

COLLOCATION OF JUVENILE AND ADULT FACILITIES

STATEMENT OF THE ISSUE:

Political and fiscal pressures have caused many jurisdictions to collocate adult and juvenile facilities. This practice may result in the reduction of services for youth and will increase the potential of victimization and negative influence by adult offenders. Although the collocation of services is not the optimum design for juvenile detention facilities, it can be a reasonable accommodation if certain factors are given careful consideration.

NATURE OF THE ISSUE:

- The time-tested professional practice of separating juvenile and adult offenders is supported by research findings.
- Many political jurisdictions are combining a wide range of correctional services for both juvenile and adult offenders. Such combinations include housing juveniles and adults in the same facility.
- There are clearly savings to be realized by economy of scale related to combining support services. Many of these actions, taken as cost-saving measures, violate the principles of sight and sound separation of juvenile detainees and adult prisoners.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) only endorses the construction and operation of collocated juvenile and adult detention facilities that ensure the total separation of juvenile and adult offenders and which meet the following criteria:

1. The facility is or will be constructed in a way that eliminates even accidental or incidental sight, sound or physical contact between juvenile detainees and adult prisoners.
 2. All parties having fiscal, political and/or administrative control over collocated facilities agree in writing that separation is unequivocal. Such agreement shall include: separate direct care and administrative staff; population specific staff training; and separate programs.
 3. The agreement identifying conditions of separation shall be monitored by an independent entity which has the authority to ensure compliance.
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JUVENILE DETENTION AS A DISPOSITION

STATEMENT OF THE ISSUE:

The purpose of juvenile detention has historically been for “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.” (Definition of Juvenile Detention, adopted by NJDA Executive Board on 10-31-90). However, use of juvenile detention by the court as a sentence has increased in recent years. This increase has been accompanied in many jurisdictions with statutory changes authorizing such use. This shift in detention use has resulted from the court’s desire for additional sanctions which may be imposed on youth who violate the law or a court order.

NATURE OF THE ISSUE:

- Use of juvenile detention as a dispositional option emphasizes punishment over behavior change.
- Use of juvenile detention as a dispositional option mixes populations and may adversely affect treatment or programming.
- Use of juvenile detention as a dispositional option may aggravate overcrowding in juvenile detention centers.
- Use of juvenile detention as a dispositional option is often utilized simply because other, more preferable, alternatives are not available.
- Use of juvenile detention as a dispositional option discourages the development of more appropriate, less costly alternatives.
- Use of juvenile detention as a dispositional option may result in the negative influence of institutionalization and deny the opportunity for positive experiences in the community (i.e. school, religious activities, sports, family involvement).

POSITION STATEMENT:

In accordance with the Definition of Juvenile Detention adopted by the Executive Board of NJDA, the National Juvenile Detention Association supports the prohibition of the use of juvenile detention as a dispositional option. The NJDA supports the development of more appropriate and less costly alternatives in order to eliminate the use of juvenile detention as a disposition.

HOLDING JUVENILES UNDER CRIMINAL COURT JURISDICTION IN JUVENILE DETENTION

STATEMENT OF THE ISSUE:

The purpose of Juvenile Detention practice is to provide short term care for juveniles. In recent years more jurisdictions have been lowering the age at which juveniles may be tried as adults. This practice has created disagreement regarding the appropriate place of confinement for transferred juveniles.

NATURE OF THE ISSUE:

- Lowering the age for which juveniles may be criminally prosecuted does not change the fact that they are still adolescents.
- There has been an increase in the number of juveniles who commit serious and/or violent offenses, yet they remain a small percentage of all juvenile offenders.
- There are basic philosophical differences between the juvenile justice system and the adult criminal system. The most significant of these is the focus upon rehabilitation vs. punishment.
- Juvenile detention practitioners have training and experience necessary to manage this population effectively.
- Juveniles receive more developmentally appropriate programs and services in juvenile detention facilities than in adult jails.
- Holding juveniles being criminally prosecuted in adult settings exposes them to more career and hardened criminals.
- Research has shown juveniles are more likely to commit suicide if they are held in adult jails.
- Many adult jails lack the physical structure, programming and trained personnel to effectively manage juveniles.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) understands that the behaviors, risks and needs of juveniles entering the justice system have changed over time and will continue to change in the future.

Nevertheless, it remains our belief that all juvenile offenders have the right to access rehabilitation and treatment services which are the fundamental principles of the juvenile justice system and of juvenile detention.

NJDA advocates a comprehensive strategy to deal with juvenile offenders.

It is the position of NJDA that waived or transferred juveniles accused of committing a crime and requiring temporary holding in a secure setting, be held in juvenile detention pending judicial determination to the contrary. NJDA opposes any action that places juveniles at risk of being victimized by adult offenders.

PRIVATIZATION

STATEMENT OF THE ISSUE:

Juvenile services has a long tradition of private, not-for-profit agencies contracting for service delivery. A recent shift toward private, for-profit agencies operating juvenile detention facilities has prompted this policy statement.

Privatization of juvenile facilities may introduce for-profit business motives to traditionally government-operated programs. Operators of such facilities may be influenced by corporate or stock-holder expectations to produce income. This may conflict with professional standards of staff safety, public safety and quality of life for residents.

NATURE OF THE ISSUE:

- The largest proportion of the budget of a juvenile facility is for personnel costs. Therefore, significant fiscal savings are primarily realized by cutting costs in this area. These reductions may result in staff who are less experienced, less qualified and less committed. Non-competitive rates of compensation may also result in higher rates of staff turnover, further diminishing levels of experience, qualification, commitment and professionalism.
- Supplementary services to facility residents, which augment the quality of life in the program and improve residents future prospects, are essential aspects of the quality of life for residents.
- Accountability and monitoring for compliance with accepted professional standards and policies should be required in all facilities.
- Juvenile detention is increasingly viewed as a continuum of care, ranging from secure confinement to community-based alternatives. Juvenile services agencies should assure the fullest utilization of that continuum of care which best serves the youth and the public. That continuum may be interrupted if the largest component is privatized. Furthermore, if higher rates of secure detainment result in greater revenue, there will be a disincentive to utilize more appropriate, less costly and less restrictive non-secure alternatives to detention.
- Government is legally responsible to provide juvenile justice services. Privatization of those services does not relieve government from legal liability when standards of care are violated.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) advocates the highest level of professionalism in the provision of custody, care and supportive services to youth.

NJDA supports policies which mandate that private and public facilities and services adhere to accepted professional standards of care and custody. Further, NJDA recommends that monitoring for compliance with such standards be rigorously enforced in order to ensure safe and productive conditions of confinement.

OVERCROWDING

STATEMENT OF THE PROBLEM:

Overcrowding in juvenile detention seriously jeopardizes the effective operation and overall safety of the facility. Overcrowding exists whenever the population exceeds the facility's design or program capacity.

Design Capacity is defined as the number of people that can safely occupy a building or space as determined by:

- the original architectural design and any building modifications
- licensing, accreditation, regulatory authorities
- building codes of the Fire Marshall

Program Capacity is defined as the number of personnel (program, security, support) and the amount of funding necessary to effectively operate the facility consistent with established standards.

NATURE OF THE PROBLEM:

Experience by juvenile detention practitioners and scientific research have produced evidence of harmful effects of overcrowding in juvenile detention facilities:

- Overcrowding increases the danger to juveniles of suicide, physical assaults on one another and accidental injuries.
- Overcrowding increases the danger to staff of physical assaults by juveniles.
- Overcrowding disrupts and may eliminate productive programs and services.
- Overcrowding contributes to a deterioration in the conditions of confinement.
Deterioration in the conditions may create sufficient harm to juveniles so as to violate their constitutional rights.
- Overcrowding violates the goals and objectives as defined in the NJDA juvenile detention definition statement adopted October 31, 1989.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) opposes overcrowding in juvenile detention. Whenever a facility's design or program capacity is exceeded it is inappropriate and harmful to the provision of helpful services to juveniles.

NJDA believes juvenile detention is an appropriate and effective component of a well designed juvenile justice system which provides a variety of programs and services. While there may be a short term economic advantage to exceeding a facility's design or program capacity it is counter-productive to providing for the health, safety and well being of juveniles. Overcrowding turns juvenile detention facilities into unsafe warehouses for youth.

NJDA supports administrative, legislative and judicial actions to limit the population of juvenile detention facilities to their design and program capacity. Such action would be an integral part of a comprehensive strategy of programs and services which balance the needs of at risk and delinquent juveniles with public safety.

Executive Board Adoption Date: June 8, 1999

MINIMUM DIRECT CARE STAFF RATIO IN JUVENILE DETENTION CENTERS

STATEMENT OF THE ISSUE:

Most states have adopted legislation providing local courts with exclusive jurisdiction over juveniles. This legislation separates juvenile delinquents from the adult correctional system based on the premise that juveniles are in the adolescent developmental stage and are therefore in need of age-appropriate supervision, leadership, discipline, and guidance. All juveniles require supervision and management to properly develop, and the typical population of detained juveniles requires greater support and supervision than mainstream juveniles. It is important not to simply sequester, but to supervise the juvenile's actions, statements, and developing relationships through meaningful intervention with staff.

To be effective, supervision of juveniles requires trained and competent staff in a sufficient staff to juvenile ratio. All too frequently detained juveniles are being housed in facilities which are overcrowded and understaffed.

NATURE OF THE ISSUE:

Juvenile detention centers face constant pressure to reduce budgets. As staffing accounts for 70 to 90% of the total fiscal operations, many administrators are pressured to reduce staff or detain additional juveniles to achieve a lower per diem rate.

- Some modern design and technology for facilities intentionally limits juvenile contact to reduce direct costs.
- In times of population crisis and regardless of design, all facilities may experience times when they have insufficient staff to juvenile ratios due to overcrowding if additional staff are not allocated.
- Adequate direct care staff are necessary to monitor the behavior of juveniles and to engage them in helpful programs and services without reliance on segregation of misbehaving juveniles.
- The OJJDP *Conditions of Confinement: Juvenile Detention and Corrections Facilities Research Report* states "One important element of security is staffing levels. Without sufficient staff, juveniles are more likely to be able to harm each other, staff, or themselves. In addition, lack of staff causes low staff morale and higher levels of stress for staff." When the staff to juvenile ratio exceeds national standards, programming effectiveness will diminish, which increases the likelihood of physical intervention occurring.

DEFINITIONS:

Direct Care Staff -- Employees whose exclusive responsibility is the direct and continuous supervision of juveniles.

POSITION STATEMENT:

The National Juvenile Detention Association advocates that regulation, policy, procedure and practice ensure a minimum ratio of one staff to no more than eight (1:8) juveniles during the day, and a ratio of one staff member to no more than sixteen (1:16) juveniles during the night.

Executive Board Adoption Date: June 8, 1999

GENDER-SPECIFIC PROGRAMMING IN JUVENILE DETENTION AND CORRECTIONS FACILITIES AND PROGRAMS

STATEMENT OF THE ISSUE:

Historically, the relatively small number of girls in the juvenile justice system has resulted in that female population being overlooked or inappropriately served. Juvenile justice programs for females have generally attempted to replicate services available to their male counterparts in both design and method of service delivery. Additionally, sex-role stereotyping has impacted decision-making at all levels, from public policy to individual treatment. Although juvenile female arrests have increased at a proportionately higher rate, juvenile crime is still a predominantly male problem. However, researchers and practitioners now recognize that programs designed to address the needs of the majority male offender are ineffective and inadequate in meeting the unique needs of the female population.

NATURE OF THE ISSUES:

- Gender-specific programs should acknowledge the female perspective, provide positive female role models, empower girls and women to reach full potential.
- Gender-specific programs should promote philosophies and policies that work to change attitudes and stereotypes that limit young women from reaching their full potential.
- Programs for girls must offer equivalent, but not the same, opportunities as those offered to programs for male offenders.
- Gender-specific programs should provide physical space which is physically and emotionally safe from male influence, removed from those who depend on them, removed from the attention of adolescent males, and in which girls are free to develop a sense of self and self-esteem.
- Data indicates that most crimes committed by girls, even violent ones, are relationally-based.
- Girls need programs that potentiate relationships with other women.
- Successful programs for boys concentrate on rules and offer the means to advance within a structured environment while successful programs for girls concentrate on relationships and offer the means to flourish while keeping their relationships intact.
- Gender bias in the classroom and sexual harassment in schools have been well documented by research so gender sensitivity in educators is critical to an effective program for girls. The school curriculum must include experiences of women and girls, and boys must see women reflected in the materials they study.
- Girls in the juvenile justice system have experienced life traumas, physical, emotional and sexual abuse and victimization which impact their self-esteem and ability to trust.
- Girls have unique health and medical needs which need to be addressed through specialized services.
- Troubled girls are more likely to express emotions inwardly in self-destructive ways while troubled boys are more likely to act out through aggression towards other people or property.
- Gender-specific programs should provide opportunities for fitness and sports in a non-competitive, success-oriented environment.
- Programs for girls must consider racial, cultural and ethnic differences as well as gender differences.
- Programs for girls must consider issues of sexuality, pregnancy, and parenting.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) advocates the development and implementation of programs for female offenders which embrace the elements necessary to meet the unique needs of girls in the juvenile justice system. Those programs should be designed to emphasize the importance of relationships to young women, a physical and emotionally safe environment and positive female role models. Staff working in juvenile facilities and programs should receive specialized training regarding the unique needs, issues and perspectives of the female population in order to enhance their ability to effectively address both male and female youth in their care. Juvenile justice programs for girls must be comprehensive, integrated and sustained over time.

Executive Board Adoption Date: October 9, 2001

USE OF JUVENILE DETENTION FACILITIES FOR YOUTH WITH SEVERE MENTAL HEALTH ISSUES

STATEMENT OF THE ISSUE:

Large numbers of youth with serious mental illness, significant developmental disabilities, and youth that are severely emotionally disturbed are housed in juvenile detention facilities. Increasingly, detention facilities are viewed as the only legitimate managers of these youth because they have physical plants that are able to securely maintain violent youth.

NATURE OF THE ISSUE:

- Juvenile detention facilities are forced to house youth with severe mental health issues who have committed incidental offenses, due to the lack of available appropriate community resources.
- Juvenile detention facilities are required to admit juveniles who have severe mental health issues who are charged with serious delinquent offenses.
- Juvenile detention staff are not sufficiently trained or equipped to provide adequate care for severe mental health issues.
- Juvenile detention facilities do not provide an appropriate therapeutic environment conducive to the provision of appropriate services.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) strongly advocates that juvenile offenders with severe mental health issues, who have been identified by a qualified mental health professional, be placed in the appropriate therapeutic environment, instead of juvenile detention facilities.

When juvenile detention facilities are forced to house youth with severe mental health issues, NJDA promotes the provisions of adequate services by appropriately trained and licensed specialists.

RECRUITMENT, SELECTION, AND RETENTION OF JUVENILE DETENTION PROFESSIONALS

STATEMENT OF THE ISSUE:

The most valuable resource in the juvenile detention field is a highly qualified, committed, and professional workforce who will implement programs and provide meaningful services for detained youth. Juvenile detention facility administrators identify critical problems or challenges in the ability to effectively recruit, select, and retain a stable, professional workforce in detention facilities. Failure to recruit and retain quality individuals into the juvenile detention profession will result in the diminishing of helpful services provided to detained youth.

NATURE OF THE ISSUE:

The juvenile detention field experiences a high degree of staff turnover that inhibits the development of a consistent team and often negatively impacts the delivery of effective detention services and the ability to provide a safe, secure environment for youth.

Frequent staff turnover in the juvenile detention field presents a significant fiscal challenge to facilities due to increased overtime during the periods of staff vacancies, additional training expenditures, administrative time spent conducting the recruiting and selection process.

The juvenile detention field needs to identify the selection strategies of hiring practices that contributes to the development of a productive, effective, and stable professional workforce.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) recognizes that, in order to meet the professional expectations set forth in the “Definition of Juvenile Detention”, facilities should develop and implement effective staff recruitment, selection, and retention strategies to ensure a stable, professional workforce.

NJDA strongly advocates for increasing the professional standards of juvenile detention practitioners by providing a myriad of staff development opportunities, technical assistance, professional journals and publications, conferences/workshops, certification programs, etc. devoted to the wide range of facility personnel.

NJDA encourages the development of sound management practices in juvenile detention facilities that create a positive, productive work environment, provides meaningful incentives for positive performance, and ensures adequate compensation for juvenile detention professionals.

Executive Board Adoption Date: October 8, 2002

HEALTH CARE IN JUVENILE DETENTION

STATEMENT OF THE ISSUE:

Quality health care services should be an integral part of the continuity of care for youth which is often lacking in juvenile detention facilities. These youth are most often incarcerated as adolescents during a period of rapid physical and psychological growth and development. Despite the perceived “healthy” status of adolescents, early and unprotected sexual activity, violence, substance abuse and unrecognized mental health disorders have led to a significant increase in the morbidity and mortality of high-risk youth. Health care providers in detention facilities must identify and address the needs of each juvenile as well as provide appropriate preventative care during the juvenile’s temporary stay.

NATURE OF THE ISSUE:

- Families lack financial resources to provide for their child’s healthcare needs
- Families may lack understanding of the necessity for regular and consistent healthcare
- An established means for continuity of care after release may not exist
- Youth entering detention have frequently received inadequate medical and dental care prior to admission

POSITION STATEMENT:

NJDA strongly encourages all juvenile detention facilities to provide quality healthcare services for juveniles in custody. These services should identify and address the acute needs of each juvenile as well as provide appropriate preventative care during the juvenile’s temporary stay. Licensed professionals must provide healthcare services. Time permitting, they should include but are not limited to:

1. A medical screening at admission followed by a complete history and physical exam.
Early and Periodic Screening, Diagnostic and Treatment (EPSDT).
 2. Medical examinations for acute and chronic medical problems.
 3. A dental screening with provisions for cleaning and restorative work.
 4. A mental health screen upon admission with referral to the court for psychiatric care as needed.
 5. HIV testing and counseling as indicated followed by appropriate referral.
 6. Substance Abuse Screening, Assessment, and Testing, followed by appropriate referral for services.
 7. Education about chronic illnesses, (i.e., diabetes, asthma, anemia, etc.).
 8. Education about acute medical issues, (i.e., sexually transmitted diseases, allergic reactions, acne and puberty).
 9. Assist parents in identifying a primary health care provider upon notification that the juvenile will return to the community.
 10. Assist parents in the referral process for the follow-up services to the identified community health care provider.
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Executive Board Adoption Date: June 5, 2005

EDUCATION IN JUVENILE DETENTION

STATEMENT OF THE ISSUE

Juvenile justice and detention professionals, supported by professional research, statute and case law, agree that quality education is important to the success of at-risk and delinquent youth. A quality education adds structure to the confinement experience, strengthens self-esteem and confidence, builds useable skills and abilities and moves programs away from an adult-oriented, custodial philosophy and approach. A quality education increases and improves the interaction between staff and youth while reducing boredom and idleness and is an effective bridge to community reintegration. Quality education programs in juvenile detention are an important program element in the juvenile confinement experience and a critical agent for restoring troubled youth to a law-abiding lifestyle.

NATURE OF THE ISSUES

1. Juvenile detention education is fundamental to the future success of at-risk and delinquent youth.
2. Juvenile detention education should be delivered in accordance with learning theory for at-risk and delinquent youth.
3. Juvenile detention education should be provided by educators who are appropriately trained.
4. Juvenile detention education should include a special education component.
5. Juvenile detention education should include appropriate vocational elements.
6. Juvenile detention education should be designed to maximize learning and remedial opportunities for youth.
7. Juvenile detention education should be designed to provide holistic services for youth through collaboration with other youth-serving and educational programs.
8. Juvenile detention education adds structure to the confinement experience, strengths self-esteem and confidence, builds usable skills and abilities and moves programs and services away from an adult-oriented philosophy and approach.
9. Juvenile detention education increases and improves the interaction between staff and youth while reducing boredom and idleness.
10. Juvenile detention education is an effective bridge to community reintegration.
11. Juvenile detention education should, at a minimum, be comparable to an equal education in hours and days as for those who attend public school settings.
12. Juvenile detention should provide students the opportunity to earn credits towards graduation.
13. Juvenile justice staff employed by juvenile detention facilities play an important role the education of youth in the facility. Every staff interaction with youth has the potential to be a learning opportunity. Juvenile justice staff support and assist in the learning process by being actively engaged in the education classrooms.

POSITION STATEMENT

The National Juvenile Detention Association (NJDA) advocates for quality education for youth in juvenile detention facilities. NJDA believes that every confined youth is entitled to quality education services, offered in a dedicated educational space, delivered by trained, state certified or licensed educational staff, working cooperatively with juvenile justice staff. Juvenile detention education should meet the requirements of the school from which the student would graduate. Quality juvenile detention education services should include assessment, remedial and grade-level instruction, special education and curriculum based on the individual needs of student. Educational information should follow the youth in preparation for the achievement of future academic and vocational objectives. Quality juvenile detention education should be delivered utilizing a variety of strategies, in accordance with learning theory regarding at-risk and delinquent youth, including hands-on, experiential learning, social skill development and service learning activities.

Executive Board Adoption Date: October 12, 2007

PLACEMENT AND TREATMENT OF PRE-ADOLESCENTS IN A DETENTION FACILITY

Statement of the Issue:

Pre-adolescents (children 11 years of age or younger) have unique needs and when placed in juvenile detention facilities pose specific programmatic, safety, and security issues.

Nature of the Issue:

Pre-adolescents, due to the developing maturity level and limited ability to make rational cognitive choices:

- Behave differently and require age appropriate behavior management programs.
- Have emotional needs that require a more nurturing environment.^o
- Have different educational and recreational needs.
- Have unique health care needs.
- Require a different level of supervision and classification to protect them from harm and possible victimization.^o
- Require that staff have different skill sets and specific training to address the developmental and emotional needs of this population.

Position Statement:

The National Juvenile Detention Association (NJDA) opposes the placement of pre-adolescents in detention.^o NJDA believes that this population is best served through the professional and effective collaboration among child welfare, mental health, and juvenile justice agencies. ^oIn the event that a detention placement occurs, services should address the specific safety, health care, and developmental needs of the child. ^oAn alternative placement consistent with public safety should be facilitated immediately.
