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OVERVIEW

PATHWAYS TO JUVENILE DETENTION REFORM

# THE JDAI STORY

building a better juvenile  
detention system

*by Rochelle Stanfield*

*About the Author:*

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**T**heir appearance gives no hint of the special nature of their work. Big men in suits, they look like typical law enforcement officers. Jim Gray is tall, intimidating, a steamroller flattening anything that gets in the way. Bill Pieroth is the opposite: fresh faced and boyish, a nice guy with a ready smile, a kind word, and a slap on the back. Both are juvenile court probation officers. Gray works for Sacramento County, California, Pieroth for Cook County (Chicago), Illinois.

Like others in their profession, Gray and Pieroth deal with youngsters who have been arrested for a wide variety of crimes. But these two men are assigned to handle these kids in a new way. In most places, the juvenile justice system routinely, often indiscriminately, tosses many of these youths into the local detention center—the official term for a juvenile jail—to await trial or other disposition of their cases. The Sacramento and Cook County systems employ Gray and Pieroth to look for youngsters for whom such treatment is unnecessary or inappropriate and then to find suitable alternatives that keep the kids under close supervision, but enable them to remain in their own communities.

Both counties decided to try this new approach when they took part in the Juvenile Detention Alternatives Initiative (JDAI), a multi-million-dollar, five-year, five-site experiment, sponsored by the Annie E. Casey Foundation, to streamline and rationalize local juvenile detention systems.

The initiative had hard-headed, practical objectives. It was intended to reduce overcrowding in juvenile detention centers, thus saving jurisdictions considerable sums in overtime and additional staff and, ultimately, millions of dollars to construct new facilities. Reducing overcrowding would also improve conditions, both for the youngsters who remained confined and those who stayed in the community. Finally, the initiative was predicated on the expectation that reductions in the population in the facilities and fiscal savings would be achieved without jeopardizing public safety or court appearance rates.

But despite the endorsement of judges and prosecutors—officials who might be expected to favor detention—detention reform has been controversial both inside and outside law enforcement circles. That’s mainly because it requires juvenile justice personnel to think and act in new ways. And, it runs counter to the popular trend of putting more juvenile offenders behind bars as a means of getting tough on juvenile crime.

“Nobody else in my department wants my job,” Gray acknowledged in an interview. “You’ve got to be able to take a lot of yelling, a lot of heat. And you can’t let things get to you.”

He and Pieroth are quick to point out that they aren’t starry-eyed do-gooders who are soft on “bad kids.” And JDAI wasn’t about springing all youths who had been arrested. “Certain offenses are automatic detentions. Murder. Aggravated sexual assault. Armed robbery. Those are no-brainers,” Pieroth explained in a recent interview. “What I do is look at the kids in the detention center and try to find kids who don’t need to be there, who could be released into community-based options.”

Pieroth then smooths the way for those kids to be released to one of a range of programs. If a responsible adult is willing to cooperate, the youth may be placed on house arrest—often called “home detention” by those in the business—perhaps with the added security of an electronic monitoring bracelet to make sure they stay put. They may also be assigned to a special evening program that offers the youngsters constructive activities while supervising them during the high crime after-

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—*Bill Pieroth*

school hours of 3-9 p.m. If no adult is available, they may be placed in a 24-hour-a-day shelter that specializes in supervising such youth.

The point of detention, which is sometimes lost in the debate over juvenile crime, isn't punishment. Or treatment, either, for that matter. These are kids who have yet to come to trial. Society locks them away for two main reasons. Those whom the authorities believe might commit new crimes before their cases are disposed of are detained to protect society. Those whom the system believes will not show up in court are kept under lock and key so they can be produced at the appointed hour. An unstated third reason for detaining youngsters, which operates more often than most juvenile officials would like to admit, is that those in charge don't know what else to do with them.

JDAI helped the jurisdictions devise information systems and procedures to identify just who was in detention and then figure out whether they were really the kids the laws intended to be detained or whether a less-costly, community-based alternative would work. JDAI also helped the localities come up with those alternatives.

Sometimes, as Cook County discovered, the system's own bureaucratic practices contributed to unnecessary detention. In this case, the solution was cheap and simple—but it required a local leader to overcome bureaucratic inertia. Prior to JDAI, a lot of kids in Cook County were sent to the detention center because they failed to show up in court for their hearings. Juvenile officials investigated the problem as part of JDAI. It turned out that after their arrest, many youngsters would be released to their parents and told to appear in court two months later. During that period, they would hear nothing from the system. Many forgot the date or got it mixed up. Some thought that, perhaps, the court had forgotten about them.

William Hibbler, the Presiding Judge of Cook County's Juvenile Justice Division and a JDAI leader, shortened the time period between arrest and court



Ralph-Finn Hestoft

*Cook County Presiding Judge William Hibbler, designed and heard cases in a new court—established as part JDAI's reforms—to expedite the appearance of juveniles and to resolve their cases earlier.*

date. The Probation Department started sending reminders to the kids of the day and time of their appearance and then phoned to remind them of the reminder. Lo and behold, many more kids began showing up for court on time! In 1994, 38 percent of youth failed to appear for their court date. The notification system, combined with other reforms, reduced that proportion to 19 percent in 1996, according to the National Council on Crime and Delinquency, which was evaluating the initiative.

### Against the Tide

The JDAI effort to reduce the numbers of confined youth went against a popular tide of mounting arrests and skyrocketing detentions. Pressured by public opinion

**A snapshot survey of juvenile offenders detained on one day in 1995 showed only 29 percent were in for violent crimes, and not all of those were classified as major.**

and politics to get tough on juvenile crime, public safety systems across the country had been arresting and locking up an increasing number of kids. In 1965, there were 58 arrests for violent crimes for every 100,000 youngsters under age 18, according to Justice Department statistics. In 1985, the rate was 139 per 100,000 and by 1994, it had risen another 66 percent to 231.

Meanwhile, the rate of detaining kids went up even faster than arrests. Between 1985-95, for example, the number of kids locked up in detention centers on an average day rose by 74 percent. A disproportionate number of the kids who were locked up were minorities. The overwhelming majority were boys, although the number of girls in detention has been rising rapidly, presenting the institutions with a whole new set of headaches.

If those detained kids had been arrested for major crimes—for the “no brainers” that Pieroth described—their confinement might have made sense. But that wasn’t the case for the majority of youngsters. A snapshot survey of juvenile offenders detained on one day in 1995 showed only 29 percent were in for violent crimes, and not all of those were classified as major. Another 30 percent were detained for property, public order, and “other” offenses. A mere 7 percent were locked up for drug offenses and only one-sixth of those for selling or distributing

drugs. The overwhelming majority of drug detainees had simply been caught with narcotics in their possession.

Meanwhile, 34 percent of the kids locked up were put there for what's called "status offenses and technical violations." They had missed a court date, broken a rule of their probation, or violated a court order. Some merely lacked a parent or other adult who was able or willing to accept responsibility for them. "I've had parents tell me 'Keep him. The court date is in two weeks. Let him sit there [in detention]. At least I'll know where he is,'" Pieroth said.

But, it wasn't only the get-tough-on-juvenile-crime mentality that caused the localities to lock these kids up. Most juvenile justice systems simply had no alternatives. Until a few years ago in Chicago, for example, "There were no options," explained Michael J. Rohan, Director of Juvenile Probation and Court Services for Cook County's juvenile courts. "You were either in [detention] or out [on the street]."

As a result, in city after city around the country, children picked up for minor infractions of the rules were stuffed into facilities stretched way beyond their seams along with young murderers and rapists. The number of youngsters in overcrowded detention centers more than quintupled between 1985-95, so that by 1995, 62 percent of the kids behind bars were in an overcrowded facility. In the meantime, the cost of operating these facilities doubled.

The overcrowding made it next to impossible for those who ran juvenile facilities to deal effectively with their young charges. Fights broke out, and kids got injured. There were suicides. That situation sparked lawsuits and official inquiries into the conditions at these institutions, with resulting demands for the systems to spend millions of taxpayer dollars on new, larger facilities. By the early 1990s, for example, Multnomah County (Portland), Oregon, was under a federal consent decree to reduce overcrowding at its aging detention center, the 92-bed Donald E.



*Mike Rohan (standing), Director of Juvenile Probation for Cook County, and Deputy Director Bill Siffermann confer about JDAI strategies in their offices.*

Long Home. Similarly, local commissions in Cook and Sacramento Counties were investigating the overcrowded conditions at the juvenile centers in those jurisdictions.

### **An Initiative Is Launched**

Meanwhile, in Broward County (Fort Lauderdale), Florida, a lawsuit charging illegal overcrowding at the juvenile center sparked a remarkably rational response. Designed in part by Frank Orlando, a former Florida Circuit Court Judge who heads the Center for the Study of Youth Policy at Florida's Nova Southeastern University, the Broward County solution used an objective test to determine whether a kid who is arrested really needs to be behind bars. Those who failed this test—serious offenders or youth not likely to show up for their court appearance—went to the detention center. For the others, Broward County created a range of community-based alternatives that proved to be not only cheaper and more practical for the county, but to exert a positive influence on many of the kids.

The Annie E. Casey Foundation had helped Broward put together this package. The reforms seemed to make so much sense that the Foundation decided to see if these ideas—along with innovations being tried elsewhere—could be successfully transplanted to different urban areas around the country. Thus, the Foundation launched JDAI in 1993 at five sites: Cook, Sacramento, Multnomah, Milwaukee County, Wisconsin, and New York City. Each site received a planning grant and was eligible for up to \$2.25 million over three years.

To implement the reforms, the sites had to make fundamental, system-wide changes that turned out to be controversial to undertake, complicated to execute, and difficult to sustain politically. As an illustration of just how hard these types of reforms are to make, by the time the experiment concluded in 1998, only three sites were left. For lack of progress or insufficient political support, funding for both Milwaukee County and New York City was terminated. On the other hand, at the three successful sites, by the end of the project, the local governments had absorbed the JDAI innovations into their regular juvenile justice budgets and procedures.

JDAI participants discovered that changing detention practices is an extremely ambitious and delicate undertaking. It required a comprehensive approach, the



collaboration of a host of different local agencies, and a switch to decision making based on data, much of which had never been collected or analyzed before. In addition, it depended upon bureaucrats who were willing to account for the outcomes of their actions and political leaders who stuck their necks out and took unpopular stands.

“With everybody out there talking about how we need to lock more kids up, you don’t want to go around wearing a button that says ‘I’m for detention alternatives!’” remarked Judge Hibbler recently. “You need an educational process to let people know that this is not a crazy idea.”

But the most important and difficult educational process had to take place within the juvenile justice system, because JDAI required a crucial switch of focus from the behavior of kids to the behavior of the adults who deal with them.

“When people speak disparagingly about juvenile justice nowadays, they are largely projecting their ambivalence about adolescents and their sense that the current system does not work for the current breed of teenagers,” said Bart Lubow, the senior associate at the Foundation who headed the JDAI project. “Even people who work in the system largely operate as if things will only get better if the kids start behaving differently.

JDAI took a different tack. It sought to change the way the adults who operate, guide, monitor, or support the system behave as a prerequisite to any change in juvenile conduct and any improvements in public safety or the quality of justice.”

### **The Toughest Challenge**

To meet the specific JDAI objective of substituting community-based alternatives for confinement in the detention center, the participating localities had to bring a new degree of rationality to systems that, juvenile justice experts complain, have lacked that attribute for decades.

“A rational evaluation of benefits, costs, and consequences has been almost completely absent from recent public debates and proposed remedies relating to delinquency, juvenile offenses, and youth crime,” explained Douglas W. Nelson,

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*—Judge William Hibbler*

the Foundation's president. "In fact, it is probably fair to say that no area of domestic policy—not even welfare—has been so thoroughly abandoned to misinformation, overstatement, oversimplification, emotion, and disregard for consequences as has the arena of juvenile justice. In state after state, juvenile justice policy is now being revised and rewritten on the strength of anecdote, in response to isolated incidents of brutality, or as a result of politically opportunistic pandering to public fears, frustrations, and prejudices."

Some of this reaction was understandable, however. For years, the public's fear of teenagers had been fed by media coverage of dramatic and outrageous—although generally isolated—incidents. Kids killed tourists, cops, and other kids.

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*—Douglas W. Nelson*

Miniature murderers were as young as 10 and 11 years old. Teens took heavy weapons to school and sprayed their teachers and schoolmates with deadly gunfire. Not just in inner cities, but in small towns and even in what had been thought to be the safe havens of suburbia, children seemed to be running amok.

So, for local governments to make even small changes in the way they dealt with young troublemakers meant taking a big political risk. The JDAI sites had to make major changes. To plan and implement those changes required collaboration between levels and branches of government, among agencies, and between managers and staff. They needed to collaborate because of the interconnections among the reforms, strategies, and programs they had to put in place. Achieving collaboration

among juvenile justice personnel and coordination among reform strategies were probably the two toughest challenges.

In most localities, the so-called "juvenile justice system" is a hodgepodge of disparate and independent agencies and entities cutting across different levels and branches of government and sprawling between government and the private, non-profit world. However, no component of the system is truly independent or autonomous even though they often act as if they were. Whether they acknowledge

it or not, the actions of one agency are likely to impinge upon the duties of the others.

The JDAI sites discovered just how interdependent the pieces of the system can be. Community-based alternatives won't relieve overcrowding in the detention center if the judges don't assign kids to those alternatives. But, if those alternatives are ill-conceived or poorly run, the kids may violate their rules and end up back in the detention center, which will continue to be overcrowded.

Nonetheless, with all their sharp edges and inconsistencies, local juvenile justice systems had made accommodations over the decades to achieve some sort of bureaucratic equilibrium by the early 1990s. Then, JDAI jumped in and demanded some major changes. As a reaction, the projects discovered they had to fight against overwhelming bureaucratic inertia.

“Part of the obstacle had to do with things having been done the same way for a long time,” explained James I. Morris, a Sacramento County Superior Court Judge who presided over the county's juvenile court system in 1996-97, a crucial time for the implementation of the project. “It just had been imbedded in our culture.”

To get the various juvenile justice players on the same page with the hope that they would learn to sing in harmony, the Casey Foundation required each JDAI site to form a central coordinating collaborative of government and nonprofit agencies and officials with a role or interest in juvenile justice.

Sacramento already had such a body, the Criminal Justice Cabinet created in 1992, which proved to be a powerful force for collaboration. The Cabinet, composed of the heads of all agencies with criminal justice responsibilities, met once a month to consider proposals and problems across the spectrum of criminal justice. The breadth of representation and the clout of its membership combined to give a lot of weight to its decisions.



*Judge James Morris, Presiding Judge of the Juvenile Court and leader of Sacramento's Juvenile Justice Initiative in 1996 and 1997, conducting a hearing. Judge Morris built the consensus necessary for Sacramento's "detention early resolution" program to succeed.*

“It was a whole new way of doing business,” explained Yvette M. Woolfolk, the Sacramento court system’s administrative services officer who coordinates the Juvenile Justice Initiative (JJI), Sacramento’s JDAI project. “Without this Cabinet, I don’t think we’d be as organized and ready to handle all the opportunities that come down the line,” she said. “That’s not to say that it’s all hunky-dory and we are a big, lovely team,” she continued. “But collaboration is the approach we take, and for that, the Cabinet has been a powerful player.”

**There are many reasons and origins for the varied conflicts and tensions among the components of juvenile justice.**

Others suggest that even as prestigious a group as the Sacramento Criminal Justice Cabinet required an outside threat to get serious about collaboration. “We were in a crisis situation” because of overcrowding in the Juvenile Hall [Sacramento’s detention center], recalled Howard Conn, Sacramento’s Supervising Public Defender. “We had to do something because the system was at the breakdown point.” Paulino Duran, the Public Defender and Conn’s supervisor, agreed. “Crisis was the only thing that brought people to the table,” he said.

Whatever its stimulus, the Cabinet seemed to work as envisioned. And its power came in handy during a complicated struggle between the District Attorney’s office and other components of the system in 1995. That year, Jan Scully, a Sacramento Deputy District Attorney, ran for the county’s top prosecutorial job on a platform of getting tough on juvenile criminals. She won. About that time, the state of California had decided to stop mollycoddling violent kids and lowered the cut-off age for trying certain young offenders as adults from 16 years old to 14 years old. One of Scully’s first moves was to seek adult trials for more of these young juveniles.

But that unilateral decision had major ramifications for several other juvenile justice agencies. The Probation Department had to research and write an in-depth report on each kid. The Public Defender needed more evaluations for each case and was obliged to prepare a more time-consuming defense. And, because it took longer to process those cases, the kids ended up staying in Juvenile Hall for longer periods of time awaiting trial. Overcrowding in the hall, already bad, increased.

And it was all for questionable results. Forty percent of the petitions to try these kids as adults were denied. Most of the youth who were tried in adult court were either acquitted or received lighter sentences than the juvenile courts would have meted out.

Enter the Cabinet. Backed up by charts and graphs showing the unintended consequences of the new policy, the Cabinet urged Scully to modify her approach. And she did, restricting petitions to try juveniles as adults to youth accused of major crimes.

There are many reasons and origins for the varied conflicts and tensions among the components of juvenile justice. As the Sacramento incident illustrated, juvenile justice is an inherently adversarial system.

Sacramento's police and prosecutors, for example, initially saw detention alternatives as undermining their basic task of punishing the bad guys. "Getting kids out of custody is a big negative for prosecutors," explained Rick Lewkowitz, Supervising Deputy District Attorney for Sacramento's Juvenile Court Division. "We're trying to do the opposite. So they had to explain what's in it for law enforcement and the prosecution."

JJI in Sacramento overcame that obstacle with an innovation that proved desirable to enough of the players that they adopted it. Indeed, the reform involved not only releasing eligible kids to community-based programs, but speeding up the whole juvenile justice process at the same time. Called Early Resolution, it provided kids who were eligible for community-based alternatives to detention the opportunity to have their case settled earlier in the process and avoid trial.

Previously, prosecution, defense, and probation officers would get together with the judge right before the trial to see if a settlement could be reached. By that time, of course, everyone would have done all the work to get ready for the trial. Early Resolution freed the prosecutors from that time-consuming task for cases



*Some of the members of Sacramento's JJI Steering Committee meet to discuss a problem. Clockwise from the lower right corner: Karen Maxwell, Chief Juvenile Prosecutor; Jim Gray, Detention Expeditor; Yvette Woolfolk, JJI Coordinator; and John Rhoads, Deputy Chief Probation Officer.*

settled up front. “The change benefited the staff by letting them concentrate on fewer cases and better cases,” Lewkowitz said.

Whereas the prosecutors liked that idea, the public defenders balked. Of course, most public defenders wanted to get their clients released to a community program rather than being tossed in Juvenile Hall, but not if it meant entering into a plea bargain so early in the game. “The public defenders weren’t receptive to—as they put it—meeting their client and saying ‘Here’s the offer. I think you should take it,’” explained Judge Morris, who helped negotiate the compromise that implemented the Early Resolution process. “So, there was more resistance from the public defenders.”

Nonetheless, they reluctantly signed onto the process because there were also some advantages for the defense. A complete and open “discovery” process provided the defense a lot of information about the case early on. In addition, the prosecutors often offered the defense a better deal to settle the case early.

Meanwhile, staff of the Probation Department had their own reasons to be skeptical of the Early Resolution plan. Plea-bargaining sessions at the beginning of the process meant probation officers had only a few days to draft a background report for the court that previously had taken them several weeks to put together. That problem was solved by substantially shortening the report. “The buy off for Probation was, the more short reports that resulted in settlement, the fewer long reports they would wind up having to do” for a full-blown trial, Morris said.

In this case, Sacramento was able to craft a compromise where just about everybody won. Some JDAI sites weren’t always so lucky. In the early days of JDAI in Chicago, for example, poor coordination between the executive branch participants and those in the judiciary almost killed the project before it was born.

In Cook County the executive branch is responsible for the administration of the county’s detention center. Initially, this branch, which had secured the initial Foundation grant to participate in JDAI, took over the leadership of the coordinating committee for detention reform. It seemed a logical way to proceed. But that turned out not to be the case because judges and the Probation Department are also crucial players in detention and its reform. In Cook County, probation is

part of the judicial branch of government and thus operates in a different political world from the executive.

The detention center “held the kids but didn’t have the authority to release or to detain them. That was really a judicial function,” William Siffermann, Cook County’s Deputy Director of Juvenile Probation and Court Services, explained.

“The leadership had to be in Probation because we work directly for the judges who are making the decisions to let the kids out,” Mike Rohan, Siffermann’s supervisor, amplified. Under the executive branch, “there was no coordination of all the programs, it was a disjointed approach,” he continued. Coordination was the key to implementing these reforms. “So the focal point for the coordination of the effort shifted from the executive branch to the judicial branch,” Rohan said. The transition “was awkward,” he conceded, but necessary, and as a result, “we continued to make progress.”

Today, “the trust level is pretty high,” Siffermann said. “I don’t think there’s a lot of question about our intent. We’re not seen as pro-prosecution or pro-defense. We’re seen as pretty evenly balanced. I think that helps us a lot.”

Indeed, Jesse Doyle, Superintendent of the Detention Center, is one of JDAI’s most enthusiastic backers in Cook County. “I think all the parties are in alignment, including the State’s Attorney,” he said in a recent interview. “I think everyone is looking for the least restrictive program for kids consistent with public safety. And we all keep looking for creative alternatives [to detention].”

Multnomah County faced a different kind of hurdle in getting JDAI off the ground. Communications among the top rung of juvenile officials was a snap. “One of our unique strengths is that we can talk about difficult issues,” said Rick Jensen, Detention Reform Initiative Coordinator for the county’s Department of Juvenile and Adult Community Justice. So agency heads and department managers sat together and agreed enthusiastically on ambitious plans for placing kids in community programs instead of the detention center. The problem was that they couldn’t secure the cooperation of the frontline staff, police officers, proba-

**I think everyone is looking for the least restrictive program for kids consistent with public safety.**

—*Jesse Doyle*

tion officers, and prosecutors who actually dealt with the kids. “We had a real need for line staff participation,” Jensen said. “Top-down wasn’t as effective with us as bottom-up.”

One major friction point was the District Attorney’s office. “The macho, kick-ass” prosecutors, as Amy Holmes Hehn, now Multnomah’s Senior Deputy District Attorney, described her colleagues, refused to make use of community-based alter-



*Amy Holmes Hehn, Senior Deputy District Attorney, makes a point at a detention hearing in Multnomah County Juvenile Court.*

Doug Byers

natives because they didn’t see the utility of these options and were resentful of having new procedures thrust upon them.

So, Multnomah went back to the drawing board and developed better vertical communications. Frontline staff were brought into the process before the decisions were made, and managers made a bigger effort to explain their rationale for wanting to make changes. As part of this process, Hehn was appointed to her current supervisory position.

“They picked me because I was willing to collaborate,” she said. “Before, everyone was hostile. But I was seen as a bridge builder.” She gained the cooperation of the staff by drawing them into the discussion. “The lesson was, you may have great collaboration at the top, but that doesn’t mean it will filter down through the system.”

Sacramento has found the process of collaboration to be self-perpetuating. “Before the Criminal Justice Cabinet, there were no collective views. Each agency was sort of operating on their own without bringing related issues to the table,” Woolfolk, the JJI Coordinator, said. The process of working together through the Cabinet has stimulated more cooperation. “Now there are a lot of common themes and issues.”

But collaboration still remains a struggle. “I don’t think it’s a done process,” Cook County’s Judge Hibbler said. “Every time we make a new decision, we have to again develop some degree of coalescence around that particular goal. But the more you work together with individuals who understand that all of our aspira-



tions can be realized more quickly if we work consistently together, the more you tend to have faith in that process.”

### Scoring Points About Risk

The JDAI collaborative process sparked both procedural and program reforms. To use the community-based programs effectively, the jurisdictions had to develop a method of identifying appropriate kids to place in these alternatives. They worked out two basic procedures, one to sort out the youngsters brought in by the police, and the other to enable the release of youths already confined in the detention center.

The object was to assess the degree of risk presented by the youngsters. If allowed to stay in the community, what was the risk that a kid would commit another crime before trial? What was the likelihood (risk) that a kid wouldn't show up for court appearances? What level of supervision would minimize these risks?

To make these determinations objectively, the JDAI sites developed tests that they called “risk assessment instruments.” The instruments rely on easily obtainable facts about the youth's history and behavior to predict risk. The Cook County instrument, for example, included questions about the charge against the youngster, whether he or she had been in trouble before and is currently on probation, whether the youth violated probation in the past, whether he or she met previous court dates. Each answer got a specific number of points—more points for worse behavior—and the total score determined the youth's detention status. Over a certain number of points, the youngster would be sent straight to detention; under a certain number of points, he or she would be released to a parent or other adult, if one were available. And those in the middle would be eligible for assignment to a community-based alternative program.

The risk assessment instruments are designed to be straight forward, but they turned out to be very tricky things to get right. If important facts were missed or ignored, or if the point system was off, the instrument could throw too many



*Ron Pitney (left), Intake Coordinator, and Rich Scott, Custody Services Supervisor, conduct an intake interview using Multnomah County's risk assessment instrument.*

youth in detention or allow the wrong kids into community programs. Either way, a faulty instrument could jeopardize the reform effort.

It took Cook County three years, from 1994-97, to refine its risk instrument, for example. Under an early form of the instrument, a kid who got more than 10 points went straight to detention. The result was a dramatic upsurge in the number of admissions to the facility. Worse, “what we found the next day in court was the kids who were being detained were being released by the judges,” recalled Pieroth, the supervising probation officer for the detention screening program. So, he continued, those in charge of developing and administering the instrument began to ask, “If the kids are being released the next day, did they need to be detained in the first place?”

Cook County juvenile officials took a hard look at a lot of new data being generated under JDAI about which children actually violated probation, the characteristics of those who didn’t appear in court, the relationship between offenses, prior records, and likely disposition of a case by the court. From this information, they designed a more sensitive 15-point scale. Among other changes, for example, they increased the number of points for a firearms charge to 15, meaning automatic detention. But they reduced the points for a simple residential burglary to seven, to enable the release of youth arrested for that offense, all other things being equal.

“We changed from a 70 percent detention rate under the 10-point scale to a 45-49 percent rate with the 15 points,” Pieroth said.

The JDAI leaders in Cook County feared a public backlash because fewer kids would be sent straight to detention under the new instrument. But their data analysis and careful preparation paid off.

“When we changed the risk assessment instrument, I was aware that if something bad happens this weekend, there’s going to be a reaction,” Judge Hibbler remembered. “But, you plan well and you hope that doesn’t happen. And, so far—knock on wood—it hasn’t.” In fact, although the proportion of kids released went up, the percent who got into trouble before their court date remained about the same.

Cook County began releasing youth who already were confined in the detention center to community-based programs as part of a major Probation Department overhaul. In 1997, Probation Director Rohan established the Detention

Alternatives Division (DAD) to, among other things, review the status of kids confined in the center.

Most kids caught violating the rules of their probation are routinely sent to the detention center for three weeks. DAD lets them sit it out for seven days. At that point, Pieroth or a colleague look over likely candidates for community-based programs and request their release from the juvenile judge handling their case.

Alert to some outsiders' worries that DAD would release young predators, Pieroth says he makes doubly sure of the kids he gets out of the detention center. He vividly recalled one of his early cases, a 16-year-old pregnant girl. "She was nine months pregnant and dilating when she got arrested," Pieroth said. "The detention center got real nervous because they don't have any facilities for childbirth. But the judge didn't want to release her because he didn't want her to give birth on the street."

Pieroth found the girl's mother, who showed proof that her daughter had been in prenatal care and that arrangements had been made for her to deliver the child in a hospital. "I was able to secure an electronic monitoring bracelet to assure that the girl would come back to court. That was probably overkill, considering her condition, but I wanted this case to work really bad," Pieroth said. He took all these assurances to the judge, who "signed an order to release her to her mother that day."

Sacramento's programs are similar. Jim Gray, whose title of Expeditor is uncharacteristically self-explanatory, provides a service similar to Pieroth's. In fact, Pieroth's job was based on Gray's, which predated it. One of the benefits of JDAI has been such cross-fertilization among the sites.

Much of what Gray does is convince adults to give kids another chance—under very special conditions and with a lot of safeguards. One day last fall, he took up the case of a 15 year old who had burglarized three houses in his neighborhood. "The community complained that they did not want this kid released. They called him 'The hoodlum of the neighborhood,'" Gray said. "So I called all the victims and said 'You're saying no now, but in the long run we're not going to be able to remove this

**Kids assigned to community-based programs don't require the heavy—and super expensive—control of a locked detention center. But they do need some degree of supervision.**

child from his mother forever.’ I told them about the restrictions we could put on him. ‘We can put an electronic monitor on him so he can’t leave the house,’ I said. ‘That will give everybody the opportunity to see if this will work.’” Eventually, Gray got the victims to agree to the youth’s release to house arrest with an electronic monitor, and the judge concurred. “So, it worked out. The parents were real happy and grateful. And the neighbors didn’t seem too mad.”

Perhaps Gray’s biggest contribution to detention reform in Sacramento, however, has had less to do with the kids themselves than with the paper trail they leave. To help him keep track of the whereabouts of all his wards, Gray designed a computer program that monitors the status of every youngster in Juvenile Hall, the availability of beds in the state’s various residential programs, open slots in community-based programs, and the waiting lists to get into those programs.



Susie Fitzhugh

*Jim Gray, Sacramento County’s “Expeditor,” keeps track of all of the youth in secure detention, seeking to find program opportunities or other ways to reduce their lengths of stay in custody.*

Before Gray set this up, all that information was kept separately on paper in different offices around the county. Gray’s program cut through a major logjam.

“The Expeditor has become an information booth because of my computer set-up,” Gray said.

Gray and Pieroth deal with youth who have allegedly committed delinquent acts. But there are others who often get picked up by the police and sent to the detention center simply because no one knows what else to do with them. They may be

runaways or homeless kids or simple mischief-makers. There may be no adult willing to accept responsibility for them. In Multnomah County, the police used to drop off at the detention center about 2,000 of these children every year. “By law, these youth cannot be detained; however, in many instances it was the only option available,” explained Jensen, the JDAI coordinator in Multnomah.

As part of JDAI, a Portland nonprofit agency called New Avenues for Youth (NAFY) opened a 24-hour reception center in the Police Department’s Central

Precinct. The NAFY staff work with the kids and their families (if they can be found) to figure out a better placement than a locked room in the detention center.

### **Back to the Community**

Kids assigned to community-based programs don't require the heavy—and super expensive—control of a locked detention center. But they do need some degree of supervision. And that will vary depending on the youngster's past history, current behavior, and the offense with which he's charged. So, the JDAI sites established an array of programs to meet the needs of different kids.

The basic alternative to detention is house arrest or home confinement. For adults, this often means literally being locked up in a house instead of a jail. Home confinement for youngsters usually is a little more flexible. Most kids on house arrest are permitted out to go to school. Some are allowed to go to specific after-school or weekend activities, such as church or organized sports. The object of house arrest is that the youngster is either at home or at a sanctioned place and always available for contact by the authorities.

Multnomah County's home confinement program is run by a nonprofit agency, Volunteers of America, that tailors its supervision of a kid to the specific risk presented by that child. If a youth is considered likely to get into trouble, the workers may call or show up at the house or his school several times a day, explained David Colley, Program Director for Volunteers of America. On the other hand, they may relax their oversight to once a week for a youngster who has been obeying the rules.

Kids who can't be trusted to abide by the rules of house arrest, but who don't need to be sent to detention, may have the added stricture of wearing an electronic monitor. This is usually a bracelet connected electronically to the telephone. If the youngster gets beyond a certain distance from the home phone, the signal goes off.



*A staff member from New Avenues for Youth conducts a training at police roll call, under the guidance of Commander Bob Kaufman of the Portland Police Bureau.*

The JDAI sites created other programs to use both instead of home confinement and in conjunction with it. Two such programs were called day- or evening-reporting centers for youth who didn't participate in supervised activities that could be easily monitored. As the name implies, the youngsters "report" to these centers either during the day (usually school hours) or evening (after school). But they did a lot more than merely "report." The centers provided a rich variety of educational and other kinds of activities to occupy the kids while the staff of the centers kept an eye on them.

Sacramento set up a three-year, \$3 million, pilot day-reporting center, for example, and Cook established a system of neighborhood-based evening-reporting



Doug Byers

*David Colley (right) discusses the day's home visits outside the Multnomah County Juvenile Justice Center with members of the community detention monitoring team operated by Volunteers of America.*

centers across Chicago. Although dedicated to the same proposition—that youth can participate in positive learning activities in their communities while they are kept off the street and out of trouble—these reporting centers have evolved into very different programs.

Sacramento's center is a school-plus for as many as 90 teenagers. Located in a sprawling, modern facility, the day-reporting center is chock full of professionals: teachers, counselors, mental health personnel, and employment and training specialists.

School starts at 8:30 a.m. The youth get breakfast and lunch and attend classes in science, math, English, social studies, and computer operations. They also have group therapy sessions and lessons in anger control, conflict resolution, and victim reconciliation. They leave at 3:30-4:00 p.m.

On a sunny day last fall, the computer room hummed with a bunch of teens gathered around a computer monitor working on a project. It could have been a regular school. In fact, Steve Clanton, an Assistant Chief Deputy Probation Officer who serves as the center's director, said he is looking into applying for charter school status.

But Clanton points out that his center is not for all kids. There's not sufficient supervision for the 20 percent of kids who are real troublemakers, the "squeaky" kids, as he put it, who require more structure than the day-reporting center can provide. And a similar proportion of self-starter, self-disciplined juveniles probably don't need it. "But the large group in the middle could use a lot of support, and they're not getting it" either in Juvenile Hall or less-structured community-based programs, he said. "I can deal with that middle group—not arbitrarily defined—because I am constantly involved in their lives," he said.

Chicago's evening-reporting centers are more clubhouses than schools. They are spotted in different geographic areas of the city and operated by community organizations right in the kids' neighborhoods. They pick the youngsters up at school at 3:30 p.m., provide them a range of activities and programs along with dinner, and take them home by 9:00 p.m.

The Westside Association for Community Action (WACA) in Chicago's Lawndale neighborhood is the granddaddy of the evening-reporting centers. Its program has been so successful, the Cook County JDAI program has spawned four additional centers since WACA opened in 1995 and has plans to open more. Each center has a capacity to handle about 25 youngsters in this program.

The center of activities for the WACA Evening Reporting Center is a huge, brightly lit room in a shabby old settlement house building. On a weekday evening last fall, most of the attention centered on a ping pong table, where a crowd of teens cheered and laughed over a spirited game. However, something appeared to be going on just about everywhere in the room. A few youngsters were in head-to-head conversations with an adult here. Another group was setting out dinner there. Others walked back and forth purposely on some errand or another. The overall impression was one of joyful chaos.

But it is carefully structured chaos, as Ernest R. Jenkins, WACA's Chairman and CEO, was quick to point out. "It's subtle, very subtle," he said. In an informal way, he and his staff were monitoring each activity. In fact, one staff member who looked as if he were simply chatting with a young man was actually conducting an intake interview.

“Every kid here, we call by name. That’s the first investment we make in him—we learn his name. That’s important,” Jenkins explained. “Then we watch movement,” he continued. “We encourage the young people to get involved, and then we like to give positive reinforcement. When someone does something well, we say



Ralph-Finn Hestoft

*Ernest Jenkins, CEO of the Westside Association for Community Action, talks with a participant in the agency’s evening-reporting center, a detention alternative that serves youth from the immediate neighborhood.*

it and give them a pat on the back. And we don’t have ‘problems,’ we have ‘situations.’ Situations are much easier to deal with.”

Pieroth points out a young man engrossed in a heated ping pong match. Gang tattoos cover his arms. “See that kid smiling and having a good time?” he asks. “Last time I saw him, he was in court. He was very sullen, playing the bad guy. Making a change like that in that kid is no small task.”

Youth are assigned to the evening-reporting center for 21 days, but many keep coming back

because they enjoy it. The Cook County JDAI project figures 89 percent of the youngsters assigned to the program complete it successfully. But Jenkins has a different assessment. “You never fail,” he said. “What you do is, you never quit.”

Youngsters who take part in day- or evening-reporting center programs have to have a home base. Similarly, house arrest requires a house with a responsible adult to make sure the kid is obeying the rules of release. For children without a home or an adult to care for them, the JDAI sites have contracted with special shelter programs. These residences aren’t locked, but they do keep a very close eye on the kids. And they have staff experienced in dealing with the troublemakers. Sacramento’s shelters provide a range of services, including health and mental health.

Chicago’s Saura Center isn’t so comprehensively equipped. It can’t accept kids who have chronic medical or psychiatric conditions or who have to take medication. But, for the 20 or so kids who can meet the stringent criteria, the center provides a clean, safe, and well-structured environment. School classes are in the basement. In addition, kids take part in group therapy, anger mitigation sessions, and sessions on avoiding peer pressure. They sleep in bunk beds (four to a room)



with striped sheets and colorful blankets. They eat in a bright room at restaurant-style banquets.

Although they don't leave the building by themselves, they're part of a regular neighborhood, not off in the boondocks behind a high fence. On a tour, Pieroth parks his car on a residential street. "See that three-story building?" he asks, pointing to a nondescript brick apartment house. "That's the Saura Center. It's purposely meant to blend into the community without any big blinking lights saying 'Juvenile Delinquents Here.'"

## Results

In Cook, Multnomah, and Sacramento Counties, JDAI as a grant program is now over. The Foundation's money has been spent, and its technical advisors have gone on to do other things. But in those three jurisdictions, JDAI continues as a collaborative, rational, information-based approach to deciding on the detention of youngsters. The fact that the reforms adopted in each jurisdiction remain intact after the grant money has departed is a major measure of the success of the project.

But just how important were those reforms? Did they fulfill the missions of the project? The Foundation had a variety of objectives for JDAI. Its most basic goal was to improve conditions and reduce overcrowding in juvenile facilities by substituting community-based supervision for inappropriate or unnecessary detention. Obviously, it sought to accomplish that objective without jeopardizing public safety. Did JDAI do that? The National Council on Crime and Delinquency will have many answers when it completes a comprehensive evaluation of the project commissioned by the Foundation.

Preliminary numbers are positive. Over the course of the project, the number of kids admitted to detention centers declined at all three sites. The time required to process cases also went down. One reason for locking kids up in detention is to make sure they show up in court. During JDAI, the number of kids failing to appear in court went down. And the number of youths arrested before their trials didn't go up.

But numbers don't tell the whole story. They don't provide the political and social backdrop for the reforms. To put detention alternatives in place, the three

sites had to overcome tremendous public pressure to lock up more kids, not fewer. To work collaboratively, the jurisdictions had to surmount long-held turf concerns, interagency suspicions, and bureaucratic inertia. Just to tread water required substantial energy, but the three sites actually made their way upstream against a powerful current.

So, the fact that the numbers are positive, if not astounding, is dramatic. And some of the numbers are eye-popping.

Between 1994 and 1997, total admissions to the Cook, Multnomah, and Sacramento detention centers declined somewhat. In Multnomah, for example, admissions fell from 2,915 in 1994 to 2,550 in 1996, a 12.5 percent drop, and then increased in 1997 to 2,746—still below the 1994 figure. Sacramento followed a similar pattern with admissions down by 7 percent between 1994 and 1996 and up again in 1997, but not as high as the 1994 level. In Cook, admissions rose dramatically between 1994 and 1995—from 8,862 to 9,912—then started coming down: to 9,262 in 1996 and 8,756 in 1997.

By themselves, these numbers may not look very promising. But the kinds of more sophisticated analyses that will be available from the evaluation team reveal more impressive results. For example, the percentage of Sacramento County youngsters referred for detention who were actually admitted to secure custody declined substantially from 1994 through 1997, from 54 percent to 41 percent. And, as Bill Pieroth noted, Cook County lowered its rate of admission for detention referrals from about 70 percent to 45 percent. Multnomah County, which started with relatively low detention rates, reduced even further the percentage of all delinquency referrals that were detained before their trial from 15 percent in 1994 to 7 percent in 1997.

The sites also made significant progress in speeding up case processing. In Cook County, the average delinquency case took 190 days to disposition in 1994. By 1997, that number had been reduced by 35 percent, to 124 days. Sacramento County lowered its average case-processing time for a delinquency case from 73 days in 1994 to 51 days in 1997, a reduction of 30 percent. Perhaps more importantly, all three sites were successful in substantially reducing case-processing times

for kids in detention: 39 percent in Cook County, 28 percent in Multnomah County, and 43 percent in Sacramento County.

Did these reductions in admission rates and case-processing times significantly affect detention populations? Preliminary data indicate they did, although sometimes in ways not easily discernible. Cook County's average monthly detention population has declined steadily (albeit erratically) for each of the past four years, from a high of 779 in February 1996 to 520 in October 1999. Multnomah County, following the implementation of several key reforms in 1998, also saw its population decline substantially, from a daily average of 127 in January to 102 in December. Multnomah's decreased population, moreover, was achieved in the face of new laws that mandated detention for youth prosecuted as adults, a change that predictably drove up the detention numbers for the most serious offenders. In contrast, Sacramento's population trend line appears relatively flat, ranging from 276 in 1994 to 285 in 1997.

Sometimes, however, these kinds of aggregate figures don't tell the full story. Sacramento substantially reduced the number of kids sent to Juvenile Hall prior to their trials, but the number of youngsters incarcerated in the hall after disposition of their cases shot up and filled the gap. During the first six months of 1996, on an average day 309 kids were confined in Juvenile Hall, 144 of them (47 percent) prior to trial, 165 (53 percent) after trial. During the same six-month period two years later, the total daily population had been reduced to 293, only 122 of whom (42 percent) were pre-trial and 171 (58 percent) were post-trial.

As Woolfolk explained, most of the post-trial kids were awaiting transfer to a permanent facility either within the state or in Arizona. But these facilities had backlogs themselves or other circumstances that prevented them from accepting Sacramento's kids. So the only option was to keep them at Juvenile Hall.



*Multnomah County Detention Reform Coordinator Rick Jensen discusses outcomes with Joanne Fuller (left) and Elyce Clawson, respectively Deputy Director and Director of the County Department of Juvenile and Adult Community Justice.*

“When these places say they can’t or won’t take the kids, there’s nothing we can do,” said George L. Lahargoue, the Assistant Chief Deputy Probation Officer who is superintendent of the hall. “We’re the only ones who can’t say ‘no.’”

One of the clear lessons of the initiative is that these population levels are extremely sensitive to high-profile cases. In Cook County, for example, during the summer of 1998, the detention center population shot back up to the mid-600s as Chicago police stepped up juvenile arrests and judges increased detentions in the wake of several high-profile cases. A 16-year-old boy shot a police officer, and two very young children, 7 and 8 years old, were charged with killing an 11-year-old girl. It turned out that these children couldn’t have killed the girl, but the national media had taken hold of the story, and the effect of their arrest on the juvenile justice system remained throughout the fall.

**One of the clear lessons of the initiative is that these population levels are extremely sensitive to high-profile cases.**

“This is the highest it’s been,” Siffermann, the Deputy Director of the Probation Department, said in October. “We hit a spike in reaction to these high-profile cases that we’ve had. But I think this is resolvable. Once things settle down, I think the population will go down.” Sure enough, by January 1999, the average population had declined to 552.

Indeed, reducing the population in detention centers is likely to be a constant struggle rather than a one-time exercise. “My feeling quite honestly is that no matter what size facility you have, there will always be that inclination to fill it and over fill it,” Cook County’s Judge Hibbler said.

The other half of the statistical story is the preservation of public safety and the numbers seem to show that JDAI accomplished that. Between 1994-97, Cook County cut in half the proportion of kids who failed to appear in court for their hearings or trials. In the other jurisdictions, the statistics were less dramatic but acceptable. About the same 5 percent of youngsters continued to be no-shows in Multnomah, while in Sacramento the proportion zigzagged between 9 and 13 percent over the period, landing at 11 percent in January 1997.

Similarly, there was not much movement in the proportion of kids who were arrested for a new offense while they were awaiting disposition of their case on a

previous offense. The so-called “re-offend” rate trended down in Sacramento, from 23 percent in January 1994 to 16 percent in January 1997. Over a similar period, the proportion of kids in Multnomah caught re-offending went up and down but ended lower than it began—18 percent in December 1996, down from the 23 percent rate in January 1994. In Cook County, the rate went up a bit, from 7.1 percent in 1994 to 10.3 percent in 1996.

One of JDAI’s objectives was to improve conditions in the detention facilities, to ensure that those youth who required secure custody were held in facilities that passed constitutional muster. Over the course of the initiative, numerous positive changes were introduced in the various sites. These ranged from major changes, like the removal of chemical restraints from Sacramento’s Juvenile Hall and their replacement with a behavior management system, to seemingly minor changes, like daily showers for kids in custody in Cook County. These changes are likely to endure as each site has built a self-monitoring capacity to reduce the chances that its detention center will revert to poor practices or conditions.

The Foundation had other objectives for JDAI, however, that were even harder to measure. It argued that to make the reforms stick, the jurisdictions would have to make fundamental changes in the way they approached juvenile justice. Thus, JDAI required collaboration and coordination among agencies, different ways of holding staff accountable, new methods of collection and analysis of data, and the institution of different procedures based on the evidence supplied by that data.

By most accounts, the three jurisdictions that completed the project instituted and sustained fundamental reforms in those areas, albeit imperfectly. Sacramento mastered the art of collaboration, and that helped the county hang on to reforms despite major changes in the leadership of crucial agencies. Over the course of the project, Sacramento’s JJI had four presiding juvenile judges. In one year, 1995-96,



*Jesse Doyle, Superintendent of the Cook County Juvenile Temporary Detention Center, routinely meets with detained youth to deepen his familiarity with facility conditions and operations.*

the project changed presiding judges, supervising district attorneys, and the public defender supervisor.

“It was like, ‘Oh my God! How are we going to manage?’” Woolfolk recalled. “But, once again, the power of the Criminal Justice Cabinet made it all work. The Cabinet said, ‘This is something we’re supporting.’ And the information filtered down. And—oh my gosh—everybody showed up!”

In Chicago, there had been little history of collaboration between different political entities and among agencies. But it happened with JDAI. “No one person was responsible for the success we’ve had. It’s been a cooperative effort among the various entities of local government, the Probation Department, and the service providers,” Judge Hibbler said. “I think we have developed a relationship that

should survive any one of us leaving because, I think, quite honestly, we determine that it’s in our own self-interest to continue that relationship.”

However, that doesn’t mean Cook County’s JDAI reforms are home free. Hibbler himself will leave soon. He was nominated to a federal judgeship by President Clinton in 1998 and was recently confirmed by the Senate. The continuing support of the elected local leadership will be crucial. That’s why it was very important for the Cook County JDAI project to maintain a positive working relationship with the President of the County Board of

Commissioners after coordination of the project switched from the county board to the judicial system.

And, even though the programs spawned by JDAI are run by the county, there’s a very important city official who also must be involved—the mayor of Chicago. “In our city, if the mayor wants something very badly, it will happen now,” Hibbler said. “If he was really committed to the ultimate goals of a system that makes detention decisions based on reason and certain criteria, it would happen.”



Susie Fitzhugh

*Judge Alice Lytle, former Presiding Juvenile Court Judge, was instrumental in Sacramento’s early detention reform efforts, including the establishment of the Task Force on Fairness, a committee formed to study the overrepresentation of youth of color in secure confinement.*

That's not only true in Chicago. Indeed, as long as the New York City JDAI project had the blessing of the mayor, it was very successful. When the mayor changed and the new mayor no longer took an interest in the program, it failed.

So far, the JDAI reforms seem to have stuck in the three jurisdictions. How long they will last depends on how each jurisdiction sustains them. A new crime wave could sweep away all the work of JDAI. Or, committed local officials could nurture and maintain the advances, despite the havoc a handful of kids might create out on the streets.

JDAI did not emphasize public relations, although many of its leaders now say they recognize the crucial necessity of explaining these reforms to the public. "We've got to let people know that this is not a crazy idea, that the kids we are releasing are not the predators that are going to lay siege to the neighborhood," Hibbler said. "I think it is very important that we continue to provide information about the effectiveness of those programs. That they were the right kids we were letting out. But let me say this," he continued. "When you go out into the community and you talk to the community about their children, the community wants these alternatives. They don't want their kids locked up unnecessarily."

That may depend on which members of the community you're talking to—or on how you talk to them. But Hibbler's assertion bolsters the likelihood that the three JDAI localities will keep—and perhaps build upon—the reforms they struggled so hard to adopt. And, learning from that struggle, other communities may begin the slow, painful, but ultimately beneficial process of reforming the way they make decisions on locking up kids.

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*—Judge William Hibbler*

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