

JUVENILE DETENTION AS PROCESS AND PLACE

by

Earl L. Dunlap

National Juvenile Detention Association
Richmond, KY

David W. Roush, Ph.D.

NJDA Center for Research & Professional Development
Michigan State University
East Lansing, MI

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INTRODUCTION

Juvenile detention is an often overlooked, often maligned, and often misunderstood component of the juvenile justice system. However, current juvenile justice policy issues are bringing increased attention to juvenile detention. Detention is an important component of various reform strategies (Roush, 1993). While any attention to juvenile detention is significant to the overall improvement of the profession, juvenile justice policy analysts also identify and highlight many of the shortcomings and negative aspects of detention with little regard for the origins of these problems or for constructive solutions (Frazier, 1989). One shortcoming is the lack of consensus about the definition of juvenile detention.

National practitioner groups, such as the National Council of Juvenile and Family Court Judges (NCJFCJ), the American Correctional Association (ACA) and the National Juvenile Detention Association (NJDA), have established national forums and training institutes with the assistance of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) where national policy analysts have had the opportunity to interact with the profession in a constructive and forthright manner. Current efforts to reform juvenile justice have drawn juvenile detention into the process, and producing definition statements that are grounded in detention practice even though they may reflect a particular ideology (Flintrop, 1991; Schwartz, 1992).

The problems associated with a definition of juvenile detention are twofold. First, detention practitioners have not done a good job of recording the history of detention nor assembling a catalogue of effective practices. Therefore, the general inability to describe or understand good detention practice can be blamed, in large part, on this profession's failures in publication and dissemination. Second, the profession has not entered the debate with constructive nor creative arguments about juvenile detention. This paper represents one attempt to organize professional detention knowledge around the important topic of the definition of juvenile detention and to challenge the juvenile justice community to look at juvenile detention from a different perspective.

DEFINITION OF JUVENILE DETENTION

There are numerous definitions of juvenile detention, but until recently no single definition had achieved priority. Without such a definition, juvenile detention had become all things to all segments of the juvenile justice system (Hammergren, 1984). On

October 31, 1989, following three years of work on the subject, the board of directors of NJDA unanimously adopted the following definition of juvenile detention:

Juvenile detention is the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community's protection while pending legal action.

Further, juvenile detention provides a wide range of helpful services that support the juvenile's physical, emotional, and social development.

Helpful services minimally include: education, visitation, communication, counseling, continuous supervision, medical and health care services, nutrition, recreation, and reading.

Juvenile detention includes or provides for a system of clinical observation and assessment that complements the helpful services and reports findings.

This definition was developed from the seven definitional themes for juvenile detention identified by the ACA Juvenile Detention Committee (Smith, Roush & Kelley, 1990). These themes are defined as follows:

Temporary Custody: Of all the methods of incarceration within the criminal justice system, only juvenile detention stresses its temporary nature. Detention should be as short as possible.

Safe Custody: This concept implies freedom from fear and freedom from harm for both the juvenile and the community. This definitional theme refers to a safe and humane environment with programming and staffing to insure the physical and psychological safety of detained juveniles.

Restricted Environment: The nature or degree of restrictiveness of the environment is generally associated with the traditional classifications of maximum, medium or minimum security or custody.

Community Protection: In addition to the factors listed above, the court has a legitimate right to detain juveniles for the purpose of preventing further serious and/or violent delinquent behavior.

Pending Legal Action: This theme includes the time spent awaiting a hearing, pending disposition, awaiting a placement, or pending a return to a previous placement.

Helpful Services: Programs are available to detained juveniles that will help resolve a host of problems commonly facing detained juveniles. Because detention has the potential of creating a tremendously negative impact on some juveniles, it is important that programming have the depth of services required to meet the needs of a wide range of juvenile problems.

Clinical Observation and Assessment: Most juvenile codes specifically refer to this theme as a purpose for detention. The controlled environment of juvenile detention is often a time of intense observation and assessment in order to enhance decision-making capabilities. Competent clinical services are provided by individuals holding proper credentials who coordinate and conduct the observation and assessment process. (This service may be provided by staff or through contract.)

The NJDA definition incorporates those program elements outlined in ACA standards. The collaboration between ACA and NJDA has generated a definition statement grounded in professional agreement (Stokes & Smith, 1990).

Confusion of Function

Juvenile detention is a paradox that makes it difficult to define. Hughes and Reuterman (1982) explain the paradox in their second national survey of juvenile detention. They note that juvenile detention is a very important part of the juvenile justice system. Yet, their survey responses simultaneously indicate that detention is often ignored, criticized and deprived of the support and assistance available to other juvenile justice agencies. These findings echo the earlier comments of Rosemary Sarri (1973) that detention is both "significant and ignored."

A History of Confusion

The confusion of function has a long history in juvenile detention. Contradictory definitions generate ambivalence and confusion, and detention is at the whim of the individual(s) or agency that exercises control over it. Cohen (1946) maintained that a "good" detention program cannot be established if detention is viewed as a catchall. Without a clear mission and goals, Hammergren (1984) warned that detention will become all things to all segments of the juvenile justice system. In some jurisdictions,

secure detention is a convenient alternative to the court for a wide range of troubling youth. Schwartz, Fishman, Hatfield, Krisberg and Eisikovitz (1986) specifically point to the problem of confusion of function as a culprit for the overuse of detention.

In a recent analysis of the problems in the administration of juvenile detention, Kihm (1981) states that detention management is the most difficult job in the juvenile justice system. The reason for this difficulty stems from "the framework of contradictions" within which detention must operate. While Kihm lists several kinds of problems associated with these contradictions, the importance of his work is its focus on the difficulties created by the absence of a clear definition of detention. It is the confusion linked to contradictory definitions that is the central problem for juvenile detention administrators.

Recommendations

The confusion of function ranks even above the perennial problems of crowding, the lack of funding, and the lack of adequately trained personnel. The National Conference (1947) recommended four distinct solutions to the confusion of function: 1) detention must have a clear definition; 2) there should be controls on intake in the form of guidelines or criteria; 3) there should be cooperation between children's agencies to divert youths into alternative programs who do not require secure detention; and 4) there should be a well-organized network for transferring youths to the appropriate placement. The intent of these solutions is to open detention to those youths who really need secure, temporary custody.

Despite these straightforward recommendations, the confusion of function persists. The National Juvenile Detention Association (NJDA) reported that the absence of clearly defined standards for detention services permits the use of subjective reasons for incarceration which range from punishment to protection ("Studies Charge," 1982). In an analysis of detention programs, Carbone (1984) pointed to the lack of a mission statement as the central problem preventing effective detention programs. Confusion of function also means that the field continues to ignore questions about a uniform definition. With no curricula nor training programs required of detention administrators, the day-to-day administration of detention is marked by a lack of consistency (Gallas,

1985). The absence of administrative uniformity has been identified by Norman (1946), more recently by Pappenfort and Young (1980) and Hughes and Reuterman (1982; Hughes, Reuterman & McGibany, 1982; Reuterman & Hughes, 1984; Reuterman, Hughes & Love, 1971), and currently by Parent et al (1994).

What Are the Functions of Detention?

Two themes make up the conflicting parts of juvenile detention paradox. First, detention restrains and inhibits a youth's freedom or liberty through placement in a locked institution or a physically restricting environment or other levels of custody and supervision. This function is called preventive detention (cf., Schall v. Martin). Second, detention is also one of the services associated with the juvenile court. When detention services include helpful programs for the diagnosis, remediation, or restoration of the juvenile offender, this function is called therapeutic detention.

Hughes and Reuterman (1980, 1982) addressed this issue in a national survey of detention administrators. Starting from the assumption that a definition of juvenile detention should incorporate both functions, the "ideal" definition placed primary emphasis on custody (preventive detention) and a secondary emphasis on rehabilitation (therapeutic detention). Their findings reveal an interesting perception of juvenile detention. One-third of the detention administrators agreed with the ideal definition, whereas approximately thirty-seven percent indicated that custody is the single and exclusive function of detention. Some detention administrators exclude the therapeutic detention concept as a legitimate function of detention.

Preventive Detention

The earliest studies of juvenile detention identify security and a physically restricting environment as consistent and universal characteristics of juvenile detention (Warner, 1933). These are the essential characteristics of preventive detention. The preventive function is the easier to understand because it is consistent with the meaning of the word "detention." The dictionary definition of detention means "a keeping in custody or confinement." Custody means "a guardian or keeping safe; care; and protection." The implications for preventive detention are that detention is a form of custody that prevents certain things from happening in order that some other forms of protection or safe keeping can occur.

What are the goals preventive detention? There are differences of opinion regarding how many goals are included in the preventive detention function. However, three general themes emerge:

- 1) Detention provides a reasonable assurance to the juvenile court that the youth will be available and present for court hearings and other legal matters (detention **prevents** absconding, running away, or a failure to appear before the court).
- 2) Detention is used to **prevent** harm (or to protect) the juvenile offender, the family, and/or the community.
- 3) Detention is used to **prevent** the juvenile's re-offending during the legal process (Pappenfort & Young, 1980).

While there is little doubt that protection of the child and protection of the community (or public safety) are universal goals expressed in the detention literature, is preventive detention the exclusive function of juvenile detention?

Therapeutic Detention

The word "therapeutic" is sometimes misleading. While preventive detention may stop or disrupt certain behaviors or actions, the nature of therapeutic detention is to start or cause certain events to take place. Therefore, therapeutic detention could also be called "educative detention," "helpful detention," or "proactive detention." This function examines those things that detention can do to help the juvenile achieve the preventive detention goals of protecting the offender, family, community, and to prevent re-offending.

While the ultimate goal of therapeutic detention is not the complete rehabilitation of the juvenile offender, detention should be seen as the place where the process begins (Brown, 1983; Previte, 1994). The term "therapeutic" is associated with the programs and services provided by the juvenile court. The range of services may include youth services bureau involvement, restitution programs, informal probation, electronic surveillance, foster care, probation, home detention, or institutional placement, and all of these may include a referral for an extensive range of mental health services.

The basis for the therapeutic detention rationale is the emphasis on diagnosis and observation. Tappan (1949) specifically lists clinical observation as an important reason for detention. The court needs information regarding the juvenile, the home environment, and peers in order to make an informed decision about the future of the juvenile. Short-term detention has been used as an opportunity to accomplish this task (Cohen, 1946; Lenz, 1942; National Conference, 1947; Norman & Norman, 1946; Norman, 1946, 1949, 1951, 1957, 1961). The diagnosis and observation themes are so common that most juvenile codes include them as a rationale for detention. It is this concept that created much of the conflict in the definition of detention goals.

It is difficult to know exactly when the conflict began. The confusion of function (goals) began to appear in the detention literature over 50 years ago. Like many of the critical issues in juvenile detention, the debate about the goals of detention was articulated by Sherwood Norman. Our present understanding of the preventive detention versus therapeutic detention controversy is a result of the national surveys conducted by Drs. Tom Hughes and Nick Reuterman. Even though all therapeutic concepts within juvenile detention have their origins in the philosophy of the juvenile court, the diagnosis and observation rationale may have had the greatest impact on the professionalization of staff, services, training and programming.

Balanced Approach

Preventive detention and therapeutic detention are not mutually exclusive. However, the lack of consensus about juvenile justice philosophy and policy direction sustains the tension between these two functions; and until the action of NJDA to establish a national definition of detention, the confusion of function was the major obstacle to a definition of detention. The problem was the inability of practitioners to integrate these two sets of detention goals and to find a balance between them in daily practice.

The critical areas of practice addressed in the NJDA definition of juvenile detention moves the profession towards the goal of adopting a more "balanced approach" to detention services. Such an approach acknowledges the value of including, to some degree, an entire set of principles -- community protection, accountability, competency development and/or treatment, and individualized assessment and classification. In describing the balanced approach concept, Maloney, Romig and Armstrong (1988) suggest that all of the particular circumstances of the delinquent act (the offender's culpability and other social/psychological factors of the youth) will play a determining

role in exactly how the system will respond. A policy decision to consider the possible relevance of each principle in each case is a significant step forward, and it avoids the rather extreme remedies that characterized both ends of the pendulum's swing during the past two decades.

PLACE VERSUS PROCESS ARGUMENT

Using the preventive and therapeutic functions as the goals of detention, another controversy arises regarding the objectives of detention or the way in which it goes about meeting or achieving these goals. There are two different ways of representing the objectives of juvenile detention. One way is more restricted and narrow in its focus, the other is quite broad and flexible.

Let's use the game of golf as an example. If your goal is to shoot a low score and if your golf skills are as good as they will ever be (meaning we'll hold your ability as a constant), there are a range of variables that will affect your score. These variables include: course selection (you want to choose a course that fits your golf skills), weather (wind, rain and cold weather make golf more difficult), club selection (golfers are allowed to carry 14 clubs but there are over 20 different clubs to choose from), and mental attitude (good golf is a challenging activity, requiring concentration and a positive mental attitude). As each of these variables changes, the good golfer is flexible enough to adapt to the conditions.

What would happen if someone were to control these variables so that you had to play a very challenging golf course on a cold, wet, and windy day with only a driver and a putter in your golf bag in front of a gallery of your severest critics with your job on the line? By narrowing the alternatives available to you, the task is made significantly more difficult; you must work significantly harder to achieve the same results; and the increased stress and pressure will probably reduce your ability to perform. If given the choice, you would not choose this particular arrangement for golf. Much of the place versus process controversy in juvenile detention is similar to this analogy. Juvenile detention is being forced to play the game under very difficult conditions with severely restricted options.

Many years ago, the National Council on Crime and Delinquency (NCCD) suggested that juvenile detention should be understood as a process, not as a place (Norman, 1961). Recent problems regarding the overcrowding of juvenile detention

facilities call attention to the definition and mission of juvenile detention. While overcrowding is a function of several variables, Dunlap (1993) uses the place versus process controversy as the focal point for evaluating successful versus unsuccessful responses to overcrowding. Dunlap links overcrowding (and system-wide failures to reduce its negative effects) to an organization that defines juvenile detention as a place. The systems that have successfully addressed the increases in juvenile delinquency without overcrowding juvenile detention are systems that view detention as a process. As the pressures on juvenile justice and juvenile detention continue to increase, detention as process offers more alternatives and greater flexibility.

From the perspective of how detention systems are organized, the place versus process controversy is particularly relevant. If the system defines detention as a place, then the physical plant becomes the focus of detention services, and incarceration is the primary intervention strategy for the system. While detention frequently serves as the focal point for juvenile justice interventions through an emphasis on the brokering of services, incarceration is a very expensive alternative. In light of public pressures for increased incarceration, operational costs may become overwhelming. As an example, one county in New Jersey eliminated juvenile detention because of the excessive cost of its operation.

Detention as Place

References to juvenile detention as a place emphasize the physical structure of detention, the building, and its physical characteristics, such as security hardware, square footage, furnishings, and sanitation. References to place also denote the objective characteristics of detention. Place focuses on the "what" of juvenile detention, and it includes the development of administrative and operational rules and regulations expressed in policy and procedure. Detention as place is a more narrow and limited definition commonly associated with greater costs of care and increased liability.

Detention as place is a passive concept. It is the object or outcome of juvenile court action. When the demands increase for greater use of detention, the detention as place argument focuses on the increase in secure beds or the increase in capacity. The operation of a detention facility becomes the primary concern of the court, and detention is the place from which all other options for youth evolve. Detention as place is best captured by the aphorism: "If a hammer is the only tool in your tool box, soon all your problems will start to look like nails."

Detention as Process

References to detention as process focus on the "how" of detention or the detention experience. Key words reflective of process are intensity of services, quality of care, quality of staff and their relationships with youths and families, and philosophy of detention. From an organizational perspective, process moves juvenile detention beyond a single building or entity and suggests a wide range of services under the "umbrella of detention." Detention as process is associated with references to graduated sanctions, a continuum of care, and the least intrusive but most appropriate option.

Detention as process is an active concept. Detention refers to the act of providing care, custody, and restrictive supervision. This custody can occur in a wide range of fashions so that there is a match between the custody needs of the individual youth and the ability of juvenile detention to achieve its goals (insuring the youth's presence at trial; providing protection to the youth, community, and family; and preventing re-offending during the legal process). The range of custody options available to the court appears to be limited only by the creativity of the leadership and by clear policy direction within the juvenile justice system.

When a wide range of custody alternatives exists, detention becomes a question of matching the level of restrictiveness with the detention needs of the offender. This concept is called a continuum of services or continuum of care. Detention becomes a series of alternatives available within the continuum instead of being the single focus or departure point for all juvenile justice services. Detention as process includes detention as place as one component of the continuum of care.

The standards movement by ACA is a critically important component of the "what" factor. However, the standards have not been instructive regarding how to implement successful detention (Roush, 1989). This imbalance has been documented by the OJJDP Conditions of Confinement Study (Parent et al, 1994) that indicates little correspondence between conformance with nationally acceptable standards and improved conditions of confinement.

Effective detention safeguards the health, safety and well- being of staff, residents, and the public. Practitioners understand that process issues are more influential in affecting safety and security within a juvenile detention setting than are policies and procedures. A balanced approach includes both.

Graduated Sanctions

The OJJDP plan (Wilson & Howell, 1993) identifies three levels of graduated sanctions: immediate sanctions, intermediate sanctions, and incarceration. **Immediate sanctions** are non-residential community-based programs located in or near the juvenile's home that maintain community participation in program planning, operation and evaluation. First-time delinquent offenders and non-serious repeat offenders generally are targeted for this type of sanction. Examples of immediate sanctions programs are as follows: juvenile court diversion, informal probation, school counselors serving as probation officers, probation, home probation, mediation, community service, restitution, day treatment programs, alcohol and other drug-abuse treatment (outpatient), mentoring programs, and family preservation programs.

Intermediate sanctions are for those offenders who are inappropriate for immediate sanctions or who have failed to respond to an immediate sanctions program. These programs might include: regular drug testing, weekend detention, intensive supervision probation, alcohol and other drug abuse treatment (inpatient), outdoor challenge programs, community-based residential programs (group homes), electronic monitoring, boot camps (see Taylor, 1992), and staff secure juvenile detention. **Incarceration** includes secure detention, specialized residential treatment, training schools, youth ranches, residential placement institutions, and transfer to adult court jurisdiction.

Continuum of Care

For years, juvenile justice practitioners have complained that juvenile detention is the mainstay of the local juvenile justice system, and misfortune has accrued because incarceration has been the only answer for all problems facing the juvenile court (Hammergren, 1984). As far back as 1946, the service component of the juvenile justice system was defined as a continuum. Juvenile justice practitioners schooled in this train of thought welcome the OJJDP plan because graduated sanctions are another way of defining a continuum of care. Those states and local jurisdictions that have exemplary programs and services for juvenile offenders incorporate a continuum of care as a significant portion of the intervention strategy (Armbruster, Abbey & Schwartz, 1990).

The Center for the Study of Youth Policy at the University of Michigan concludes that the existence of a continuum of services provides community protection and public safety in a cost-efficient manner. Massachusetts was the pioneer in creating community-based alternatives for delinquents. Since its transition to a community-based continuum of services, the number of juvenile offenders going into the adult correctional system has dropped from 35 to 15%. Similar positive results have been experienced through the development of a continuum of community-based services in Utah (Armbruster, Abbey & Schwartz, 1990).

On the local level, the best example of a continuum of services is the Jefferson County (Kentucky) Juvenile Services Division, an executive branch of county government, developed by Earl Dunlap and Hon. Mitch McConnell to include a wide range of community-based alternatives ranging in various degrees of restrictiveness. Used on the pre-adjudicatory level, the juvenile court judge made the detention decision, and the Juvenile Services staff conducted a risk assessment and placed the juvenile in the appropriate program in accordance with the policy and placement guidelines collaboratively established by the court and the county.

The ability to manage resident movement within the continuum of services resulted in a very low number of detention days care in the Jefferson County Youth Center (JCYC). JCYC was regularly below its rated capacity (frequently at 50% capacity), a rare phenomenon for a metropolitan detention center with a history of overcrowding (Kihm, 1981). This program concept is still used as a model for other local juvenile justice systems; it earned Jefferson County the status of a National Resource Center by the ACA; and OJJDP technical assistance projects continue to include references to the Jefferson County model.

Table 1: Sample Continuum of Care

Level of Intervention	Programs and Services
Low	Big Brothers/Big Sisters
	After School Programs
	After School Employment
	Drop-In Centers
	Street Outreach Workers
	Mentor Programs
	Informal Probation (No Probation Officer Assigned)
	Informal Probation (Supervision by Adult Friend or Relative)
	Informal Probation (Supervision by Allied Agency, e.g., Scouts)
	Alternative Education Programs
	Community Services (Health, pregnancy, crisis intervention, etc.)
	Foster Home Placement
	Volunteer Probation
	Probation
	Restitution
	Attendant Care or Holdover
	Group Homes: Parent Model
	Group Homes: Staff-secure Diagnostic
	Group Homes: Staff-secure Treatment
	Medium
Alcohol and Other Drug Treatment (Out-patient)	
Non-Residential Boot Camps	
Intensive Probation	
Tracking Probation	
Tracking Probation Plus (Staff-secure detention bed available)	
Home Detention	
Electronic Monitoring	
Intensive Day Treatment	
Alcohol and Other Drug Treatment (In-patient)	
Non-Secure Detention	

	Periodic Detention
	Weekend Detention (Detained Friday through Sunday Evenings)
	Post-dispositional Electronic Monitoring
	Short-term, High Intensity Residential Boot Camps
	Specialized Residential Treatment
	Training School
	Secure Detention
	Training School: Maximum Security Unit
	Adult Detention (Jail)
High	Adult Corrections (Prison)

Note: The order of appearance of Programs and Services represents a general estimate of the level of intervention or restrictiveness. Individual programs may vary in intensity from one jurisdiction to another.

Mentor Programs. Mentors or proctor-advocate programs allow individual youth to live in the homes of professional staff who act in a surrogate parent capacity. Mentors advocate for youth and provide positive behavior modeling. The residential component distinguishes these programs from typical mentoring programs, such as Big Brothers/Big Sisters.

Group Homes: Parent Model. In addition to the traditional parent model for group homes where house parents or foster parents provide services to six or fewer youths who attend community schools, two additional variations are worth consideration.

Group Homes: Staff-Secure Diagnostic. Using 24-hour supervision by professional staff, 12 or fewer youths reside in such homes. Youths are placed in these homes while a more permanent placement is being developed. Along with assessing youths for treatment placement needs, youths are also oriented and their attitudes are prepared for the treatment placement assignment.

Group Homes: Staff-Secure Detention. Using 24-hour supervision by professionally trained staff, 12 or fewer youths live in such homes. Youths may attend community schools, but usually, education is provided on the premises, given the security risks.

Community-based, staff-secure detention accounts for about half of the annual detention admissions in the State of New York. Virtually every county has access to

community-based detention programs, and these programs are an integral part of the detention system. Some localities use community-based detention exclusively for status offenders and others exclusively for delinquents. Due to its non-secure nature, some community-based detention programs mix the two populations.

On the basis of the New York experience, there are several elements crucial to the success of a community-based, staff-secure detention program. The mission of the program must be clear. The intake screening process must be designed to admit legally eligible youths who do not require a higher level of restrictive care. Frequent mistakes in this area will doom the program.

It is, of course, the rare community that welcomes a non-secure residential facility in its midst. Efforts to educate the community about the mission of the facility are critical. Linkages must be made, preferably by written agreement, with community agencies (health, education, mental health, and emergency services) which provide services to the facility on an ongoing, or as needed, basis.

Intensive Day Treatment. Intensive day treatment programs consist of highly structured and focused daily activities for youth. Structured programs may be eight to 15 hours long and include evenings and weekends. Family participation is required, and youths live in their own homes or foster homes. Program content varies but includes some or all of the following: education, vocational development, specialized counseling (sex offense, substance abuse), family counseling, leisure time activities, community projects, wilderness experiences. Programs occur at various locations, including the detention center, a public school, or a community center.

Intensive Family Preservation Programs. Family treatment or preservation, such as Washington's Home Builders and Michigan's Families First, are programs where youths live at home and an extensive range of highly intensive services and resources are brought into the home in order to maintain and strengthen the family unit. This is a short-term, high-impact program designed to work with families from 10 to 30 hours per week for 30 to 60 days. Family preservation caseworkers are usually assigned to no more than two families at a time.

Intensive Probation. Intensive probation provides increased daily contact with youths, usually at least two to three daily contacts. Specially trained probation officers know each youth's schedule of activities and whereabouts at all times. Youths are

required to "check in" personally (normally there is one "face-to-face" contact daily) or by telephone and to review their schedule of the day's activities. Intensive probation officers often work with the families. Intensive probation is a popular alternative to secure detention or to dispositional placements. This model can also be used for high-risk youths on aftercare status.

Tracking Probation. Tracking probation is a variation of intensive probation. Instead of two to three daily contacts, youths assigned to tracking probation are usually required to have four or more contacts with the tracking probation officer (tracker), and more than one of these contacts may be "face-to-face." Similar to intensive probation, two philosophies of tracking have evolved. First, because of the intensive contact, some jurisdictions use tracking as a therapeutic intervention strategy with youths and their families. Second, increased tracking caseloads means that most trackers have only enough time to provide the basic monitoring functions. In these instances, trackers become surveillance officers or enforcement officers or "bird dogs." In either case, tracking provides an increased level of accountability for youths on probation.

Tracking Probation Plus. Tracking probation Plus is a variation on tracking probation that includes a staff supervised short-term bed for youths who lose control while on regular tracking probation. The availability of such a bed can eliminate the need for temporary detention or other secure placement. Youths generally return to the regular tracking probation within one to three days.

Boot Camps. Military-style boot camps that emphasize order, discipline, and hard work are an intermediate sanction prior to the use of the more costly secure institutions. They fit within the graduated sanctions concept (Wilson & Howell, 1993), plus they have a sensational or glamorous appeal to politicians and elected officials who see boot camps as a way to "get tough on juvenile crime." To understand the boot camp as applied to juvenile justice, ACA studied the concept and recommended the following program components: academic and vocational education, substance abuse treatment, experiential education, social skills training, and values clarification in addition to the aforementioned concepts of exercise, structure, and discipline (Taylor, 1992). Some promising examples of these principles are: the Eckerd Family Youth Alternatives based in Florida; Camp Roulston based in Richmond, Ohio and operated by the North American Family Institute, Inc.; and the Green River Boys' Camp operated by the Kentucky Department of Social Services.

These programs do not address the two significant criticisms of boot camps. First, research studies show no differences in the recidivism between offenders who served time in a shorter shock boot camp program and those in traditional incarceration nor between those who were given a sentence of probation with no incarceration (Morris, 1993). While boot camps may be less expensive to operate, they are no more effective than incarceration nor probation. Second, on a conceptual level, the military-style boot camp model that encourages staff to act like "drill sergeants" (yelling orders, berating youths as a form of motivation, and physical intimidation) may set the stage for an abuse of power by encouraging aggressive behaviors by both staff and juvenile offenders (Morash & Rucker, 1990). Some juvenile justice experts believe that adults in a boot camp program model the wrong types of problem-solving behaviors for delinquent youths.

Non-Residential Boot Camp. Mel Brown (1994) devised a creative alternative to the traditional boot camp concept that combines the services of the local juvenile court and the public schools. Juvenile offenders assigned to the program live at home and attend the local public school. Parents must make a commitment to get the youths to the program and to participate in family counseling activities. Juveniles report to the school at 5:30 a.m., participate in calisthenics, shower, and eat breakfast, while under the supervision of court staff. They attend the regular school day and report back to the program when school is over. A program of calisthenics, tutoring, supper, and counseling runs through 8:00 p.m. when court staff transports the youths home. An Aftercare Worker monitors the youths by telephone between 8:30 p.m. and midnight to make sure that they are at home. This component is similar to intensive probation. Costs are minimal (morning and evening staff, two meals, and transportation), and the program does not involve a residential placement. Youths who violate the program contract are placed in secure detention pending further court action.

Specialized Residential Treatment. Therapeutic or specialized residential treatment programs address homogeneous populations, such as sex offenders, teen prostitutes, and substance abusers. These programs can take the form of professional, staff-secure group homes or small (up to 12 beds) or self-contained residential programs within larger institutions.

"Draw Down" Programs. Behavior management "draw down" programs operate in secure detention facilities and are systematic way to reinforce appropriate institutional behavior by providing an opportunity for detainees to move to a lesser

restrictive placement, when appropriate. These programs require the continuum of services to be under one agency's control so that the placement of a youth in the appropriate alternative is an administrative function supported by the Court. In this manner, youth may earn the opportunity to move from secure detention to staff-secure detention that results in a more appropriate level of service and a more cost-efficient use of resources. The "down" component is one-way because movement from greater to lesser security does not require a due process hearing.

Periodic Detention. Eskridge and Newbold (1993) describe a variation on the home detention and weekend detention strategies. Periodic detention (PD) was pioneered in New Zealand and is the oldest and probably the most successful of the country's non-custodial alternatives. It is also one of the most popular, accounting for 35% of all those on community sentences. PD began in 1963 as a form of weekend confinement for juveniles. It has since been extended to adults, and its residential component has been dropped in an attempt to cut cost. Today, the sentence allows for a periodic detainee to be kept in custody of a PD ward for up to 9 hours on any one day and for up to 15 hours per week, for up to 12 months. In practice, the bulk of periodic detainees report at a PD work center each Saturday. Accompanied by a PD warden, they go out in gangs of about 10 to work, unpaid, on community projects such as cutting scrub, picking up trash, and cleaning government buildings.

SUMMARY

The challenges to the future of juvenile justice include the building of coalitions, the increase in discretion, and the dissemination of effective practices to overcome years of mismanagement (Fabelo, 1992). In almost every instance of projecting the future of juvenile justice, coalitions are seen as vital to its long term effectiveness; and several models of collaboration have been identified (Roush, 1993). Also, the National Juvenile Detention Association through a grant from OJJDP has assembled a manual of effective and innovative program ideas for juvenile detention and corrections (Roush & Wyss, 1994). The only component of Fabelo's triad that needs additional attention is the increase in discretion. Detention as process increases discretion by increasing the number of choices available to the court.

Detention as process can be criticized as a "net-widening" strategy, and this is a valid criticism. Of course, it applies to all pre-detention programs and services. However, in those jurisdictions where detention as process was used within a continuum

of services as a problem-solving approach to overcrowding and dangerous conditions of confinement, "net-widening" did not arise as an issue. Overcrowding and deteriorating conditions of confinement are sufficient concerns, and they are indicative of other problems far more ominous than "net-widening."

When the leadership in juvenile justice uses detention as process to shape a positive and proactive response to contemporary problems, several critical questions must be answered:

- Is there a vision, philosophy, policy, and mission that drives the juvenile justice system?
- Do isolated incidents drive policy or does an engaged community shape public policy?
- Does the juvenile justice system promote a child-centered, family-focused neighborhood and community-based approach?
- Does the policy direction promote the least intrusive appropriate alternative to an incarcerated setting?
- Is detention a process or place; are there alternatives to detention or is detention the alternative?

The future of juvenile justice may depend on the ability of its leaders to generate new or innovative strategies for solving problems. Whether this is called a "rethinking," a transformation, a "re-creating," or a new paradigm of juvenile justice, one thing is clear: effective strategies will require different approaches to contemporary problems. Detention as process, while not a new idea, offers a different and innovative way of looking at juvenile detention and its problems.

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About the Authors

Earl L. Dunlap is the Executive Director of the National Juvenile Detention Association (NJDA), located at Eastern Kentucky University where he also serves as director of Juvenile Detention Programs. He was superintendent of the Jefferson Co. (KY) Youth Center and the Monroe Co. (MI) Youth Center before assuming the position with NJDA.

David W. Roush, Ph.D., is Director of NJDA's Center for Research & Professional Development at Michigan State University. He served as the project director of the NJDA/OJJDP Juvenile Justice Personnel Improvement Project. He was superintendent of the Calhoun Co. (MI) Juvenile Home from 1975-1992 and is a past-president of NJDA. He is the 1994 recipient of the National Council's award for Meritorious Service to the Children of America.