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U.S. Department of Justice
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Office of Juvenile Justice and Delinquency Prevention



Office of Juvenile Justice and Delinquency Prevention

Summary Proceedings

CONFERENCE ON CONDITIONS OF CONFINEMENT

March 16, 1993

Hall of the States

Washington, D.C.

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National Institute of Justice

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Summary Proceedings
CONFERENCE ON CONDITIONS OF CONFINEMENT

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1.0 CONFERENCE PURPOSE AND CHARGE

This conference was convened by OJJDP to present the findings of the Conditions of Confinement study to the juvenile justice community and to solicit the opinions of community members on several topics pertaining to the report. These topics included 1) reactions to the report including the plausibility of its findings and the fit between findings and recommendations; 2) other recommendations that could have been made based on the study; 3) what to do to improve conditions of confinement in light of the report; and, 4) strategies for implementing these improvements. (A participant list is attached.)

The meeting opened with a presentation of the design, findings and recommendations of the Abt study presented by members of the Abt Study team, Dale Parent, Project Director, and Valerie Leiter, Analyst. After the presentation of findings, conference participants asked questions of the Abt group and offered their opinions concerning the findings and their implications for conditions of confinement. In the afternoon session, conferees were divided into two working groups which discussed the implications of the report and strategies for improving the deficiencies in conditions of confinement identified in the Abt study. The conference closed with summaries of the work groups' conclusions regarding strategies for improvement.

2.0 KEY FINDINGS

The Conditions of Confinement Study was mandated by Congress because comprehensive, national data on the living conditions of children in secure custody did not exist. Legislators were concerned that large numbers of juveniles were being kept in facilities that did not meet the minimum standards for confinement developed by correctional and legal organizations. OJJDP solicited bids for a study that would: 1) describe conditions of confinement for juveniles; 2) compare those conditions to nationally recognized standards, including those developed by the American Correctional Association, the American Bar Association and others; and 3) assist in making recommendations for improving conditions in these facilities. The agency selected Abt Associates to conduct the study.

The Abt group limited the scope of the study to children in detention centers, training schools, camps and ranches. This was done because these facilities housed the majority of youth in custody for the longest periods and typically under the greatest restraint of liberty. Moreover, they were of primary interest to the field, and given to time and budget limits of the project, were seen as the best choice to study. Other facilities holding juveniles, such as group homes, halfway houses, secure psychiatric facilities, police lock-ups, jails and prisons were not included in this study. In the future, it may be necessary to compare the conditions in community-based facilities with that in the facilities included in the Abt study. Moreover, given the increasing use of waivers, the conditions juveniles experience in jails and prisons should also be assessed.

In the first phase of the study Abt synthesized existing standards for acceptable conditions for the confinement of juveniles. In the second phase, they assessed compliance with these standards on the basis of information from Children in Custody (CIC) -- a census of facilities housing juveniles in custody. To obtain information on conditions not routinely collected by CIC, the Abt group developed a mail survey that was sent to the 984 juvenile detention centers, reception and diagnostic centers, training schools and ranches included in CIC. In order to test the validity of self-report data and to gather information that could not be obtained in the survey, the project staff and consultants recruited from the juvenile justice community visited a stratified random sample of 95 facilities included in the mailed survey. During these site visits data collectors were asked to collect certain information from interviews with juveniles in custody, staff members, administrators and from direct observation. Whenever pertinent, the observations of site-visitors were compared to data provided on the self-report data from the same facility. The data from the two sources correlated very highly. In the third phase, all of these various sources of data were used to describe conditions of confinement. In addition to simple description, some analyses were also conducted to determine the effect of conditions of confinement on outcomes measures such as, escape rates, injuries, suicidal behavior, etc.

Dale Parent and Valerie Leiter presented the major findings and recommendations from this study.

2.1 Population Dynamics

Juvenile correctional systems are under stress. Admissions to and populations of detention centers, reception centers and training schools are up. The proportion of confined juveniles who are minorities (especially African American juveniles) has been steadily increasing. Also, an increasing proportion are in custody for serious offenses.

2.2 Conformance

The good news is that conformance with standards for the provision of basic food, clothing and shelter is quite high. The bad news is that crowding is prevalent and severe. There is substantial non-conformance with standards for the provision of health care and security. There is some evidence in the data that crowding and departures from prescribed security

standards are related to negative outcomes for youth in custody, e.g. suicidal behavior, injury, and escapes.

The data on conformance with standards are less clear in the areas of education, treatment, emergency preparedness and legal representation. This ambiguity is due in large measure to the absence of performance-based standards or clear outcome measures in these areas. Existing standards are often procedural in nature. In some instances they are so vague that conformance can be achieved by having a written policy, while that policy may never be implemented and the intended benefits on conditions are not realized. While the data suggest that conformance is high in these areas, the Abt staff found little reassurance in this.

Within this picture of conformance, it is important to note that Abt found that non-conformance is not restricted to a small group of "hell holes." A large number of facilities are not in conformance on some aspect of conditions of confinements, but very few institutions are not in conformance on a large number of standards. This is good news for residents of these facilities, but it may complicate the process of improvement.

2.3 Recommendations

From their data, the Abt group reach conclusions that served as the basis for 20 recommendations for improving observed deficiencies. These recommendations were grouped into the following five categories: policy and standards development, crowding, health care, operational procedures, and research. The recommendations presented below were current at the time of the meeting. Recommendations presented in the executive summary reflect suggestions made by conference participants.

Policy and Standards Development

We recommend that a joint committee be created whose membership represents all national professional organizations with an interest in juvenile confinement. Over the next four years members of this joint committee should work to implement recommendations in this report and to coordinate activities of their respective organizations toward the common objective of improving conditions of juvenile confinement. Appropriate federal agencies should encourage and facilitate the work of this joint committee.

We recommend that organizations developing nationally recognized standards for juvenile correctional facilities emphasize performance-based standards in the future, rather than standards that focus on procedures.

We recommend that appropriate national organizations jointly define performance-based standards for educational services in juvenile confinement facilities.

Crowding

We recommend that states implement a planning process that identifies decisions that affect use and duration of juvenile confinement, identifies characteristics of juvenile offenders processed through the system, and that documents the capacities of available confinement and non-confinement placement options. States should use this information to establish policies that regulate the use and duration of confinement, and to govern future provision of juvenile placement options.

We recommend that OJJDP support controlled research to study the effects of crowding on juvenile and staff behavior and on outcomes in detention and corrections facilities.

We recommend that juvenile facilities built in the future not house residents in dormitories. In existing facilities, dormitories housing eleven or more juveniles should be phased out at the earliest possible time.

Health Care

We recommend that existing public health surveillance systems be expanded to assess and monitor the health status of the confined juvenile population.

We recommend a general review of the health needs of and services received by confined juveniles based on review of the medical records of a national sample of confined juveniles.

We recommend that juvenile justice agencies act to ensure that initial health screenings are carried out promptly at admission and to ensure that health appraisals are conducted or received within a week after admission.

We recommend that juvenile justice agencies take steps to develop, and ensure the use of, an adequate training program for non-medical staff who conduct health screening.

Operational Procedures

We recommend that comprehensive suicide prevention plans be developed and implemented. Juveniles who may be suicidal should not be assigned to single rooms or isolated without continuous supervision.

We recommend that appropriate state and local agencies increase the frequency of inspections for fire and life safety violations in juvenile confinement facilities, and exercise available enforcement authority more vigorously to correct violations. Further,

state laws or regulations governing fire and life safety in juvenile facilities should be as rigorous as those that apply to schools, hospitals, or other public buildings.

We recommend that juvenile justice agencies undertake more detailed comparative studies of facilities with low and high escape and injury rates to identify policies and practices that can materially improve security and safety. These studies should pay special attention to the procedures used to classify juveniles and the ways in which classification is used.

We recommend more extensive comparison of conditions in facilities with high and low rates of use of search, isolation, and restraints in order to identify and test the rationales for these variations in practice.

We recommend that agencies operating juvenile confinement facilities examine supervision staff turnover rates, and identify the causes for turnover, and develop strategies to reduce turnover rates. In addition, facilities should attempt to offset the effects of high turnover rates with increased training.

We recommend that juvenile facilities permit juveniles to receive as well as make telephone calls.

Research

We recommend that OJJDP support additional studies of conditions of confinement or placement for three groups of juveniles not covered in this study: (a) those tried and sentenced as adults, (b) those placed in halfway houses, group homes, and shelters, and (c) those in secure hospital treatment programs.

We recommend that appropriate federal agencies support a study to document educational needs and problems of confined juveniles and to evaluate the capacity of education programs in juvenile confinement facilities to serve those needs and address those problems. Of particular interest is the potential of year round programs to impact on the educational attainment of juveniles in confinement.

We recommend that federal agencies support systematic review of treatment needs of confined juveniles and of the effectiveness of treatment programs in juvenile facilities.

We recommend that OJJDP and the Census Bureau modify the biennial Children in Custody Census to collect data on staff turnover rates, use of isolation and searching, and the incidence of injuries, escapes, and suicidal behavior and the number of juveniles in detention centers who are (a) detained, (b) adjudicated, and (c) held pending waiver, and that separate data on average duration of confinement be collected for each group.

3.0 QUESTIONS ABOUT THE STUDY AND RECOMMENDATIONS

A wide-ranging discussion of the report and its implications followed. Participants asked for clarification regarding the study's scope and method. They asked about further analyses of the data that could establish associations between standards or attributes of facilities and outcomes. Questions were raised about the research both in terms of methods used and presentational style. Members of the group drew various implications from the study and some offered different strategies for improving conditions of confinement in light of the study.

3.1 Clarifications

Clarification was requested regarding which of the existing standards were used to establish conformance in the study. Some participants were disappointed that the study excluded by design children in group homes, half-way houses, drug treatment facilities, jails, prisons and police lock-ups. Questions were asked about specific findings such as the basis for determining crowding or what constitutes having a suicide prevention plan.

3.2 Elaboration

During the conference members asked the Abt staff if they had done analyses of the relationship between various measures of conformance and outcomes. While the report was largely descriptive, Abt did conduct regression analysis to determine relationships between outcome measures and a series of selected variables, including conformance to pertinent standards and facility characteristics and policies. In many cases Abt had conducted the analyses and responded to questions from attendees. In two instances, however, analyses had not been done, and probably could not be done by Abt due to limits of time and money:

1. With respect to control of suicidal behavior, was there any effect of staff training independent of staff ratios?
2. With respect to suicidal behavior, were there gender-based differences?

Members asked if differences in admissions criteria affect levels of injury in facilities. Abt could not answer this question because it did not have data on admission criteria.

3.3. Validation

Participants raised questions concerning the validity of the findings. Since much of the report was based upon self-report surveys, there was suspicion that respondents may have put conditions in the best possible light. The Abt group was asked if they tested the validity of their self-report data against site visit data and interviews from the children. While it was not clear from the ensuing discussion, the answer to this question is yes and that the data from site visits and from self-report correlate very highly for those objective items on which consistency could be expected. The greatest problem with respect to validation came from the vagueness of some of the standards and not from the data collection methodologies.

Participants noted that typological treatments of the data could uncover "bad" facilities that did not comply with a large number of standards. It should be noted that the data were analyzed using statistical procedures such as cluster and factor analysis that would have identified any clustering in non-conformance measures. None was found and therefore it is unlikely that typological treatment of the data would reveal "hell holes."

3.4 Presentation of findings

The group had several suggestions regarding presentation. The first involved separating detention facilities from ranches and training schools because the former are so different from the longer term facilities. The Abt group defended the current presentational format for the initial report because of the need to demonstrate the variability in conditions across the entire range of custody alternatives. There was agreement that future versions of the document could be more tailored to these two very different audiences given sufficient time and budget. The second suggestion for presentation involved greater use of qualitative data to put a face on the numbers. Participants suggested that the great volume of qualitative data collected during the study be put to greater use.

3.5 Implications

There was some discussion of whether the findings of the report were good news or bad news. While there was high levels of conformance in some areas and less conformance in others, participants were not confident that conformance meant an acceptable quality of life in custody. Some participants thought that the study told us more about the limitations of existing standards than it did about the conditions of juvenile confinement. Specifically, the Abt effort demonstrated the vagueness of some of the existing standards and the need for performance-based standards.

One clear implication of the study, on which all participants appeared to agree, was the severity of the crowding issue.

4.0 WORKING GROUP SESSIONS

In order to facilitate a more in-depth discussion of the implications of the study and how it could be used to improve conditions of confinement, the participants were divided into two working groups. The following summarizes the discussion of each of the questions posed to the groups.

4.1 Is there consensus on what among the major recommendations should be pursued?

The working groups identified five major recommendations that should be pursued.

- First, the evidence on crowding is unambiguous. A great majority of youth in custody are held in crowded facilities. There is also evidence that crowding has

detrimental effects on the conditions in these facilities. Immediate steps should be taken to reduce crowding.

- Second, immediate steps should be taken to ensure that health screenings are conducted in a timely manner upon admission and that these exams are conducted by persons with adequate medical training.
- Third, efforts should be made to develop performance-based standards to augment existing process-based standards. Many of the ambiguities in the Abt report stem from the lack of fit between conformance with standards and improvement in the conditions within facilities. Many existing standards are too vague or can be satisfied by the existence of a written policy without altering or improving outcomes. Hence, high levels of conformance do not necessarily indicate an acceptable quality of life in the facility. Performance-based standards should specify outcomes that must occur.
- Fourth, a joint committee should be created that brings together the major professional organizations that have a major interest in developing standards for the confinement of juveniles. This committee should be charged with the formulation of performance-based standards.
- Fifth, the effort to develop performance-based standards should be supported by a research staff that could explore the relationship between policies and outcomes. The data collected by Abt in the conditions of confinement study would be the principal, but not the only, source of data for this work.

4.2 **Do the solutions offered as recommendations fit with the problems identified in the report?**

For the most part there was general concurrence and support for the recommendations. There were two instances in which the recommendations were questioned. For these particular recommendations, some participants felt that the analysis offered in the report was not elaborate enough to support this very specific recommendation. The expressed views in these areas were:

There was not sufficient data to specify the exact size of the dormitories that were recommended to be phased out.

Consider eliminating the recommendation that suicidal juveniles not be put in a single room.

Concern was expressed about suicidal juveniles being kept in juvenile detention facilities at all. It was felt that, even with the best trained correctional staff, such cases may need to be transferred for psychiatric care to a mental health facility.

4.3 What other recommendations are supported by the study?

Should a statement be made about the fact that minority groups are over-represented in custody?

After a long discussion in one work group, members decided that mention of over-representation or "disproportionality" should be left as it is in the report. Investigations of why this disproportionality exists could be conducted using National Juvenile Court Data Archive (NJCDA) or Juveniles Taken Into Custody (JTIC) data that are better suited to exploring issues of discriminatory treatment and other explanations for disproportionality.

Is there enough evidence in the report to make a stronger statement about the benefits of training for the quality of life in institutions?

Participants noted that training was linked to several positive outcomes in the report, e.g. positive effects of training on suicidal behavior. They asked that Abt review the report to see if these positive effects are sufficiently prevalent and consistent that they could be the basis of a recommendation advocating training. Abt and OJJDP agreed to consider such a proposal.

Could the caveat that construction does not solve the crowding problem be moved from page 4-32 to a more prominent place in the report?

Group members were concerned that the findings on crowding would be used as a basis for building more facilities. They felt that there was enough evidence that construction did not solve crowding problems.

Can a statement be made about the availability of legal service?

While there is high conformance with standards of access to legal services, the standard is so vague that conformance does not truly mean access. It was suggested that a statement be made here similar to that regarding education and treatment. Conformance is high, but the standard is meaningless. Performance-based standards are required.

Should a statement be made about the conditions in facilities excluded from this study -- youth shelters and group homes, and particularly police lock-ups, adult jails and prisons where conditions are more severe?

The group felt strongly that the report should not speak beyond the gathered data. It should note that these facilities are omitted, but not comment on the quality of life in these facilities because these conditions are unknown, except anecdotally. Excessive attention on efforts to improve conditions in adult facilities could adversely affect efforts at removal of juveniles from some of these facilities. Furthermore, it was noted that studies are being

undertaken by the Government Accounting Office (GAO) on conditions in psychiatric hospitals and facilities in which juveniles waived to adult court are held.

4.4 How should the study and the report be used to improve conditions of confinement?

Suggestions for using the study were of two types. The first involve the data base developed by Abt. Work group members felt that these data should be analyzed more, especially in support of the development of performance-based standards for conditions of confinement. Other suggestions pertained to the packaging and dissemination of the report in order to enlighten various publics regarding the conditions of confinement. The suggestions for packaging varied with the public targeted. For the general public work group members felt that videos would be a useful means of spreading the word on conditions. Others suggested approaching television news organizations.

For the professions that comprise the various components of the juvenile justice system, a much reduced form of the Abt report was suggested. This reduced report could be included in the newsletters of the various professional associations or in teleconferences maintained by these groups. The representatives of several groups who were present indicated their willingness to participate. Special mention was made of correctional administrators using this reduced report as a point of comparison to determine where they stand with regard to conformance. For this purpose, participants suggested that the reduced report include findings arrayed by region and separately for detention centers and longer term facilities.

5.0 STRATEGY FOR RESPONDING TO THE PROBLEMS REGARDING CONDITIONS OF CONFINEMENT

Following the working groups' reports to the full conference, a discussion ensued regarding a more general strategy for improving conditions of confinement. The difference between this discussion and those that occurred in the work groups is that the former was more global and less focused on the use of the report. One major strategic choice that arose in the discussion was the use of standards within the juvenile corrections community, as opposed to the courts, as the lever for improvement. After some discussion, participants decided that standards would be useful in either strategy as long as they were performance-based. Correctional professionals could use them in concert with peer pressure. Advocates could use the standards in suits brought against sub-standard facilities.

Given that standards will be a component of any improvement strategies, some question was raised as to how the standards proposed here would differ from those that already exist. The answer seemed to be that the standards emerging from this effort would be performance-based and that they would be monitored. It was noted that for as long as standards had existed, the Abt study was the first systematic assessment of conformance. Subsequent standard-setting, if it emphasized performance-based criteria, would be easier to monitor.

The discussion turned to various incentives that could be used to encourage conformance. Some form of inducement could be offered for jurisdictions to comply. Challenge grants and the DSO experience were cited as examples. Other inducements were normative--peer pressure. It was suggested that efforts should be made to make this movement as much bottoms-up as top-down. Standards, once formulated, could be presented and disseminated in a manner that encourage states and localities to "make them their own".

6.0 EPILOGUE

Since there was not explicit summary offered at the end of the meeting, the following is offered as the sense of the group regarding use of the report in a broader strategy of improving conditions of confinement:

- Focus on the major crowding problems and proposed inducements to lessen it.
- Create joint Committee to develop performance standards.
- Provide staff for the joint committee to further analyze project data to inform issues regarding performance-based standards.
- Mobilize other agencies to address performance-based standards and assessment for legal, health, treatment and education.
- Change or build statistical systems to monitor conformance with performance-based standards.
- Develop a system of inducements such as challenge grants that would encourage state and local jurisdictions to come into conformance with performance-based standards.
- Begin an inductive process at the state and local level that would adapt standards to particular needs and that would "make the standards their own."

OJJDP CONDITIONS OF CONFINEMENT CONFERENCE

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