Ch.1 Historical Perspective

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The Importance of Understanding History

Understanding the history of the juvenile justice system and its reforms allows practitioners to learn from past successes and failures and gives insight into current challenges in the field of juvenile justice. Historical trends illustrate broad shifts in policy and practice, with the pendulum swinging between more punitive policies and those emphasizing rehabilitation. For example, reforms in the 1970s aimed at decreasing the population of detained youths preceded the “tough on crime” reforms of the 1990s that increased the number of incarcerated youth. However, recent trends, such as the emphasis on community-based interventions, indicate a shift in focus back to youth rehabilitation.

There appear to be four major phases in the development of juvenile confinement after the creation of the juvenile court system in 1899. The early years leading up to World War II saw the establishment of juvenile detention homes and secure juvenile corrections facilities. The second phase, which lasted up to the 1980s, saw a shift in the role of state and local governments—during which time juvenile justice services became increasingly decentralized—and the increasing involvement of the federal government in juvenile justice issues. This era was marked by the passage of the federal Juvenile Justice Delinquency and Prevention Act (JJDPA), and reforms that stemmed from civil rights litigation and changes put in place by visionary leaders of juvenile justice agencies. These reforms recognized the rights of youth, the need to operate facilities according to best practices, and the benefits of keeping youth in the community. A third period, the “Tough on Crime Era,” occurred in the 1980s and 1990s as juvenile justice policies became substantially harsher and oriented toward corrections. This phase occurred in the wake of an increase in juvenile crime and a simultaneous shift toward punitive approaches for adult offenders. Finally, a new wave of reforms began around the start of the 21st century, with an emphasis on strategies for reducing the population of incarcerated youth, the development of professional standards, the provision of improved rehabilitative services for youth in custody, and efforts to improve safety in juvenile confinement facilities. This current national trend appears to be based on a “developmental model” that emphasizes the differences between juveniles and adults.[1] This approach arose in response to abuse and maltreatment of youth in custody and the poor outcomes for youth held in correctional-style environments. There is now a greater awareness of the social-developmental needs of youth.

Reforms and philosophies in juvenile justice evolve at different rates and in different ways at the federal, state, and local levels. Some of the more transformative national initiatives, such as the Juvenile Justice and Delinquency Prevention Act (JJDPA) and the more recently enacted Prison Rape Elimination Act (PREA), have taken (and are taking) time to trickle down to the state level. Although some states, such as Missouri, were visionary in their move away from large state-run institutions a couple of decades ago, other states continue to operate correctional training-school style facilities for youth. Similarly, counties within the same state may vary widely in their approach.

The Campaign for Youth Justice maintains a helpful website that tracks some current developments in juvenile justice reform at the state level. It can be found at [2]http://www.campaignforyouthjustice.org

Who is a Juvenile?

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines a juvenile as anyone under the age of 18. That bright line is also drawn by other federal policies, including PREA. However, it is important to note that this legal definition varies among states, depending on the maximum age of juvenile jurisdiction in that state, that is, at what age a minor will be automatically prosecuted in the adult criminal justice system. Although 40 states set the maximum age of juvenile jurisdiction at 18, there are 8 states that consider a 17-year old an adult for criminal justice purposes and 2 states that set the age at 16. And every state has some mechanism for transferring a youth into the adult criminal justice system, even if he or she is below the maximum age of juvenile court jurisdiction. Once in adult court, that youth may be labeled an “adult” under state law.

Further complicating the issue of who should be considered a juvenile is our increasing awareness of developmental and neurological differences between adults and children, including scientific studies that show the brain is not fully developed until roughly age 25. (See Ch. 6: Adolescent Development) [3]
The juvenile justice system encompasses different levels of government and different departments within those governments. These include the courts, juvenile probation departments, juvenile detention and correctional facilities, and treatment service providers. Some may be operated by the state, while the county or another local unit of government may operate others. Some functions may be contracted out to private providers. Together, these departments and providers deliver a continuum of services—prevention, intervention, reentry, and aftercare and include programs such as alternative education, foster care, drug and alcohol rehabilitation, probation, and detention. It is important for practitioners to understand how these programs work together toward the goal of diverting youth from the criminal justice system or ensuring the safe and healthy conditions of confinement for those youth that must be held in custody.

Unlike the adult criminal justice system, the juvenile system operates under the strict time constraint of a youth’s age, which determines his or her eligibility for treatment, institutional placements, and transfer to the adult system. With lengthy delays, older youth may age out of the juvenile system before receiving appropriate treatment. The juvenile court must focus not only on services provided to youth, but also on the length of time youth are eligible to receive those services.

Some federal policies and constitutional law relevant to juvenile justice apply across the entire country, but most are the province of state and local government. Thus, the system functions differently from state to state, as well as among counties within a particular state.[2] These structural differences include which level of government funds juvenile probation, detention, and corrections, and the jurisdiction of the civil and criminal courts.

The division of responsibility between state and local government varies as well. Probation and pre-adjudication detention are at the “front end” and are typically overseen by local governments; long-term commitment and aftercare are the “back end” and are often centralized at the state level.[3] Responsibilities can be divided into three categories:

1. **Centralized states** are characterized by a state executive agency having across-the-board state control of delinquency services, including state-run juvenile probation services, state correctional facilities, and aftercare.

2. **Decentralized states** administer basic delinquency services characterized, at a minimum, by local control of traditional probation services. Often, local authorities run detention centers as well. Some also share responsibility for aftercare services with state agencies.

3. **Combination states** use a mix of state and local control to operate delinquency services. For instance, they may have largely state-run systems—but with significant local control in the more populous, urban areas. Some states operate most delinquency services for youth but divide responsibility between the executive and judicial branches of government.

The Appendix Table 1 describes the structure of the juvenile justice system in each state and the agencies responsible for each state’s juvenile justice functions. The Juvenile Justice Geographic Policy Practice & Statistics [3] website has related information on jurisdictional boundaries, juvenile justice services, and systems integration, among other topics. OJJDP offers information on questions of jurisdictional boundaries and the organization of administration and delinquency services on its Statistical Briefs/ Recent FAD [4] page.[4]

The Development of the Juvenile Court System

The roots of the juvenile court in this country can be traced to educational and religious reform movements in 16th century Europe, which ushered in a view of children as gradually developing into adulthood instead of being “miniature adults.” Boarding schools of the era had strict regimens designed to shape the mentality and morality of the child.[5]

Industrialization and immigration in the U.S. in the 1800s accelerated the application of criminal law to children. Rapid urbanization disrupted families, resulting in overcrowding and an increase in crime, including crimes committed by children. A strong public concern for these children began to surface, setting the stage for a series of social reforms such as the development of child labor legislation, specialized care for the disabled, and public education. Such social reforms were evidence of growing support for governmental responsibility for individuals who needed special protection and care.[6] The creation of the juvenile court in 1899 extended predictably from a reform movement throughout the 1800s to protect children.

Houses of Refuge

A Quaker-led movement in New York City that began in 1796 focused on reforms to the criminal justice system, including legislation that, for many crimes, replaced punishment by whipping and death with confinement in newly built prisons.[2] General concerns about the plights of the poor, combined with awareness of the special plight of poor children wandering the streets and falling into a life of pickpocketing and other crimes, led to a desire to remove these children from the city streets. But reformers feared the harm that would come from confining these pre-delinquent youth in prisons with hardened adult criminals.[8] In 1824, the New York Legislature approved construction of a House of Refuge for juvenile delinquents, establishing the first detention system that separated youth from adults. However, only those youth deemed “salvageable” and “novices in anti-social conduct” could be housed in these facilities.[9] Historian Sanford Fox contends that these notions of “predelinquency” and the potential for rehabilitation, along with the belief that these children were truly victims of poverty and neglect rather than offenders, characterized the next century of juvenile justice reforms in the United States.

New York’s House of Refuge became the prototype for similar institutions in Pennsylvania and Boston. The Philadelphia House of Refuge—established in 1826—was the second such institution and accepted children who had been convicted of crimes or who were
vagrants. These institutions held youth for indeterminate periods of time, and emphasized values similar to the Protestant work ethic such as discipline and hard work.[10] In 1835, Pennsylvania added incorrigibility as a reason to confine youth. The new law was soon challenged as unconstitutional after an incorrigible child had been committed to the House of Refuge without a jury trial. However, in Ex Parte Cruse, the Pennsylvania Supreme Court upheld the commitment, finding that “The House of Refuge is not a prison, but a school, where reformation, not punishment, is the end.”[11] The Cruse Court based its ruling on the notion of parens patriae, finding that when the parents of a child neglect their parental duties, the state has an obligation to intervene and to provide the youth with guidance, supervision, and schooling. The emphasis is on the welfare of the child, permitting the proper balance of social and economic interests. The court might have limited its concern to dependent, neglected, and destitute children but chose to include delinquent children as well. Delinquent children were often also dependent, neglected, and destitute, and all of these children needed the court’s benevolent intervention.

The early Houses of Refuge were founded on principles of education and religion, generally providing a program for children based on strict discipline and useful labor, while protecting them from adult criminals. Theory and practice often diverged in the operations of these facilities, however. While judges sent youth to these institutions with the expectation that they would receive beneficial treatment and services, many children were subjected to brutal forms of discipline rather than parental guidance. The work program also devolved into a system of indentured servitude and contract labor. The environment of the schools was characterized by violence and escapes, making rehabilitation of the youth unlikely.[12] Nor did the removal of these children from their communities have any impact on the juvenile crime problem.[13]

Concerns about the mistreatment and neglect of children in Houses of Refuge gave rise to the so-called “Child Savers” movement in the Victorian era, with prominent women citizens in urban areas acting as the lead advocates for children. These reformers pushed for increasing state intervention into the lives of at-risk youth, including schooling.[14] This led to the establishment of state-operated reform schools and industrial schools, such as the Lyman School, established in rural Massachusetts in 1886 as the nation’s first reformatory. Some scholars have suggested that the purpose of the “child savers” was less about protecting the children than about protecting the middle and upper classes from the scourge of juvenile crime.[15]

John Augustus and Probation

Equally important to the development of the juvenile court system in the U.S. was the development of probation. Probation was derived from a logical extension of the English common law practice of the conditional suspension of punishment. Use of the judicial reprieve, release of offenders on recognizance, release on bail, and suspension of sentence were direct precursors of probation.

In 1841, a local cobbler named John Augustus took the first step beyond these common law practices in Boston, Massachusetts. He began to attend court hearings and the court to allow him to post bail for defendants, promising to supervise them in the community and guide their behavior pending the sentencing hearing. His efforts were generally successful, and they saved the state the costs of building secure facilities to hold these defendants. Although Augustus initially worked with men, he gradually began to provide supervision for women and children. After Augustus’s death, other volunteers stepped up to continue his work, but Augustus is generally credited as the first to use probation as an alternative to incarceration when it came to juvenile delinquents.[16]

In 1869, Massachusetts appointed salaried officers to serve the function of supervising youth placed on probation, and in 1880, a statewide law went into effect allowing cities and towns to employ probation officers. These local departments soon grew into large bureaucracies.[17] Other states followed suit by establishing juvenile probation offices.[18]

Advent of the Juvenile Court in 1899

The first juvenile court was created in Cook County (Chicago), Illinois, in 1899, using the parens patriae doctrine as the legal basis for the court’s jurisdiction over youth and relying on a philosophy that children should be seen as delinquent rather than as criminal. The primary purpose of this new juvenile court system was rehabilitation rather than punishment.[19]

Although the impetus for creating the new court came out of a desire for reform of the system for handling delinquent youth, the passage of the Juvenile Court Act resulted only in a change in court procedures and not in a change to institutional conditions for youth in custody.[20] The final version of the bill passed by the Illinois Legislature deleted provisions meant to improve conditions in reformatories, detention facilities, and other institutional settings for delinquent youth.[21] The Illinois Bar Association had championed efforts to reform these institutions, led by reformers Julia Lathrop and Lucy Flowers, following Illinois Governor John Altgeld’s request that Lathrop investigate conditions for juvenile offenders in custody.

Although the commonly held belief is that the creation of the first juvenile court was revolutionary in its reshaping of juvenile justice practice in this country, Fox argues that this is a “myth” and that the legal system had not actually “turned a corner in its dealings with children....”[22] However, the Juvenile Court Act of 1899 did reaffirm the state’s concern for delinquent youth and for efforts to prevent criminality through rehabilitation, as well as the principle that youth should be kept separate from adult inmates.[23] The Act formally established a system of probation and characterized the juvenile court as a civil rather than criminal court. It further eliminated procedural protections for youth, such as warrants to arrest children, the use of indictments, and most other features of adult criminal proceedings. The focus was on individualized justice delivered in a more informal setting than adult criminal court; in fact, the judge was seen as a “father figure.”[24] The court’s task was not to punish juvenile crime but to guide delinquents toward a responsible and
The focus of the juvenile court proceeding shifted from the particular offense that a child had committed to the child him/herself.\[25\]

Parallel evolution of juvenile courts was taking place in several other states. The practice of trying children separately from adults began in Suffolk County, Massachusetts, in 1870. The practice spread statewide in 1872. New York developed a similar statute in 1892, followed soon thereafter by Indiana and Rhode Island.\[26\] In 1905, the Pennsylvania Supreme Court upheld a statute creating a separate juvenile court, relying heavily on the *parents patriae* doctrine as the basis for different procedures for children.\[27\]

The juvenile court movement gained considerable momentum after Illinois' passage of the Juvenile Court Act in 1899, and by the mid-1920s, nearly every state had enacted juvenile court statutes. Many jurisdictions used the Illinois act as a model statute.\[28\] Some reformers criticized these courts for the absence of procedural safeguards for children, and the intensity of the criticism increased throughout the 20th century. Nevertheless, the juvenile courts of the early 1900s functioned virtually unchanged until 1966, when the U.S. Supreme Court ruled on certain procedures of juvenile courts. (See later section: Supreme Court Rulings on Sentencing and Criminal Procedure \[7\], and Ch. 19: Challenging and Vulnerable Populations \[8\].)

**Due Process**

During the 1960s, civil libertarians found powerful allies on the U.S. Supreme Court and successfully challenged various aspects of the criminal justice system for failing to provide procedural due process. Once the adult criminal courts had been “blasted into constitutional submission,” the focus of reformers shifted to the lack of due process in the juvenile courts.\[29\] With the *Kent* decision in 1966, *Gault* in 1967, and *Winship* in 1969, the Supreme Court denounced the informality of juvenile proceedings and demanded that juvenile courts consider a defendant's rights, due process, and constitutional safeguards. These decisions resulted in states adopting more formal procedural protections for youth in juvenile courts. Some scholars believe that, except for the range of available rehabilitative dispositional options and greater concern for the protection of the youth, these rulings reshaped the proceedings in juvenile court into something more closely resembling those in adult criminal court.\[30\]

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<tr>
<th>Landmark U.S. Supreme Court Cases for Due Process in Juvenile Cases</th>
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<td><em>The Kent case established a juvenile's due process rights in a hearing to transfer the youth to adult criminal court. The decision required that:</em></td>
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<tr>
<td>1) There must always be a hearing in the matter of waiver of jurisdiction.</td>
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<td>2) There must always be assistance of counsel in such a hearing.</td>
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<td>3) The plaintiff's counsel must have access to all social records.</td>
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<td>4) If there is a waiver, the judge must include in the record a statement of facts based on a full investigation, including the judge's reasons for the waiver.</td>
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<td><strong>Gault</strong> was a landmark decision that established the constitutional right to legal counsel for children facing delinquency proceedings. The case involved a 14-year-old boy that was sentenced to seven years in a juvenile detention center after making a lewd phone call.</td>
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<td><strong>Winship</strong> held that, when a juvenile is charged with an act that would be a crime if committed by an adult, every element of the offense must be proved beyond reasonable doubt, not preponderance of the evidence. The case's broader application is that, in a criminal prosecution, every essential element of the offense must be proved beyond reasonable doubt.</td>
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**Current Court Authority**

**Age of Jurisdiction**

Every state has a statute establishing the jurisdiction and authority of the juvenile court, including the minimum and maximum ages of juvenile court jurisdiction.\[31\] Under common law, a child younger than seven could not be held criminally liable for his or her actions, however some states set a different minimum age.\[32\] Children younger than the minimum age are handled through the child welfare system. Many states have opted to set the maximum age of juvenile court jurisdiction at 18, but in some states, the upper age limit is lower. Youth older than the upper age limit are automatically transferred to adult criminal court, preventing the judge from considering individual circumstances.\[33\]
There is also a maximum age for the juvenile court to exercise control over a youth who is adjudicated in that court (also called “extended juvenile court jurisdiction”). For example, to give the judge and probation staff time to work with older youth, a term of probation may last beyond a youth's 18th birthday. In addition, each state sets a maximum age for youth in juvenile confinement facilities; that age can range anywhere from 19 to 25.

Each state has also developed one or more mechanisms for waiving the jurisdiction of the juvenile court and transferring a youth to adult criminal court. These transfer mechanisms allow children as young as age seven to be prosecuted in adult criminal court under certain circumstances.[34]

Recent statutory changes that raise the maximum age of juvenile jurisdiction and that reduce the eligibility of youths for transfer to adult court indicate a shift toward greater jurisdiction of the juvenile court.[35]

Dispositional Options

Juvenile judges typically have a great deal of discretion in assessing youth and determining how to handle the case before them. Although the vast majority of adjudicated youth are placed on nonresidential probation, which can include community service and rehabilitation treatment, about a quarter receive court-ordered residential placement, ranging from group homes to secure confinement facilities.[36] The juvenile court often combines these with other dispositional options, such as treatment programs, fines, and restitution. Placement in a juvenile correctional facility may be either determinate (a set length) or indeterminate (dependent on the youth's progress in treatment programs).

The terminology in juvenile court differs from that used for proceedings in adult criminal court. After adjudication (the juvenile equivalent of a trial), a hearing is held to determine a youth’s disposition (the equivalent of a sentence). Placement in a secure juvenile correctional facility is a commitment (the equivalent of a prison sentence).

In the 1990s, some states began giving courts the option of issuing a blended sentence, in which a youth begins his or her sentence in a juvenile facility and, depending on the level of program completion and rehabilitation, is subject to transfer to an adult prison facility for the remainder of the sentence.[37]

Every state allows for a juvenile court to waive its jurisdiction over certain youths and transfer them to adult criminal court for prosecution. Once transferred to adult criminal court, youth are often subject to the same sentences as adult offenders, with the exception of the death penalty and some the possibility of parole sentences (LWOP). Many states do not allow judges or juries to consider an offender's age as a mitigating factor in sentencing decisions. The topic of extreme sentencing for youth—the practice of subjecting teens to LWOP sentences or other extremely long terms of confinement—has been the source of much national attention since the mid-2000s. Several important decisions of the U.S. Supreme Court have set limits on the types of sentences applicable to defendants under age 18.

Origins of Contemporary Services for Youth in Custody

The First Juvenile Detention Center

Limited availability of historical records makes it difficult to identify the first juvenile detention facility in the United States. Tappan identified the first such facility to be the Arthur J. Audy Home, operated by the Cook County (Illinois) Juvenile Court.[38] Opened in 1906, soon after the creation of the juvenile court, the Audy Home was a multi-story residential building near downtown Chicago.[39] The Audy Home was rebuilt in 1923 using state-of-the-art designs, but by 1970, the demand for increased capacity led to the construction of a 500-bed Cook County Temporary Juvenile Detention Center.

Around the same time, Los Angeles established its own large juvenile detention facility, called the Central Juvenile Hall (Eastlake). This was the first permanent juvenile detention facility in Los Angeles County and was renamed Los Angeles County Juvenile Hall in 1912.

Juvenile Detention Homes and Training Schools

For the first 50 years of the juvenile court, such large, secure, locally-operated juvenile detention facilities were expensive and uncommon, other than in large urban centers. In rural communities, family networks were able to manage a great deal of the response to juvenile delinquency, thus limiting the need for detention facilities. Most small jurisdictions met their detention needs through nonsecure detention homes, foster homes, and group homes with fewer than 20 beds. Some juvenile courts purchased large houses to be used as detention facilities for status offenders, minor offenders, and dependent or neglected children. The legacy of the homelike approach to juvenile detention survived through the 1960s, and today a few detention centers are still called homes, for example, the Calhoun County (Michigan) Juvenile Home. There has also been a resurgence of the detention home approach in Missouri and other states or counties that have adopted the so-called “Missouri Model.” The small, homelike facilities that have been used for youth in custody in Missouri since the mid-1970s closely resemble the ideal of the early juvenile detention home or group home model.
Most jurisdictions without access to a detention center made arrangements to detain youth in county jails or municipal lockups. By 1945, nearly 27% of all youth detained overnight were incarcerated in a county jail or police lockup as opposed to a juvenile detention facility. As the practice of jailing youth continued, reports of deaths, injuries, and unsanitary living conditions led to questions about whether the practice of detaining youth in jails was appropriate. Construction of more appropriate juvenile confinement facilities was hindered, however, by the economic problems associated with the Depression and World War II.

The most serious juvenile offenders were sent by the courts to state-run training schools for youth. Training schools were established around the turn of the century with the intention of keeping the public safe by housing the largest numbers of serious and chronic juvenile offenders. Training schools were also supposed to be treatment institutions, holding youth accountable for their crimes and providing rehabilitation through education and vocational development. However, in practice, these institutions strayed far from the goals of rehabilitation. Feld observed that, “Despite the rehabilitative rhetoric and clinical euphemisms, incarcerated delinquents’ institutional experiences remained essentially custodial and punitive.” Research on the training school model has revealed conditions that would undoubtedly be seen as unacceptable today: “cottage parents” who staffed the institutions used harsh physical punishment and youth were frequently kept in isolation units called “tombs.”

The Post-World War II Construction Boom

Post-World War II prosperity enabled those working within the juvenile justice system, as well as the public, to look more closely at the problems surrounding juvenile delinquency, especially the practice of jailing youth and the need for appropriate confinement facilities for children and youth. As a result, a significant construction boom for juvenile confinement facilities occurred in the 1950s and 1960s. By 1971, a national survey of children in custody from the U.S. Department of Justice revealed a total of 303 locally run detention centers and 192 state-operated training schools for juveniles across the country. Additionally, there were numerous smaller facilities, such as shelters, group homes, forestry camps, and diagnostic centers, for a total of 722 facilities holding youth. The detention centers tended to be quite small, while the training centers typically had capacities of 150 beds or more. These facilities quickly became overcrowded, and the construction patterns continued throughout the 1970s. By 1979, there were 1,015 public detention and correctional facilities for youth. There was also a rise in reliance on private facilities: the government census in 1979 found 1,561 privately run juvenile confinement institutions.

The NCCD Survey of Confinement Facilities and the National Advisory Commission

By the 1960s, juvenile crime was on the rise and recognized in the media as a national problem. The federal government started to get involved through the collection of data about state and local approaches to juvenile delinquency. One of the most important national developments in juvenile justice reform occurred in 1966, when the National Council on Crime and Delinquency (NCCD) surveyed state and local correctional agencies and institutions across the U.S. at the request of the President's Commission on Law Enforcement and the Administration of Justice. The survey documented use of juvenile detention and correctional facilities, as well as the use of juvenile probation, juvenile aftercare, and adult correctional programs. NCCD found that 93% of juvenile court jurisdictions in the United States had no dedicated place of detention for youth other than a county jail or police lockup. Perhaps most troubling was the survey's finding of widespread use of both adult and juvenile confinement facilities to house youth accused of noncriminal conduct (so-called “status offenders”), often without court involvement. Jurisdictions also varied widely in the rates at which they confined youth and the lengths of stay for these children, thereby compounding concerns about misuse and overuse of juvenile confinement. NCCD concluded that, “Confusion and misuse pervade detention. It has come to be used by police and probation officers as a disposition; judges use it for punishment, protection, and storage” of youth.

Juvenile reformatories also fared poorly in this study. NCCD documented overcrowding in more than half the nation's training schools and found that they offered very limited rehabilitation services, with huge variations in the quality of services across facilities. Although these training schools were theoretically created to serve a hardened delinquent population of youth with specialized programming, in practice these facilities were used as warehouses with deplorable conditions for a wide range of children, up to half of whom were not delinquent.

NCCD also documented the harms caused by confining youth in adult jails, finding a lack of supervision for these children and indiscriminate mixing of youth with all types of adult offenders. The report also revealed high rates of physical and sexual assaults, suicides, and even murders of youth, as well as deaths of children from substandard medical care. The NCCD report recommended the development of standards restricting the use of juvenile confinement facilities and limiting their use to those who are delinquent and at significant risk of committing further offenses that present a danger to themselves or to the community, as well as those likely to run away pending court disposition. Also, the organization urged that no youth be confined in adult jails or lockups.

Many of these same concerns and recommendations about deinstitutionalization of youth were echoed in the work of the National Advisory Commission (NAC) on Criminal Justice Standards and Goals, a high-profile commission appointed in the early 1970s by the U.S. Department of Justice to develop crime-reduction proposals and standards. The NAC emphasized the need to prevent juvenile delinquency and to minimize a youth’s contact with the criminal justice system. Among its voluminous recommendations pertinent to every part of the criminal justice system, the NAC called for the removal of juveniles from all places of detention for adults, for the use of probation and diversion rather than confinement, for the use of confinement only as a last resort and only when the youth's conduct is
criminal in nature, for a moratorium on construction of new state-operated facilities for juveniles, and for the phasing out of “major institutions for juveniles” over a five-year period.[54]

These reports, and similar ones issued by other national associations, set the tone for the coming shift in juvenile justice policy at the federal level.

The Juvenile Justice and Delinquency Prevention Act (JJDPA)

Passage of the JJDPA

In 1974, in response to the NAC report, Congress proposed new legislation aimed at preventing juvenile delinquency. The 1974 Juvenile Justice and Delinquency Prevention Act (JJDPA) represented the first time lawmakers supported a coordinated federal response to the issue of juvenile delinquency.[55] This legislation had three components:

Create federal institutions. The JJDPA created the Office of Juvenile Justice Delinquency Prevention (OJJDP) to coordinate federal efforts. OJJDP was initially housed within the Department of Justice’s (DOJ) Law Enforcement Assistance Administration, but has since become a stand-alone office within the DOJ. The JJDPA also created the Coordinating Council on Juvenile Justice and Delinquency Prevention to oversee the federal government's juvenile delinquency programs and the National Institute for Juvenile Justice and Delinquency Prevention to coordinate data distribution on best practices for the treatment and control of juvenile offenders.

Develop grant programs. The JJDPA established discretionary grant programs available to states, local governments, and nonprofits to support innovative approaches to prevention and treatment of delinquent behavior.

Develop and implement state mandates. Finally, the JJDPA mandated that states do the following to qualify for federal funding:

- Remove from detention facilities juveniles who committed status offenses—known as the Deinstitutionalization of Status Offenders (DSO) requirement.
- Create “sight and sound” protections to separate youth from adults when youth are housed in adult facilities by limiting, or preferably, eliminating contact between juveniles and adults. (Note that the protection does not apply to juveniles who are waived to adult criminal court, only to those who remain in the juvenile system for prosecution.)

Subsequent reauthorizations of the JJDPA in 1980 and 1992 added “jail removal” and Disproportionate Minority Contact (DMC) components to these mandates, among other changes. The jail removal focused on removal of youth classified as juveniles from adult facilities. The DMC provision called on states to address racial disproportionality and reduce the number of minority youth that come into contact with the juvenile justice system.

Some critics argued that the JJDPA was too vague and offered few implementation guidelines for states. Moreover, advocates who wanted to remove youth from adult jails entirely were disappointed that the sight and sound mandate still allowed youth who are tried as adults to remain confined in adult jails. Despite these criticisms, the JJDPA transformed the field of juvenile justice and the nature of juvenile confinement by modernizing the federal response to the issue. It was widely considered a victory for juvenile justice professionals, child advocates, and public interest groups, signifying that juvenile justice had become a national priority.[56] Many viewed it as the driving force for statewide reforms that occurred in the years that followed.

The JJDPA was last reauthorized in 2002, and it expired in 2007. Though several reauthorization bills have been filed, no subsequent reauthorization has yet occurred.

Monitoring DSO Compliance

There were three rationales behind the original DSO requirement of the JJDPA to keep status offenders out of confinement. The first was that, when status offenders are treated as delinquents and are placed in secure detention facilities, both physical and psychological harm can result. Second, it is a disproportionate response to confine these youth in a detention facility when they have not actually engaged in criminal conduct. Finally, status offenders tend to be victims of abuse and neglect and may suffer additional harm from the juvenile justice system’s response to their behavior.

The DSO requirement compelled states seeking grant funds under the JJDPA to submit a detailed plan that would ensure within two years’ time that youth charged with status offenses would not be placed in detention or correctional facilities. If such youth needed to be removed from their homes, they were required to be held in shelters, group homes, or other community-based settings. States were also required to create a system for monitoring compliance with the DSO requirement in all jails, detention facilities, and correctional facilities and for reporting the monitoring results to the federal government.[57] The DSO requirement thus helped spark the transition of juvenile justice responsibilities from a state and local function to a system requiring ongoing coordination of state-level authorities with the federal government.
Congress amended the JJDP A in 1980, responding to concerns from juvenile judges that the DSO provision undermined their ability to enforce stricter sanctions on parole violators who flouted the system. The amendment allowed judges to place in secure detention those status offenders who violated a Valid Court Order (VCO), such as probation requirements, which can include curfews or school attendance.[58]

This practice has resulted in thousands of youth being detained for running away, truancy, and liquor law violations. Those violations represent the majority of detentions for status offenses; however, increasing numbers of youth are being detained for incorrigibility and curfew violations.[59] The National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC), a partnership of key juvenile justice advocacy groups, argues that the VCO exception “undermines the DSO core requirement and harms youth.”[60]

Several bills to reauthorize the JJDP A in recent years would have removed the VCO exception, but the 2008, 2009, and 2010 proposals failed to receive a congressional vote. Texas and Connecticut are among the states that have passed laws limiting or prohibiting the use of the VCO exception, while New York has attempted to expand the practice of detaining these youth.[61]

**The First Wave of Modern-Era Reforms**

**The Role of Litigation in Reforming Juvenile Confinement Facilities**

Around the same time that the JJDP A was enacted by Congress, the federal courts began to get involved in juvenile justice reform efforts. Reform-minded lawyers filed a number of class action lawsuits on behalf of confined youth alleging poor conditions in confinement facilities and violations of the youths’ constitutional rights. Many of these suits started in the early 1970s, coinciding with national concerns about civil rights and class action cases on behalf of adult prisoners. In 1980, Congress enacted the Civil Rights of Institutionalized Persons Act (CRIPA), which allowed the U.S. Justice Department to investigate facility conditions and to sue on behalf of incarcerated individuals to press for corrective measures.[62]

Though relatively few lawsuits were filed, the successful cases resulted in court-ordered improvements and helped establish the constitutional right of youth to safe and healthy conditions of confinement.[63] The cases also sent a powerful message to juvenile justice administrators and policymakers around the country that youth in custody have rights that will be vindicated by the courts. Fear of lawsuits—and the potential for protracted court oversight—spurred many jurisdictions to proactively improve conditions in their juvenile facilities. During this era, youth confinement facilities came to be guided by legal and constitutional constraints, and administrators demonstrated a greater commitment to best practices and to the safe and humane treatment of youth.

**Morales v. Tiuman** (1973) is considered one of the leading juvenile facility reform cases.[64] In 1971, 11 youth filed a federal class-action lawsuit against the director of the Texas Youth Commission (TYC), alleging violations of their constitutional rights in secure state-run facilities in Texas. The Morales lawsuit brought to light extensive accounts of abuse, segregation, neglect, and denial of constitutional rights. The court appointed, first, a Court Ombudsman and later, a Consultant Committee to monitor conditions in the facilities and required the TYC to change its policies concerning the use of physical force, corporal punishment, segregation and solitary confinement, visitation, mail, and internal due process.[65] The Morales lawsuit spurred Texas lawmakers to enact a specific juvenile code and establish various procedural protections for youth served by the TYC.[66] The Morales decision is widely considered the first case to influence national standards for juvenile justice by strengthening safety, health, and oversight criteria for juvenile confinement facilities.[67]

Another prominent case, arising a bit later during this era, was **Jerry M. v. District of Columbia.** [68] In that case, youths detained in the District of Columbia’s secure confinement facilities filed a class action suit alleging violation of their constitutional rights due to overcrowding and other conditions issues. The case resulted in a broad consent decree in which the parties agreed to a detailed set of reforms covering issues such as environmental health and safety, staffing, programming, education, mental health services, medical care, use of restraints, and discipline.[69] The court appointed a monitor to oversee implementation of the reforms and to help assess the agency’s compliance with a strict set of deadlines for improvement. Years of foot-dragging on the part of the agency limited progress on these court-ordered changes, but in the mid-2000s, there was dramatic progress following the appointment of a reform-minded administrative team. The District of Columbia is now held up as a model for other jurisdictions seeking to improve conditions of confinement for youth. The history of the Jerry M. case is an important reminder that winning the case in court is not the same thing as changing the culture of a troubled agency and that there are limits to the power of a court to effect organizational change; nevertheless, the ruling in the case and the subsequent court orders clearly established a willingness on the part of the court to enforce the rights of youth.[70]

Cases such as Morales and Jerry M. ushered in an era of changing national norms in the operation of juvenile confinement facilities across the country. Judges’ rulings turned on evidence of best practices provided by national juvenile justice experts, and the consent decrees in these cases mandated that agencies adopt these practices. As agencies under court order showed they were capable of reform, with demonstrated benefits for both youth and staff, other jurisdictions took notice. The court cases thus helped inform the development of standards, policies, and practice applicable to other agencies. Many states also came to see the value in having some form of ongoing monitoring of conditions as a legitimate method of ensuring both public transparency and accountability for the protection of confined youth.[71]

Although institutional reform cases such as these were highly influential in the development of modern-day juvenile confinement facilities, the heyday of such litigation is now past. In 1996, Congress passed the Prison Litigation Reform Act, which reduced the opportunity for both adults and youth to sue for poor conditions of confinement or abusive treatment and limited the courts’ ability to
exercise long-term oversight to ensure compliance with reform orders.[72] Nevertheless, patterns of horrific conditions in juvenile confinement facilities can still lead to successful lawsuits, including ones in which a court monitor is appointed to help oversee implementation of needed reforms. Ohio, for example, has been under the supervision of the federal court since 2004 following litigation there (S.H. v. Stickney) about abuse of youth, poor conditions, and lack of services.[73]

Visionary Leaders and Institutional Reform

Although some improvements to conditions in youth confinement facilities resulted from federal legislation or litigation, other juvenile justice reforms during the 1960s, 70s, and 80s arose from the vision of juvenile justice agency leaders. In many cases, leaders sought a way to overcome a recent crisis or scandal, and decided to make a radical break with established policy or practice. Their visionary approaches successfully reshaped juvenile justice practice in their states, and these grand experiments eventually became catalysts for reforms in other jurisdictions as well. Notably, Massachusetts and Missouri both staked claims to fame with their juvenile justice system reform initiatives and became models that reshaped the landscape of youth confinement at a national level.

The Massachusetts Experiment

Jerome Miller became director of the Massachusetts Department of Youth Services in 1969 following a series of crises in the state juvenile justice system and a gubernatorial mandate for reform of the state's training schools. Within 27 months of his appointment, he had closed all the juvenile correctional institutions in the state in favor of decentralized community-based services and a few small, secure facilities for the most serious juvenile offenders. Miller's original intent had been to create therapeutic communities within the training schools, but staff intransigence and resistance to reform made that approach untenable.[74] Needing to act quickly, he decided to close the institutions even before he had obtained funding for the community-based programs. Using “creative juggling” of available resources, Miller managed to depopulate the training schools and find alternative placements and services for the youth.[75] One scholar called these changes the “Massachusetts revolution” and contended that Miller's actions “constituted the most sweeping reforms in youth corrections in the United States since the establishment of juvenile training schools and juvenile courts in the 19th century.”[76] Massachusetts’ experiences with deinstitutionalization showed that the large training school model was not an essential element of an effective juvenile justice system, and that youth could be diverted without compromising public safety.[77] Success in Massachusetts encouraged other states to begin moving toward use of community-based alternatives to detention and incarceration.

The Missouri Model

Missouri began a similar path towards reform in the early 1970s, following years of revelations about abuse and neglect in its state-run training schools facilities for youth.[78] The primary facility for boys, the Boonville Training School, was closed down in 1983, followed closely by the closure of several other state institutions. In their place, Missouri developed a set of small group homes scattered around the state to be used for youth who needed secure placements. Lower-risk youth would be diverted to community-based services.

Director Mark Steward spearheaded the shift in approach for 17 years, beginning in 1988. Steward's approach, however, went beyond an emphasis on deinstitutionalization. The so-called “Missouri Model” was characterized by the homelike environment of the secure facilities run by the state, as well as by the facilities' focus on education, services, treatment, family involvement, and a strengths-based culture for the youth. The strategy paid off in terms of vastly improved outcomes for youth: Missouri’s recidivism rates are only about 8.5%, substantially lower than rates of 20 to 26% in other states.[79]

Missouri's innovative approach to juvenile corrections has received a great deal of national recognition, and a number of jurisdictions have sought to adopt the Missouri model in recent years.[80]

Juvenile Detention Services

The most effective reform of egregious conditions of confinement in the past 40 years has involved the leadership of Earl L. Dunlap and his application of a detention services model based on the concept of juvenile detention as a process as opposed to a place.[81] Working from juvenile detention concepts that predate the Annie E. Casey and MacArthur Foundations reforms, Dunlap envisioned detention as a continuum of custody at different levels of restrictiveness depending on the behaviors of the youth. With the building called “detention” as the secure or most restrictive option on a range of alternatives that included staff secure detention, home detention, after school reporting, weekend programs, electronic monitoring, to name a few, Dunlap included the supervision of all these services under a larger organizational entity he called “juvenile detention services.” Hence, a court order to detention services was similar to ordering an adult into the department of corrections; the agency takes custody and responsibility but it determines the most appropriate location or form of custody. Under this arrangement, Dunlap could “step down” a youth to a community-based alternative upon determination that the youth did not need secure custody. Furthermore, moving a youth to a less secure placement did not require a hearing.

Using this concept along with detention strategy for improving condition of confinement, Dunlap was the architect of impressive conditions reforms in Jefferson County (Louisville), Kentucky; Washington, DC; and Cook County (Chicago), Illinois. Dunlap enhanced programs and services to those fewer youth who required secure custody; achieved accreditation through the American Correctional Association (ACA) and the National Commission on Correctional Health Care (NCCHC), expanded mental health services, and improved youth safety. His initial repair work in Louisville earned it a designation from ACA as a National Resource Center, and many describe the Cook County experience as the most significant reform of conditions in the history of juvenile detention.

The “Tough on Crime” Years

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During the 1980s and 1990s, rising crime rates coincided with increased media attention on youth crime, fueling fears of “juvenile superpredators.”[82] Policymakers in most states responded by advocating tougher sentences for youth. These policies reflected growing pressure for more serious sentencing options for violent youth and less public tolerance for treatment-oriented programs for delinquent youth.

The result of this shifting attitude towards juvenile crime was an increase in the number of youth incarcerated in adult facilities, and a huge expansion in the scale of juvenile lockups, including the addition of beds in large, state-run institutions. These facilities became more correctional in nature, and, with more youths incarcerated, the fiscal impact of operating juvenile facilities increased dramatically. [83]

### Racial Disproportionality

Racial disproportionality had been a concern of reformers since the passage of the JJDP Act in 1974, but became more urgent during the tough on crime era of the 1980s. Sensationalist media portraying minority youth as violent—young African-American males in particular—fueled racial stereotypes and negative perceptions.[84] In the mid-1980s, homicide arrest rates for African-American youths were almost seven times higher than those of White youths, and similar racial imbalances could be seen throughout the entire criminal justice system.[85] In 1992, Congress amended the JJDP Act to make reduction of Disproportionate Minority Confinement (DMC) a core requirement; states had to take steps to ensure that their confinement practices were not leading to disparities in the treatment of minority youth.

When Congress reauthorized the JJDP Act in 2002, the term “confinement” was changed to “contact,” recognizing the disparity and discrimination at every stage of the justice system. States receiving formula grants were required to collect data on the impact of DMC in their jurisdictions, assess the reasons this disproportionality existed, and work on strategies for prevention. OJJDP created a five-phase reduction model to help states evaluate their efforts. The five phases were: identification, assessment/diagnosis, intervention, evaluation, and monitoring. To encourage states to take a more in-depth look at the racial makeup and demographics of youth in the system—from arrest to incarceration—OJJDP created opportunities for training and technical assistance, sponsored events, published research reports, and held trainings across the nation.

Research has shown that the overrepresentation of minorities in the juvenile justice system is attributable to a number of social and systemic factors. According to Mauer, those factors include:

- Selective enforcement of delinquent behaviors.
- Differences in patterns of offending.
- Differing opportunities for treatment.
- Institutional racism.
- Byproducts of socioeconomic factors.
- Biased risk assessment instruments.
- Differential administrative practices.
- Unequal access to effective legal counsel.
- Legislation that has a disparate impact on youth of color.[86]

Data on the race and ethnicity patterns in juvenile arrests illustrate that, while minority youth are generally overrepresented in the system, the levels of overrepresentation differ based on the crime. Native-American and African-American youth tend to be overrepresented in homicide arrests, and African-American youths are overrepresented in drug abuse violations, even though White youth self-report higher levels of drug use.[87] Racial stereotyping can disadvantage youth and lead to the overrepresentation of minority populations in the system. For example, African-American youth are seen as more “adult-like,” leading to an increased perception of blameworthiness.[88]

Juvenile agencies around the country continue to take steps to reduce disproportionate involvement of minority youth in the juvenile justice system, with varying degrees of success. The JJDP Act’s requirements have had a significant impact on practitioners’ awareness of this problem, but few agencies have made substantial inroads into eliminating it.[89] As the research of Mauer and others has shown, the roots of the problem go much deeper than what any particular agency can reform on its own. Racial disproportionality is truly a systemic issue, requiring the concerted efforts of many stakeholders, including those operating outside the juvenile justice field.

### Transfer of Juveniles to Adult Court

The tough on crime era of the 1980s and 1990s saw major expansion of mechanisms that allowed more youth to be transferred to adult court. Many states categorically lowered the age so that youth 17 or older would automatically be charged as adults for all crimes.[90] Deitch and her colleagues found that 27 states allowed at least some youth aged 12 and over to be transferred to adult criminal court; 23 of these states have no minimum age of transfer.[91]

Many states changed their laws to broaden the circumstances for which a youth could be transferred to adult court for prosecution and sentencing, giving judges and prosecutors the discretion to transfer youths at even younger ages. Judges also became much more likely to use their discretion to transfer youth to adult criminal court under judicial waiver laws. Prosecutorial discretion is also known as “direct file.”[92]
These laws also expanded the range of offenses for which youth could be transferred. Some states passed laws known as “statutory exclusion” or “automatic file” laws, requiring youth charged with certain serious offenses to be tried as adults.[93] These strict waiver laws apply within 29 states and prohibit certain offenses from being tried in juvenile courts.[94]

Appendix Table 2 on provides a spreadsheet showing the specific transfer laws that apply in each jurisdiction.

Between 1985 and 2002, the number of youth under age 15 transferred to adult court doubled, and statistics show that this trend disproportionately affected African-American youth.[96] The year 1994 was a peak time for youth to be transferred by judges to adult criminal court. During this same timeframe, even youth aged 12 and under were being transferred to adult court with surprising frequency.[97]

Current estimates suggest that, under these various waiver and transfer provisions, as many as 250,000 youth under the age of 18 are prosecuted in adult court each year.[98]

Hash Sentencing

Prosecution of youth in adult court exposed them to harsh sentences intended for adult offenders. Many of these sentences were mandatory, giving the judge no discretion to take a youth’s age or capacity for rehabilitation into account as mitigating factors in sentencing.

Mandatory sentencing laws took on special concern in states where transfers to adult criminal court were required by state statute: in these states, no judge had the opportunity to consider youth as a factor in either prosecution or sentencing. Juveniles as young as 11 and 12 received mandatory sentences for as long as 30 years without the possibility of parole.[99] Some children age 13 received sentences of life without parole (LWOP) for non-homicide crimes.[100]

Nationwide, more than 2,000 youth are currently in prison serving LWOP sentences, and these sentences were given to juveniles three times as often as they were before tough on crime policies were implemented.[101] Countless other youth are serving sentences of life with the possibility of parole for crimes committed during the tough on crime era. The death penalty was a sentencing option for youth prior to the U.S. Supreme Court’s decision in Roper v. Simmons. Roper established that differences in development are significant enough to render juveniles (defined as youth under age 18) ineligible for the death penalty.

During this same time, approximately 27 states also created what became known as “blended sentencing” laws for youthful offenders. [102] Blended sentences offer a middle ground between “pure” juvenile sentencing and transfer to the adult criminal court. Blended sentencing laws permit a judge to craft a sentence for youth that extend into their adulthood. The blended sentence typically requires a youth to start a placement in the juvenile system and, depending upon his or her success and behavior, face transfer to the adult system upon reaching the maximum age of juvenile confinement. On the one hand, this option prevented many youth from being prosecuted in adult criminal court, but it also resulted in the imposition of very long sentences on certain youth who previously would have received only a juvenile disposition. Blended sentences could be relatively short (under 10 years), but they could also be for terms of 40 years or so.[103] Typically, such blended sentencing schemes are available only for the most serious types of offenses.

Placement of Waived Juveniles in Adult Facilities

“Adult time for adult crime” exposed youth to longer sentences and the more punitive environment of adult facilities. As more laws were passed allowing youth to be prosecuted in the adult criminal justice system, more youth ended up confined in adult jails and prisons rather than in juvenile confinement facilities designed to keep them safe and meet their developmental needs.[104] According to 2009 data from the Bureau of Justice Statistics (BJS), approximately 2,700 youth are locked up in adult prisons on any given day, and an additional 7,220 youth are held in adult jails while awaiting trial.[105]

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The risks to these youth are significant: in adult confinement facilities, youth face much higher risks of sexual and physical assault, suicide, and mental health problems. Many youth are held in isolation to protect them from adult offenders, but such strategies carry a painful price for youth, causing them to deteriorate mentally and physically. In addition, adult confinement facilities lack developmentally appropriate programming and educational alternatives for youth.

An Emerging Second Era of Reform

Although juvenile justice policy in the 21st century has not fully rejected the tough on crime attitudes of the 1980s and 1990s, it clearly reflects an increasing belief that punitive approaches can be harmful and that community-based services are often more successful than confinement when responding to youth crime. This era may be characterized as relying on a “developmental model” of approaches to juvenile justice, which considers the specific needs of youth in designing programs and services.

Reducing the Use of Youth Confinement

Perhaps the most fundamental shift in approach to juvenile delinquency in the last decade or so has been the movement to reduce the use of youth confinement facilities, following almost a century of expanded reliance on custodial settings for youth. Many states began documenting maltreatment and abuse in juvenile correctional facilities in the 1990s and early 2000s. In Texas, one of the nation’s largest juvenile corrections systems, scandals erupted in 2007, revealing numerous concerns about safety and treatment of incarcerated youth. Other jurisdictions also began questioning the wisdom of their approaches to youth crime in the wake of highly publicized concerns about conditions. In 2010, the first national study of sexual abuse in juvenile facilities revealed that 12% of youth offenders had been victims of sexual abuse while incarcerated. Further, studies revealed a high use of isolation, seclusion, and restraints within these facilities. The increasing awareness of such dangers helped fuel the move towards deinstitutionalization beginning in the first decade of the 21st century.

Research findings also showed that incarcerating youth was not an effective means to deter recidivism. Studies found high rates of recidivism among youth who spent time in confinement. Those youth who were transferred to the adult system and were incarcerated in adult prisons and jails faced even worse odds: an analysis by the Centers for Disease Control in 2007 showed that youth in adult facilities had a 34% greater risk of violent recidivism than those who remained in the juvenile system. Youth advocates pointed to research that showed the better success rates of community-based programs located close to youths’ homes, and legislators began investing more heavily in non-incarceration options for delinquent youth. The positive experience of Missouri in keeping youth out of large state institutions and close to their home communities lent support to these national reform efforts.

Surely, one important consideration for lawmakers was the vast expense associated with the incarceration of youth, especially coupled with showings of abuse and ineffectiveness. These economic factors assumed even greater importance during the tough budgetary times of the mid-2000s. Legislators began looking closely at opportunities to deinstitutionalize youth and reduce the expenses associated with confinement, adding safeguards to address the troubling conditions.

The first question that lawmakers and agency administrators needed to consider was which youth could be deinstitutionalized without an impact on public safety? Despite all the talk about juvenile superpredators in the 1990s, it was clear that the youth who were filling the detention facilities were in for relatively minor offenses. Only 12% of youth confined in juvenile facilities in 2007 had committed violent crimes—the majority were there for delinquent rather than criminal behavior. Even more troubling, many youth were being incarcerated for status offenses, despite the DSO requirement of the JJDP Act. But many jurisdictions have been slow to implement this requirement, which puts these youth at risk and is a costly practice for local authorities, not to mention a violation of federal law.

Policymakers in some states began to divert lower-level, nonviolent youth from state-run facilities. In Texas, for example, in direct response to the scandals of 2007, lawmakERS eliminated the ability of judges to send misdemeanants to state-run juvenile corrections facilities. This change in the law quickly decreased the number of state-incarcerated youth in Texas from about 5,000 to around 1,100 in just a few years. Other states, including New York and Ohio, have similarly emphasized diversion to community programs and probation supervision over confinement as a response to delinquent behavior.

Two national initiatives deserve significant credit for helping encourage this shift away from the traditional detention model and towards more effective community-based services. The Juvenile Detention Alternatives Initiative (JDAI) model seeks to implement broad-based juvenile justice reform and has as one of its key objectives to reduce the detention of youth. Launched by the Annie E. Casey Foundation in 1992, JDAI established five model pilot sites to test more effective strategies for responding to delinquent youth. The model sites are in Bernalillo County, New Mexico; Cook County, Illinois; Multnomah County, Oregon; New Jersey (the first statewide model); and Santa Cruz, California. Almost 200 other jurisdictions have replicated the JDAI model, at least in part.

In its 2011 annual report on JDAI, the Annie E. Casey Foundation found a 30% decline in admissions to juvenile detention and a 5% increase in average length of stay, across all JDAI jurisdictions since 2009. The shift away from detention does not appear to have led to higher crime rates or increased recidivism. Moreover, the successes of the model have not been limited to deinstitutionalization: Santa Cruz, Multnomah County, and Cook County have all had success in reducing DMC. To help further the goals and success of the initiative and recognizing the limitations of the Annie E. Casey Foundation, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provided $1 million to support JDAI and its expansion for two years starting in 2011. Continued or more permanent federal funding for JDAI had not been established as of early 2014.
The second relevant initiative is Models for Change, created in 2004 by the MacArthur Foundation by launching satellite programs in four states: Illinois, Louisiana, Pennsylvania, and Washington. There are eight guiding principles of the “Models for Change Framework”: fundamental fairness, recognition of youth and adult differences, recognition of individual differences, recognition of potential, safety, personal responsibility, community responsibility, and system responsibility. This effort is evaluating aftercare, mental health, community-based alternatives, DMC, indigent defense, and evidence-based practices in the juvenile justice system.[125] The emphasis this model places on strategies beyond secure confinement has been enormously influential in shaping the thinking of practitioners and advocates.

These diversion efforts are starting to bear fruit, and the trend is away from juvenile incarceration. Many local detention facilities and state-run juvenile corrections institutions report reductions in the number of confined youth. Moreover, large state-run facilities are closing across the country. In 2011, the Annie E. Casey Foundation reported that 52 facilities in 18 different states had closed over a four-year period.[126] These closures are attributed in large part to the efforts described above to reduce juvenile confinement, but a lack of funding to support confinement facilities has also been an important factor.

Notably, juvenile crime is also down across the country, resulting in reduced numbers of referrals of youth to juvenile court and reduced demand for beds in secure facilities.[127]

Professionalizing Youth Custody Staff

The last couple of decades have also seen increased emphasis on the professionalization of staff working in confinement facilities, through increased training and ongoing professional development opportunities and the hiring of staff with special qualifications. When staff are made aware of applicable standards and innovations in their field through these professional opportunities, they are enabled to do their jobs more effectively. In turn, this improves conditions of confinement, the availability of services for youth, and interactions between youth and staff. (See Ch. 4: Developing and Maintaining a Professional Workforce).

This shift towards professionalism has many benefits for youth and the public. Positive relationships between staff and youth have an enormous influence on youth behavior in custodial settings, and can reduce the incidence of institutional violence. Also, youth receiving appropriate, effective services in a professional environment are more likely to participate and benefit from treatment, education, and other services, making them more likely to become positive, contributing members of their communities upon release. (See Ch. 14: Behavior Management; Staff Training and the Building of Positive Staff-Youth Relationships)

The Development of Standards for Juvenile Institutions

A key driver of increased professionalism and improvements in conditions of confinement in juvenile facilities has been the development of standards. Over the last couple of decades, a number of entities have sought to incorporate best practices into written standards to guide the operations of agencies that wish to demonstrate their commitment to professionalism and the delivery of quality services for incarcerated juveniles.

American Correctional Association (ACA)

In the mid-1970s, the ACA created an entire department charged with developing standards for correctional facilities. This group initially focused its attention on adult facilities; standards for juvenile facilities were not introduced until 1979. Under the leadership of Anthony Travisino and William Taylor, the ACA developed standards to address such issues as staff training, sanitation, safety, and the living environment. These standards have been updated numerous times over the years and provide a touchstone on best practices applicable to juvenile institutions.

Unless a facility chooses to become ACA certified, it is not mandated to comply with ACA standards, however, many state and local jurisdictions use the ACA standards as a guide for auditing or monitoring juvenile facilities. ACA standards can be used to assess a facility’s institutional strengths and weaknesses, identify and address problems, establish organizational goals, and develop and implement new policies and procedures. ACA standards may be helpful to facility administrators in advocating for additional resources to support improved conditions, needed services, and additional staff. Compliance with ACA standards can also be helpful in defending against frivolous lawsuits and providing for higher levels of staff professionalism and morale.[128]

Council of Juvenile Correctional Administrators (CJCA)

In 1995, the CJCA developed Performance-based Standards (PbS) that focus on the treatment services offered in juvenile correctional institutions. PbS go beyond the primarily facility-based requirements of the ACA and require an examination of the outcomes of the policies and practices employed in the institution. Participation in the PbS program is voluntary, and juvenile institutions in 29 states are currently participating to improve their performance.

The National Commission on Correctional Health Care (NCCHC)

Other sets of standards target specific issues. The NCCHC provides national standards related to prison health. The NCCHC developed a separate manual for health services for youth, and established an accreditation program for both adult and juvenile correctional facilities.[129] NCCHC sponsors the annual National Conference on Correctional Health Care, as well as several other conferences, educational opportunities, and resources for correctional health care providers. Compliance with the NCCHC standards is voluntary, however, non-compliance can provide evidence to support liability in lawsuits that challenge correctional healthcare delivery systems.

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In 2003, Congress passed PREA to address the issue of sexual violence in confinement facilities. The Act called for the creation of the National Prison Rape Elimination Commission, to study the causes and consequences of sexual abuse in confinement settings and to develop standards for the purpose of detecting, responding to, and eliminating this abuse. After much deliberation and multiple periods of public input, the final PREA Standards became effective on August 20, 2012. There are specific standards and protocols applicable to different types of facilities, including juvenile facilities operated by both state and local governments, and adult jails holding youthful inmates. [See Ch. 3: Physical Plant Design and Operation: Implementing PREA] [130]

Juvenile Detention Alternatives Initiative (JDAI)

Many agencies around the country participate in the JDAI, which incorporates an outside review process of each facility using groups of community volunteers and juvenile justice professionals. These inspection teams assess and report on facility policies, practices, and programs, and the evaluations are conducted using a set of comprehensive standards on issues related to health care, education, discipline, isolation, and the physical plant. These standards, developed by national experts and juvenile justice advocates, focus on the protection of youth in detention facilities.

American Bar Association (ABA)

In 2010, the ABA adopted its Treatment of Prisoners Standards, which cover a broad range of issues relevant to conditions of confinement. These are applicable to adult prisons and jails; however, some have direct relevance to youth housed in adult facilities. Specifically, Standard 23-3.2(b) calls for the removal of all youth from adult prisons and jails, for their separation from adults, and for specialized programming in cases when removal is not an option.[130] The ABA Standards are not enforceable, but they provide helpful guidance to professionals and to courts evaluating the constitutionality of the conditions in facilities.

State Standards

Many states also regulate the operations of juvenile confinement facilities through state-adopted standards. In Texas, for example, the state-run juvenile agency is charged with developing and enforcing standards on a wide range of issues applicable to local juvenile probation departments that operate secure detention and post-adjudication facilities.[131] State inspectors routinely audit the local agency’s compliance with the standards, which is necessary to maintain appropriate licensure.

As standards have evolved to reflect best practices and have become more protective of the rights and needs of the youth in custody, staff members in juvenile confinement facilities have become increasingly aware of their obligations to conduct their work in a professional manner and to strive to improve the delivery of services. Staff in well-run juvenile detention facilities have found that facilities that operate according to nationally-recognized standards achieve better outcomes for youth and are safer for both youth and staff.

Improved Safety and Services for Youth

The shift towards improved conditions of confinement has resulted in new policies at the federal and state levels, as well as new types of programs. These programs and policies are designed to ensure the safety of youth in custody as well as improved delivery of services to them.

PREA

The passage of PREA by Congress in 2003 drew nationwide attention to the problem of sexual assault in confinement facilities. To remedy this situation, Congress required the development of standards to protect individuals in custody as well as the collection of data to assess the extent of the incidence of sexual abuse in both adult and juvenile confinement settings.

In 2013, BJS published a report on sexual victimization of youth in custody, based on a national survey conducted in 2012. About 9.5% of the youth surveyed self-reported experiencing one or more incidents of sexual abuse by another youth or a staff member while in custody in the past year, with 70% of victims reporting multiple incidents.[132] Juveniles who self-identified as gay, lesbian, bisexual, or “other” had higher rates of victimization than those who identified as heterosexual. Staff sexual assaults were more prevalent than assaults by other youth (7.7% versus 2.5%).[133] These troubling data emphasize the real need for continued reform and enforcement in this area, and show that the passage of PREA was an important first step, but is far from the end of the story when it comes to the protection of youth in custody.

Educational Programming and the Individuals with Disabilities Education Act (IDEA)

Congress passed the Individuals with Disabilities Education Act (IDEA) in 1990 to govern how public institutions—including juvenile confinement facilities—provide early intervention and special education services to individuals with disabilities up to 21 years of age. IDEA specifically requires that an institution provide a free appropriate public education (FAPE) in the least restrictive environment available to eligible persons. Juvenile confinement facilities are obligated under federal law to provide educational services.[134] Approximately one-third of confined youth have been identified as having a disability that qualifies them for special education and related services under IDEA.[135] This proportion is higher than in the general population, where only 10% of youth qualify for services and protection under IDEA.[136]
Several theories have been suggested to explain the connection between juvenile delinquency and learning disabilities. Youth with learning and behavioral disabilities often experience academic failure, placing them at a higher risk for dropping out of school. This can in turn lead to delinquency. Youth with disabilities may have poor impulse control or lack understanding of proper social cues. Due to poor planning, improper interactions with law enforcement, and failure to avoid being detected, these youth may be more likely to be caught for their behavior.[137]

Due to legal requirements such as IDEA and a growing recognition of the importance of education in preventing recidivism, juvenile justice administrators have made educational programming a top priority in their reform efforts.[138]

Mental Health Services

In recent years, awareness has increased regarding connections between mental illness and delinquent behavior. Emotional, behavioral, and substance abuse disorders increase a child’s risk of engaging in delinquent or criminal behavior. Often a youth has more than one disorder—a “co-occurrence.”[139] Research shows that roughly 70% of youth in custody have some form of mental illness, and 27% have severe mental health issues.[140] The absence of proper mental health treatment during confinement can lead to higher rates of recidivism and delinquency.[141] Lack of appropriate mental health services can have other tragic consequences, as confined youth historically have higher rates of suicide and self-harming behavior.[142] Another concern is the high rate of institutional violence and serious misbehavior among youth with severe mental health problems.[143]

The number of youth with mental health needs continues to increase, and confinement facilities often find it challenging to meet the needs of these youth, who would be better served in a more treatment-oriented environment. As a result, a great many facilities now use mental health screening instruments to better understand the needs of youth entering the facility to identify the youth that may require available mental health services or referral to a mental health facility. The Models for Change initiative has emphasized mental health screening and risk assessment and mental health training for juvenile justice staff among its top priorities.[144] Youth advocates, including federally designated protection and advocacy centers such as Disability Rights Texas, have been strong proponents of improved treatment services and conditions for youth in confinement, and for improved community-based options for this population.[145]

Girls and Delinquency

Awareness of the unique needs of specific populations of youth has also increased. Female offenders in particular warrant special attention and gender-specific programming.[146] Girls are victims of disparate treatment within the juvenile justice system. They are disproportionately charged with status offenses, have their family disputes incorrectly labeled as domestic violence, and are subject to a misperception that girls are becoming more violent.[147] Hygiene needs, pregnancy awareness, health considerations, prior victimization, and safety risks are all gender-specific concerns for girls.

Many jurisdictions have come to realize that females can often be served effectively in a less restrictive setting than a confinement facility and have begun offering special community-based programs for girls. For example, girls-only day-treatment centers allow girls to maintain ties to their communities and families while receiving specialized treatment.[148] Specialized courts for girls designed around gender-specific and strength-based programming have also sprung up in jurisdictions such as California, Hawaii, and New York.[149]

Recognizing that boys and girls take different paths toward delinquency, these courts seek to find creative ways to address female behavior. The staff of these courts is entirely female. Many jurisdictions have instituted all-female probation units staffed by officers who specifically enjoy working with girls and their issues, as a means of keeping girls from slipping further into the system.

Balanced and Restorative Justice (BARJ)

Restorative justice calls for a different approach to the treatment of youth offenders and is an approach that is gaining momentum in juvenile justice reform. Restorative justice is governed by a set of guiding principles: (1) that all people have dignity and worth, (2) that repairing harm and rebuilding community relationships is the primary goal of the juvenile justice system, and (3) that results are measured in terms of repair rather than punishment.[150] Programs influenced by restorative justice emphasize victim–offender mediation, community dialogue, and community service. Balanced and Restorative Justice (BARJ) gained prominence in 1993, and support for this model continues to grow with more than a dozen states legislating BARJ practices and more looking to enact laws and policies. Montana established the Office of Restorative Justice to promote the approach statewide, and a Minnesota statute requires victim offender mediation.[151] BARJ developed pilot programs in Palm Beach County, Florida; Dakota County, Minnesota; and Allegheny County, Pennsylvania. Each of these pilot sites received technical assistance visits authorized by the federal government, written materials, and training both on and off site. Each has demonstrated measurable progress in moving toward a restorative justice approach to juvenile justice.[152]

BARJ reflects a major shift from the punitive confinement strategy of the 1980s and 1990s towards the more rehabilitative emphasis of modern-day juvenile services. Far from a soft-on-crime approach, this child- and community-centered model is yielding tremendous benefits for youth, families, victims, communities, and taxpayers alike, with better outcomes at much lower costs. And the approach has gained support on both sides of the political aisle; conservative advocates—such as Right on Crime—and religious groups have endorsed this positive approach to youth justice.[153]

The “Children are Different” Movement
Over the last decade, there has emerged a reform movement in juvenile justice characterized by a growing recognition in policy and legal spheres that children are different from adults and have specialized needs. This recognition has taken a number of forms but it is reflected in developments in scientific research, decisions of the U.S. Supreme Court, and legislative trends towards keeping more youth in the juvenile system, limiting prosecution of youth in the adult system and reducing the frequency of youth being placed in adult facilities.[154]

Research on Adolescent Development

We now know that teenagers are developmentally different than adults physically, intellectually, and emotionally; they are not just miniature adults. New developments in brain science research in the last decade called into question longstanding assertions that the brain is completely developed when puberty begins.[155] Research shows that the way the brain changes and develops during puberty can influence behavior, and there is variance in the onset and timing of puberty from one individual to the next that can have long-lasting ramifications on brain development and behavior.[156] This increased understanding about brain differences has brought a heightened level of public awareness that is playing out in the juvenile justice policy realm. The MacArthur Foundation Research Network has published numerous reports in an effort to spread research and scientific findings related to the realities of adolescent development, and these reports have been highly influential in informing and shaping the law regarding juvenile justice. The National Research Council, an arm of the National Academy of Sciences, published a major report in 2012 highlighting the importance of using a developmental approach to juvenile justice policy and practice that takes account of the substantial psychosocial differences between teenagers and adults.[157]

Supreme Court Rulings on Sentencing and Criminal Procedure

In light of this growing body of knowledge about adolescent development, recent U.S. Supreme Court decisions have found that certain adult punishments and adult criminal procedures are not appropriate for children.

In the 2005 case of Roper v. Simmons, the Supreme Court examined the application of the death penalty to youth. Seventeen-year-old Christopher Simmons, along with his younger accomplice, broke into a woman’s home and then threw her off a bridge. Because Missouri automatically treats all 17-year-old offenders as adults, Simmons was tried as an adult in criminal court and sentenced to death. The Court found that there was a national consensus against sentencing youth to death, since the vast majority of states had already rejected the death penalty for individuals who committed a capital offense before age 18.[158] The Court further noted that only seven countries besides the U.S. allowed youth offenders to be executed. Relying heavily on the research showing that adolescent brains were not yet fully developed, thus making teens less culpable and more susceptible to rehabilitation than adults, the Supreme Court ruled that imposing the death penalty on youth under age 18 constituted cruel and unusual punishment in violation of the 8th Amendment to the U.S. Constitution. This case thus ended the practice of sentencing youth to death for capital offenses. The ruling in this case was especially important because it set a precedent that children are fundamentally different than adults for the purposes of sentencing.

Five years later, the Supreme Court handed down its decision in Graham v. Florida, which extended the reasoning in Roper to apply to certain life without the possibility of parole (LWOP) sentences. Sixteen-year-old Terrence Graham, who committed armed robbery while on probation, was sentenced to LWOP. The Supreme Court held that it is constitutionally impermissible to sentence a youth to life without parole for a non-homicide offense.[159] Again, the Court relied on the research showing that children are different than adults and concluded that their lessered culpability and greater potential for rehabilitation made LWOP disproportionately harsh for a non-homicide crime.[160]

The Supreme Court has also held that the differences between youth and adults are relevant when it comes to criminal procedure. JDB v. North Carolina established that age is a determining factor in deciding whether an individual is in custody for purposes of receiving Miranda warnings.[161]

Most recently the Court decided Miller v. Alabama, further expanding the scope of the holding in Graham.[162] Evan Miller was 14 years old when he was transferred to the adult system for murder in the course of arson, a capital felony in Alabama. In a companion case, Jackson v. Hobbs, 14-year-old Kuntrell Jackson was convicted of murder during the commission of a robbery, a capital offense in Arkansas.[163] In both cases, the only possible sentencing option for a capital offense (post-Roper) committed by someone under age 18 was LWOP.

The Supreme Court ruled in Miller that it was unconstitutional under the 8th Amendment to have a sentencing scheme that required LWOP for juvenile homicide offenders. A sentencing scheme that required mandatory life without parole did not allow the decisionmaker to weigh mitigating factors, including the age of the defendant and his lessered culpability compared to adults. The holding in Miller lends further weight to the conclusion that children are different than adults and should be treated as such under the law. Moreover, punishments and procedures designed for adults are not necessarily appropriate for youth offenders.

In the coming years, the U.S. Supreme Court is expected to continue to tackle more thorny questions about how to distinguish youth offenders from their adult counterparts. As state legislatures determine how to implement the Miller decision through statutory changes, there undoubtedly will be further challenges to the sentencing schemes that arise, the allowable length of sentences, and the mitigating factors that courts must take into account in the sentencing process. The reasoning in this line of cases will likely also be applied outside of the sentencing context, as happened in the JDB case. Some scholars believe that these cases also call into question statutes that require the transfer of certain youth to adult criminal court, especially for non-homicide offenses.[164]
The Supreme Court’s rulings provide a clear indicator that there is a bright line to be drawn at age 18, and children below that age have distinct rights under the Constitution. This should be a guiding principle for policymakers and agency officials as they seek to navigate the complicated territory presented by the special needs of youth who cross over into the adult criminal justice system for trial or confinement. The bright line drawn by the Court is also consistent with the federal law’s definition of juveniles as youth under the age of 18.

Legislative Reforms

The “Children are Different” movement has been the impetus for a range of statutory reforms at the state level. Motivated at least in part by the research on adolescent development, state policymakers have increasingly sought ways to create clearer demarcations between juvenile and adult criminal justice systems. To some degree, this has resulted in a rolling back of some of the initiatives of the 1990s that pushed more youth into the adult criminal justice system. In the past few years, state legislative reform has taken shape in four general categories: raising the maximum age of juvenile court jurisdiction to keep older teens in juvenile court; changing transfer laws to limit eligibility for transfer to adult criminal court; limiting the ability to house youth in adult facilities; and changing mandatory sentencing laws to account for developmental differences between youth and adults.[165]

These policy changes received widespread, bipartisan support in large part due to the much better outcomes that are expected for youth who remain in the juvenile system, as well as long-term cost savings from reduced recidivism.[166] Also, the belief that youth are capable of rehabilitation and deserve a second chance is now more prevalent than at any other point during the past three decades.

A number of states, including Connecticut, Illinois, Massachusetts, and Mississippi, have recently raised the age of juvenile court jurisdiction, allowing more 16- and 17-year-olds to stay in juvenile court for adjudication. Other states, including New Hampshire, New York, North Carolina, Texas, and Wisconsin, are considering similar changes. Only 10 states continue to have the maximum age of juvenile court jurisdiction set below age 18.[167]

Texas and Idaho are among several states that took steps in 2011 to allow transferred youth to be held in juvenile custody. In 2013, Nevada changed its criteria for juvenile transfer to the adult system so that only individuals who are 16 years old, who have a previous felony conviction, and who commit certain felonies can be transferred to the adult system.[168]

Such policy changes ensure that teens remain in the more rehabilitative environment available in juvenile confinement facilities and that only the most serious offenders are subjected to the punitive setting of adult jail or prison. As policymakers and correctional administrators become more aware of the potential for harm facing youth confined in adult prisons and jails, there is greater justification for keeping even those youth who are prosecuted in adult court in juvenile settings.

It is important for those who work in youth confinement facilities to understand and prepare for the possible impact of these policy changes. It is reasonable to anticipate an increase in the number of juvenile confinement beds needed to accommodate this population of youth who were formerly confined in adult prisons and jails, along with the requisite staff and programs, unless beds are freed up by the deincarceration of lower-risk youth. This new population may be increasingly challenging for staff in some jurisdictions to deal with, given that they may be older teens and may have more serious criminal backgrounds and more significant mental health needs than staff are used to seeing. Older teens may also have different programmatic needs, including preparation for independent living. With the appropriate training, however, juvenile confinement staff are capable of managing this population safely and effectively, given that similar youth are already being confined in juvenile facilities in other jurisdictions with excellent success. As less serious delinquent youth are shifted to community-based settings, juvenile confinement staff will need to adapt to a changing population.

Conclusion

The juvenile justice system in the United States has undergone periods of tremendous change in the past century, from the creation of the juvenile court to the development of the due process model, to the tough on crime era, to the more recent understanding that children are different than adults and deserving of different treatment. The current system has evolved as a product of the ongoing tension between two strong forces: a desire for punishment and accountability versus a belief in the effectiveness of rehabilitative programming for youth. At times, it seems as though there is a seesaw effect, with one of these objectives clearly outweighing the other, but in reality, our nation’s policies have usually tried to accommodate both goals, with varying levels of success. It is important for practitioners to have this historical insight to be able to grasp the current state of the juvenile justice system in the US and the prerequisites of any reform initiative.

As juvenile justice enters a new stage of reform, with a strong focus on community services and local placement in lieu of confinement in large, state-run institutions, the system must balance its three primary aims: “to hold youths accountable for wrongdoing, prevent further offending, and treat youths fairly.”[169] This balanced approach incorporates a holistic perspective with regard to juvenile justice interventions. Some would argue that the original goals and objectives of the juvenile court are as relevant today as they were in 1899, and that the successes and failures of the past century’s shifting policies have provided insight on how to implement these goals and objectives with maximum efficiency and the best chance of successful outcomes.

If history is any indication of the future, we can expect to see the continuation of a separate juvenile justice system for youth under age 18, special treatment and programs for these youth designed to promote their rehabilitation and reintegration into the community, more low-level offenders being diverted to community-based programs, and an increasingly high-risk population of youth remaining in juvenile...
custodial settings. We can also expect that there will be ongoing challenges to these progressive approaches to youthful offenders, attempting to push the pendulum in the other direction once again.

### Appendix

**Table 1**

<table>
<thead>
<tr>
<th>State</th>
<th>Centralized / Decentralized</th>
<th>Detention</th>
<th>Probation</th>
<th>Juvenile Corrections</th>
<th>Aftercare Services</th>
<th>Governing Agencies</th>
<th>Desc. of Responsibility</th>
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<td>AL</td>
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<td>L/C</td>
<td>C/J</td>
<td>S/E</td>
<td>C/J</td>
<td>Administrative Office of the Courts</td>
<td>delinquency intake, predisposition investigation, and community supervision (including aftercare supervision)</td>
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<td></td>
<td>Department of Youth Services</td>
<td>commitment programs</td>
</tr>
<tr>
<td>AK</td>
<td>Centralized</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>Division of Juvenile Justice (Dept. of Health and Social Services)</td>
<td>detention, delinquency intake, community diversion, probation supervision, the juvenile corrections continuum, commitment and release, and aftercare/re-entry through 16 probation offices and 8 juvenile correctional facilities in 4 regions.</td>
</tr>
<tr>
<td>AZ</td>
<td>Decentralized</td>
<td>L/J</td>
<td>L/J</td>
<td>S/E</td>
<td>S/E</td>
<td>Arizona Department of Juvenile Corrections</td>
<td>The Arizona Department of Juvenile Corrections administers the states juvenile correctional institutions and aftercare/re-entry supervision.</td>
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<td>County juvenile courts</td>
<td>detention, intake screening, predisposition investigation, probation supervision, screening and petitioning delinquency cases</td>
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<td>AR</td>
<td>Decentralized</td>
<td>L/C</td>
<td>L/J</td>
<td>S/E</td>
<td>S/E</td>
<td>Division of Youth Services (DHS)</td>
<td>delinquency institutions and aftercare services and contracts with private providers for alternatives to secure placements.</td>
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<td>Local county boards, courts and law enforcement agencies</td>
<td>secure detention, probation services</td>
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<td>Decentralized</td>
<td>L/C</td>
<td>L/C</td>
<td>S/E</td>
<td>S/E</td>
<td>County Probation Departments</td>
<td>detention, commitment, delinquency intake screening, predisposition investigation, and probation supervision</td>
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<td></td>
<td>Division of Juvenile Justice</td>
<td>state delinquency institutions, parolee supervision</td>
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<td>Decentralized</td>
<td>S/E</td>
<td>L/J</td>
<td>S/E</td>
<td>S/E</td>
<td>Local District Attorney Offices</td>
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<td>Judicial Districts</td>
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<td>Division of Youth Corrections, department of</td>
<td>juvenile detention, the juvenile corrections continuum, and juvenile parole</td>
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<td>Combination</td>
<td>S/J</td>
<td>S/J</td>
<td>S/E</td>
<td>S/E</td>
<td>pre- and post-adjudication services, encompassing detention and probation supervision</td>
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<td>S/E</td>
<td>S/E</td>
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<td>juvenile corrections continuum and aftercare services</td>
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<td>DC</td>
<td>Combination</td>
<td>D/E</td>
<td>D/J</td>
<td>D/E</td>
<td>D/E</td>
<td>detention, diversion, probation supervision through eight district probation offices, commitment programs, aftercare, intake, and predisposition investigations</td>
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<td>FL</td>
<td>Centralized</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>juvenile probation services, encompassing delinquency intake, predisposition investigation, and probation supervision</td>
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<td>GA</td>
<td>Combination</td>
<td>S/E</td>
<td>C</td>
<td>S/E</td>
<td>C</td>
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<td>Combination</td>
<td>S/J</td>
<td>S/J</td>
<td>S/E</td>
<td>S/E</td>
<td>Georgia Department of Juvenile Justice</td>
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<td>Local juvenile courts</td>
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<td>L/J</td>
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<td>commitment programs and aftercare</td>
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**Notes:**
- **CT**: Connecticut
- **DE**: Delaware
- **DC**: District of Columbia
- **FL**: Florida
- **GA**: Georgia
- **HI**: Hawaii
- **ID**: Idaho

**Abbreviations:**
- Juv. Jst.: Juvenile Justice
- Det.: Detention
- Prob.: Probation
- Cnt.: Corrections
- S/J: Secure Juvenile
- S/E: Secure Adult
- D/E: District E
- D/J: District J
- C: Centralized
- L/E: Local E
- L/J: Local J
- CT: Court Support Services Division
- DE: Department of Children and Families (DCF)
- DC: Division of Youth Rehabilitative Services
- FL: Florida Department of Juvenile Justice (DJJ)
- GA: Georgia Department of Juvenile Justice
- HI: Hawaii Office of Youth Services
- ID: Idaho County boards
- FL: Florida Probation Departments
- GA: Department of Juvenile Corrections
- HI: Family Courts
- ID: Office of Human Services
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<td>S/E</td>
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<td>S/E</td>
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<td>S/E</td>
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<td>County</td>
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<td>District Courts</td>
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<td>C</td>
<td>S/E</td>
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<td>Louisiana Youth Services, Office of Juvenile Justice</td>
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<td>S/J</td>
<td>S/E</td>
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<td>County commissions/boards, secure detention centers, probation services (through 15 probation districts, 3 of which serve counties with separate juvenile courts)</td>
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<td>L/C</td>
<td>S/E</td>
<td>C/E</td>
<td>District Courts, secure detention facilities, probation services, detention, probation, and aftercare services, delinquent offender services, aftercare services</td>
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<td>NH</td>
<td>Centralized</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>S/E</td>
<td>District for Juvenile Justice Services (DJJS), commitment programs and aftercare services, court-ordered investigations, community-based services, placements, and programs; and supervises juveniles on probation and parole; and provides institutional services at its combined detention center and commitment facility</td>
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<td>NJ</td>
<td>Combination</td>
<td>L/E</td>
<td>S/J</td>
<td>S/E</td>
<td>S/C</td>
<td>Administrative Office of the Court's Family Division, delinquency intake screening and predisposition investigation, probation, secure and non-secure placement facilities and provides aftercare services to committed youth</td>
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<td>NM</td>
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<td>S/E</td>
<td>S/E</td>
<td>The New Mexico Children, Youth and Families Department, intake screening, probation, and parole (aftercare) services through district offices covering the 13 judicial districts and administers commitment services</td>
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Department of Public Welfare's Office of Children, Youth, and Families: non-secure youth forestry camps and secure youth development centers.

Family Court of Rhode Island's 10 Intake Units: delinquency intake screening and conduct predisposition investigations.

Department of Children, Youth and Families' Division of Juvenile Correctional Services: secure detention, probation supervision, the state's juvenile corrections continuum, and aftercare prevention, some detention, intake, evaluation, probation, aftercare, and community-based support services (through local field offices in 43 counties), juvenile corrections continuum (through DJJ's Rehabsilitative Services Division).

County Unified Judicial System's Court Services Department: secure detention provides predisposition investigation and probation supervision services through seven judicial districts. T

Department of Corrections: state's juvenile corrections continuum

County commissions/boards/juvenile courts/private contractors: detention facilities state probation services in 91 counties, all state juvenile corrections, and aftercare services in all 95 counties.

The Tennessee Department of Children's Services (DCS): juvenile courts in Davidson (Nashville), Hamilton (Chattanooga), Knox (Knoxville), and Shelby (Memphis) counties administer their own juvenile probation departments.

Local Courts: probation, predisposition investigations

Texas Juvenile Justice Department: commitment, release, and aftercare of juvenile offender

County Juvenile Boards: juvenile justice system operations in that county (governing bodies of juvenile probation departments; monitor programs, institutional services,
| UT  | Combination | S/E | S/J | S/E | S/E | State Juvenile Court Administrator |
| VT  | Centralized | S/E | S/E | S/E | S/E | Department of Human Services, Division of Juvenile Justice Services |
| VA  | Combination | C   | S/E | C   | C   | Office of Justice Programs, Office of Juvenile Justice Delinquency Prevention |
| WA  | Decentralized | L/J | L/J | S/E | S/E | Local juvenile courts |
| WV  | Combination | S/E | S/J | S/E | S/C | Supreme Court of Appeals |

and residential placement facilities; set policies and approve annual budgets prior to submission to the county executive; designate the courts that will be the juvenile courts as well as the judges who will be juvenile court judges; and select and hire Chief Juvenile Probation Officers) juvenile probation officers to provide intake, investigation, and community supervision services in the State's judicial districts secure detention centers, secure confinement residential centers, contracts for residential and non-residential community-based services, and aftercare supervision diversion, most detention, probation supervision, commitment, and aftercare

The Department of Juvenile Justice (DJJ) operates 32 Court Service Units (CSUs) probation services, secure detention intake, predisposition investigation, probation supervision, and aftercare services, juvenile corrections continuum probation and detention services, except in Clallam, Skagit and Whatcom counties, where, as allowed by statute, the courts have transferred this responsibility to the county legislative authority and in King County, where detention is administered by the County Executive commitment programs and aftercare (i.e., parole) predisposition investigations, probation supervision, and some aftercare services through offices in the state's 31 judicial circuits
Division of Juvenile Services, within the Department of Military Affairs and Public Safety

Local Social Service Departments

Department of Corrections, Division of Juvenile Corrections
district/county attorney's office

Department of Family Services, Division of Juvenile Services (except two district courts and one municipal court)

local law enforcement

pre-adjudication/pre-dispositional shelters and secure detention, commitment, and some aftercare services

secure detention, probation, and aftercare services

secure juvenile corrections, some juvenile aftercare services, and community-based alternatives to secure care

delinquency intake screening

probation services as well as commitment, release, and aftercare services

detention services

Table 2: Mechanisms for Transferring Youth to the Adult System, 2011

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