Because youth detained pending their adjudication hearings are placed more frequently in residential facilities than youth who remain in the community, detention reform is an essential step for any jurisdiction seeking to reduce correctional confinement.

Rethink Zero Tolerance School Discipline Policies. Youth charged in court for minor misbehavior under zero tolerance school discipline policies are often placed on probation and can easily end up in a detention or corrections facility if they violate probation rules. Innovative juvenile court leaders in Clayton County, Georgia, have

reduced school-based referrals by two-thirds since 2004 by forging an agreement with the schools to limit court referrals for minor misbehavior.¹²⁹ Jefferson County (Birmingham), Alabama, reduced school-based referrals by 50 percent by initiating a similar agreement in 2009. As they curtailed zero tolerance, both these counties have substantially reduced correctional placements.

Make Better Use of Juvenile Court Diversion. Arrests for serious violent crimes have fallen by one-third since their highs in the mid-1990s, and serious property crime arrests have fallen by nearly half.¹³⁰ Yet the total number of youth petitioned and found delinquent in juvenile courts nationwide has fallen much more modestly due to juvenile courts' increasing propensity to prosecute youth for minor offenses.¹³¹ Growing evidence suggests that involvement in juvenile court proceedings can itself be criminogenic—reducing the likelihood that young people will age out of delinquency as they mature. Expanding diversion and limiting formal court processing of non-serious offenses can reduce the number of youth

who penetrate into the deep end of the juvenile corrections system.

Enhance Legal Representation and Advocacy.

Alarming numbers of youth go through the juvenile court process without legal representation. Even when youth are represented, caseloads are often excessive and juvenile court culture often discourages aggressive advocacy.¹³² This lack of timely, competent, and energetic representation is unjust. It also leads to unnecessary commitments into correctional facilities and other residential placements. Early appointment of counsel, to allow time for defenders to prepare for detention hearings, can reduce the number of youth confined pending trial—and therefore the likelihood of subsequent commitments. Funding for enhanced legal advocacy can lower placement rates and improve outcomes for youth while producing a net savings for taxpayers. In both Seattle and Florida, “TeamChild” legal advocacy projects have substantially improved outcomes for youth.¹³³ In Ohio, youth receiving enhanced legal advocacy proved only one-fourth as likely as a control group to be sentenced to a youth corrections facility, and they spent one-fourth as many days in state facilities.¹³⁴

Reduce Correctional Placements Resulting from Violations of Probation. One of every eight youth in secure correctional custody nationwide is committed for violating probation or aftercare rules, not for committing new crimes. Many youth confined on technical violations have never been adjudicated for violent or serious offenses. By establishing clear rules to calibrate the response to rule violations and requiring supervisor approval before any decision to confine youth for those violations, many jurisdictions have substantially lowered the number of youth placed in or returned to custody for technical violations. Alabama reduced the number of youth committed on probation violations by

two-thirds from 2006 to 2009.¹³⁵ In Florida, where several jurisdictions have adopted probation practice reforms, commitments for violations of probation fell 28 percent from 2005–06 to 2007–08.¹³⁶

Limit Lengths of Stay in Correctional Facilities and Other Residential Placements. Youth should remain in confinement only for a limited period, less than a year in most cases (and far shorter in many cases). Research is clear that longer stays in correctional custody do not reduce future offending. However, long stays add substantially to state youth corrections budgets while harming youths’ prospects for success in adult life. A recent analysis of confinement trends in Florida found that the average length of stay for confined youth rose 30 percent between 2000–01 and 2007–08—costing the state’s taxpayers an estimated \$20 million per year.¹³⁷ Reducing lengths of stay enough to conform with best practices could save Florida up to \$49 million per year.¹³⁸



Replace Large Institutions With Small, Treatment-Oriented Facilities for the Dangerous Few

The limited number of youthful offenders whose serious and chronic offending demand secure confinement should be placed into small, humane, and treatment-oriented facilities.

The superiority of small, community-based juvenile corrections facilities over larger, conventional training schools is widely recognized in the juvenile justice field. The advantages of smaller facilities include: the chance to keep youth close to home and engage their families; greater opportunity to recruit mentors and other volunteers; and a more hospitable treatment environment.

The primary mission of small secure facilities, as well as group homes and other placement facilities, should be to help youth make lasting behavior changes and to build the skills and self-awareness necessary to succeed following release. One of the most consistent findings of research in juvenile corrections is that interventions aiming to build skills and address human needs are far more effective than those aimed at deterrence or punishment.

In pursuing this mission, states will do well to follow the example of Missouri, which closed its long-troubled training schools in the early 1980s. Since then, Missouri's Division of Youth Services has divided the state into five regions and built a continuum of programs in each, ranging from day treatment programs and non-secure group homes, to moderately secure facilities located in state parks and college campuses, to secure

care facilities. None of the facilities holds more than 50 youth, and each of the state's six secure care facilities houses just 30 to 36 youth. In every Missouri facility, youth are placed in small groups that participate together in all education, treatment, meals, recreation, and free time. Throughout their stays in DYS facilities, youth are challenged to discuss their feelings, gain insights into their behaviors, and build their capacity to express their thoughts and emotions clearly, calmly, and respectfully—even when they are upset or angry. DYS staff engage the families of confined youth and work with family members to devise successful reentry plans. DYS assigns a single case manager to oversee each youth from the time of commitment through release and into aftercare, and it provides youth with extensive supervision and support throughout the critical reentry period.

Through this approach, Missouri has achieved reoffending rates that are lower than those of other states. Missouri's model has been cited as a national model by the *New York Times* in 2007 and earned a national "Innovations in American Government" award from Harvard University in 2008.¹³⁹

What Role for Group Homes?

If training schools and other large correctional institutions are not a suitable venue for the care and treatment of juvenile offenders, how about group homes, residential treatment centers, or wilderness programs? What role should these and other non-secure residential programs play in a redesigned juvenile corrections system?

While available research on non-secure residential programming is limited, most studies find that long-term outcomes are unfavorable. A recent study of 449 delinquent youth placed into group homes in Los Angeles found a host of “negative life outcomes,” including high rates of drug abuse, criminality, and educational failure. Seven years after being referred to group homes, one-fourth of these youth were incarcerated, and 12 were dead—seven of them by gunshot wounds.¹⁴⁰ A number of studies have found that group home placements lead to worse outcomes than evidence-based non-residential treatment or high-quality treatment foster care.¹⁴¹ Wilderness programs and boot camps have also shown little success in reducing the criminality or improving outcomes for delinquent youth, as have residential treatment centers for youth with serious emotional disturbances.

Though group homes typically conform more closely than training schools to best practice in correctional treatment (small facilities, close to home, staffed by youth development personnel rather than guards, oriented to positive youth development rather than punishment), they are also susceptible to abuse and violence. Staff salaries are typically low, turnover rates high, and state oversight via licensing and regulation and accreditation often lax. Other types of group care facilities—boot camps and wilderness programs in particular—have seen many instances of abuse and even deaths in recent years.

Despite these inauspicious research results, most juvenile justice experts believe that group homes and other non-secure residential facilities should be part of the continuum of available dispositions for adjudicated youth—particularly for youth from severely troubled homes, and those for whom a parent or guardian cannot be located. Also, residential placements can provide a valuable cooling off experience for some youth who have descended into a particularly extreme behavioral cycle. Finally, there is considerable support for group homes as a step-down placement for youth returning home following secure confinement. However, group homes and other non-secure facility placements should not be widely employed as a middle option between probation supervision and secure custody. There is simply insufficient evidence that these placements have a positive long-term impact on the well-being of young people.

Use Data to Hold Systems Accountable

Strong data collection must be a central pillar of efforts to reform juvenile corrections systems and to reduce overreliance on incarceration and residential placement.

Insufficient data collection and outcomes accountability is one of the pivotal weaknesses in America's juvenile justice systems, and a crucial factor behind the continued prevalence of incarceration and other counterproductive practices.

Carefully Measure Recidivism. Given the high price of secure confinement and the heavy costs to youth in liberty denied and opportunity lost, rigorous recidivism data are essential. Yet, serious gaps remain in states' efforts to collect and report recidivism results: 12 states still do not track recidivism outcomes of youth released from juvenile facilities statewide in any fashion; six states track only the share of youth who return to juvenile custody; and another eight measure youths' success only for 12 months or less following release. Even among states that do track meaningful measures of re-offending into early adulthood, outcome measures and methodologies vary widely—making cross-state comparisons problematic. The Council of Juvenile Correctional Administrators has recommended that states adhere to common definitions and measures of recidivism.¹⁴² Not included in the CJCA list, but just as important, states should compare the recidivism outcomes of correctional facilities and other residential programs versus intensive community-based interventions that are far cheaper and less restrictive.

Track Youths' Success After Release. While recidivism is important, it should not be the only standard used to monitor the effectiveness of juvenile corrections systems. These systems

should also be measured on how well they help delinquent youth achieve progress toward success in adulthood. How much academic progress do youth make while confined in youth facilities or enrolled in court-sanctioned programs? What percentage of previously confined youth reenroll in school and remain to graduation? How many are placed into jobs, and become steady workers? How much progress do youth make in overcoming behavioral health problems and reducing symptoms of mental illness?

Examine Racial Disparities. Given the pervasive and continuing racial disparities at all levels of our nation's juvenile justice systems, every state and every locality should be collecting and disaggregating data to identify policies, programs, and practices that may adversely or unfairly impact youth based on their race, gender, or ethnicity. Just as important, state and local juvenile justice leaders need to use those data to analyze their systems to pinpoint the hidden factors that may be perpetuating unjust disparities.

Monitor Conditions of Confinement. All youth corrections institutions should be subject to rigorous oversight with maximum transparency to detect physical abuse, sexual abuse, and excessive use of isolation and restraints whenever and wherever they occur. At a minimum, states should tighten rules and strengthen systems to ensure accurate and timely reporting of all unusual incidents, injuries, and deaths that occur in juvenile facilities. In particular, states and localities should encourage or require

their facilities to participate in the CJCA's Performance-based Standards initiative, which is working in 198 facilities in 28 states to improve conditions and upgrade services for confined youth.¹⁴³ In addition, states should follow the lead of Maryland, Texas, and others by appointing an independent watchdog to investigate any reported problems with conditions or safety in juvenile facilities. Finally, all facilities must maintain a functional grievance process to ensure youth unfettered access to report maltreatment and obtain a fair hearing, without fear of reprisal.



Conclusion: Embracing Better Policies, Programs, and Practices in Juvenile Corrections

The evidence presented in this report makes clear that, except in cases where juvenile offenders have committed serious crimes and pose a clear and present danger to society, removing troubled and delinquent young people from their homes and families is expensive and often unnecessary—with results no better (and often far worse) on average than community-based supervision and treatment. Likewise, the evidence makes clear that throwing even serious youth offenders together in large, prison-like, and often-abusive institutions provides no public safety benefit, wastes taxpayers' money, and reduces the odds that the young people will mature out of their delinquency and become productive law-abiding citizens.



Fortunately, we are seeing an encouraging shift away from juvenile incarceration in many states. From 1997 to 2007, the total population of youth in correctional placements nationwide declined 24 percent, and the total in long-term secure correctional facilities dropped 41 percent.¹⁴⁴ Of the 45 states reporting data on the number of youth

in correctional custody in both 1997 and 2007, 34 reduced their confinement rates. Eleven states lowered their confinement rates by 40 percent or more during this decade, and another 12 states lowered confinement by 20 to 39 percent.¹⁴⁵

Though no nationwide figures have been compiled since 2007, the pace of juvenile de-incarceration seems only to have increased. An informal count conducted by the Annie E. Casey Foundation in August 2011 identified 52 youth correctional facilities in 18 states, which have closed since the beginning of 2007. Several other states have closed units within facilities and reduced bed capacity without closing entire facilities. A list of youth corrections facilities closed since 2007 can be found at www.aecf.org/noplaceforkids.

However, while this wave of facility closures and bed reductions is important and long-overdue, it offers little reassurance for the future. In many states, the primary cause for closures has been the short-term fiscal crisis facing state governments. In other states, federal investigations or private class-action lawsuits have been the driving force behind facility closures. The common thread has been that most decisions to shut down facilities have been ad hoc and reactive. The closures have not been based on any new consensus among policy leaders or any new philosophic commitment to reducing reliance on juvenile incarceration, and they have not been informed by any deep or evidence-based consideration of how states should best pursue the path toward reduced incarceration. In short, we are seeing a

wave—a pendulum swing away from incarceration in juvenile justice. But this trend is not yet anchored in the kind of coherent, resilient, values-based, and evidence-driven movement needed to sustain progress once the crises of the moment fade into history.

Looking to the future, the momentum toward closing youth facilities must be paired with a planned and comprehensive approach to reform. Which policies, programs, and practices work best? What safeguards are required for states as they depopulate correctional facilities for youth? What funding and accountability mechanisms are most likely to ensure success?

The goal must be broader than ending overreliance on juvenile incarceration. Rather, we must build a youth corrections system for tomorrow that is rooted in best practice research. Not only do state and local justice systems have to offer a balanced mix of treatment and supervision programs, but they must also calibrate their systems to ensure that each individual youth is directed to the treatments, sanctions, and services best suited to his or her unique needs and circumstances.

For the first time in a generation, America has the opportunity to redesign the deep end of its juvenile justice system. The politics of the moment have made it politically feasible (or financially necessary) for states to

substantially scale back their long-standing investment in conventional youth corrections facilities. Meanwhile, a wealth of new research has created the knowledge base necessary to build a fundamentally new and far more effective approach to juvenile corrections that keeps our communities safer, makes better use of scarce tax dollars, and increases the odds that more young people will desist from crime and succeed in the adult world.

The open question is whether our society will learn from and act on this information, whether it will not only abandon the long-standing incarceration model but also embrace this

more constructive, humane, and cost-effective paradigm for how we treat, educate, and punish youth who break the law.

The open question is whether our society will not only abandon the long-standing incarceration model but also embrace a more constructive, humane, and cost-effective paradigm for how we treat, educate, and punish youth who break the law.

Endnotes

Additional resources and state-level data for many of the report's research findings are available at www.aecf.org/noplaceforkids.

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