Ch. 2 Types of Facilities

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"The most severe sanction that a juvenile court can impose entails the restriction of a juvenile’s freedom through placement in a residential facility." (OJJDP)

Nationwide, juvenile detention and correctional facilities, and in far too many cases jails and prisons, are charged with responsibility for the care and custody of young offenders. These facilities and the staff working in them are expected to provide for the safety of both youth and the public, to maintain humane and constitutional conditions of confinement, and to fulfill a variety of other functions depending on the specific type of facility.

According to information taken from the 2010 Census of Juveniles in Residential Placement (CJRP) survey, 79,165 youth were being held in juvenile confinement facilities on February 24, 2010, the date on which the survey data were collected.[2] This number does not include youth that were held in adult jails and prisons. According to the U.S. Department of Justice, Bureau of Justice Statistics (BJS), 9,851 youth were confined in adult jails and state prisons in 2010, and in 2009 (the most recent data available), approximately 4,145 youth ages 18 and under were arrested and taken into custody by federal officials.[3]

Juvenile justice practitioners and experts agree that confining youth—in most circumstances—is not in the best interest of either youth or public safety. Too often, delinquent youth charged with nonviolent offenses that do not pose a risk to public safety are held in confinement facilities, when supervision in the community would be a more cost-effective and appropriate option. Community supervision is also less disruptive to family life, to participation in educational and other community-based programming, and to sustaining employment for those youth who have been able to find a job.

Other youth are confined not so much because the delinquent act they committed is serious or because they pose a threat to public safety, but because the programs and services they really do need are not readily available. As a result, when these “special needs” youth are thought to pose a potential threat to public safety or to be a flight risk, they are too often placed in confinement facilities that are ill equipped to meet their special needs.

Confinement Facilities that Serve Youth

Many people struggle to understand the differences in the various types of confinement facilities in which young people may be held and the purpose of each facility type. Significant variations in how jurisdictions structure their juvenile justice systems contribute to this lack of understanding. Further confusion stems from more states handling criminally involved youth in the adult criminal justice system over the past two decades. Many of those youth are now being confined in adult jails and prisons.[4]

Confinement is part of a continuum of care for responding to youth engaged in delinquent behavior. The continuum begins with sanctions such as Teen/Youth Court, parent education and training, and other diversionary programs. Investments should always be made in preventive and diversionary programs and services in an effort to avoid the use of more restrictive interventions.

When necessary, the continuum moves to intermediate sanctions such as family preservation programs, intensive supervision probation; drug, alcohol, and mental health treatment programs; and home confinement and electronic monitoring. Most all of these interventions are non-residential and based in the community.
This Desktop Guide Series (DGS) addresses services at the deep end of this continuum, which involves the secure confinement of youth.

**Juvenile Detention**

Juvenile detention is a critically important part of the juvenile justice system. It has long been ignored, criticized, and deprived of the support and assistance that is regularly made available for other juvenile justice functions.

Juvenile detention is defined as

…the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community’s protection while pending legal action.

Further, juvenile detention provides a wide range of helpful services that support the juvenile’s physical, emotional, and social development.

Helpful services minimally include education, visitation, communication, counseling, continuous supervision, medical and healthcare services, nutrition, recreation, and reading.

Juvenile detention includes or provides for a system of clinical observation and assessment that complements the helpful services and reports findings.[5]

This definition was developed from the seven essential characteristics of juvenile detention identified by the American Correctional Association (ACA) Juvenile Detention Committee. These features, which remain relevant today, are:

- **Temporary custody.** Of all the methods of incarceration within the criminal justice system, only juvenile detention stresses its temporary nature. Detention should be as short as possible.
- **Safe custody.** This concept implies freedom from fear and freedom from harm for both the youth and the community. This definitional theme refers to a safe and humane environment with programming and staffing to ensure the physical and psychological safety of detained youth.
- **Restricted environment.** The nature or degree of restrictiveness of the environment is generally associated with the traditional classifications of maximum, medium, or minimum security or custody.
- **Community protection.** In addition to the factors listed above, the court has a legitimate right to detain youth for the purpose of preventing further serious or violent delinquent behavior.
- **Pending legal action.** This theme includes the time spent awaiting a hearing, disposition, a placement, or a return to a previous placement.
- **Helpful services.** Programs are available to detained youth to help resolve a host of problems commonly facing detained youth. Because detention has the potential of creating a tremendously negative impact on some youth, it is important that programming have the depth of services required to meet the needs of a wide range of youth problems.
- **Clinical observation and assessment.** Most juvenile codes specifically refer to this theme as a purpose for detention. The controlled environment of juvenile detention often provides the opportunity for intense observation and assessment to enhance staff decision-making capabilities. Competent clinical services are to be provided by properly credentialed individuals who coordinate and conduct the observation and assessment process. (This service may be provided by staff or through contract.)[6]

These characteristics and the definition of detention make clear that the purpose of juvenile detention is to confine only those youth who are serious, violent, or chronic offenders that may fail to appear for court proceedings or may commit additional delinquent acts pending legal action. Based on these criteria, juvenile detention is not considered appropriate for status offenders and youth that commit technical violations of probation.

Juvenile detention is best understood as being both a process and a place. Detention as place is the “what,” the object or outcome of juvenile court action. Place includes the objective characteristics of detention such as the physical structure of the building and its characteristics—its rated bed capacity, security hardware, square footage, furnishings, and sanitation. Place represents the preventive aspect of detention. It prevents youth, families, and the community from coming to any additional harm; prevents the youth from committing any new offenses while being processed through the legal system; and provides assurance that youth will appear for court hearings.
Process is about action and refers to the intensity of services, the quality of care, the quality of staff and their relationships with youth, and the philosophy of detention. A significant aspect of the process of detention is staff, which includes judicial and other decision makers responsible for matching the levels of restrictiveness with the detention needs of the youth, the detention staff interacting with youth in confinement, and the values instilled in these staff by leadership at the detention facility. Process is about a continuum of care, both internal and external to the detention facility, and graduated sanctions that include detention and that are appropriate to the needs of individual youth.

Juvenile justice administrators and practitioners may not always have control over what makes up the place of detention. However, regardless of the physical plant or financial resources available to them, they are always in a position to affect the process, and process is “…much more influential in effecting safety and security than are policies and procedures.”[7]

In 2007, to more directly address the idea of juvenile detention as process, the National Juvenile Detention Association revised the definition of juvenile detention to state the following:

Juvenile detention, as part of the juvenile justice continuum, is a process that includes the temporary and safe custody of juveniles whose alleged conduct is subject to court jurisdiction and who require a restricted environment for their own and the community's protection while pending legal action. Juvenile detention may range from the least restrictive community based supervision to the most restrictive form of secure care.

The critical components of juvenile detention include:

- Screening to ensure appropriate use of detention.
- Assessment to determine the proper level of custody, supervision and placement.
- Policies that promote the safety, security and well being of juveniles and staff.
- Services that address immediate and/or acute needs in the educational, mental, physical, emotional and social development of juveniles.[8]

Juvenile detention facilities may be publicly or privately funded and operated. When youth are placed in private juvenile detention facilities, the organization operating the private facility will charge daily room and board and sometimes other fees to the court or division of government that referred the youth to the facility.

Juvenile detention facilities may be either staff secure or facility secure. A staff-secure facility does not have the same construction fixtures, such as locked doors throughout the building, as do those that are facility secure. Likewise, the staffing configuration of a facility that is staff secure is different from the staffing configuration of one that is facility secure.

Each year, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) asks residential facilities that serve youth in the juvenile justice system to complete the CJRP, which asks representatives of juvenile residential facilities to describe each youth assigned a bed in the facility. This survey includes information about the “lock” or “no lock” (facility-secure or staff-secure) status of the facility, which is determined by the facility. The descriptive criteria to which facility administrators are to respond related to this status are provided below:

**Locks indicated.** Juveniles are restricted within the facility or its grounds by locked doors, gates, or fences some or all of the time.[9]

**No locks indicated.** Juveniles are not restricted within the facility or its grounds by locked doors, gates, or fences; facilities that do not rely on locks for security are also known as staff secure.

Based on this information, from 1997 to 2010, less than 14% of youth in detention were served in unlocked, staff-secure facilities.[10] This is true despite the fact that, in 2010, 24% of all youth place in detention were being held for either a status offense (2%) or a technical violation (22%) of the conditions of the youth’s probation or parole.[11]

The full range of juvenile placements from which the Census of Juveniles in Residential Placement (CJRP) survey collects data includes:

- Detention Centers
As discussed above, juvenile detention is intended to be temporary and transitional. However, a number of states have passed legislation that allows for the “sentencing” of youth to local juvenile detention facilities, rather than committing them to a state correctional facility. More than half of states allow the juvenile court to order adjudicated youth to serve time in a local juvenile detention facility. Many juvenile detention facility staff and administrators, particularly those working in facilities in small or rural communities, find it challenging to effectively meet the programmatic and service needs of youth adjudicated to spend lengthy periods of time in their care. This is particularly true when it comes to serving youth with special mental and medical health and educational needs.

National leaders in juvenile justice disagree with this legislative change and instead support the prohibition of juvenile detention as a dispositional option. The development of effective, appropriate and less costly alternatives should be supported to eliminate the use of juvenile detention as a disposition. Given the average length of stay in secure detention is 15 days it seems reasonable that many of these youth could be served in a community-based program.

In most cases, youth are ordered by the court to serve less time in detention facilities than in state correctional facilities. There are fewer than ten states in which secure detention is used solely to hold youth before adjudication or placement.

**Juvenile Corrections**

Long-term juvenile correctional facilities serve a different purpose than juvenile detention facilities. Secure detention facilities are meant to provide short-term confinement for pre-adjudicated youth, and secure correctional facilities are meant to serve youth that have been adjudicated delinquent for an offense that would be considered a crime if the youth were an adult—typically one or more felonies or multiple misdemeanor offenses. Youth are confined in secure correctional facilities for periods generally ranging from a few months to a year or more. Some youth may spend multiple years in a juvenile correctional facility. Due to the long-term nature of juvenile correctional facilities, a much broader array of programs and services is typically available than those in juvenile detention facilities.

Juvenile correctional facilities are a part of larger statewide systems of juvenile justice—systems that are multifaceted, with processes and components that vary greatly from one state to another. State juvenile justice systems have changed dramatically over the last century, as have the programs and facilities designed to serve the youth referred to those systems. Facilities and programs within a single state or jurisdiction may range from staff-secure, family-style group homes to facility-secure, long-term training schools and treatment programs.

Many juvenile correctional systems have intake and diagnostic facilities. These facilities may be architecturally free standing but are often located on the same campus or compound of a long-term juvenile correctional facility, where the youth may or may not be placed following the intake process. The length of stay in an intake and diagnostic facility is usually 30–90 days, during which time a youth’s educational, medical, mental health, and other needs are evaluated. The information obtained as a result of this short-term placement is used to determine the individual needs of youth, and, based on those needs, what the youth’s long-term dispositional placement will be. Some intake and diagnostic facilities also conduct court-ordered, pre-dispositional diagnostic evaluations. In these cases, youth will typically return to the local community following the period of evaluation while they await disposition of their case in juvenile court.

Juvenile correctional facilities, like juvenile detention facilities, may be either staff secure (unlocked) or facility secure (locked). The same definitions of locked versus unlocked are used for both juvenile detention and juvenile correctional facilities.

From 1997 to 2010, more than 76% of youth committed to a juvenile correctional facility were served in a locked, facility-secure setting.
The length of time a youth spends in a juvenile correctional placement may be determined either by the facility to which the youth has been committed (indeterminate) or by the court adjudicating the youth (determinate). In the case of determinate commitments, the judge orders a defined length of time the youth is to spend in the juvenile correctional placement. The length of indeterminate commitments may be decided in response to established treatment goals by a semi-independent or external paroling authority, by a team of staff that work with the youth, and (sometimes) the youth’s family, or by some other process specific to the jurisdiction.

A little over half of committed youth in confinement are held in publicly-funded, government-administered facilities. Both privately-run detention and confinement facilities charge daily and other fees to the court or division of government that referred the youth.

In recent years, significant attention has focused on providing reentry and aftercare services for committed youth. Jurisdictions have invested in these services to allow for some level of post-release supervision of youth, with the goal of increasing the likelihood of safe and successful transitions of youth back into their homes and communities. Aftercare services may be provided as part of the youth’s commitment to a state department of corrections, which may or may not involve supervision by a parole officer or a juvenile probation officer and the court that ordered the youth’s commitment to the juvenile correctional facility.

As mentioned earlier, youth are typically confined in juvenile correctional facilities for longer periods of time than they spend in juvenile detention facilities. In 2010, approximately one-third of committed offenders remained in placement six months after admission. A little over 10% of these youth remained in placement one year after admission.\textsuperscript{12}

The number of youth committed to a juvenile correctional facility decreased 35% between 1997 and 2010.\textsuperscript{13} There are many factors that may have contributed to this dramatic reduction in youth commitments, including national reductions in juvenile crime rates.

**Youth in Adult Jails and Prisons**

"In the United States, children are treated as different from adults, except when it comes to criminal law." \textsuperscript{14}(Michele Deitch et al.)

The physical separation of youth and adults in confinement facilities has a long history in the U.S. dating back to the early 19th century with the creation of special facilities to house juvenile delinquents. The first of these was the New York House of Refuge, which opened in 1825. Over the next 40 years, another 25 juvenile confinement facilities opened across the country. The U.S. now has more than 2,200 public and private juvenile residential placement facilities holding adjudicated youth. (See Ch. 1: Historical Perspective.) \textsuperscript{15}

The purposes of separate facilities for youth were 1) to protect juveniles from possible influence and victimization by adult offenders, 2) to allow for a focus on the rehabilitation of these youth to divert them from a lifetime of criminal behavior, and 3) in recognition of the fact that children are not the same as adults. However, the level of commitment to the goal of rehabilitation and recognition that youth are not miniature adults has fluctuated with the political climate.

U.S. Supreme Court decisions from the 1960s such as *Kent v United States* (1966) and *In re Gault* (1967) led to dramatic and profound changes in U.S. juvenile courts, such as affording youth many of the due process rights granted to adults. However, in response to a rise in juvenile crime in the late 1970s and early 1980s, lawmakers—primarily at the state level—began to pass legislation allowing for the prosecution of juveniles through adult criminal courts. As a result, 46 states have lowered the age or expanded the circumstances, or both, under which juveniles can be prosecuted as adults.

The setting in which youth who are prosecuted and convicted as adults will serve their sentence may vary from one jurisdiction to another, particularly for youth that have been sentenced to a term in prison. In some states, youth may serve some portion of their sentence in a juvenile facility before being transferred to an adult confinement facility. Although some facilities do little more than physically separate juveniles from adults, other states have created specialized facilities for youthful offenders in an effort to more effectively meet their needs. In these facilities, physical separation is supplemented with specialized, age-appropriate programming and staff training.

Adult jails and prisons serve the same function for adult offenders that juvenile detention and correctional facilities serve for youth in the juvenile justice system. Gary Bowker describes jails in the National Institute of Corrections document, *Jail Resources Issues: What Every Funding Authority Needs to Know,* as follows: \textsuperscript{16}
The primary purposes of the jail in the community are to hold accused law violators who cannot post bond to ensure their appearance at trial and to hold those convicted of lesser offenses until they complete their court-ordered sanction. In addition to these purposes, rehabilitation and reintegration are sometimes considered secondary goals. Opportunities for self-help and change are desirable and may prevent some inmates from committing offenses after their release. However, provision of these activities may be limited by the lack of any clear statutory responsibility to provide such programs at the local jail level, by financial constraints, and by other resources restrictions.

This last statement clearly informs and supports many of the concerns that have been raised by representatives of the juvenile justice community and by child and youth advocates across the country related to the wisdom of transferring youth to the adult criminal justice system.

**Jails are primarily publicly funded and locally operated (city or county). Prisons may be operated by either a state criminal justice system or by the federal government.**

Concerns around the sentencing of youth to secure confinement in an adult facility are many. The JJDPA requires sight and sound separation of youth being prosecuted in the juvenile system but held in adult jails and prisons. However, these protections do not apply when youth are being prosecuted in the adult criminal justice system. In addition, there are limited standards (offered by the American Correctional Association) for managing youth and what services should be provided for them in adult correctional facilities. Furthermore, there is no monitoring system for ensuring safe and healthy conditions of confinement for youth being held in adult facilities.

According to a report written by Malcolm Young and Jenni Gainesborough for The Sentencing Project, entitled, *Prosecuting Juveniles in A Adult Court*, youth in adult jails and prisons are five times more likely to be physically and/or sexually assaulted, almost eight times more likely to commit suicide, and are more likely to be attacked with a weapon. They are also more likely to be placed in isolation, often as a means of meeting the federal requirements for sight and sound separation, and have less access to education, family support, and other developmentally appropriate programs and services than youth in the juvenile system. In adult facilities, youth usually receive the same meals, health, education, and recreational services as adults, despite the known differences in their developmental needs.

Numerous national organizations have made clear their view that the most appropriate placement of youth is in a juvenile confinement facility where they may receive age-appropriate programs and services focused on rehabilitation and treatment, delivered by staff trained to work with youth, in an environment where they are safe from potential victimization by adult offenders.[17]

**Immigration and Customs Enforcement (ICE)**

"Children of immigrants are one-fourth of America’s children and the fastest-growing group of children." (Phillips et al.)[18]

There are an estimated 1.5 million unauthorized immigrants under the age of 18 in the U.S., as well as approximately 4.5 million more children born in the U.S. whose parent(s) are undocumented. Although the majority of these immigrant youth cross the Mexico–United States border, others come to this country from many places around the world for asylum and protection, employment, reunification with their families, or because they are being smuggled into the country for cheap labor and/or sexual exploitation.[19]

The Immigration and Customs Enforcement Agency (ICE), a division of the Department of Homeland Security (DHS), is charged with ensuring public safety by enforcing laws governing border control, customs, and immigration. However, ICE agents may and do detain both adults and youth simply due to their lack of legal status. Although there are many circumstances in which youth may come to the attention of ICE, it is most often through contact with law enforcement or the juvenile justice system or when they are apprehended trying to cross the U.S. border.

Youth taken into custody by ICE officials may be either unaccompanied or undocumented. Unaccompanied youth are those under age 18, who have no legal status and for whom there is no parent or legal guardian in the U.S. Undocumented youth are those under age 18 who have no U.S. citizenship and live in the U.S. with one or more parents or legal guardians. The Office of Refugee Resettlement (ORR), which is part of the U.S. Department of Health and Human Services, becomes responsible for the care, custody, and placement of all illegal immigrant youth deemed to be unaccompanied. Most children served by the ORR are placed in licensed foster care, in a shelter care facility or in
another appropriate youth care setting.\textsuperscript{[20]} Undocumented youth may be sent to ICE detention centers, or to contract facilities in areas where no ICE facility is available. These contracted facilities are typically local jails, state prison facilities, or local juvenile detention centers—facilities for confining individuals charged with or convicted of committing a crime. Most undocumented youth have committed no crime; they are only in this country without a legal citizenship status.\textsuperscript{[21]}

Based on a settlement agreement stemming from the 1985 lawsuit, \textit{Flores v. Reno},\textsuperscript{[22]} if the release of a child in the custody of the Immigration and Naturalization Service (INS—the precursor to ICE) is not possible, that child should be placed in the least restrictive setting possible. The Flores ruling also requires the INS to place youth in an appropriate juvenile detention facility or a nonsecure shelter facility within five days of entering into INS custody.

In 2010, the National Immigrant Justice Center (NIJC) filed a Freedom of Information Act (FOIA) request to obtain information about immigrant youth being held in adult detention facilities. Despite the Flores decision, the information obtained determined that, between 2008 and 2012, DHS detained almost 1,400 youth in adult facilities. This number is considered low, as the reported data came from only 30 of the approximately 250 adult facilities with which DHS had contracts at the time.

\textbf{Tribal Youth Facilities}

"Incarcerated Indian youth are much more likely to be subjected to the harshest treatment in the most restrictive environments and less likely to have received the help they need from other systems." (Terry L. Cross)\textsuperscript{[23]}

According to the Bureau of Indian Affairs (BIA), there are currently 566 federally recognized American Indian and Alaska Native tribes, with Native American people living in every state in the country. The states with higher concentrations of Native Americans typically have either several Indian reservations or have large cities with Indian relocation centers that were established in the 1950s.\textsuperscript{[24]}

For centuries, Native American tribes governed themselves, including exercising control over youth. However, due to the erosion of many tribal jurisdictions and significant losses of financial and other resources, cases involving Native American youth may now be processed in any one of three systems—federal, state, or tribal.

There have been many shifts in policy related to jurisdiction over criminal matters involving Native Americans in the history of the United States. For many years, the federal government claimed jurisdiction over "(1) all offenses committed by an Indian against a non-Indian; (2) all offenses committed by a non-Indian against an Indian; and (3) certain serious crimes committed by an Indian against another Indian."\textsuperscript{[25]} However, in 1953, the U.S. Congress, as part of the Major Crimes Act, legislated Public Law 83-280—more commonly known as PL 280. Under PL 280, jurisdiction over most all criminal and civil matters involving Native Americans was mandatorily transferred from the federal government to state governments in California, Minnesota, Nebraska, Oregon, and Wisconsin. The law also applied in Alaska, once it became a state. In addition to these six mandatory states, ten more states have voluntarily opted to transfer jurisdiction to the state under PL 280. These states are: Nevada, South Dakota, Washington, Florida, Idaho, Montana, North Dakota, Arizona, Iowa, and Utah.\textsuperscript{[26]}

There is also tribal jurisdiction, which in most cases is concurrent with state or federal jurisdiction or both. Tribal jurisdiction applies when the crime is committed on Indian lands by an Indian. If the crime is serious enough to warrant a lengthy period of confinement, prosecution in the tribal court may not be the best option, as these courts have a sentencing limit of between one and three years. The Federal Juvenile Delinquency Act (FJDA) establishes federal jurisdiction by allowing the federal government to prosecute juveniles based on three possible circumstances: 1) the state does not have or refuses to assume jurisdiction; 2) the state does not have the resources to meet the needs of the youth; and 3) the youth is alleged to have committed a federal felony violent crime or enumerated drug offense, and the federal government has a substantial interest in the case.\textsuperscript{[27]}

![Tribal Federal and State Jurisdiction](https://info.nicic.gov/dtg/print/4)
<table>
<thead>
<tr>
<th>Type of Crime</th>
<th>All Other Crimes</th>
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<tbody>
<tr>
<td><strong>“Major” Crime</strong> (as defined by Major Crime Acts)</td>
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<tr>
<td>Federal Jurisdiction (under Major Crimes Act) &amp; Tribal Jurisdiction</td>
<td>Tribal Jurisdiction</td>
</tr>
<tr>
<td>Federal Jurisdiction (under Major Crimes Act) &amp; Tribal Jurisdiction</td>
<td>Federal Jurisdiction (under General Crimes Act) &amp; Tribal Jurisdiction</td>
</tr>
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<td>Federal Jurisdiction (under General Crimes Act)</td>
<td>Federal Jurisdiction (under General Crimes Act)</td>
</tr>
<tr>
<td>State Jurisdiction</td>
<td>State Jurisdiction</td>
</tr>
</tbody>
</table>

*Please note that this general jurisdiction chart does not apply to jurisdictions where Public Law 280, 18 U.S.C. 1162 or other relevant federal statutes have conferred jurisdiction upon the state.*


Funds for detention, when available, are provided by the BIA or through agreements with the BIA, called Self-Determination Contracts or Self-Government Compacts. These agreements allow tribes to receive BIA funding to develop their own detention programs.[28] Tribes may also enter into contracts with non-tribal or non-BIA facilities to house youth under tribal jurisdiction. A fact sheet from the Campaign for Youth Justice entitled, *Key Facts: Native American Youth in Federal, State, and Tribal Justice Systems* says that, “According to the 2002 BJS study, only 7% of responding tribes had their own juvenile residential facility available and over two-thirds (68%) of responding tribes placed juveniles in neighboring non-Indian detention facilities.”[29]

OJJDP funds a number of programs for tribal youth to encourage innovation, collaboration, and sustainability to help tribal communities improve tribal juvenile justice systems, including programming for youth residing in or reentering their communities upon release from tribal juvenile detention centers. An example of this effort is the 2014 Coordinated Tribal Assistance Solicitation (CTAS) through which funds will be awarded to federally recognized tribes and tribal consortia to support public safety, victim services, and crime prevention in American Indiana and Alaska Native Communities.

In addition, OJJDP administers the Tribal Juvenile Detention and Reentry Green Demonstration Program, which seeks to:

- Reverse the overrepresentation of Native American youth in the juvenile justice system.
- Reduce the rate of recidivism for tribal youth.
- Provide guidance, nurturing, and resources that would allow tribal youth to participate in best practice and green energy programs compatible with Native American traditions and culture.
OJJDP provides training and technical assistance for program planning, implementation, and enhancement, and for program evaluation to support tribes operating or planning to operate a tribal juvenile detention center. All federally recognized tribes are eligible to request training and technical assistance related to reentry services.

As a result of the multiple jurisdictions governing tribal youth, the confinement facilities in which these youth may be held are much more diverse in terms of both facility type and geographic location than they are for any other population of youth in the U.S.

Standards, Licensing, and Audits

In some jurisdictions, a specific department or division of government licenses adult and juvenile correctional confinement facilities; in others, these facilities are audited on a regular basis against a specific set of minimum standards for compliance. A department or division of local or state government or some other external authority typically conducts these audits. Following are some of the national standards available for certifying or auditing conditions of confinement.

American Correctional Association (ACA)

The ACA provides standards for programs, services, and facilities that include adult and juvenile correctional agencies;

- Programs and institutions.
- Adult jails and adult and juvenile detention facilities.
- Adult and juvenile probation.
- Adult parole and juvenile aftercare services.
- Adult and juvenile community residential services.
- Adult and juvenile treatment programs.
- Adult and juvenile boot camps.
- Adult probation and parole field services.
- Correctional industries.
- Correctional training academies.
- Electronic monitoring programs.
- Food services programs.
- Healthcare for adult correctional institutions.
- Therapeutic community.

The standards established by the ACA are often used as the foundation for the development and approval of standards used in state, jurisdictional, and other auditing processes.

Council for Juvenile Correctional Administrators (CJCA)

The Council for Juvenile Correctional Administrators has developed Performance-based Standards (PbS) for juvenile detention and correctional facilities and Community-based Standards (CbS) for use in monitoring and improving conditions of confinement and treatment services provided through or in partnership with state juvenile correctional systems.

Immigration and Customs Enforcement (ICE)

The 2011 Operations Manual ICE Performance-Based National Detention Standards (PBNDS) are related to the conditions of immigration detention. These standards address juveniles only minimally. The most significant addresses the need to hold juveniles separately from adults, according to the requirements of Flores v. Reno.[30]

Juvenile Detention Alternatives Initiative (JDAI)

The JDAI Detention Facility Self-Assessment was developed for use by trained teams of volunteers so that they might conduct a “self-inspection” in detention facilities for the purpose of internally monitoring conditions of confinement and to identify problems.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)
In partnership with each state, OJJDP audits compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA).

Prison Rape Elimination Act (PREA)

Standards related to PREA became effective on August 20, 2012. These standards were enacted to address the problem of sexual abuse and rape of all persons—adult and juvenile—in the custody of U.S. correctional confinement facilities, both public and private.

Conclusion

Juvenile services should be thought of as a continuum, whereby the confinement of youth is at the furthest extreme of that continuum. On the other extreme, local services should serve the best interests of youth and their families, meeting the wide range of needs of individual youth and families, while also protecting the community. This requires that communities recognize the need for youth and family intervention services; cooperation from law enforcement and juvenile justice officials; and access to resources, individuals, and organizations interested in supporting an effective and appropriate continuum of services.

If the secure confinement of youth becomes necessary, that confinement should be for the shortest term possible; in the least restrictive and safest setting possible; and in facilities specifically designed, programmed, and staffed to serve youth.

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Endnotes


[2] Unless otherwise indicated, data related to youth in confinement that appear here and elsewhere in this chapter were extracted from the 2010 Census of Juveniles in Residential Placement Survey and are accessible at https://www.ojjdp.gov/ojstatbb/ezacjr/.[94]

[3] Information related to prisoners in adult facilities is from the Corrections Statistical Analysis Tool (CSAT) - Prisoners and is available at https://www.bjs.gov/index.cfm?ty=nps[95].


[5] The board of directors of the National Juvenile Detention Association (NJDA) approved this definition of detention on October 31, 1989. Because it has been superseded by a more recent definition, the text is no longer available online.

https://info.nicic.gov/dtg/print/4


[12] Analysis of numerous national and state-level data on the characteristics of youth held in residential placement facilities may be found on the OJJDP website at https://www.ojjdp.gov/ojstatbb/ezacjp/asp/display.asp.


[27] Adams and Samuels, “Tribal Youth in the Federal Justice System.”


[29] Campaign for Youth Justice, “Key Facts: Youth in Adult Jails and Prisons.”