

**Report to the Board of Cuyahoga County Commissioners
from the Annie E. Casey Foundation
Regarding Juvenile Detention System Practices and Recommended Reforms
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I. Introduction

This report and recommendations to the Board of Cuyahoga County Commissioners on current and past practices relating to juvenile detention represents the collective effort of a team of technical assistance providers from the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative.

In July 2001, our team conducted an initial assessment of the county's detention policies, programs and practices and offered suggestions on how the system might be improved. Subsequently, the Board requested that we collaborate with William Sabol, Ph.D., and other researchers from Case Western Reserve University in their efforts to validate the Functional Program for the planned Youth Intervention Center.¹ AECF team members have met with and interviewed key² officials in the juvenile justice system, toured the detention facility, the county-operated Youth Development Center, the Jones Home Shelter Program and the Lincoln Park Shelter, and observed detention hearings.³

II. Areas of Critical Interest

As noted in an October 30, 2001 correspondence from Bart Lubow to Judge Sikora and Craig Tame, five specific elements of the Cuyahoga County detention system contribute to inappropriate and unnecessary reliance on secure detention:

- detention admission policies and practices;
- operation and use of non-secure detention alternatives;
- delays in case processing;
- reliance on detention for violations of probation; and
- policies and practices for domestic violence and unruly cases.

These five areas are the bane of many juvenile detention systems. Cuyahoga County is not alone in wrestling with these issues in an effort to achieve a more effective and efficient detention system. It was also clear from our site visits and interviews that key

¹ The Youth Intervention Center (YIC) is a 310-bed secure detention facility intended to provide secure detention for preadjudicated youth and assessment services for both alleged delinquents and "at-risk" youth.

² AECF consultants interviewed Judge Russo, Magistrate Walsh, Ken Lusnia, Len Monks, Randie Kuhn, Kathy Mauk and others, as well as members of the county attorney's office, representatives of the public defender's office, community program staff, a host of private service providers, members of the architectural planning team and more than 30 youth drawn randomly from the detention facility, the YDC, and both shelter programs.

³ Interviews with youth in the detention facility were accompanied by a review of institutional records for each youth interviewed.

officials in Cuyahoga County have attempted many times and in many ways to correct the problems that persist to this day in these areas. Vexing as they may be, these five key areas provide a road map for how Cuyahoga County can fulfill its commitment to redesign its detention system as a model of public safety, efficiency and high-quality care for its most at-risk youth and their families.

1) Detention Admission Policies and Practices

Two factors drive the population of any detention center – the number of youth admitted and their length of stay. During the course of our review, we identified a number of practices that have dulled the edge of efficient, objective admissions in Cuyahoga County.

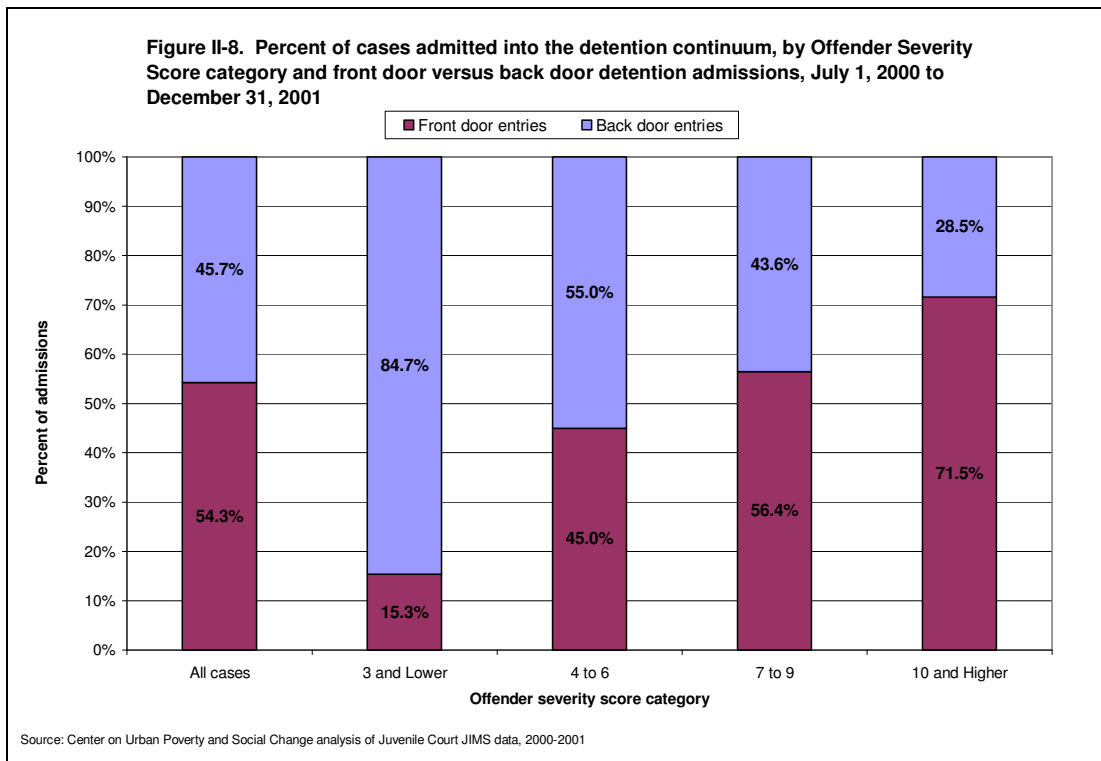
Cuyahoga County relies on the DASI, an objective risk assessment instrument to determine secure vs. non-secure placement of youth following arrest. The DASI uses a numeric score, based on five objective variables, to determine an alleged delinquent’s appropriateness for secure detention. At the time of its design and implementation, youth who received a score of 10 or higher were to be detained in secure custody to await a detention hearing before a judicial officer. According to numerous system officials, the secure detention threshold of the DASI was reduced arbitrarily from a score of 10 to a score of 7. This decision was not based on an analysis of re-offense, failure to appear or other data pertaining to how youth with scores above 7 performed in the community.

According to the data compiled by Case Western Reserve University (CWRU), youth with OSS⁴ scores of 3 or lower occupied an average of 10 detention center beds each day. Those with scores of 4 to 6 took up 21.4 beds, and those scoring 7 to 9 occupied an average of 12.9 beds daily. When combined, youth in secure detention with risk scores below the original detention threshold of 10 represent 44.3 of the youth in secure detention on any given day. These data raise several issues:

- First, the reduction of the detention threshold from 10 to 7 points was a costly decision. Nearly 13 youth are confined in secure custody with scores within the 7 to 10 range. At a cost of approximately \$150,000 to build a single detention bed, this practice, if adhered to in the future and factored into the secure bed space needs of the county, could cost as much as \$2 million for additional construction costs alone. The \$2 million figure does not include annual operating costs associated with maintaining a facility of this size.
- Jurisdictions that have successfully managed the size of their detention populations rely on data-driven decision-making. Risk assessment instruments in such jurisdictions are applied with uniformity and are validated empirically to ensure their effectiveness. This has not been done in Cuyahoga County.

⁴ Offender Severity Score (OSS) is a measure developed by CWRU researchers to approximate the DASI score of youth in the detention system. Although it is not an exact comparison, it provides a credible measure for use in projecting use and allocation of detention resources.

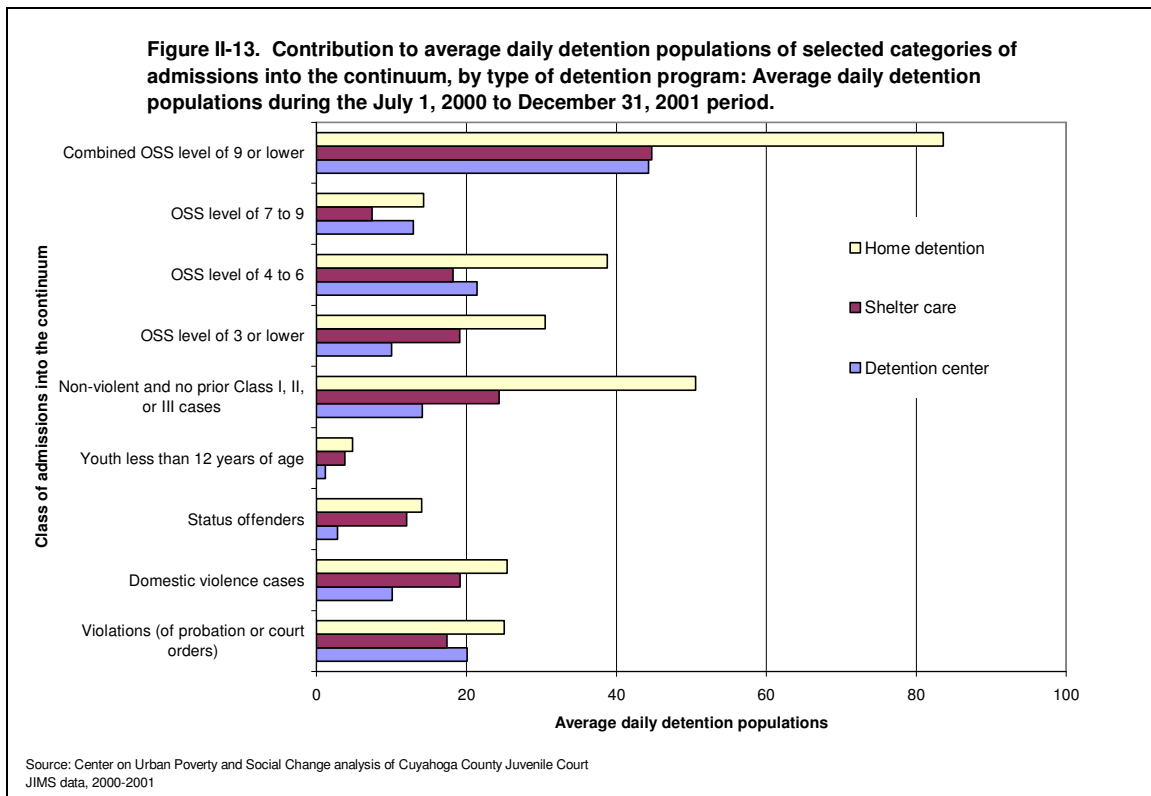
- The large number of youth in secure detention on an average day who score below 10 on the OSS suggests either a shortage or misuse of non-secure detention alternatives, or outright disregard for the DASI. Profiles of youth in the various detention alternatives available in Cuyahoga County are nearly indistinguishable in characteristics and risk scores from many in secure custody. CWRU data showed little correlation between the level of risk presented by a youth and the level of restrictiveness in the programs where they are placed. A more uniform and objective reliance on the DASI in placing youth at all levels of care is needed to guide program expansion decisions and to eliminate the misuse of alternatives.
- In Cuyahoga County the DASI is used only to determine secure placement or release. Detention intake staff who apply the risk assessment instrument are denied authority to place youth in less secure settings if the risk score indicates such a placement is appropriate. As such, the DASI’s potential power as an objective screening tool has been severely curtailed.
- Many of the youth in secure detention with low risk scores entered through the “back-door,” meaning that a judicial order drove the detention decision after either a program failure, a technical probation violation, or some other (non-delinquent) event that brought the youth to the attention of the court. These youth are far more likely to have very low DASI scores than those who enter secure detention through the “front door.” Failure to apply the DASI in these instances means that secure detention use is frequently not based upon risk of re-arrest or failure-to-appear in court.



2) Non-Secure Detention Alternatives

Cuyahoga County's detention alternatives suffer from a series of problems:

- Though the programs offer a range of restrictiveness, placement in them appears unrelated to the risks youth pose. Data reveal that youth in secure detention are generally indistinguishable from those in shelter programs or from those in home detention or evening reporting programs. This problem reveals both inconsistent use of the DASI, as well as misuse of the programs themselves. The pattern also implies that program placement is driven more by availability than by suitability. Youth are placed where there is a program space rather than where they are best suited. This “capacity-driven” use of non-secure detention resources should be a warning sign for county policy makers: if the county proceeds to build a secure facility with excess bed capacity, this pattern strongly predicts that the new facility will remain filled, regardless of actual need.



- Eighty percent of those youth with at least one violation of a court order are detained. This high percentage suggests that alternatives to secure detention are either too few in number and diversity, too quick to eject challenging youth, or both.
- The cases of youth in non-secure alternatives are processed through the courts as if the youth were at liberty, resulting in inordinate lengths of stay in the programs.

Long stays in what should be short-term programs have two serious consequences. First, they limit the number of program slots available to the system, a phenomenon that no doubt drives the tendency to place youth by availability rather than suitability. (For example, if the home detention program has a capacity of 30 youth at any point in time and a length of stay in the program of 6 months, only 60 youth can be served annually. However, if the length of stay were one month, 360 youth could be served.) Second, extended lengths of stay in programs designed as short-term interventions will produce more “failures”, eroding confidence in the programs.

- The shelter programs are located far from the neighborhoods where these youth reside, are much too big, and hold youth for unusually long periods of time.
- Program accountability appears to be minimal, resulting in uneven performance or unacknowledged success or failure, all of which undermine confidence in the continuum.
- Though the county has established the makings of a continuum of alternative programs, both the range of possible interventions and their capacities could be extended to further reduce reliance on secure custody.
- Finally, the inefficient use of existing program resources, especially unnecessarily long stays, produces backlogs in secure detention. During one of our site visits, there were 17 youth in secure detention awaiting placement at the Youth Development Center. Though there is no empirical evidence to support the 6-month stays at the YDC, the policy results in the system’s inability to move youth to less secure settings (and also delays participation in what ought to be helpful YDC interventions).

3) Case Processing

Delays in case processing are well-documented by CWRU researchers. These delays waste scarce resources (e.g., secure detention beds) and increase failures, thereby undermining the credibility of the system. Moreover, it is critical to remember that youth view the world in more immediate terms than most adults. Long delays in delinquency processing erode the value of the system’s responses. As noted earlier, the longer cases linger in an unresolved status, the greater the likelihood that the alleged delinquent will violate some terms of their release, resulting either in admission to secure detention or eventual out-of-home dispositional placements.

The delays in case processing in Cuyahoga County’s system appear related to a number of factors. First, there seem to be dramatic variations among judges in how they handle their calendars, when they grant continuances, for how long, etc. These tendencies go unchanged because the court sustains an individualized approach (rather than a centralized one) to docket management. Most importantly, these variations produce case processing times that often exceed OCR guidelines.

One of the major case processing shortcomings is the system's failure to treat youth in non-secure alternatives as if they were detained cases. If officials would view detention as a continuum (not just a place) and treat youth in pre-adjudicatory programs under the guidelines for detained cases, enormous numbers of program slots would become available and program success rates would improve. Moreover, such a change would help to alleviate the "backlog problem", where youth deemed appropriate for less secure options remain in secure custody simply because there are insufficient program slots.

It also appears that special attention ought to be devoted to eliminating the "awaiting placement" caseload in the detention center. We found 27 of 54 youth in shelter care during one of our site visits awaiting placement in other programs (sometimes more secure ones). These problems are not uncommon in many jurisdictions, but a variety of solutions are available, ranging from the use of case "expeditors" to expansion of the range of in-home services available for dispositional purposes.

Delays in case processing are largely the product of adult decisions and behaviors. The solutions, therefore, are typically within the power and authority of system officials. Some of the personnel we interviewed implied that these delays were the result of too much case volume relative to system capacity. This is a questionable conclusion because true capacity-driven delays result in ever-growing case processing times (whereas Cuyahoga County's have been relatively stable). Moreover, to the extent that caseloads do influence case processing times (and they surely do), the system must examine its caseload more carefully to determine if it is using its resources most efficiently. As noted above, many youth with very low risk scores fill both detention beds and non-secure alternatives. If these youth were instead diverted from the system, along with unruly youth, minor domestic violence cases, truants and other status offenders, system capacity would expand without major new resource investments.

4) Probation Violations and Program Failures

According to CWRU researchers:

"[Y]outh who entered detention with at least one charge of a violation of a court order or a probation order comprised an average daily detention center population of 20 persons, and they also had an average daily shelter care population of 17 persons. Although some of these youth who entered detention with at least one charge of a violation of a court order or probation order may also have committed new crimes that led to their detention, it is also the case, as reported to us by the Court Administrator, that probation officers are responsible for many detentions and that in some cases they do not work hard enough to get youth out of detention."

Reliance on secure detention for violations of probation by officers and judges results in unnecessary utilization of detention beds. Our investigation also revealed that use of detention for VOPs is inconsistent across probation officers and judges. Some rely heavily on detention to sanction violations while others do not. Both of these problems,

we believe, stem directly from the lack of probation department practices and policies designed to standardize or regulate the use of secure detention as a sanction in VOP cases (as well as for violations of alternative-to-detention program rules for pre-adjudicated youth). Absent clear policies that delineate and limit the use of detention in these cases, as well as timely, consistent supervisory oversight to ensure line officer compliance, it is predictable that large numbers of secure beds will be filled with relatively low-risk youth.

The development of intermediate sanctions to address VOPs would help to reduce current reliance on secure detention in these cases. However, use of such sanctions must be carefully controlled by department policies and practices that standardize when and how the sanctions are applied (based upon the seriousness of the violation and the overall risk posed by the youth).

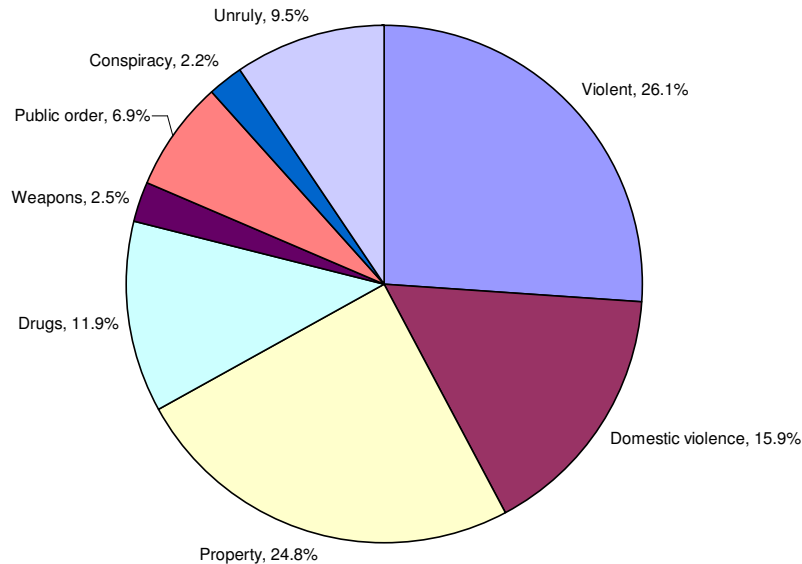
Our team also learned that access to secure detention can occur by way of an “open admit” practice exercised in some courtrooms whereby a probation officer’s testimony, or the judge’s informed intuition, commands probationers into secure detention without a formal VOP being filed. Data related to this type of admission were difficult to discern, but probation officials alluded to continued use of this practice despite the assertion by some judicial officials that its constitutionality is suspect.

5) Detention of Domestic Violence and “Unruly” Cases

Large numbers of low-risk, apparently high-need cases result in secure detention (as well as unnecessary placement in alternative programs) in Cuyahoga County. This is evident from the significant numbers of youth in the detention system as a result of “domestic violence” incidents or “unruly” behavior. According to CWRU researchers, these two categories constitute more than 25% of youth in the detention continuum, occupying 24 secure beds and 44 shelter beds on an average day. Reliance on these out-of-home placements may seem reasonable to some given the fact that the misbehavior is directly related to the youth’s home. However, these placements simply delay the inevitable necessity to reduce the family conflicts and dysfunction that will still be there when the youth finally returns home.

- Youth held on charges of domestic violence represented 10 youth on a given day in secure detention, and another 20 in secure shelter. This is a very costly and unproductive way to manage youth involved in volatile home situations. Other jurisdictions successfully divert such youth from secure care through home-like emergency shelters, specialized but temporary foster families, and enhanced kinship care arrangements. Diverting youth charged with domestic violence out of the detention stream has a de-escalating effect (on family dynamics) that is not achievable through secure detention.

Figure II-2. Percentage of cases entering the detention continuum, by offense category of the most serious offense: Cases entering the continuum between July 1, 2000 and December 31, 2001



Notes: *F1 includes AM, MU, and CA.
Source: Center on Urban Poverty and Social Change analysis of Juvenile Court JIMS data, 2000-20001.

- Reliance on secure detention for other categories of low seriousness offenses is also evident. According to CWRU researchers, “Youth who committed non-violent offenses and had no prior cases in which any of the charges were F1, F2, or unclassified (Class I); F3, F4, or F5 (Class II), or misdemeanors (Class III) comprised an average daily detention center population of 14.1 persons, and an average daily shelter care population of 24.3 persons.” These youth are prime candidates for placement in suitable alternative-to-detention programs. Aggressive screening of this population would undoubtedly produce significant numbers of youth who could be in less restrictive settings.⁵

⁵ In Philadelphia, where the city’s secure Youth Development Center is under a court-ordered population cap, the division of Juvenile Justice contracted with a non-profit agency to provide intensive supervision (three face-to-face contacts daily during the first week and once daily thereafter) and support to youth and their families as a way to assure return to court and prevent rearrests. All youth who participated in the program resided in their own homes or in the home of a close friend or relative. After a year of operation, the program demonstrated a FTA rate of 4% and a rearrest rate of 6.2%. Furthermore, youth in the program were committed to the state juvenile justice system at lower rate than other similar situated youth.

III. Recommendations

1) Limit the Capacity of the New Secure Detention Facility

Cuyahoga County must now make a decision that will determine the course of its juvenile justice system policies and practices for many years to come. If it opts to build a large detention center, prior history strongly implies that the new facility will remain filled regardless of the risks posed by arrested youth. Moreover, construction of a large facility will dampen incentives to address the numerous shortcomings and reform opportunities discussed here. As long as there are ample secure beds, the system will have limited motivation to use objective admissions screening tools, to expand and enhance alternatives to detention, or to expedite case processing. High-need, low-risk youth, whether they are categorized as “domestic violence”, “unruly” or VOP cases, will continue to occupy expensive secure beds for want of effective policies, practices and programs. Secure bed-days will continue to be wasted because adults take too long to take action. Program outcomes will remain questionable. The only thing likely to change if a very large facility is built is the flow of taxpayer dollars to pay for its construction, financing and operation.

CRWU researchers have recommended construction of a 100-bed facility to replace the current detention center. We strongly support this recommendation. We believe the data reveal that aggressive detention reforms could reduce population levels to a point where no more than 100 beds are necessary. Whatever decision is made by county officials, it is critical to keep in mind that that decision will establish the foundation for youth policy well into the future. If a 300-bed facility is built, few public resources will be available to support community-based interventions. On the other hand, if a smaller detention center is built, the long-term fiscal requirements of an effective, efficient system are much more readily satisfied. Indeed, construction of a smaller facility could enable Cuyahoga County officials to create a model detention system that relies on secure custody only when necessary to protect the public and ensure return to court.

2) Implement Comprehensive Detention System Reforms

The problems and challenges outlined in this report (confirmed by and large by CWRU’s more extensive empirical analysis) are no different than those faced by numerous jurisdictions nationally. Fortunately, we now have models of places that have transformed their detention systems through implementation of a series of reforms that enable them to make better, more-timely decisions and to rely on a broader range of options to effectively accomplish the purposes of secure detention. The essential elements of this reform process include the following:

- **Collaboration among system agencies and community partners** for joint planning and policy making and to provide oversight of newly-implemented reform strategies. Absent genuine collaboration, it is all too easy for a single agency to undermine the reform effort.

- **Reliance on data** to make key policy, practice and program decisions. So long as the system relies on anecdotes and worst-case scenarios to drive its approaches, unnecessary reliance on secure detention will persist and system accountability for both public safety and youth outcomes will remain minimal.
- **Objective decision-making tools and techniques** must be developed and rigorously adhered to in order to ensure that secure custody is the option of last resort and that justice is not determined by random assignment to individual courts or probation officers.
- **Expanded or enhanced non-secure alternatives** are essential if secure detention use is to be responsibly reduced. Absent effective programs that can moderate the risks posed by certain youth, it is simply unreasonable to expect system decision makers to cease reliance on secure detention.
- **Expedited case processing** will save bed-days, expand alternative program capacities, facilitate the administration of justice and improve system outcomes while costing very little.
- **Special strategies for special cases**, such as violations of probation, warrants and “awaiting placement”, will be required to reduce their presence in the secure facility. Fortunately, there are now many tested policy and practice reforms available to address these problematic cases.
- **Specific emphasis on racial disparities** will be essential to reduce the current disproportionate reliance on secure custody for youth of color. Experience has demonstrated that reducing these disparities requires effective implementation of the strategies noted above, but that these strategies alone may be insufficient to eliminate disproportionality.
- **Rigorous oversight of conditions in secure detention** is essential to ensure that those youth who must be detained are held in appropriate conditions. The county will make a huge mistake, common to other jurisdictions, if it fails to recognize that recent problems with conditions of confinement are purely a function of the age and condition of the old facility.

3) Ensure High-Level Leadership of and Commitment to Detention Reform

Implementing these reforms is not easy. For one thing, most of them are intertwined in one fashion or another. For example, the continuum of alternatives to detention will not be effectively utilized absent disciplined application of an objective screening instrument and more timely case processing. Similarly, high quality conditions of confinement are virtually impossible in the face of chronic crowding. Resistance to detention reform is also predictable, from line staff who fear that their discretion is being taken away, from community-based organizations that are reluctant to alter program designs, and from

system officials who have spent years doing things “the old ways”. Still, successful implementation of these reforms is within the grasp of virtually any jurisdiction if the political will exists to successfully implement them.

For that reason, it seems especially important that the County Board and the judiciary articulate their commitment to transforming Cuyahoga County’s detention system (e.g., by formal resolution) and place key members in critical leadership roles in the detention reform effort. Absent obvious expressions of the political will needed to support these reforms, it is unreasonable to expect those with less power and authority to undertake the changes needed to build a smarter, fairer, more efficient and more effective detention system. In Cuyahoga County, given historical tensions, it is particularly important that the court and the board present a united front in support of these changes.

4) Develop A Family Resource Center

During our assessment, we were asked to comment on the placement of a community assessment center (CAC) on the grounds of the new detention facility. We are familiar with this program model and research related to it. It is our view that CACs have not sufficiently demonstrated their value as a tool for addressing the needs of youth involved with the juvenile justice system. In most instances, CACs are long on paper-and-pencil assessments, but short on the delivery of actual services. In many jurisdictions, the CAC’s promise of services makes it a magnet for troubled youth whose needs can not or should not be addressed by the juvenile justice system. Schools, mental health agencies, child welfare, and other “helping” agencies have turned to CAC’s as a way of ridding themselves of troubled or troublesome youth. The police in many places have turned them into all-purpose “drop-off centers”, resulting in more youth in custody. In short, CACs appear to significantly widen the net of social control without providing youth, their families, neighborhoods, or the court system with the assistance they were expecting.

Rather than creating a CAC, we suggest the creation of a Family Resource Center (FRC) on this site. The FRC should be operated by a local non-profit organization or a consortium of non-governmental agencies and should be designed for use by families with youth who may or may not be connected to the juvenile justice system. Families could utilize the center without formal system referrals, perhaps reducing the numbers of status offenses brought before the court. The juvenile justice system, we imagine, would refer many court-involved youth to the center for assessment and referrals. Underlying principles that we think should guide such a program include the following:

- The facility is physically separate, and to the extent possible, visually separate from the detention center.
- The facility is not operated by the court or probation. Rather, it is operated by a community-based organization (or a consortium of CBOs), in cooperation with county agencies (e.g., the county could outpost eligibility staff at the FRC).
- The facility serves all families and youth, not just those linked to the courts or the detention center. The juvenile justice system may make heavy use of the services,

but families and youth should not have to be in the juvenile justice system in order to receive services.

- The facility should have no residential capacity;
- Funding for services at the FRC should come, at least in part, from savings in operational costs that would have been associated with a larger detention facility;
- The county and city (to the extent that the latter provides services) should agree at the outset how their agencies will relate to this program, including what resources (both dollars and personnel) they will commit.