

**Detention Project
Briefing Paper: February 2003**

Printed under appropriation #013-03A-F001-012 by the Juvenile Justice Advisory Group through Grant #2000JFFX0023 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Program, U.S. Department of Justice.

Prepared by the Muskie School of Public Service, Institute for Public Sector Innovation for the Maine Juvenile Justice Advisory Group under Contract # MI-21-00.

Authors:

Alfred M. Sheehy, Jr. M.P.P.M

Caroline S. Macdonald, B.A.

What Can We Do To Reduce the Number of Youth in Secure Detention in Maine?

A. The Purpose of Juvenile Detention

Maine youth are held in secure detention in two locations in Maine, the Long Creek Youth Development Center (LCYDC) in South Portland and the Mountain View Youth Development Center (MVYDC) in Charleston. The state is divided into two catchment areas, which usually results in youth being placed in the facility closest to their homes.

Maine State law, Title 15 § 3203-A states that:

- C. Detention, if ordered, must be in the least restrictive residential setting that will serve the purposes of the Maine Juvenile Code as provided in Section 3002 and one of the following purposes of detention:
 - (1) To ensure the presence of the juvenile at subsequent court proceedings;
 - (2) To provide physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise and care for the juvenile adequately;
 - (3) To prevent the juvenile from harming or intimidating any witness or otherwise threatening the orderly progress of the court proceedings;
 - (4) To prevent the juvenile from inflicting bodily harm on others; or
 - (5) To protect the juvenile from an immediate threat of bodily harm. [1999, c. 624, Pt. B, §5 (amd).]

B. Study Data Sources and Limitations

Survey of Maine Juvenile Justice Practitioners

One hundred eighteen juvenile justice system participants, including judges, prosecutors, defense attorneys, and Juvenile Community Corrections Officers, were surveyed for their views on secure detention practice in Maine. Seventy-eight participants completed the survey for a response rate of 66.1%.

The survey sought the respondents' perceptions of criteria used to hold Maine youth in secure detention; offense profiles of detained youth; the proportion of Maine youth who could be better served in a context other than secure detention; and respondents' opinions on a series of alternatives to secure detention.

The major limitation of the survey data is that responses are subjective; the quantitative estimates provided are based on respondents' personal experiences and perceptions.

Population Data from Maine's Two Secure Detention Facilities

The study analyzed detention populations at the two Maine facilities at several points in time between January 1, 2001 and July 1, 2002¹. These data create a series of epochs which contain information on the gender of Maine youth in secure detention, the reason youth are in secure detention, and the mean length of stay of youth in secure detention.

The population data are limited by several factors. Length of stay data can be distorted by a small

¹ LCYDC data were analyzed at seven points in time: January 1, 2001 – July 1, 2002. MVYDC data were analyzed at five points in time: January 1, 2001 – January 1, 2002. MVYDC data for the April 1, 2002 and July 1, 2002 datasets are problematic, due in part to an unusually high number of youth and long lengths of stay relative to the previous datasets.

number of youth who have been in detention for a long time, but can be compensated for by reporting median length of stay. The reasons for detention are limited to Pre-Adjudication Detention, Shock Sentence, and Other; a longer list would allow a more accurate portrayal of why youth are in secure detention.

C. Portrait of Maine Youth in Detention

How Many Maine Youth Are Held in Detention?

The average population of youth in secure detention at LCYDC over seven points in time is 50, ranging from a low of 36 to a high of 69. The average female population at LCYDC is 10; the average male population is 40. The population peak of 69 occurred in the April 1, 2001 snapshot. The low population point of 36 occurred in both the January 1, 2002 and July 1, 2002 snapshots.

The average population of youth in secure detention at MVYDC over five points in time is 26, ranging from a low of 23 to a high of 38. The average female population at MVYDC is 6; the average male population is 23.

How Long Are Maine Youth Held in Detention?

Data from LCYDC indicate that youth remained in secure detention an average of 43.1 days over seven points in time; the median length of stay over this time period was 21 days. Population data show that the median length of stay declined steadily over the period from a high of 36 days to a low of 13 days.

Data from MVYDC showed that youth remained in secure detention for an average of 42 days over five points in time. The median length of stay was 25 days, ranging from a high of 30 days to a low of 20 days.

LCYDC data show that 73.8% of the youth in detention during the period were held for more than 10 days, while 77.7% of the youth in detention at MVYDC were in detention for more than 10 days.

Why Are Maine Youth Held in Detention?

The database used by the juvenile facilities provides the following reasons for youth being held in detention: 1) Shock Sentence, a court imposed punishment; 2) Pre-adjudication, meaning youth are in detention awaiting an adjudicatory hearing; and 3) Other, youth with a status of Other may be waiting for a dispositional hearing, or are subject to the Interstate Compact Process.

A composite profile of 50 youth in detention at LCYDC² reveals that the status of 32 (64.0%) youth was Pre-adjudication, the status of nine (18.0%) youth was Other, and the status of six (12.0%) youth was Shock Sentence. The status of four (8.0%) youth was unknown.

A composite profile of 29 youth in detention at MVYDC shows that the status of 17 (58.6%) youth was Pre-adjudication, the status of one (3.4%) youth was Other, and the status of 11 (34.5%) youth was Shock Sentence.

Survey results provide another perspective. Respondents were asked to provide criteria for why Maine youth are held in secure detention. The most frequent criteria cited by respondents are displayed in the table below. Responses are divided to reflect the perceptions of practitioners from the Northern and Southern areas of Maine, reflecting the catchments of the two secure facilities.

² Composite profiles were created by taking an average of the population and an average of the distribution of status of youth in detention at LCYDC across seven data points. The MVYDC composite profile used five data points.

Criteria	North Rank	South Rank
No adequate supervision	1	2
Violation of Probation or Conditional Release	2	1
Public Safety	3	4
Safety of the youth	4	3
New Offense	5	5
Punishment (Shock Sentence)	6	6

What is the Offense Profile of Maine Youth in Secure Detention?

An offense profile was developed by averaging estimates from survey respondents; therefore, percentages do not necessarily total 100%. Responses have again been separated to capture the perceptions of practitioners from Northern and Southern Maine, as shown in the following tables.

Respondents from the Northern half of the state estimated that a much higher proportion of detained youth committed felony offenses than respondents from Southern Maine.

Offense Severity	North	South
Felony (Class A-C crime)	60.5%	38.4%
Misdemeanor (Class D or E crime)	26.7%	28.7%
Technical Violation	16.8%	29.0%
Total	104.0%	96.1%

Offense Type	North	South
Property	44.2%	48.7%
Person	55.4%	42.2%
Total	99.6%	90.9%

Offense Type	North	South
Violent	45.6%	41.6%
Non-violent	39.6%	51.4%
Total	85.2%	93.0%

What Proportion of Youth in Secure Detention Could Have Their Needs and the Needs of the Juvenile Justice System Met Through an Alternative to Secure Detention?

A summary of all survey responses indicates a belief by respondents that the needs of 48% of youth in secure detention could be met through an alternative to secure confinement. Respondent estimates ranged from 14% to 90%. Respondents from the Southern half of the state estimated that 55% of detained youth could be served in an alternative setting; Northern respondents estimated that 40% of detained youth could be served in an alternative setting.

D. What are alternatives to secure detention?

The following list of alternatives was developed through a review of the literature, including DeMuro (1999) and Gaines, Kelly & Treahy (1996). The 10 alternatives, with definitions provided by DeMuro (1999) and others, are:

- 1) *Home Detention*: Youth maintained in their homes and supervised through “frequent, random, unannounced, face-to-face community supervision (and telephone contacts)”.
- 2) *Electronic Monitoring*: Electronic monitoring may accompany home detention in circumstances:
 - Where youth have failed to meet standard program rules.
 - As a way to release youth who may not otherwise meet home detention criteria.

- 3) *Day Reporting Centers*: Non-secure community programs that provide 6-12 hours of daily supervision and structured activities.
- 4) *Intensive Supervision Services (ISS)*: ISS services in Maine provide three levels of service that can function as alternatives to secure detention:
 - Intensive supervision
 - Attendant Care
 - Emergency Foster Care
- 5) *Attendant Care*: Youth are temporarily housed in an Attendant Care Facility, supervised 24 hours a day by a trained child care worker.
- 6) *Shelters*: A non-secure residential facility to provide time-limited housing for youth as an alternative to secure detention.
- 7) *Foster Care Placement (relative/non-relative)*: DeMuro (1999) refers to foster care placements for “younger children, girls, lower-risk cases, or other youths who may not be suitable for placement in a congregate care facility”.
- 8) *Case Management*: DeMuro (1999) refers to the Center for Juvenile and Criminal Justice (CJCJ) definition of Intensive Case Management which includes:
 - Case planning
 - Release advocacy
 - Daily face-to-face contacts at school and at home
 - Referral to community services and programs
 - Daily curfew check
 - Crisis intervention
 - Presentation of progress reports and disposition recommendations to the courts
- 9) *Substance Abuse Unit*: Provides secure placement and treatment for youth with severe substance abuse issues.
- 10) *Adolescent Psychiatric Unit*: Provides secure placement and treatment for youth suffering from severe mental health problems.

All of the above alternatives exist in Maine. However, survey respondents suggested that only two of the alternatives, Home Detention and Electronic Monitoring, exist in sufficient supply to meet system demands for the resource. Respondents indicated that a mobile Day Reporting Center in Maine is able to meet demand for services in some regions.

E. Maine Perspective of the Problems, Solutions and Values of Juvenile Secure Detention

The Survey of Maine Juvenile Justice Practitioners asked a series of open-ended questions. The questions and corresponding responses are summarized below.

From your professional perspective, what are the two biggest problems in Maine’s pre-adjudication detention system?

Based on the responses from all survey respondents, the two most frequently cited problems are the lack of treatment resources and the lack of alternatives to secure detention.

Respondents listed the following four alternatives to detention as most severely unable to meet the demand for services (percentages refer to the percentage of respondents):

- 1) Foster Care Placements (81%)
- 2) Substance Abuse Units (80%)
- 3) Adolescent Psychiatric Units (77%)
- 4) Youth Shelters (69%)

How would you solve these problems? What would better serve youth?

The most frequently mentioned solutions to the problems in the detention system are more treatment resources, and more non-secure facilities and alternatives.

Respondents rated all 10 resources as viable alternatives. The four most highly rated resources are:

- 1) Intensive Supervision Services, which include Intensive Supervision, Attendant Care and Emergency Foster Care (96%)
- 2) Foster Care Placements (87%)
- 3) Adolescent Psychiatric Unit (86%)
- 4) Home Detention (85%)

In your opinion, what value does the practice of detention have? What goal does it serve? What objective does it achieve?

Nearly all respondents supplied only one answer to this question, and the majority of answers consisted of one of three values of secure detention. Cited most frequently was the safety of the public and the youth, followed by punishment/deterrent, then the opportunity for stabilization, supervision, and planning.

All of the alternatives rated by respondents as viable can provide safety for the public and the youth and provide an opportunity for stabilization, supervision, and planning. However, the value of secure detention as a punishment/deterrent would not be accomplished outside of secure detention. LCYDC composite data show that secure detention was used as a Shock Sentence (punishment) for 12% of youth in secure detention, compared to 35% of youth at MVYDC.

F. Conclusion

What Do We Know About Youth in Secure Detention?

The average population of youth in detention in Maine during the study period was 76 youth, including 60 males and 16 females. There was a downward trend in the detention population at LCYDC ranging from a high point of 63 on April 1, 2001 to low points of 36 on January 1, 2002 and July 1, 2002. The detention population at MVYDC varied over the period from a low of 23 on July 1, 2001 to a high of 38 on April 1, 2001.

We know that the mean length of stay for youth at LCYDC was 43 days across the seven points of time analyzed. The median length of stay for these youth was 27 days, declining from 46 days to 13 days over the study period. The mean length of stay at MVYDC was 42 days, and the median length of stay was 25 days, again showing no clear trend across the five points in time.

Composite data reveals the status of detained youth at LCYDC during the study period as 64% Pre-adjudication, 18% Other, 12% Shock Sentence, and 8% unknown. In comparison, composite data on youth at MVYDC reveals that their status during the study period was 59% Pre-adjudication, 3% Other, and 35% Shock Sentence.

Survey respondents estimated the offense profile of detained youth as 51% felony offenses, 27% misdemeanor offenses, and 23% technical violations. Respondents also estimated that approximately 50% of youth committed violent offenses and 50% committed non-violent offenses.

On average, survey respondents indicated that 48% of youth in secure detention could have their needs and the needs of the juvenile justice system met by alternatives to secure detention.

What Do We Know About Alternatives to Secure Detention in Maine?

We know that the 10 alternatives to secure detention listed earlier in this paper all exist in Maine.

What Do We Know About Problems in Secure Detention in Maine?

Survey respondents cited the 1) lack of treatment resources, and 2) lack of alternatives to secure detention, as the largest problems. Respondents cited Foster Care Placements, Substance Abuse Units, Adolescent Psychiatric Units, and Youth Shelters as the resources least able to meet system demand.

What Do We Know About Proposed Solutions?

Survey respondents rated the following alternatives as the most viable alternatives to secure detention: Intensive Supervision Services, Foster Care Placements, Adolescent Psychiatric Units, and Home Detention. These reflect the alternatives recommended by the Annie E. Casey Foundation supported *Juvenile Detention Alternatives Initiative* (Steinhart, 1999).

What Do We Know About the Value of Secure Detention?

We know that survey respondents cited the safety of the public and the youth; punishments and deterrents; and the opportunity for stabilization, supervision, and planning as the most valuable aspects of secure detention.

Latessa (1999) stresses in the “What Works” research literature that successful corrections programs target high risk offenders. Latessa also stresses that targeting low risk offenders does not produce positive results and in fact may increase recidivism. Translating this into detention practice implies that effective use of secure detention focuses on high risk offenders.

Orlando (1998) cites two purposes for secure juvenile detention: 1) to ensure that alleged delinquents appear in court, and 2) to minimize the risk of serious re-offending, while current charges are being adjudicated.

Schwartz and Barton (1994) offer the following description of appropriate use of juvenile detention:

Juvenile detention is the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court and require a restricted environment for their own or the community’s safety while pending legal action. Further, juvenile detention provides a wide range of helpful services that support the juvenile’s physical, emotional, and social development.

Bilchik (1998) wrote: “An effective juvenile justice system does not use detention as a sanction.”

What Don’t We Know?

We do not know the impact of detention on youth who are detained.

We do not know the characteristics of youth who benefit from secure detention. Two of the four alternatives to secure detention rated as most viable by survey respondents. Adolescent Psychiatric Units and Foster Care placements are among the most expensive alternatives. The costs of Intensive Supervision Services are relatively low for Intensive Supervision, but these costs escalate rapidly when Attendant Care or Emergency Foster Care resources are utilized. Home Detention is the least expensive alternative; however, the need for increased monitoring of youth does carry a cost. We don’t know what the cost would be to increase the use of these alternatives, nor do we know where funding would come from to pay for these alternatives.

We do not know how detained youth score on the YOLSI or DOC Detention Risk Assessment Instrument. Current data collection processes make it difficult to obtain these data. Current quality assurance practices affect the reliability of these data.

The current economic environment in Maine is not promising from the perspective of pursuing new

resources to expand services. While all of the alternatives to secure detention, with the possible exception of Adolescent Psychiatric Units, are less expensive than confinement in secure detention, new resources would be required to expand the availability of these services. Resources saved by reducing the number of youth in secure detention is one possible source; however, a large proportion of the resources expended to maintain youth in secure confinement are fixed costs and therefore not available.

References

Center On Juvenile and Criminal Justice. <http://www.cjcj.org/>

Bilchik, S. (1998). Objectives of an Effective Juvenile Justice System. *Office of Juvenile Justice and Delinquency Prevention Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

DeMuro, Paul (1999). Pathways to Juvenile Detention Reform: Consider the Alternatives: planning and implementing detention alternatives. Baltimore, MD. The Annie E. Casey Foundation.

Gaines, J.A., Kelly, R.L., Treahy, J.P. (1996). A Guide to Non-Secure Detention Practice. *Journal for Juvenile Justice and Detention Services*. Spring, pp. 19-32.

Latessa, E.J. (1999). What Works in Correctional Intervention. *Southern Illinois University Law Review*, 23, pp. 415-426.

National Juvenile Detention Association. "Toward a Model Secure Detention Program: Lessons from Shuman Center." In Schwartz, I. and Barton, W. (1994). Reforming Juvenile Detention: No More Hidden Closets. Ohio State University Press.

Orlando, F. (1999). Pathways to Juvenile Detention Reform: Controlling the Front Gates. Baltimore, MD. The Annie E. Casey Foundation.

Steinhart, David (1999). Pathways to Juvenile Detention Reform: Planning for Juvenile Detention Reforms: a structured approach. Baltimore, MD. The Annie E. Casey Foundation.