

From the Expert... **The Hidden Closet of Alabama's Juvenile Justice System:
Juvenile Detention**

by Danielle J. Lipow¹



Let's start with the bad news. Alabama's juvenile justice system is flooded with low risk children in expensive institutions. Many of those children have never even committed a crime.

In our schools, graduation rates are unacceptably low. Referrals to juvenile courts are rising.

The adult correctional system is not only overcrowded, but also holds a disproportionately high number of children under the age of eighteen. Only five other states have a higher percentage of children in the adult system.²

And to put all that in a broader context, this year's *KIDS COUNT Data Book* revealed that Alabama had dropped from 43rd to 48th in the nation in overall child well-being.

But there's plenty of good news as well. In the last several months, state and local leaders throughout Alabama have taken significant steps toward juvenile justice reform that will make our communities safer and help our children live healthy and productive lives. Little by little, the system is becoming more accountable to communities, to taxpayers, and to children. Efforts are underway across the state to redirect existing resources toward more cost-effective, family-focused, community-based programs that hold delinquent youth accountable while also wrapping needed services around struggling children and families.

The Annie E. Casey Foundation Is Investing in Alabama's Children

So far, one of the most exciting pieces of good news has gone virtually unnoticed. Thanks to the vision and determination of some of Alabama's most powerful leaders – including Governor Bob Riley and Chief Justice Sue Bell Cobb – as well as strong advocacy from agency leadership at the Alabama Department of Youth Services, the prestigious Annie E. Casey Foundation has entered a multi-year partnership with the state to strengthen juvenile justice in Alabama. Since April 2007, a team of experts from the Casey Strategic Consulting Group has been working fulltime to provide free technical assistance to Alabama.

"We would be very grateful for the [Casey] Strategic Consulting Group's guidance in helping the State of Alabama to design and implement a network of more effective, less expensive community-based sanctions for our court-involved youth. . . . [T]here are far too many 'non-criminal' youth in state custody in Alabama. I hope that Casey will help us reduce reliance on large, secure care institutions and develop programs that will efficiently and effectively reduce juvenile crime."

-- Letter from Governor Bob Riley to the Casey Foundation (Dec. 2005)

Why has Casey – a national foundation with a three billion dollar endowment – chosen to invest in Alabama? First, because we are blessed to have leaders who are truly committed to improving the way we respond to troubled youth. And second, because we need the help in more ways than can be described in a 1,000 word article. Below are a few sad but undeniable facts about the problems that currently plague our juvenile justice system.

Fact: An overwhelming majority of children in Alabama's juvenile justice system are non-violent.

At least 79% of children admitted to the Alabama Department of Youth Services (DYS) in FY 2006 were locked up as the result of nonviolent misbehavior. In fact, DYS is so flooded with low risk children that young people who are committed to DYS are often placed on a "waiting list" for admission to state custody. Waitlisted children may languish for weeks or months in juvenile detention centers, where they are confined in small concrete rooms that look and feel like adult prison cells.

Fact: Juvenile detention centers—like adult jails—were never intended to provide long-term care.

Most people don't think much about juvenile detention centers, which have been called the "hidden closet" of the juvenile justice system. Detention centers are primarily used to confine children who are awaiting trial, but there is nothing childlike about these facilities – they look and feel like high security adult prisons. Children live in tiny concrete cells with solid or barred doors. Each

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cell has a metal commode and sink. Young people sleep on concrete shelves covered with a thin mattress. In overcrowded facilities, children sleep on the floor.

Although the adults who work in Alabama's detention centers have the best of intentions, the reality is that detention centers are neither funded nor staffed to provide any rehabilitative services. As a result, children get little or no treatment in detention, and therefore no "credit for time served" if they end up warehoused for months pending placement.

Within the past few years, the state has added more than 300 beds at DYS in an attempt to absorb the backlog of detained children pending placement. But expanding capacity is not only the most expensive way to deal with the problem, it is also an inherently temporary solution. Prisons and jails are like baseball fields: "If you build it, they will come."

"No matter what size facility you have, there will always be that temptation to fill it and over fill it."

-- Judge William Hibbler, Presiding Juvenile Judge, Cook County, IL³

Fact: Juvenile detention centers are highly effective crime schools, but dangerous and expensive babysitters.

Juvenile detention is not just dead time for children – it may also be the best crime school in the state. Research indicates that the experience of incarceration is the single greatest predictor for future recidivism. Children in detention gravitate toward the worst possible role models and often return home even more likely to break the law.

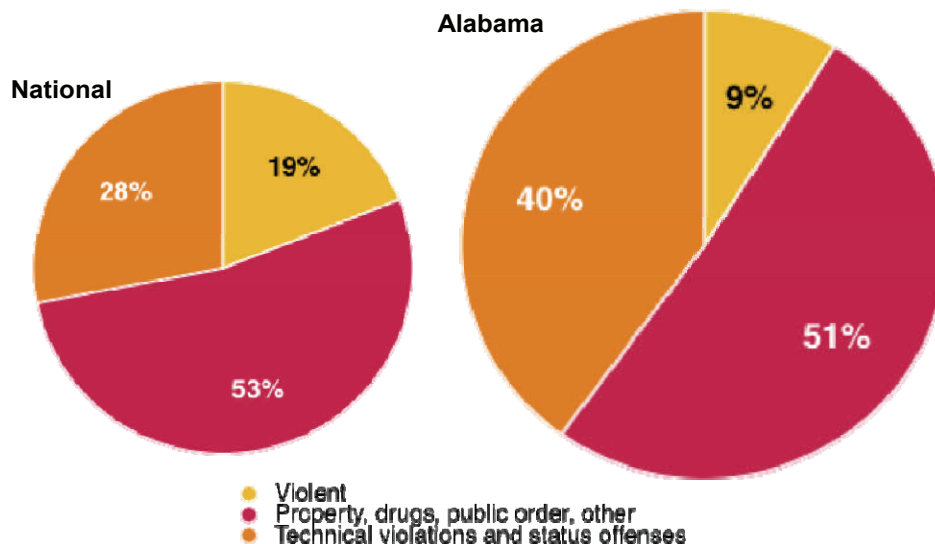
"If you put at-risk kids in detention, you increase the possibility they will re-offend."

-- Chief Justice Sue Bell Cobb, Supreme Court of Alabama⁴

Fact: Only a small fraction of the young people in Alabama's detention centers are being held for charges that involve violence.

According to the National Center for Juvenile Justice (the research division of the National Council of Juvenile and Family Court Judges), a large majority of children confined in juvenile detention centers are being held on nonviolent charges.⁵

Only 9% of detained youth in Alabama are facing violent charges



Fact: Juvenile detention is not only widely misused, it is also extraordinarily expensive.

In some counties, it costs \$165 or more to detain a single child for one day. \$165 per day may be a reasonable price to keep a dangerous child off the streets, but it is an outrageous price to ask taxpayers to spend on a babysitter – especially a babysitter who tends to encourage unlawful behavior.

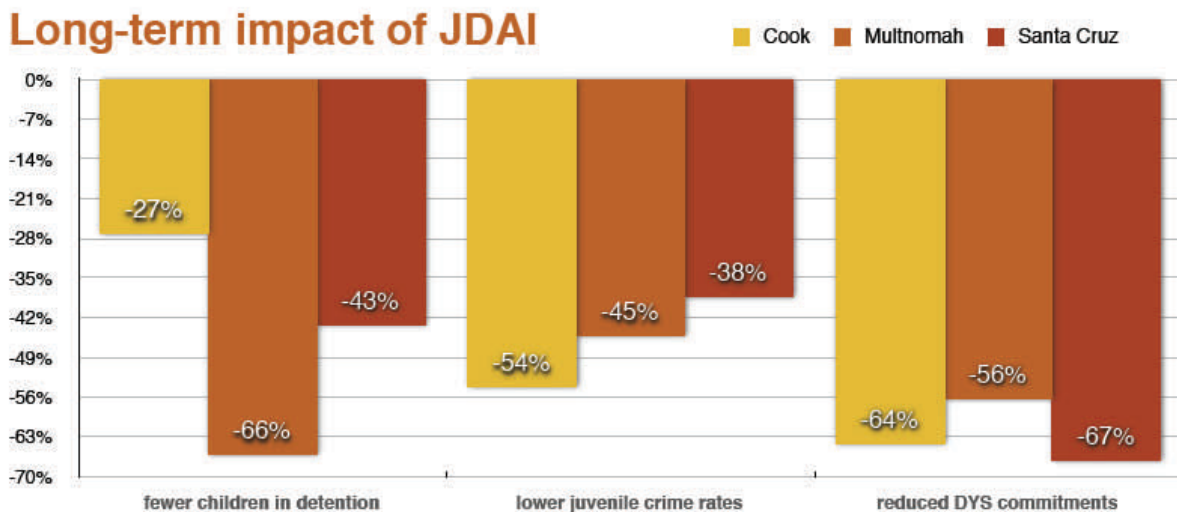
The Good News: Casey Foundation's Juvenile Detention Alternatives Initiative

In response to rising costs and the growing body of research showing [the dangers of detention](#), Alabama has recently embarked on a new initiative that has already helped to safely reduce juvenile detention populations in jurisdictions all over the country. As reported in August, 2007 in the [Birmingham News](#), one of Casey's flagship projects—the Juvenile Detention Alternatives Initiative (JDAI) – has just selected Alabama as a statewide JDAI site.⁶

Thanks to strong leadership from the juvenile judges and other justice professionals, JDAI reform efforts will begin in Jefferson, Mobile, Tuscaloosa, and Montgomery counties. Historically, these four jurisdictions have accounted for more than 50% of juvenile detainees statewide.

The Casey Foundation developed JDAI in response to a growing national appetite for juvenile incarceration. Even as juvenile crime rates plummeted in the 1990s, juvenile detention continued to rise. Two-thirds of juvenile detainees nationwide found themselves in dangerous and overcrowded facilities. Many counties spent millions of dollars to expand their capacity.

Since its creation in the early 1990s, JDAI has now been implemented in more than 70 local juvenile justice systems across the country. JDAI sites have seen dramatic reductions in their detention populations, often coupled with similarly dramatic reductions in juvenile crime and long-term commitments to expensive institutional placements. In addition, sites have avoided millions in unnecessary construction costs and diverted hundreds of thousands of dollars from detention beds to more effective alternatives.



By reducing detention, JDAI sites also reduced juvenile crime and commitments to residential custody.

JDAI is not a program or set of programs – it is a *process* through which jurisdictions learn to apply business models to public systems. Although the process includes a number of [core strategies](#) that are implemented in every site, JDAI is ultimately a local initiative that is driven by the specific circumstances of the individual jurisdiction. Because of this local focus, and because the

initiative prioritizes community safety, JDAI has been endorsed by prosecutors, law enforcement officers, judges, detention administrators, county officials, and advocates all over the country:

"Certain offenses are automatic detentions. Murder. Aggravated sexual assault. Armed robbery. Those are no-brainers. What I do [with JDAI] 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."

—Bill Pieroth, Juvenile Probation Officer, Cook County

"Being smart about the way detention is used allows us to use the limited number of tax dollars on less costly, more effective programs."

— Steven Dye, Juvenile Court Director, Ada County

"The results over the past 10 years have been incredible. . . . I would urge other counties to consider JDAI for their own communities. With over 60 jurisdictions across the country now at some stage of JDAI implementation, it's a movement well worth being a part of."

— Mardi Wormhoudt, Santa Cruz County Supervisor

In rural and urban counties throughout the United States, JDAI has allowed communities to dramatically reduce the number of children in juvenile jail cells while lowering juvenile crime rates and redirecting scarce resources from expensive detention centers to community-based alternatives. Thanks to strong visionary leaders at the state and local level, Alabama's communities and children will be the next to reap the benefits of this exciting initiative.

JDAI is a community-based initiative that depends on collaboration among a broad array of juvenile justice stakeholders – including members of the community who do not work in the system. To learn more about getting involved with JDAI in one of the four pilot sites, please contact:

- [Judge Brian Huff](#) in Jefferson County
- [Judge Edmond Naman](#) in Mobile County
- [Judge Anita Kelly](#) or [Judge Patricia Warner](#) in Montgomery County, or
- [Judge Philip Lisenby](#) in Tuscaloosa County.

¹Danielle J. Lipow is an attorney specializing in juvenile justice systems and policy who has contributed to successful reform efforts across the southeast. She coordinates the [Alabama Youth Justice Coalition](#), a collaborative venture that includes [VOICES](#) and many other child advocacy organizations. Danielle co-directs the [Southern Juvenile Defender Center](#) at the [Southern Poverty Law Center](#) and chairs the juvenile subcommittee of the Justice and Mental Health Interagency Taskforce. She also serves on the DYS Special Intake Commission, the CITY Long Range Planning Committee, the Juvenile Code Revision Legislative Subcommittee, the Board of the Directors for the [Children First Foundation](#), and the National Advisory Board for the [National Juvenile Defender Center](#).

²William J. Sabol, Ph.D., et al., Bureau of Justice Statistics Bulletin, Prison and Jail Inmates at Midyear 2006 (June 2007), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/pjim06.pdf>.

³Rochelle Stanfield, *Pathways to Juvenile Detention Reform: The JDAI Story* at 28.

⁴Eric Velasco, Better citizens, not better criminals: Juvenile crime-prevention program to be launched here, *Birmingham News*, Aug. 4, 2007.

⁵Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2005) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>.

⁶JDAI's investment will complement the ongoing work of the Casey Strategic Consulting Group.

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