

National
Juvenile
Detention
Association

NJDA

FALL 1995

Journal
for
Juvenile Justice
and
Detention Services

Volume 10, Number 2

REDUCING DETENTION POPULATIONS THROUGH ADVOCACY AND CASE MANAGEMENT

Dan Macallair

Abstract

This article examines the application of advocacy and case management programs in juvenile detention and their potential for resolving institutional populations. The article also focuses on managerial approaches to implementing and managing programs designed to challenge existing organizational practices.

Introduction

With over 30 jurisdictions around the country under some form of consent decree or threatened lawsuit, juvenile detention systems are in crisis. With the escalation of confinement rates disproportionately affecting minority youth, juvenile detention administrators face unprecedented overcrowding and deteriorating conditions (Parent, Leiter, Kennedy, Livens, Wentworth, & Wilcox, 1994). In recent years advocacy and case management have emerged as a creative strategy to reduce detention populations. By creating independent entities designed to advocate for, and to provide services exclusively to youth who otherwise would be held in secure detention, juvenile justice systems have significantly alleviated overcrowding and disproportionate minority confinement while providing high-quality community-based interventions. By operating outside normal institutional processes, advocacy and case management programs can avoid the "net-widening" and marginalization effects that frequently undermine detention alternatives.

The Historical Problem

Since the introduction of juvenile detention and correctional facilities, officials have struggled with overcrowding and poor conditions. Because detention facilities were the primary response to child welfare and delinquency issues for the better part of this century, few meaningful alternatives were ever developed. Expensive and cumbersome, detention facilities drained government coffers and diverted resources away from more creative options (Macallair, 1995).

In the absence of alternatives, a continuing escalation of

larger detention facilities occurred over the decades as policymakers sought resolution to the perpetual problem of overcrowding and poor conditions. However, by draining resources from potential options, creating a false sense of security, and stifling innovation, each new facility promoted a "Magenot Line effect." Perceived as a panacea, detention facilities quickly filled beyond their capacity as they became a one-dimensional strategy within a narrowly defined system (Macallair, 1995).

The emphasis on secure detention has been repeatedly criticized by analysts throughout the past 50 years. In analyzing California's dependence on secure detention, a 1954 report by the California Committee on Temporary Child Care observed:

Detention is one part of the total community program for children. Its use in large measure is determined by other services which exist. Unless other services are available the use of detention supplants the services the child really needs (Norman & Allen, 1954).

In an effort to reduce the number of detained youth, administrators and policymakers began implementing diversion programs in the 1960's. Diversion programs were designed to encourage police and juvenile justice personnel to refer low-risk youth to community-based programs rather than detain them after an arrest. Although well-intentioned, studies revealed these policies had little impact on the number of detained youth, since the youth selected for diversion would not have been detained, anyway. Instead of an alternative to detention, diversion became a restrictive option for youth who otherwise would have been released (Austin & Krisberg, 1978; Palmer, Bohnstedt & Lewis, 1978).

Dan Macallair, M.P.A., is the associate director of the Center on Juvenile and Criminal Justice in San Francisco, CA 94103. His area of expertise is the development of placement options for youthful offenders and designing strategies for systems reform.

Another innovation developed over the past 20 years is the use of objective intake criteria. Objective intake criteria are premised on findings that detention decisions are arbitrary and often skewed against minority youth. Therefore, to lessen decision-making disparity and decrease unnecessary detention, youth are scored according to various pre-determined risk factors such as offense seriousness, prior record, and gang affiliations. If youth score below a certain number, they should be released (Steinhart & Steele, 1988).

While in some instances risk-assessment instruments initially lowered detention populations by 15%, evidence suggests that their long-term impact is minimal. Despite the instrument's objective nature, staff often ignore the scores and continue to detain according to pre-existing practice. After risk-assessment instruments were implemented in San Francisco, a study by the National Council on Crime and Delinquency found a staff over-ride rate of over 50%. This over-ride rate resulted in a negligible effect on San Francisco detention populations, which has remained relatively stable for the past 15 years (Steinhart & Steele, 1988).

Advocacy and Case Management As Detention Alternatives

The primary obstacles to decreasing detention populations are the routines, practices, and attitudes of agency staff. Reforming large public bureaucracies to any significant degree is extremely difficult because of bureaucracy's natural reliance on past practices and procedures that dictate professional attitudes and philosophies. As a result, programs that were heralded as ways to divert youth from secure detention failed to achieve their intended effect because professional perceptions about who should be detained remained unchanged (Coates, Miller, & Ohlin, 1978; Bakal & Polsky 1978; Brazelay, 1992; Osborne & Gaebler, 1992).

In their search for effective alternatives to secure detention, jurisdictions are implementing advocacy and case management programs. These programs are designed to circumvent static organizational routines and target youth who otherwise would be detained throughout the adjudication process. Typically, youth are selected for the program after a judge has ordered them detained on the recommendation of institutional staff.

In February 1994, the Center on Juvenile and Criminal Justice (CJ CJ) was contracted by the District of Columbia

to establish an advocacy and case management program in response to an eight-year consent decree over conditions in the District's three detention facilities. Despite repeated assurances and numerous management changes, the District achieved little progress in resolving crowded and abusive conditions over the eight-year period.

The program was initiated after the District was given a Congressional ultimatum to close one of its three detention centers. In attempting to comply with its congressional mandate, the District's Youth Services Administration was facing severe criticism over allegations that youth were being released with no supervision or services and that crowding was becoming more severe in the two remaining facilities.

To accelerate the release process and ensure that proper services were provided, CJ CJ was granted full autonomy in selecting prospective youth. Prospective clients were selected only from the detained population and were unlikely to be released prior to their adjudication and disposition. While the offense is one of many factors in selecting potential clients, program participation is based on the youth's capacity to complete the program and the availability of community resources. Ultimately, a youth's capacity to complete the program is a subjective judgement based on the case manager's personal interaction with the youth and ability to access appropriate resources.

Once potential clients are selected, case managers complete assessments and make final determinations. If youth are eligible, CJ CJ designs individual case plans and presents these plans to the courts. At this stage, case managers advocate for the youth's release to the program. In 85% of the cases, courts adopt the CJ CJ recommendations and release the youth to CJ CJ's custody.

Once youth are released, the program provides case management services. In the delivery of community-based services, it is widely recognized that case management is "... the key to systemic success in a complex system of services by virtue of providing consistent advocates for the client and family and by coordinating and monitoring all services through the course of treatment" (Behar, 1991). Case managers may assist youth enrolling in school or in finding a job. In situations where clients are encountering family problems, case managers offer crisis counseling to stabilize the home situation or locate a temporary shelter. The following

case example illustrates the case management process.

Tyrone B. (age 16) was detained in a District of Columbia detention facility following his arrest for cocaine possession and assault. He also had an outstanding weapons charge in a neighboring county. In interviews he presented himself as intelligent, sensitive, and immature. During his period of detention, he had been cooperative and respectful with staff.

Tyrone's parents were never married and he has lived with his mother most of his life while maintaining sporadic contact with his father. His mother has a history of substance abuse and at the time of his arrest was incarcerated at D.C.'s Lorton Minimum Security prison. His father is a recovering heroin addict, who has been clean for the past two years following treatment. He currently works as a maintenance person at a local college and has expressed a strong interest in assuming a responsible parental role.

In facilitating Tyrone's release, CJ CJ case managers presented a plan that resulted in him being placed in his father's home. Because his academic work was average, he was enrolled in a regular school program administered by the D.C. School District. To accommodate his interest in auto mechanics, he was also enrolled in a vocational training program. Individual and family counseling was provided through Progressive Life, a community-based multi-service center. Tyrone also expressed an interest in participating in a peer mentorship and recreation program through the Shepharding Mentorship Program. Part-time employment was obtained through the Federally-funded Summer Youth Employment Program.

During his eight weeks in the program, Tyrone adhered to all his release conditions. On two occasions, case managers provided home crisis intervention in the late evening to allay a dispute between him and his father. Through on-going counseling and intervention, the relationship stabilized and he remained with his father. Because of his performance while in the program, he was placed on probation at his disposition and ordered to continue participating in his case plan.

In CJ CJ's District of Columbia project, each youth is assigned a full-time case manager and a part-time case monitor who are both on call 24-hours a day. Through this intense staffing, the level of support and supervision can be frequently adjusted based on each youth's needs. During the initial weeks, youth receive three face-to-face contacts a day with a minimum of one daily face-to-face contact in the later weeks. In addition, case managers are granted up to \$1,000 in discretionary funding to

purchase services on an as-needed basis. Discretionary money can be used to purchase a wide variety of services and personal items, including special tutoring, haircuts, clothing, YMCA membership, or bus transportation. In contributing to the closing of a second detention facility and the downsizing of the third, the project is now recognized as a primary element in the District's attempt to restructure detention services.

Similar programs administered by CJ CJ staff have been used to close or downsize detention and training school facilities in Maryland, Hawaii, and California. In his evaluation of an advocacy and case management program that reduced the population of the Hawaii Youth Correctional Facility from 75 to 32, criminologist Andrew Rutherford (1990) concluded:

As only 4 of the 26 releases have been re-arrested for further offenses (for which charges were still pending and none of which involved violence), it is reasonable to conclude that the project was conducted without undue threat to public safety. Indeed, the results strongly suggest that the project has provided enhanced public protection through the new services provided during the three month follow-up period. (p. 19)

In 1993, CJ CJ, along with four community-based agencies, established the Detention Diversion Advocacy Program (DDAP) in San Francisco. As an advocacy and case management program DDAP was designed to target the disproportionate incarceration of minority youth in the City's detention center, provide culturally specific services, and promote service integration and interagency cooperation. Since its inception, the program has received commendations and numerous awards, including "Agency of the Year" from the San Francisco Delinquency Prevention Commission and the "Diversity Award" from the Center on Human Development.

Implementing an Advocacy and Case Management Program

The essential element in establishing an effective advocacy and case management program is injecting the staff with a sense of mission to serve as a true alternative to secure detention. Staff must perceive their identity as distinct and contrary to an institutional or custodial role. This distinct role is crucial, since advocacy requires confronting established institutional forces that may oppose the introduction of new approaches (Smykla, 1981). Conflict typically arises when program staff

advocate for release after institutional staff have recommended detention. In staffing advocacy and case management programs, personnel should:

- Possess a strong belief in community-based care.
- Exhibit concern for the communities they serve.
- Adopt a separate identity from an institutional or custodial role.
- Possess knowledge of programs and services.
- Know the techniques for linking diverse services.
- Be culturally competent.

As a way of measuring effectiveness, the following are examples of performance objectives for CJ CJ advocacy and case management programs:

- One hundred percent of youth released to the project will be provided an individual release plan.
- Seventy-five percent of all individual release plans will be adopted by the courts.
- Eighty-five percent will not be re-arrested during the time they are participating in the program.
- Eighty-five percent will not fail to attend court hearings during the time they are enrolled in the program.
- Eighty-five percent will not be terminated from the program for technical violations of release.
- Seventy percent will be enrolled at least part-time in an accredited educational program.
- Fifty percent will participate in peer support and/or violence reduction program.
- Thirty percent will participate in a substance-abuse program.
- Thirty percent will participate in individual counseling.
- Twenty percent of client parents will participate in parent support or education programs.
- Twenty percent will be employed on at least a part-time basis.

CJ CJ's San Francisco and District of Columbia advocacy and case management programs routinely achieve their performance objectives. As previously mentioned, over 85% of all case plans presented to the courts are adopted. Once the youth are released to the programs, less than 10% are re-arrested, fail to appear at court, or are terminated for technical reasons.

To ensure against net-widening, no youth is admitted to the program unless it is clear that he/she would remain in detention throughout the adjudication process. In CJ CJ's

San Francisco and District of Columbia programs, youth must score above the minimum detention score on the risk-assessment scale to be accepted. In San Francisco, the juvenile probation department risk assessment instrument requires that youth be detained if they score 10 or above. The average DDAP youth has a score of 14.

Benchmarks should be required for any program designed to reduce detention populations. For example, the program may be required to demonstrate a 20% average daily reduction in the detention population. If the program fails to meet this standard, administrators should determine if program or institutional adjustments are required (Young, Gardner, Coley, Schorr, & Brunner 1994).

Conclusion

Historically, programs established as detention alternatives rarely serve such a function. Absent a strong advocacy component by staff committed to implementing community-based treatment, alternatives are quickly co-opted into existing organizational routines. In response to these conditions, jurisdictions often seek resolution through ever larger facilities. However, research and experience demonstrate that larger facilities do little to alleviate overcrowding or poor conditions. Instead, hopes and expectations are dashed, as the new facilities become seen as an unlimited option and quickly fill beyond capacity. Within a short period of time, new facilities begin to exhibit the same conditions as previous facilities.

The future of juvenile detention will require administrators to expand the concept of detention services beyond the one-dimensional institutional approach. Among the more difficult issues facing detention administrators is developing a continuum of services that contains true alternatives to secure detention.

Advocacy and case management offer the opportunity for success where other programs have failed. By creating autonomous programs in which the primary goal is to promote and implement alternatives, a competitive dynamic is created that challenges existing organizational assumptions. While programs cannot succeed without some element of support among juvenile justice administrators, advocacy and case management let administrators implement change without achieving system-wide consensus. Since reforms designed to change organizational routines and practices are resisted, they do not achieve consensus until after they have been proven effective. Typically, new programs pass through

five stages before a consensus develops regarding their efficacy. These stages are the "honeymoon" stage, resistance stage, consolidation stage, acceptance stage, and finally, consensus stage. Once the program reaches the consensus stage, the program's value is recognized and the premises on which it was based are acknowledged as legitimate. At this point, the program is seen as an essential element of the system and becomes part of the organizational culture (Macallair, 1995).

If the juvenile justice system is to gain public confidence, it must seek new ways to improve the quality of care for youthful offenders. Custodial detention for active youthful offenders is not a deterrent nor is it rehabilitative. To improve the systems capacity to alter the cycle of delinquency that leads to adult crime, high-quality individualized service must be provided at every stage of the juvenile justice system beginning with detention. Implementing new services and approaches will require creative leadership and multiple strategies, if administrators are to overcome the institutional barriers to meaningful organizational reform and break the cycle of growing institutionalization.

References

- Austin, J., & Krisberg, B. (1981). *Wider stronger, and different nets: The dialectics of criminal justice reform*. San Francisco: National Council on Crime and Delinquency.
- Bakal, Y., & Polsky, H.W. (1979). *Reforming corrections for juvenile offenders*. Lexington, MA: Lexington Books.
- Barzelay, M. (1992). *Breaking through bureaucracy: A new vision for managing government*. Berkeley: University of California Press.
- Behar, L. (1991). *Fort Bragg demonstration project: Implementation of the continuum of care*. Raleigh: North Carolina Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
- Coates, R.B., Miller, A.D., & Ohlin, L.E. (1978). *Diversity in a youth correctional system*. Cambridge, MA: Ballinger.
- Macallair, D. (1995a). *Emerging from darkness: Reinventing San Francisco's juvenile justice system*. San Francisco: Center on Juvenile and Criminal Justice
- Macallair, D. (1995b). *Policy brief: The stages of juvenile justice reform*. San Francisco: Center on Juvenile and Criminal Justice.
- Norman S., & Allen, D. (1954). *California children in detention and shelter care*. Sacramento: California Committee on Temporary Child Care.
- Osborne, D., & Gaebler, T. (1992). *Reinventing government: How the entrepreneurial spirit is transforming the public sector*. Menlo Park, CA: Addison-Wesley Publishing Company.
- Palmer, T., Bohnstedt, M., & Lewis, R. (1978). *The evaluation of the juvenile diversion projects*. Sacramento, CA: Department of the Youth Authority.
- Parent, D.G., Leiter, V., Kennedy, S., Livens, L., Wentworth, D., & Wilcox, S. (1994). *Conditions of confinement: Juvenile detention and corrections facilities*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Rutherford, A. (1990). *Assessment of the Hawaii youth advocacy project*. Southampton, England: University of Southampton.
- Steinhart, D., & Steele, P. (1988). *San Francisco juvenile detention survey: Results and recommendations*. San Francisco: National Council on Crime Delinquency.
- Smykla, J. O. (1981). *Community-based corrections: Principles and practices*. New York: Macmillan and Co.
- Young, N., Gardner, S., Coley, S., Schorr, L., & Brunner C. (1994). *Making a difference: Moving to outcome-based accountability for comprehensive service reforms*. Falls Church, VA: National Center for Service Integration.